



Lawyer Bernard Collaery is seen leaving the Supreme Court in Canberra, Tuesday, July 30, 2019. (AAP Image/Lukas Coch) NO ARCHIVING
Source: AAP / Lukas Coch

Australia

'In awe': Bernard Collaery speaks after whistleblower charges dropped

Lawyer Bernard Collaery has thanked his supporters after Australia's new attorney-general ordered whistleblower leaking charges against him to be dropped.

High-profile lawyer Bernard Collaery says he can finally move forward with his life after Attorney-General Mark Dreyfus ordered longstanding leaking charges against him to be dropped.

Mr Collaery had been facing charges for four years after he was accused of leaking classified information about an alleged Australian spying operation in East Timor.

The classified information related to an alleged bugging operation of the East Timor prime minister's office by Australian officials in 2004.

Five charges related to breaching the Intelligence Services Act will now be dropped after Mr Dreyfus revealed his decision that the prosecution should end, citing a need to protect Australia's national interest including relationships with close neighbours.

Mr Collaery labelled it a good day for Australian justice.



Bernard Collaery (left) accompanied by his partner leaving the ACT Magistrates Court in November, 2021. Mr Collaery had been facing charges for four years after he was accused of leaking classified information about an alleged Australian spying operation in Timor-Leste Source: AAP / Lukas Coch

"I am very pleased that the new attorney-general has looked at this prosecution and all it has involved and taken steps to bring the case to an end," he said.

"I want to thank all of the people across Australia who have supported me and worked so hard to assist me throughout this case.

"I am in awe of the depth of support in our community for ethical values ... I also want to thank those close to me who gave me inner strength."

The prosecution of Mr Collaery began after Christian Porter became attorney-general in 2017, and ends with Mr Dreyfus exercising his own power to stop it before the matter headed to trial later this year.

"In taking this decision I have had careful regard to our national security, our national interest and the proper administration of justice," he said.

"This is an exceptional case - governments must protect secrets, and our government remains steadfast in our commitment to keep Australians safe by keeping secrets out of the wrong hands."

The news was enthusiastically greeted by Human Rights Law Centre senior lawyer Kieran Pender, who said it was an important day for Australian democracy.

"Bernard Collaery should never have been prosecuted ... whistleblowers should be protected, not punished - it's as simple as that," he said.

"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."



Attorney-General Mark Dreyfus exercised his own power to stop the prosecution before the matter headed to trial later this year. Source: AAP / Mick Tsikas

Labor MP Alicia Payne, who's previously called the prosecution "unjust" and "absurd", was also thrilled with the result.

"This secret trial undertaken in the name of all Australians will end now under Labor," she said on Twitter.

"Thank you to all the Canberrans who've tirelessly advocated for this - I've been proud to stand with you."

Independent senator David Pocock, a critic of the government's prosecution, congratulated the attorney-general on the decision.

"This prosecution should never have gone forward in the first place ... whistleblowers are a necessary safeguard and they need better protection," he said on Twitter.

In June last year the former spy who revealed the bugging scandal, known only as Witness K, was given a three-month suspended sentence in the ACT Magistrates Court and ordered to be of good behaviour for 12 months.

Allegedly acting on instructions from then ASIS head David Irvine, Witness K reportedly installed listening devices in the East Timor cabinet room as Australia and the nascent democracy prepared to slice up lucrative resources.