

Senators refer Timor-Leste spy case to AFP for investigation

By James Elton-Pym

Independent MP Andrew Wilkie has written to the Australian Federal Police, urging the agency to investigate whether Australia's foreign spy agency ASIS broke the law by allegedly bugging the offices of Timor-Leste's cabinet in 2004.

Mr Wilkie joined with fellow crossbenchers, Centre Alliance Senator Rex Patrick and Greens Senator Nick McKim, to claim the alleged bugging could constitute "conspiracy to defraud" under Section 334 of the ACT's Criminal Code, according to the letter to the AFP that has been seen by SBS News.

The trio announced they had today officially referred the matter to the Australian Federal Police.

A spokesperson for the AFP told SBS News it had received the letter.

"The AFP is assessing the matter and is not able to comment further at this stage," the spokesperson said.

Mr Wilkie alleges Australian spies bugged the offices to help Australia gain a commercial advantage in a negotiation over a 2006 treaty that defined a sea border between the two nations.

The temporary maritime border impacted the carve-up of billions of dollars of oil and gas reserves.

The independent MP recently used parliamentary privilege to reveal that the Attorney-General had approved a prosecution against an Australian spy known as Witness K and his lawyer Bernard Collaery.



Independent MP Andrew Wilkie.

"The Federal Government is going after Witness K, and his lawyer Bernard Collaery, but leaving the substantive matter unaddressed," Mr Wilkie said.

"We crossbenchers are going after the real criminals here and asking the AFP to investigate the Australian Government's conspiracy to defraud East Timor (Timor-Leste). It's time to get to the bottom of this shameful chapter in Australian history when we sold out an old friend for commercial gain."

The letter to the AFP was cosigned by Greens senator Nick McKim, Centre Alliance senator Rex Patrick and independent Tim Storer.

Senator Patrick, a former submariner in the Australian Navy, agreed with Mr Wilkie that the alleged spying operation was wrong because it mostly delivered commercial gain to private firms rather than furthering the national interest.



Rex Patrick also signed off on the letter.

“We know the difference between a proper and lawful operation and an improper, unlawful operation,” Senator Patrick told reporters at a press conference in Hobart.

Mr Wilkie said it was time for the “spotlight” to be turned on the government that allegedly ordered the operation, rather than prosecuting the whistleblower, Witness K.

“The real criminals are the Australian government,” Senator Wilkie said.