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Australian lawyer, Bernard Collaery during a December 2013 appearance on ABC's Lateline program.

## Spies, Lies And Timor Gas: Prepare to Be Rocked By Canberra Lawyer's Book

By Alex Mitchell on February 9, 2018

International Affairs

The Turnbull Government will be watching with interest and angst for a soon-to-be-released book which sheds light on an extraordinary chapter of Australian-East Timor history, writes Alex Mitchell.

Canberra lawyer Bernard Collaery has written an explosive account of his legal battle to secure the rights of East Timor over offshore gas fields.

His untitled book is held under lock and key in London where Collaery works on the final chapter.

The extraordinary secrecy surrounding the production of his book reads like a John Le Carré spy novel. But there are good reasons for the elaborate precautions that he is taking.

In December 2013, [Collaery's law practice in Canberra was raided](#) by agents from the Australian Security and Intelligence Agency (ASIO) acting on a warrant issued by then Attorney-General George Brandis, the recently appointed Australian High Commissioner in London.

Brandis confirmed that his raiding party seized documents "on the grounds that they contained intelligence related to security matters".



Former Attorney-General George Brandis.

In fact, Brandis was complicit in a cack-handed attempt to intimidate a witness who was about to testify that he had bugged East Timorese Cabinet ministers and officials over their legal action to gain fair and adequate royalties for natural gas from fields within the country's territorial waters.

According to independent sources, the Australian government stood to receive \$40 billion in oil and gas revenue from the project in the "Greater Sunrise" basin while the poverty-stricken East Timorese would have received "crumbs".

The ASIO raid was regarded as a strong-arm tactic to put maximum pressure on the former ASIS agent, known as "Witness K", who was due to give evidence about the original bugging of the Timorese government's Cabinet office.

His evidence threatened to sink the Australian government's defence because the witness was irrefragable: he had been a member of the ASIS team which installed the electronic bugging equipment.

Collaery, who has a history of taking up legal cudgels on behalf of Indigenous clients, refugees and citizens victimised by bureaucratic incompetence, said at the time of the ASIO raid: "These tactics are designed to intimidate the witness and others coming forward. It's designed to cover up an illegal operation in 2004 by ASIS."



Former Australian Prime Minister Tony Abbott.

At the time then Prime Minister Tony Abbott quickly defended the ASIO raid saying: "We don't interfere in cases, but we always act to ensure that our national security is being properly upheld. That's what we're doing."

When the raid took place, former Perth journalist David Irvine was the head of ASIS (2003-2009) and he was ASIS's director-general (2009-2014) when Collaery launched legal action in *The Hamie*

Australian High Commissioner in London. Downer was a prime witness in the Australian Wheat Board's UN sanctions-busting scandal involving President Saddam Hussein of Iraq and then he became a principal partner in the negotiations for LNG rights for the fledging government of Timor-Leste.

In the past few weeks it has been revealed that Downer received information about Russian links with Donald Trump's Republican campaign for the US presidential election and the dossier was subsequently leaked to the FBI in Washington DC. By this stage, Downer's career was starting to look more like the Pink Panther's rather than George Smiley's.

Collaery and other observers of the Timor-Leste deal with global mining giant Woodside Petroleum were uncomfortable with Downer's decision to accept a position as a highly-paid lobbyist for Woodside after he left politics in 2008.

Collaery, a former member of the ACT Assembly (1989-1992), deputy Chief Minister and the ACT's second Attorney-General, is hoping his book will throw the spotlight on the Australian government's bullying behaviour towards smaller neighbouring countries.

In a guarded Lowy Institute address two years ago Collaery spoke publicly about some of the issues in his forthcoming book. "I can reveal that Witness K is no ordinary intelligence officer," he said. "He is a patriotic, loyal, very long-serving senior Australian who stood up for our national security.

"The other thing I want to reveal is, after we drafted a letter to Julia Gillard, saying we wanted confidential arbitration in relation to the espionage, it was the Labor government that authorised clandestine monitoring and other devices to be installed in my chambers, offices and Witness K's home."

But perhaps the politically damaging revelation will impact on Prime Minister Malcolm Turnbull. Shortly after he defeated Tony Abbott in September 2015 to become Australia's 29<sup>th</sup> prime minister, the Timor-Leste government requested formal talks to settle the legal impasse. Turnbull rejected the approach out of hand.

Collaery's book may prove that this arrogance was fatally short-sighted.



### Alex Mitchell

Alex Mitchell is former State Political Editor of Sydney's Sun-Herald. His book, *Come The Revolution: A Memoir*, NewSouth Books was published in 2011.



## Comments

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**Roy Hives**

So who got the money? Woodside Petroleum got the oil, but who got the pittance they paid for it? Why was the Australian government determined to cheat Timor-Leste of sovereignty over a fair share of this resource? Why did Woodside want to deal with Australia, rather than Timor-Leste? Who doesn't want us to know? Keeping in mind that \$40 billion Australian is of no consequence to our government, was this money in US dollars? It's interesting that both sides of politics have their finger in this pie.

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**Roma Guerin** · Essendon High School

I look forward to the publication of this book. More's the pity that Clive Hamilton can't move o/s to organise publication of his book. I would trust Clive any day to tell the unvarnished truth.

Like · Reply · 5 · 3d



**Jenny Norvick** · Narrabundah High School

Wasnt David Irvine a DFAT officer, ie a diplomat?

Like · Reply · 3d



**Jason Cooper** · Works at WA Government

That is absolutely sensational! If this book gets off the ground, this will change the entire landscape of the Australian political arena forever!

Like · Reply · 3 · 3d



**Paul Cleland** · Television and Facebook critic at Retired

That's the point Coops, if it gets off the ground. I think there are a few more scenes to be played out here. None of the key players are going to go quietly.

Like · Reply · 1 · 3d



**Brian Carpenter** · At the bar at Sort of retired

Fcukem, print and be damned.

Like · Reply · 1 · 2d



**Mark Wigley**

Most ordinary Australians I speak to are horrified at what we did to the East Timorese through these so called negotiations.

Like · Reply · 1 · 2d



**Bruno Cristovao**

All West Papuan's have, are and will remain horrified with Australia Inc .

Like · Reply · 2 · 1d



**Tenth Fretensis**

Jeez..... a rip-off dealing with mineral resources. Slap! There you go, East Timor, welcome to international resource trading. Trusted Australia, did you? Another slap! Any other way we can help you? What about an international fishing and leisure resort? We'll employ lots of Timorese... yep... Slap!

Like · Reply · 2 · 2d



**Bruno Cristovao**

Australia Inc was founded on ripping off the First Nation people of this land. The National interest continues, the "white privileged" interests are snowballing, whilst the elite of this country have swindled the gas resources. What would the average Quatarian and Norwegian think of this incredible democratic feat of the Liberal & Labor political mafia. Treason? Here it is called the "National interest".

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