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Collaery battles on, but who cares?

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*“Bernard Collaery, to his great credit, came through for the East Timorese. He assisted them in putting their case at the International Court of Justice at The Hague,” writes Gadfly columnist **ROBERT MACKLIN***

THERE is something about the Federal government’s court case against former ACT attorney-general Bernard Collaery and the former ASIS operative known as Witness K, that is not quite right.



Robert Macklin.

In fact, it feels thoroughly un-Australian. And what’s worse – much worse – is that hardly anyone seems to care.

In simple terms, these two men revealed that their government was cheating in a negotiation with tiny East Timor (now Timor-Leste) over the division of funds from oil and gas deposits in the Timor Sea. The government had ordered its overseas spyforce, ASIS, to bug the East Timor side’s offices to learn their tactics and their bottom line.

At the time the chief Australian negotiator was Alexander Downer, the Minister for Foreign Affairs and Trade. And the Australian operator of the oil and gas treasure chest was the giant Woodside corporation. Australia secured a 50/50 split despite the fact that the Greater Sunrise fields were 450 kilometres from Darwin and only 150 kilometres from East Timor.

Moreover, according to a recent report in the Australian “Guardian”: “Downer went on to work for Woodside as a consultant after leaving office... crossbench Senator Rex Patrick used parliamentary privilege [to assert that] the bottom line is that Downer and Woodside wanted to force East Timor, one of the poorest countries in the world, to surrender most of the revenues from Greater Sunrise... our plan was to deprive them of oil revenue.”

And we cheated. Yet it's not the cheaters, but the two blokes who revealed it, who now face prison time for their actions.

Is this really the Australian way?



Bernard Collaery.

It's impossible not to compare it with the so-called "Sandpaper-gate" of our cricketers in South Africa. As a nation, we were absolutely outraged, and rightly so; yet when our government cheats, it's the whistleblowers who get the blame. And all the East Timorese wanted – and expected – was the Australian "fair go".

Bernard Collaery, to his great credit, came through for the East Timorese. He assisted them in putting their case at the International Court of Justice at The Hague, though the government prevented his client, Witness K, from leaving Australia to give evidence in the case. This meant East Timor had little option but to drop its case – Australia agreed to re-negotiate – and a revised deal gave them 80 per cent of the revenue.

Witness K last week pleaded guilty to sharing protected ASIS information, but according to "The Guardian": "Collaery will fight on, facing a partially secret trial in the ACT Supreme Court." He says: "Witness K has been put through six years of seclusion, harassment and questioning."

A few brave souls, such as former Victorian Premier Steve Bracks and NSW Shadow Attorney-General Paul Lynch, have supported them. But in stark contrast to the outpourings over the relatively innocuous sporting scandal, the public has let this one pass through to the keeper.

And the keeper is a cheat.

The bugging occurred in 2004 when John Howard was Prime Minister. And Witness K blew the whistle in 2012 when Labor's Julia Gillard was in office. Now it's Scott Morrison at the apex of government. The question is, whose side is he on – the whistleblowers or the cheats?

Watch this space.

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