

Prosecution of whistleblower Witness K costs taxpayers \$4 million

Albert McKnight in *The Riot Act*, 29 March 2021



Protesters gathered outside the ACT Magistrates Court today (29 March) calling for charges against Witness K and Bernard Collaery to be dropped. Photo: Albert McKnight.

Protesters have heard the prosecution of whistleblower Witness K and his lawyer Bernard Collaery is part of a larger slide into secrecy by the Australian Government that has already cost taxpayers millions.

Gathering under the banner of the Alliance Against Political Prosecutions, protesters rallied outside the ACT Magistrates Court on Monday morning (29 March) where Witness K was facing another hearing.

Witness K blew the whistle in 2012 over Australian intelligence services bugging the TimorLeste cabinet room during 2004 discussions over the Timor gas treaty. He is believed to have been part of a team of Australian Security Intelligence Organisation (ASIO) operatives who carried out the operation.

At the protest, Member for Canberra Alicia Payne told the crowd both he and his lawyer were undergoing a “secret trial”, prosecuted by their own government “in our name”.

“In our name as citizens, but without an explanation, and it is not good enough,” she said.

“While this issue is in part about two people whose lives and livelihoods are being destroyed, who are being denied the basic, fundamental rights of our justice system, it is also about a bigger slide into secrecy and the lack of accountability that we are increasingly seeing under this government.”

Ms Payne said last week in Senate Estimates, Labor learned that, so far, the prosecution of Witness K and Mr Collaery had cost taxpayers almost \$4 million.

According to the Attorney-General's Department, by 12 March, the cost was \$3,478,974 (excluding GST).

"There are so many better things, of course, that they could use that for rather than destroying these men's lives because they stood up for what was right and told the truth," Ms Payne told the protesters.



Protesters called for charges against Witness K and Bernard Collaery to be dropped.
Photo: Albert McKnight.

Although Witness K's statement is not public, it's believed to relate to his concerns that Australia acted unethically during good-faith negotiations with East Timor and his concerns over the subsequent appointment of former foreign minister Alexander Downer and former Secretary of the Department of Foreign Affairs and Trade, Dr Ashton Calvert, to roles with Woodside Petroleum, a joint venture partner in the Sunrise natural gas field development.

Sister Susan Connelly of the Sisters of St Joseph, who is also the convenor of the Timor Sea Justice Forum, told the protesters that in 1942 the Timorese died "in the tens of thousands" after helping Australian soldiers in World War II.

"We didn't know in 2004 what the den of thieves was doing in Canberra. For months, if not years, they had planned to swindle the Timorese people," she said.

“I feel totally betrayed by this government.

“There are people in the activist community who are thinking about reparations to the Timorese who spent time, effort, money and personnel fighting Australia for what was actually their right, and has been shown in international law to be their right.”



Witness K and Bernard Collaery protests outside the ACT Court. Photo: Dominic Giannini.

Sister Connelly said the Australian Government was trying to rewrite the events that took place in 2004 by “scapegoating” Witness K and Mr Collaery, “the two people who had the integrity and the real Australian spirit to tell the truth”.

In Witness K’s court hearing on Monday, his lawyer, Haydn Carmichael, said a plea to a single charge of conspiracy had been indicated over a year ago, but there was no agreed statement of facts in the matter.

Magistrate Glenn Theakston said the case “has taken a long time; it’s gone very, very slowly”. Witness K will return to court at a later date.

Mr Collaery, who has four charges of breaching and one charge of conspiracy to breach the Intelligence Services Act, will have his case back before the ACT Supreme Court in May.