

## Form 3 Information and summons

*Magistrates Court Act 1930*

(see s 25 (Informations) and s 38 (Form of summons))

In the Magistrates Court of the Australian Capital Territory

Criminal jurisdiction

No CC of 2018

### Information

#### Details of informant

Name: Peter Dean

Address: Australian Federal Police, Edmund Barton Building, 47 Kings Avenue, BARTON ACT

#### Information—description of people and property and of offences

The informant <sup>PD-JMK</sup> states/states on oath —

1. Between about 1 May 2008 and 31 May 2013 at Canberra in the Australian Capital Territory and/or elsewhere, Bernard Joseph Edward COLLAERY did conspire with a person known to him as Witness K 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 the person known as Witness K 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:

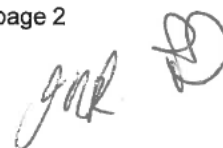
- (1) to the Director-General or a staff member by the person in the course of the person's duties as a staff member; or
- (2) to the Director-General or a staff member by the person in accordance with a contract, agreement or arrangement; or
- (3) by the person in the course of the person's duties as 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* (Cth) and section 39 of the *Intelligence Services Act 2001* (Cth).

2. 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:

- (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 of the *Intelligence Services Act 2001* (Cth).



3. 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 of the *Intelligence Services Act 2001* (Cth).

4. 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 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

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- (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 of the *Intelligence Services Act 2001* (Cth).

5. 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 of the *Intelligence Services Act 2001* (Cth).

This information is laid under the *Magistrates Court Act 1930*, section 25.

Signed:

(signature of informant)

Sworn/~~Affirmed/Laid~~ before me by the informant.

~~Magistrate/Registrar/Deputy Registrar~~



Date: 30 May 2018

*Note* If a warrant is intended to be issued in the first instance against the person charged, the information must be in writing and on oath (see *Magistrates Court Act 1930*, s 30 (1) (Form of information)).

If a summons instead of a warrant is intended to be issued in the first instance against the person charged, the information may be made orally and without oath (see *Magistrates Court Act 1930*, s 30 (3)).

**Summons to defendant on information**

**Details of the defendant**

Name: Bernard Joseph Edward COLLAERY [REDACTED]

Address: [REDACTED]

**Direction**

To the defendant:

On 25 July 2018 at 4:15 am/pm  
you are required to appear before the Magistrates Court of the ACT at 4  
Knowles Place, Canberra City, ACT, 2601 to answer to the information stated  
on pages 1-5 and to be further dealt with according to law.

This summons is issued under the *Magistrates Court Act 1930*, section 38.

Date: 30 May 2018

Magistrate/Registrar/Deputy Registrar:

