

Christian Porter responsible for serial breaches of the law, now cries “rule of law”

[Elizabeth Minter](#) – *Pearls and Irritations* – 4 March 2021

<https://johnmenadue.com/christian-porter-responsible-for-serial-breaches-of-the-law-now-cries-rule-of-law/>

Christian Porter is responsible for serial breaches of the law, as documented repeatedly by Pearls and Irritations. These revelations alone should be enough to see Porter removed from official duties but his relentless persecution of Witness K and Bernard Collaery – both denied natural justice and prosecuted in secret – are hardly the stuff of a model litigant. Yet now the besieged Attorney-General calls for rule of law to apply in respect of the rape allegations against him.

“In this last week I have tried to do what I have tried to do all of my life: respect the rule and the processes and the law.”

So said Christian Porter yesterday in his media conference.

Yet his behaviour as the first law officer of the nation indicates he has no idea what the rule of law is. Because as Attorney General he has repeatedly made a mockery of the rule of law.

Porter’s persecution of Bernard Collaery and Witness K

Porter’s comments stand in stark contrast to his unrelenting prosecution of Bernard Collaery and his client Witness K for having the temerity to expose in 2004 the Coalition Government’s illegal behaviour in bugging the offices of the East Timorese Cabinet.

In his press conference Porter was particularly animated about the potential loss of his career; his life’s work.

“If I stand down from my position as Attorney-General because of an allegation about something that simply did not happen, then any person in Australia can lose their career, their job, their life’s work, based on nothing more than an accusation that appears in print.”

Yet Porter has had no compunction about destroying the life’s work and career of highly esteemed former ACT Attorney General Bernard Collaery.

In an ABC article “[Christian Porter and a secret trial have destroyed my practice, Witness K lawyer Bernard Collaery says](#)“, Collaery blames Christian Porter for ruining his career. Collaery said Porter had chosen to pursue the prosecution.

In his press conference, Porter also claimed:

“I always did so trying to respect the rights of the people who were accused, but I always gave everything I had to doing right by the victim in the often traumatic process of the justice system.”

In early February, Porter and his bureaucrats tried to [prevent Bret Walker SC](#) from participating in the Collaery case by initially refusing to provide him with permission to join the case under national security provisions, and refusing to agree to moving the hearing dates so Walker could participate.

Porter was also accused of interfering in the court proceedings by screening documents held by Woodside Petroleum. Independent senator Rex Patrick used Senate question time recently to ask why Porter demanded the [federal government have “first access”](#) to documents held by Woodside before they were provided to Collaery.

As for holding the Collaery hearing held behind closed doors, Collaery said: “I want to defend myself in public. That’s the hallmark of our democracy, a public trial.”

Former NSW Supreme Court judge Anthony Whealy says there is no need to hold the trial in secret. “There are no real national security bases for suppressing that evidence and keeping it away from the public,” and because the horse had well and truly bolted. Whatever damage may have been done to Australia’s reputation was done years ago and “these events have been discussed many, many times in the press.

The Administrative Appeals Tribunal

As reported by [Crikey](#), Christian Porter appointed former Liberal Party senator Karen Synon to the \$496,560 a year position as Deputy President and Division Head of the Social Services and Child Support Division, despite her not meeting the requirement in the *Administrative Appeals Tribunal Act* that she be an “enrolled legal practitioner” of a state Supreme Court for at least five years — a minimum qualification for even a lower-rung member of the AAT.

The interview panel — which included at least one retired senior judge — did not interview her, let alone recommend her, for the role. Synon also has no experience in social services and child support law. Porter refused to comment when asked, merely saying that all appointments are made “on merit”.

Breaking the law

Since taking the top legal job in Australia in 2017, Porter was in breach of Commonwealth legislation for three years by neglecting to table crucial reports documenting his use of secretive national security orders against whistleblowers.

As revealed in these pages, Porter [failed to disclose his use of controversial National Security Information](#) (NSI) orders in criminal proceedings, blaming an “administrative oversight”. As the Attorney General, he was required by law to table his use of NSI orders to Federal Parliament each year, Christian Porter has failed to do so ever since he was appointed to the role in 2017. This is despite Porter showing great enthusiasm for the legal sledgehammer he discovered when he took on the job.

Putting policy above the rule of law

When the Federal Court found that then Immigration Minister Alan Tudge engaged in criminal conduct by detaining an asylum-seeker for five days in defiance of an order by the

Administrative Appeals Tribunal, Porter responded by saying: “The Minister clearly rejects [the court’s] conclusions.”

In Porter’s view, because the Immigration Minister was implementing Government policy, policy trumps the criminal law and trumps the orders of courts or tribunals.

Porter defies 100 years of auditing best practice

As reported by Michelle Fahy, “In a move that sent ripples of alarm through the parliament, the public service, academia, and the wider community, Porter prevented the auditor general from making public key sections of his report that was critical of a \$1.3 billion arms deal between the federal government and multinational weapons maker Thales.”

In doing so, “Porter defied 100 years of best practice.”

‘Gagged: a brazen attack on Parliament and the public interest,’ was the *Canberra Times* headline on a [column](#) by the ANU’s Emeritus Professor at the Crawford school of public policy, Richard Mulgan.”

Thales objected to key sections of the auditor’s report which found that Australia could have saved hundreds of millions of dollars had it gone to the US to buy the fleet of light protected army vehicles, instead of buying 1,100 of Thales’ locally built Hawkeis. Christian Porter acquiesced to Thales and suppressed the key sections.

Secret evidence bill

As Crikey noted, the day before Porter’s press conference and his stress on the “rule of law”, the Morrison government held hearings into a [proposed “secret evidence” bill](#) that would deny people the right to hear or respond to cases against them before having their visa or citizenship stripped.

As the Kaldor Centre state: the Bill would significantly restrict the circumstances in which a person would have the ability to respond to key information relied upon to reach a decision against them. This [undermines principles](#) that are fundamental to the Australian legal system such as procedural fairness, the right to a fair trial and the rule of law, as well as a number of international human rights obligations that Australia has subscribed to.

[Read the full press conference transcript, Christian Porter denies historical rape allegation – ABC News](#)