

Former ASIS spy charged after exposing East Timor bugging, MP reveals

By David Wroe Sydney Morning Herald

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A former spy who exposed an Australian bugging operation against the tiny nation of East Timor has been charged with criminal offences along with his lawyer, independent MP Andrew Wilkie has sensationally revealed in Parliament.

The charges against the former officer with the Australian Secret Intelligence Service - the nation's foreign intelligence collection agency - is the latest chapter in a long-running saga about the 2004 bugging of East Timor's ministerial offices, allegedly to help Australia in its dispute with East Timor over a key maritime boundary.

A former ASIS spy has been charged after exposing East Timor bugging, Independent MP Andrew Wilkie reveals in Parliament.

The boundary determined ownership of the lucrative Greater Sunrise undersea gas fields - the negotiations for which were [finally resolved diplomatically](#) earlier this year.

Mr Wilkie told Parliament's Federation Chamber that the former spy, known as Witness K, and his lawyer Bernard Collaery, a former ACT attorney-general, were now the subject of criminal charges by the Commonwealth Director of Public Prosecutions.

"The bottom line is that the spying on East Timor was indeed illegal and unscrupulous," Mr Wilkie said. "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."

Mr Wilkie said ASIS had, on the then-Howard government's direction, installed listening devices in East Timor's ministerial offices to eavesdrop on its deliberations "and put Australia in a vastly superior negotiating position" over the boundary dispute.

He said Witness K, then the head of ASIS technical operations, had complained about the operation to the Inspector-General of Intelligence and Security, the watchdog for the nation's intelligence community.

He hired Mr Collaery, who determined the operation breached the Intelligence Services Act.

East Timor had signed an oil and gas treaty with Australia but after the bugging case was publicly reported, tried to have the treaty scrapped on the grounds the bugging was illegal.

It took its case to the Permanent Court of Arbitration in The Hague. Witness K was central to their case.

Mr Collaery arranged for Witness K to travel to The Hague to give evidence, Mr Wilkie said.

But in December 2013, ASIO raided Witness K's home and Mr Collaery's office, seizing documents and data, Mr Wilkie said. The government also cancelled his passport.

Mr Wilkie told Parliament that 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 revenue".

Foreign Minister Julie Bishop subsequently refused to issue Witness K with a passport in 2016, reportedly on the grounds that he would "be likely to engage in conduct that might prejudice the security of Australia".



Bernard Collaery, flanked by Senators Tim Storer, Rex Patrick, Nick McKim and Andrew Wilkie, addresses the media during a press conference on the East Timor spy scandal

Photo: Alex Ellinghausen