

Australian House of Representatives Hansard

THURSDAY, 28 JUNE 2018

Timor-Leste

Mr WILKIE (Denison) (11:31): Australia bugged East Timor's cabinet rooms during the 2004 bilateral negotiations over the Timor Sea Treaty.

The operation was illegal, unscrupulous and remains unresolved. The perpetrator was the Howard government, although the Rudd, Gillard and Abbott governments are co-conspirators after the fact. I can explain today that the scandal has just gotten a whole lot worse, because the Turnbull government has now moved to prosecute the intelligence officer who blew the whistle on the secret operation, along with his legal counsel, Bernard Collaery.

When the ADF went into East Timor in 1999 there was great public sympathy for the people of that troubled country. But what the Australian people didn't know was that behind the scenes the Howard government was also grabbing East Timor's oil and gas—as evidenced in March 2002, when Foreign Minister Alexander Downer withdrew Australia from the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal for the Law of the Sea because he didn't dare let any independent umpire determine where the maritime border should be.

The Howard government then had the Australian Secret Intelligence Service install listening devices in East Timor's ministerial offices to eavesdrop on East Timor's deliberations and put Australia in a vastly superior negotiating position. In effect, Downer, and by implication Australia, one of the richest countries in the world, forced East Timor, the poorest country in Asia, to sign a treaty which stopped them obtaining their fair share of the oil and gas revenues, and that's simply unconscionable.

This episode was obviously appalling in itself, but what makes it even worse is that around this time the Howard government released its white paper on terrorism in which Muslim extremist terrorism was mentioned more than 50 times and Indonesia about 100 times. But, for Howard and Downer, national security was an alibi, not a goal as they diverted precious ASIS assets away from Muslim extremism in Indonesia and instead targeted Catholic East Timor in order to grab its oil and gas. Crucially, the ASIS operation occurred at the same time Islamic terrorists bombed the Australian embassy in Jakarta in September 2004.

What makes this matter even more scandalous is that, some months after all of this happened, the Secretary of the Department of Foreign Affairs and Trade, Ashton Calvert, retired and joined the board of directors of Woodside Petroleum, which was the main financial beneficiary of the ASIS operation; and Downer, who had been responsible for ASIS, worked as a lobbyist for Woodside after leaving parliament in 2008.

Commendably, the head of ASIS technical operations complained about the operation to the Inspector-General of Intelligence and Security and eventually obtained permission to speak to the ASIS-approved lawyer, Bernard Collaery, a distinguished lawyer and former ACT

Attorney-General. Collaery determined, after 2½ years research, that the East Timor operation had been ordered in violation of the Intelligence Services Act and took steps to have his client give confidential evidence at the tribunal at The Hague. Importantly, by this stage, the former ASIS officer would have been making a perfectly legal disclosure in confidential proceedings, and that is what the government feared. On 3 December 2013, ASIO raided the former ASIS officer's home and the office and home of Collaery. They seized documents and data, and cancelled the former ASIS officer's passport. The head of ASIS at that time was David Irvine, who had been the head of ASIS when the bugging took place.

Regrettably, that wasn't the end of it, and today I can inform the Chamber of a dramatic development: the Commonwealth Director of Public Prosecutions has filed criminal charges against Collaery and his client. This is obviously an insane development in its own right, but an insane development made all the more curious by Australia's recent commitment to a new treaty with East Timor. It seems that, with the diplomacy out of the way, it's time to bury the bodies.

The bottom line is that spying on East Timor was indeed illegal and unscrupulous. Although it was the Howard government's initiative, the crime has subsequently been covered up by all governments ever since, and now this government wants to turn the former ASIS officer and his lawyer into political prisoners. But that's what happens in a pre-police state, where, instead of a royal commission, they lock up people who more likely deserve the Order of Australia. Thank you.