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MEDIA RELEASE

Former ACT Attorney-General and lawyer, Bernard Collaery, has disclosed today that he, and Witness K, have received a Summons returnable before the ACT Magistrates Court charging them with conspiring to breach Section 39 of the *Intelligence Services Act 2001*. As Section 39 stood at the relevant time, it provides for a two-year or 120 unit penalty. Section 39 makes punishable the revealing of information of any kind, even arguably unlawful activity, concerning ASIS. There is no allegation by the Commonwealth Director of Public Prosecutions of any national security breach.

“Fourteen years after the bugging of the Dili cabinet during revenue negotiations between Australia and Timor-Leste as joint venturers, over four years after the raid on my chambers and Witness K’s home, and three years after I gave a public address in which I explained that no issues of national security were compromised, Witness K, a loyal Australian patriot, and myself are to be put before the Court on a charge of conspiracy for revealing what a former NSW DPP Nicholas Cowdery QC has described as a ‘conspiracy to defraud.’ The charge of conspiracy against Witness K and myself is Kafkaesque. I have no more to say about it. It will be vigorously defended. The thought that I will appear as a defendant in the Court in which I have practised for most of my career is devastating for myself, my family, and our legal team.

I am also charged with protesting the search of my chambers and revealing the seizure of my Brief and the unlawful activity of the government to a number of ABC journalists. I do not know the extent to which those journalists who reported my comments may or may not be brought into these proceedings. If their careers are to be affected, I very much regret that such an event would happen in our country. My legal team acted at all times with the support of eminent legal advice.

I was privileged to have sought justice for the poorest country in Asia, for a people with a high infant mortality rate and to whom we owe a debt of honour from the events of World War II. I can reveal that as a young man, nearly fifty years ago when memories were fresh, I received training from an Australian intelligence agency during which a former Z Force commando told me of the sacrifice the Timorese people had made in saving the lives of our young soldiers trapped behind enemy lines, his comrades, in World War II. I have never forgotten that.

I am disappointed that an Australian veteran and very good person, Witness K, has been denied a passport now for more than four years, has been unable in retirement to enjoy life fully, and is to now be tried with me for conspiracy.

This prosecution, approved of by the Federal Attorney-General, can only mean one thing. Namely, that bugging the out-of-session deliberations during revenue negotiations between joint parties to a treaty is a legitimate function of ASIS. I do not believe that the Australian people will support the notion that our Secret Service should join in a conspiracy to defraud the people of the poorest nation in Asia. The Attorney-General expects this hearing to be held behind closed doors. I do not believe the Australian people will support this. It was never, and can never be, a legitimate function of our Secret Service to join in, ‘a conspiracy to defraud.’

This prosecution sends a wrong message to the good men and women in our Secret Service. They do not join the Service to take part in corporate plunder.

Using the terrorist powers to shroud the proceedings in this matter is unbecoming a liberal democracy. The proposition by the Liberal Party that it can use ASIS in plundering the resources of one of the poor nations to our north has to be tested in open court. There must be humanity and honesty in our dealings with developing nations. I call upon the Australian people to stand with me and Witness K in saying, ‘We Care.’”