

DPP 'agreed' not to press jail for ex-spy

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LAWYERS for the ex-spy Witness K say he agreed to plead guilty to a conspiracy charge on grounds prosecutors wouldn't press for him to be jailed.

Barrister Robert Richter QC represented Witness K via audio-visual link in the ACT Magistrates Courts on Monday.

The ex-spy has indicated he will admit to conspiring to breach s39 of the Intelligence Services Act, which makes punishable the re-

vealing of information of any kind about the Australian Secret Intelligence Service.

But Mr Richter said Witness K did so in the context of an agreement with the Commonwealth Director of Public Prosecutions.

He said the director herself indicated prosecutors would not press for the ex-spy to receive a custodial sentence, but what was contained in a "harm statement" seemed to suggest that might not be the case.

A harm statement outlines harm alleged to have been

done by an offence.

The conspiracy charge concerns the exposure of an Australian spying operation, in which East Timor's cabinet rooms were allegedly bugged as the island nation negotiated with Australia over oil and gas reserves.

Canberra lawyer Bernard Collaery has also been charged over the spying operation's exposure and is set to stand trial.

On Monday, Mr Richter said it was unclear why the harm statement had been deemed "national security

information", which could not be publicly aired.

Magistrate Glenn Theakston said Mr Richter was at odds with the Commonwealth Attorney-General's counsel about what should and should not be kept confidential in the harm statement, so they needed to have "a frank conversation" about that.

Mr Theakston listed the matter to come back to court next on December 16, and said he would ask that June 3 and 4 next year be set aside for a hearing.