



**MANNING CLARK HOUSE**

*A home for contemporary debate and discussion*

## **Secret trials: The illegal bugging of the Timor Leste Cabinet and the extraordinary prosecution of Bernard Collaery and Witness K**

***Monday 18 February 2019 at 5.30 for 6pm***

**Manning Clark House, 11 Tasmania Circle Forrest**

Australians reading about secret trials in foreign countries tend to content themselves in the belief that in Australia we have an open court system and an independent judiciary. After all, freedom of speech, the rule of law and an open and independent court system are basic bulwarks of our democracy. Aren't they? In this talk Ernst Willheim will challenge that comfortable assumption drawing on the extraordinary prosecution of Canberra lawyer Bernard Collaery and Witness K for disclosure of the illegal bugging of the Timor Leste cabinet by Australia's intelligence agency ASIS in the course of bilateral boundary negotiations between Australia and Indonesia. Another Australian intelligence agency ASIO later raided Collaery's legal office and seized confidential legal advice to his client Timor Leste. The proceedings are being shielded from public scrutiny. Ernst will discuss the importance of openness in judicial proceedings and the importance of the constitutional principle of freedom of political communication in relation to disclosure of wrongful conduct by public authorities.



**Speaker:** Ernst Willheim is a Visiting Fellow in the College of Law at the Australian National University. Before his retirement he was a senior officer in the Commonwealth Attorney-General's Department where he headed several policy divisions, established the Office of General Counsel and was its first head, led numerous Australian delegations to international conferences and appeared as counsel for the Commonwealth in the High Court and other appellate courts. He has published widely on international, constitutional, refugee and indigenous law matters. Ernst was a member of the Australian delegation in several rounds of negotiations with Indonesia on the 'Timor Gap'. He has published and lectured on the importance of open courts and freedom of political communication, two of the issues to be addressed in his talk.

**MCH members \$5, concession (Government Support) and full-time students  
\$10**

**Non-members \$15.00**

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