

# Cash 'should review' Collaery prosecution

Luke Costin – *The Canberra Times* – 02 April 2021

*The ACT Bar Association has called for the prosecution of lawyer Bernard Collaery to be halted.*  
<https://www.canberratimes.com.au/story/7193866/cash-should-review-collaery-prosecution/>

The ACT Bar Association has called for federal Attorney-General Michaelia Cash to review and potentially stop the controversial prosecution of Canberra lawyer Bernard Collaery.

Collaery, 75, is fighting allegations he unlawfully shared classified information about a 2004 Australian spy operation that bugged the office of Timor-Leste's prime minister during negotiations over oil and gas resources in the Timor Sea.

He was charged in 2018 with breaching the Intelligence Services Act and is due to next face the ACT Supreme Court in May.

The nature of the allegations meant the charges could only be pursued with the consent of the federal attorney-general.

Senator Cash's predecessor Christian Porter granted consent after receiving a request to prosecute from the Commonwealth Director of Public Prosecutions and considering external expert legal opinion.

"There is an available perception that Bernard Collaery is being prosecuted by the government for his involvement in acting for a man who brought to light allegations of improper and illegal behaviour by the government," the ACT Bar Association said this week.

"It is difficult to identify any public, as opposed to political, interest in continuing this prosecution."

The ACT Bar Association said the government had spent \$3 million pursuing Collaery, whose charges stem from his representation of Witness K, an Australian intelligence agent who blew the whistle on the bugging operation.

"With the swearing-in of our new Attorney-General Michaelia Cash, an opportunity arises to review the prosecution and, to withdraw consent for it to continue," it said.

"The Bar Association of the Australian Capital Territory earnestly calls on the incoming Attorney to undertake such a review."

The prosecution of Collaery has drawn criticism from names including former East Timor President Jose Ramos-Horta, former Victorian premier Steve Bracks and independent federal MP Andrew Wilkie.

Collaery, a former ACT deputy chief minister, was awarded the Australian Lawyers Alliance's 2018 Civil Justice Award for his advocacy for Timor-Leste.

*Australian Associated Press*