

## **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 states/states on oath —

1. Between about 1 May 2008 and 31 May 2013 at Canberra in the Australian Capital Territory and/or elsewhere, {Witness K} did conspire with Bernard Joseph Edward COLLAERY 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 {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).

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:

*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: {Witness K} (DOB: {date of birth})

Also known as 'Witness K'

Address: {Address}

### Direction

To the defendant:

On ..... at .....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 and 2 and to be further dealt with according to law.

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

Date:

Magistrate/Registrar/Deputy Registrar:

**Affidavit of service**

On ....., I, .....  
of .....  
say on oath/solemnly affirm—

On ....., I served the defendant, { Witness K } with the  
summons by—

- \*(a) giving a copy of the summons to the defendant; or
- \*(b) leaving a copy of the summons at the last-known or usual  
\*[home/business] address of the defendant with .....  
....., a person who appeared to be  
at least 16 years old and \*[living/employed] at the address.

*Note* Service of a summons must be effected at least 72 hours before the time stated  
in the summons for the hearing of the information (see *Magistrates Court  
Act 1930*, s 41 (2) (Service of summons)).

Sworn/Affirmed by .....

*(signature of person making affidavit)*

at ..... in the presence of:

*(signature of person before whom affidavit is made)*

..... of .....

Justice of the Peace/Barrister/Solicitor/*(other)*

*\*omit if, or whichever is, inapplicable*