



COMMONWEALTH OF AUSTRALIA

INTELLIGENCE SERVICES ACT 2001

SECTION 39(1)

CONSENT TO PROSECUTE

I, CHRISTIAN PORTER, Attorney-General of Australia, pursuant to section 39(2) of the *Intelligence Services Act 2001*, HEREBY CONSENT to the institution of the prosecution of [REDACTED] for an offence against section 11.5 of the *Criminal Code* and section 39(1) of the *Intelligence Services Act 2001*, namely that between about 1 May 2008 and 31 May 2013 at Canberra in the Australian Capital Territory and/or elsewhere, [REDACTED] and Bernard Joseph Edward Collaery did conspire with each other to communicate information or matter to the Government of Timor-Leste, that was prepared by or on behalf of the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information or matter had come to the knowledge of [REDACTED] by reason of his being, or having been, a staff member of the Australian Secret Intelligence Service, and the communication was not to be made:

- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
  - (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
  - (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
  - (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;
- contrary to section 11.5 of the *Criminal Code* and section 39(1) of the *Intelligence Services Act 2001*.

DATED this 11<sup>th</sup> day of May 2018

Attorney-General

[REDACTED]



COMMONWEALTH OF AUSTRALIA

INTELLIGENCE SERVICES ACT 2001


SECTION 39(1)

CONSENT TO PROSECUTE

I, CHRISTIAN PORTER, Attorney-General of Australia, pursuant to section 39(2) of the *Intelligence Services Act 2001*, HEREBY CONSENT to the institution of the prosecution of BERNARD JOSEPH EDWARD COLLAERY for an offence against section 11.5 of the *Criminal Code* and section 39(1) of the *Intelligence Services Act 2001*, namely that between about 1 May 2008 and 31 May 2013 at Canberra in the Australian Capital Territory and/or elsewhere, [REDACTED] and Bernard Joseph Edward Collaery did conspire with each other to communicate information or matter to the Government of Timor-Leste, that was prepared by or on behalf of the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information or matter had come to the knowledge of [REDACTED] by reason of his being, or having been, a staff member of the Australian Secret Intelligence Service, and the communication was not to be made:

- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
  - (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
  - (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
  - (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;
- contrary to section 11.5 of the *Criminal Code* and section 39(1) of the *Intelligence Services Act 2001*.

AND FURTHER I, CHRISTIAN PORTER, Attorney-General of Australia, pursuant to section 39(2) of the *Intelligence Services Act 2001*, HEREBY CONSENT to the institution of the prosecution of BERNARD JOSEPH EDWARD COLLAERY for offences against section 39(1) of the *Intelligence Services Act 2001*, namely that on 3 December 2013 in the Netherlands, and Sydney in New South Wales and/or elsewhere, Bernard Joseph Edward Collaery communicated information to Emma Alberici on ABC Television Lateline that was prepared by or on behalf of the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information came to Bernard Joseph Edward Collaery by reason of him having entered into a contract, or agreement or arrangement with the Australian Secret Intelligence Service, and the communication was not made:

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- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
  - (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
  - (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
  - (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;
- contrary to section 39(1) of the *Intelligence Services Act 2001*.

AND FURTHER THAT on 3 December 2013 in the Netherlands, and Sydney in New South Wales and/or elsewhere, Bernard Joseph Edward Collaery communicated information to Peter Lloyd of ABC Radio that was prepared by or on behalf of the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information came to Bernard Joseph Edward Collaery by reason of him having entered into a contract, or agreement or arrangement with the Australian Secret Intelligence Service, and the communication was not made:

- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
  - (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
  - (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
  - (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;
- contrary to section 39(1) of the *Intelligence Services Act 2001*.

AND FURTHER THAT on or about 4 December 2013 in the Netherlands, and Sydney in New South Wales and/or elsewhere, Bernard Joseph Edward Collaery communicated information to Connor Duffy of ABC Television 7:30 Report that was prepared by or on behalf of the Australian Secret Intelligence Service the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information came to Bernard Joseph Edward Collaery by reason of him having entered into a contract, or agreement or arrangement with the Australian Secret Intelligence Service, and the communication was not made:

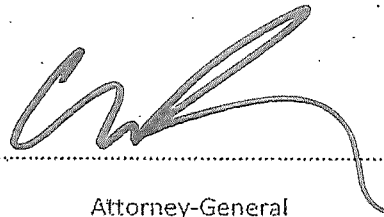
- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
  - (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
  - (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
  - (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;
- contrary to section 39(1) of the *Intelligence Services Act 2001*.

AND FURTHER THAT on or about 17 March 2014 in London in the United Kingdom and/or elsewhere, Bernard Joseph Edward Collaery communicated information to Marian Wilkinson and Peter Cronau of ABC Television 4 Corners that was prepared by or on behalf of the Australian Secret Intelligence Service in connection with its functions or related to the performance by the Australian Secret Intelligence Service of its functions, which information came to Bernard Joseph Edward Collaery by reason of him having entered into a contract, or agreement or arrangement with the Australian Secret Intelligence Service, and the communication was not made:

- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
- (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
- (3) by the person in the course of the person's duties as a staff member or agent, within the limits of authority conferred on the person by the Director-General; or
- (4) with the approval of the Director-General or of a staff member having the authority of the Director-General to give such an approval;

contrary to section 39(1) of the *Intelligence Services Act 2001*.

DATED this 11<sup>th</sup> day of May 2018



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Attorney-General