

Witness K case shows need for bill of rights

The comments of former justice Stephen Charles and former NSW DPP Nicholas Cowdery (“Top lawyers jump to defence of ex-spy”, June 30, p. 25) about the charging of Witness K and Canberra solicitor Bernard Colleary reflect the shock of many citizens, especially in Canberra.

We are shocked that such charges are laid so long after the relevant events but more especially in view of the moral and political questions around the alleged actions of the Australian government, through its agency ASIS, in eavesdropping on the East Timor cabinet for commercial advantage.

On the face of it this was an episode that reflected little credit on the government of the day.

Whatever the legal technicalities of the case, the Attorney-General had the opportunity to exercise his discretion as to whether a prosecution should proceed.

Such ministerial discretions are presumably incorporated in the law to deal with complex cases such as this one. What we know from the public record is that two good men acted to the best of their ability within the law but also in defence of what they saw as principles of appropriate behaviour by the State.

They now face the possibility of up to two years in jail and the destruction of their careers. Perhaps a more experienced or better advised attorney-general might have reflected more deeply on the implications of prosecution in such circumstances and withheld his approval.

Former justice Stephen Charles is surely correct in highlighting the need for a federal anti-corruption Commission.

A closely associated matter is the need for a Bill of Rights to put some limits around what may or may not be legislated affecting the rights of citizens. Australia is a notable laggard among western democracies in this regard.

Peter Dawson, Hughes

Bullying Timor Leste

Again, Australia’s behaviour vis-a-vis Timor Leste, over ownership of natural gas reserves in the Timor Sea, has hit the headlines, and each time I feel deeply ashamed of the conduct of successive Australian governments.

The sub-sea reserves are much closer to Timor Leste than Australia, but for geological reasons Australia is claiming at least part-ownership.

Australia possesses very large reserves of natural gas on the North-West Shelf and in the Joseph Bonaparte Gulf, and several international oil “majors”, plus Australia’s Woodside, have, over the past 30 years, built up a massive export industry generating tens of billions of dollars each year in export income.

So, in fairness, it is hard to see why Australia is fighting dirty with this fledgling nation, which is in sore need of economic development, and for whom the capacity to process and market this gas could be a true “heart starter”.

Retired judge Stephen Charles has said that when Australia was in talks with East Timor in 2004 the then Howard government used ASIS to bug East Timor’s cabinet room to improve the Australian negotiating position.

The Australian government then made major efforts to prevent this information coming to light.

Not only does Mr Charles consider the bugging of East Timor’s cabinet room to constitute fraud in international law, but he maintains that attempts by the Australian government to prevent the whistleblower and his solicitor from exposing this clearly unethical action to be what most courts would consider a serious act of contempt of court punishable by imprisonment.

This bullying of Timor Leste and “dog in the manger” behaviour by successive Australian governments should raise the ire of any fair-minded person, not only because of the signally unjust treatment of our small near-neighbour to our north, but also because of the damage it has inevitably caused to Australia’s international standing.

Sandy Paine, Griffith