

IN THE SUPREME COURT OF THE
AUSTRALIAN CAPITAL TERRITORY
CRIMINAL JURISDICTION

) No SCC 0195 of 2019
)
)

THE QUEEN

against

BERNARD JOSEPH EDWARD COLLAERY

The Commonwealth Director of Public Prosecutions, who prosecutes in this behalf for Her Majesty the Queen, INFORMS THE COURT AND CHARGES THAT between about the 1st day of December 2012 and the 31st day of May 2013 at Canberra in the Australian Capital Territory and 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).

2nd COUNT AND FURTHER THAT on or about the 3rd day of December 2013 in the Kingdom of the Netherlands, Canberra in the Australian Capital Territory and elsewhere, BERNARD JOSEPH EDWARD COLLAERY communicated information to Emma Alberici on ABC Television Lateline and others obtaining access to the content of the broadcast, 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).

3rd COUNT AND FURTHER THAT on or about the 3rd day of December 2013 in the Kingdom of the Netherlands, Canberra in the Australian Capital Territory and elsewhere, BERNARD JOSEPH EDWARD COLLAERY communicated information to Peter Lloyd of ABC Radio and others obtaining access to the content of the broadcast, 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).

4th COUNT AND FURTHER THAT on or about the 4th day of December 2013 in the Kingdom of the Netherlands, Canberra in the Australian Capital Territory and elsewhere, BERNARD JOSEPH EDWARD COLLAERY communicated information to Connor Duffy of ABC Television 7:30 Report and others obtaining access to the content of the broadcast, 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;

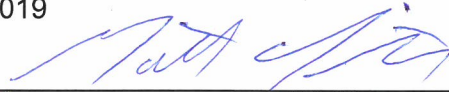
contrary to section 39 of the *Intelligence Services Act 2001* (Cth).

5th COUNT AND FURTHER THAT on or about the 17th day of March 2014 in London in the United Kingdom, Canberra in the Australian Capital Territory and elsewhere, BERNARD JOSEPH EDWARD COLLAERY communicated information to Marian Wilkinson and Peter Cronau of ABC Television 4 Corners and others obtaining access to the content of the broadcast, 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).

DATED this 12th day of September 2019



Mathew James Sinnett
for and on behalf of the Commonwealth Director
of Public Prosecutions

IN THE SUPREME COURT OF THE
AUSTRALIAN CAPITAL TERRITORY
CRIMINAL JURISDICTION

No. SCC 0195 of 2019

THE QUEEN

Against

BERNARD JOSEPH EDWARD COLLAERY

INFORMATION FOR

1. Conspiracy to communicate ASIS information – s 11.5 of the *Criminal Code* (Cth) and s 39 of the *Intelligence Services Act* 2001 (Cth)
2. Communication of ASIS information - s 39 of the *Intelligence Services Act* 2001 (Cth)
3. Communication of ASIS information - s 39 of the *Intelligence Services Act* 2001 (Cth)
4. Communication of ASIS information - s 39 of the *Intelligence Services Act* 2001 (Cth)
5. Communication of ASIS information - s 39 of the *Intelligence Services Act* 2001 (Cth)

Cor
Date of Plea
Plea

WITNESSES:

JURORS

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

Verdict
.....
.....

Date of Sentence
.....
.....

Sentence
.....
.....
.....
.....