

# A win for democracy as unjust Collaery prosecution is finally dropped

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Collaery, the former ACT Attorney-General and distinguished lawyer, was charged with five secrecy offences in 2018. Several of the charges concerned Collaery's alleged discussions with journalists in relation to Australia's alleged espionage against Timor-Leste during negotiations over oil and gas in the Timor Sea.

Since 2018, Collaery has endured a lengthy court process around the level of secrecy to apply to his trial and other related issues. His case has involved almost 100 court dates and over a dozen interlocutory judgments, across the ACT Supreme Court, ACT Court of Appeal and the High Court.

Attorney-General Mark Dreyfus announced the decision today, more than four years after charges against Collaery were revealed publicly. Collaery's trial had been listed for October.

## **Kieran Pender, Senior Lawyer at the Human Rights Law Centre, said:**

“This is an important day for Australian democracy. Bernard Collaery should never have been prosecuted. The Attorney-General has done the right thing and should be applauded for that.

“Whistleblowers should be protected, not punished – it's as simple as that. From war crimes in Afghanistan to misogyny in Parliament House, there are many important stories that would never have been told were it not for the courageous actions of those who spoke up.

“The Attorney-General's decision is also a testament to the enduring work of lawyers, barristers, civil society organisations and activists who have fought this unjust prosecution, inside and outside the court-room for more than four years.”

The Human Rights Law Centre is calling on the Attorney-General to similarly intervene in the ongoing prosecutions of David McBride, who blew the whistle on alleged war crimes by Australian soldiers in Afghanistan, and Richard Boyle, who spoke up about unethical practices at the Australian Taxation Office. Boyle's trial begins later this month.

“Whistleblowers make Australia a better place. The ongoing prosecutions of David McBride and Richard Boyle are not in the public interest. Those cases should also be dropped, as a matter of urgency.

“The federal government must also make sure that cases like these can never happen again. Reform to the *Public Interest Disclosure Act* is now six years overdue. Ensuring people can safely and lawfully speak up about wrongdoing, without fear of prosecution, must be a priority for the Albanese government.

“The Collaery, McBride and Boyle cases are vivid illustrations of the importance of robust whistleblower protections and the damage done to the public interest when whistleblowers are prosecuted rather than protected. Those robust protections do not exist in Australia today and it's beyond time that changed.”

*Collaery was represented in the proceedings on a pro bono basis by law firms Gilbert + Tobin and White & Case, led by Dr Kate Harrison and Christopher Flynn respectively. His barristers included Bret Walker AO SC, Phillip Boulten SC, Dr Christopher Ward SC, Ken Archer, Rose Khalilizadeh, Benjamin Dighton and Stephen Robinson.*

*The Human Rights Law Centre has been maintaining an explainer webpage tracking developments in the Collaery case:*

*<https://www.hrlc.org.au/explainer-the-unjust-prosecution-of-bernard-collaery>*