

ASIS 'tainted and twisted', 'internally torn' by DFAT: Collaery

By Katie Burgess, Canberra Times November 27 2019



Canberra lawyer Bernard Collaery. Picture: Jamila Toderas

Canberra lawyer Bernard Collaery says he hopes his upcoming trial will provide "immutable" evidence the Australian Secret Intelligence Service should be removed from the Department of Foreign Affairs and Trade.

Mr Collaery and his former client Witness K have been charged with disclosing intelligence secrets, after exposing an Australian Secret Intelligence Service operation which bugged the offices of the East Timorese government.

The Australian government ordered the operation to get an edge over the developing country during oil and gas negotiations.

Mr Collaery said the intelligence service should never have been placed under the umbrella of DFAT and should be given statutory independence and moved to a separation location, as with the British MI6 divisions.

"The thing I'm seeking most out of the current Witness K-Collaery trial - if we ever get an open trial - is the immutable evidence that ASIS must be as quickly as possible removed from the Department of Foreign Affairs and Trade," Mr Collaery said.

"ASIS should never ever have become an adjunct to trade policies and I dare not go any further on that line because I'm subject to a national security order under terrorism legislation.

"ASIS should be as soon as possible taken out of the foreign ministry where it's been tainted and twisted and internally torn."

Mr Collaery said if ASIS was to stay within DFAT, the use of its assets to support shareholders in national and international corporate firms where there is no issue of national security should be made a specific criminal offence.

He said most of Australia's trade activities were being undertaken by corporations, and it needed to be made clear that when a public benefit test was applied, it should be done with all Australians in mind, not corporate shareholders.

Mr Collaery also said ASIS had a "very weak charter for an agency trusted with some very, very important work". Ex-diplomat and former ASIO boss Dennis Richardson is currently reviewing national intelligence laws, and Mr Collaery hoped that would lead to a complete revision of the legislation.

Mr Collaery was speaking at the launch of UNSW academic Clinton Fernandes' new book, *Island off The Coast of Asia*, which sheds light on Australia's use of espionage, diplomacy and investment to uphold the national interest, especially in the case of Timor-Leste.

Professor Fernandes, a former Army officer, was himself pursued under national security and secrecy laws in 2005, after the federal government tried to stop him publishing a book about East Timor's road to independence. Professor Fernandes said the Timor bugging operation was so perverse, as it appeared to divert "scarce intelligence resources" away from the war on terror to gain a commercial advantage, under the guise of an aid operation. This jeopardised aid workers all around the world, Professor Fernandes said. Professor Fernandes also said the spy scandal would likely have never come to light without Mr Collaery and Witness K.