

# Media Release

Human Rights Law Centre | For immediate release: Friday 18th June 2021

## **Sentencing of Witness K a dark day for democracy in Australia**

The Human Rights Law Centre has expressed deep concern following the sentencing of Witness K, who blew the whistle by revealing that Australian spies had bugged the cabinet office of Timor-Leste to gain an upper hand in commercial negotiations over natural resources – oil and gas – that sit beneath the Timor Sea in 2004.

While the Human Rights Law Centre welcomes the fact that Witness K was spared imprisonment by virtue of a suspended sentence, that he was charged and ultimately sentenced for speaking up about wrongdoing highlights the need for urgent reform.

The former intelligence officer was given a three month suspended jail sentence, in addition to ongoing good behaviour obligations.

He earlier pleaded guilty to one summary offence of conspiracy, with his lawyer Bernard Collaery, to contravene s 39 of the *Intelligence Services Act 2001* (Cth).

### **Human Rights Law Centre Senior Lawyer Kieran Pender said:**

“This whole saga is a dark chapter in Australia’s history.

“Witness K did the right thing. Whistleblowers should be protected, not punished.

“Instead of recognising the important role Witness K played in exposing wrongdoing, he was charged, prosecuted and has now been sentenced, with much of this process taking place in secret.

“This sentencing will have a chilling effect on others who witness wrongdoing. Instead of speaking up and acting in the public interest, they will think twice given the enormous personal risk that comes with doing the right thing. This only serves to make our democracy poorer.

“The cases of Witness K and his lawyer Bernard Collaery, as well as defence whistleblower David McBride and Australian Taxation Office whistleblower Richard Boyle, expose the deep flaws in Australia’s whistleblowing laws.

“As a matter of priority, the Morrison Government must reform the *Public Interest Disclosure Act* to ensure everyday Australians feel safe and supported when they do the right thing and call out wrongdoing.

“There is no public interest in prosecuting whistleblowers.”

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