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# Collaery prosecution "stupid, vindictive": Bruce Haigh

Former diplomat Bruce Haigh was head of the Indonesian section of the Department of Foreign Affairs and Trade in the 1980s.

He later wrote on Australia's relations with Indonesia with reference to East Timor.

He says the decision to prosecute Witness K and his lawyer, Bernard Collaery, after revelations of ASIS' espionage against the East Timor Government is "totally ill-advised" and potentially challenges the basis of Australia's democracy.

## More Information

Featured:

Bruce Haigh, political commentator and former diplomat

## Transcript

- LINDA MOTTRAM: Former Australian diplomat, Bruce Haigh, was head of the Indonesian section of the Department of Foreign Affairs and Trade in the 1980s.

In his book titled "The Great Australian Blight", he looked at Australian relations with Indonesia with reference to East Timor.

I spoke with him earlier.

Bruce Haigh, the Attorney-General Christian Porter has been challenged on his decision to approve the prosecution of Witness K and his lawyer, Bernard Collaery. He has declined to comment on whether it is an attack on basic freedoms. He was asked that; he declined to answer. Is it a basic freedoms attack in your view?

BRUCE HAIGH: Oh yes, this is vindictive. It is a really, really silly thing to do on a number of counts.

One is in terms of our basic democracy, but another is that it's going to excite a whole lot of interest from a number of other countries who support East Timor and it's going to obviously grab the attention of the East Timorese government, who will probably want to be included in this action, but it also opens up a can of worms because this matter basically was closed.

It's a very, very sorry episode in Australia's history to have bullied East Timor in the way that we did, essentially bullied.

I just think whichever way you approach this, it is totally ill-advised.

LINDA MOTTRAM: Let's just go back to the Attorney-General Christian Porter today. He has acknowledged that his consent was required to proceed with these prosecutions, but he has described the advice to him as, and I quote: "an independent decision made by the Director of Public Prosecutions (DPP), based on their evidence and the law and their guidelines."

He seems to imply, and I'm interpreting, since he didn't directly answer, that he had no choice. Did he?

BRUCE HAIGH: Yes, of course he did; he's the Minister. He's trying to blame the DPP or the CDDP (Commonwealth Director of Public Prosecutions) for this. They only give advice, and there's other people he could have sent it to for further advice and his own judgement should have told him that this was a stupid thing to do, that the matter should have been allowed to rest.

No, he doesn't have to take it. Even if the advice from the CDDP was leaked and he might have thought it was going to embarrass him, it wouldn't have.

He could have easily dismissed it.

It starts to challenge the very basis of our democracy and particularly if it's held behind closed doors, which I don't think Collaery will allow to happen. I think he will get out on the front foot and he will make statements to the press, knowing that he could well go to jail anyway, so what's he got to lose?

LINDA MOTTRAM: And what's your view of the ASIS actions in East Timor — bugging the Cabinet rooms for those negotiations — in the first place? It, on one interpretation, was not illegal; it's exactly ASIS' remit, isn't it?

BRUCE HAIGH: Yes, it was clearly unhappy in being directed to do this.

They have to do what they are directed and they did what they were directed. But in this instance it was such an iron fist against such a small squirrel that people were appalled that they were being asked to do it.

LINDA MOTTRAM: And you're saying people are unhappy on the basis that, what? Witness K and Bernard Collaery spoke out?

BRUCE HAIGH: Oh, that's one thing; but also the whole action itself: just bugging the East Timorese.

The East Timorese were a very weak country and we wanted more: we wanted greater access to oil and in order to advance our negotiating position, we bugged their offices.

I mean, this is just appalling stuff.

So people in ASIS are not devoid of conscience. I've known many ASIS (Australian Secret Intelligence Service) officers and ASIO (Australian Security Intelligence Organisation) officers over the years. Most, I could say 95 per cent or more, are really good people and they do a really good job and to direct ASIS in this way was unprofessional and it was mean.

It was an act of bullying.

LINDA MOTTRAM: Is it clear; do we know whether the Commonwealth Director of Public Prosecutions made a black-and-white recommendation to the Government to prosecute? Or is it likely that it would have been more nuanced than that?

BRUCE HAIGH: Well, look, normally in these matters it would be more nuanced. Very rarely does advice go to government which is: "You must do this."

Sometimes it can be couched in terms where it seeks to put the government in a position where other options aren't seen as particularly favourable or favourable at all. But it would be rare just to give one recommendation.

Normally, also, in advice to Government on a matter like this, the consequences of carrying out that action would also be put before government and in putting forward advice like this, it probably should have gone to DFAT (Department of Foreign Affairs and Trade) and maybe a couple of other departments.

It doesn't sound like it's happened and it doesn't sound like anybody has considered the international ramifications of this or the effect on the government of East Timor, which is not going to be pleased.

LINDA MOTTRAM: Former Australian diplomat, Bruce Haigh.