

Collaery secrecy 'unfounded', says defence



Bernard Collaery argues that keeping a judgment secret on national security grounds is unfounded.

AAP -- Defence lawyers for prosecuted whistleblower Bernard Collaery have told Australia's highest court a push to keep a court judgment secret on national security grounds is unfounded.

The attorney-general's department argues the release of the unredacted document would have grave implications for Australia's national security.

Mr Collaery's submission to the High Court, obtained by the Human Rights Law Centre, says the assertion is "without foundation".

Mr Collaery's submission also calls parts of the prosecution's case to keep the ruling secret "erroneous".

An initial push to not have the judgment published was refused by an ACT court.

The Commonwealth then sought leave to have the High Court hear the case, but the court is yet to decide whether it will deliberate on the matter.

The judgment from ACT Chief Justice Helen Murrell which the Commonwealth is trying to stop being published in full derided the prosecution for seeking to have a trial conducted in secret.

HRLC senior lawyer Kieran Pender said the continued pursuit of secrecy in the case "is a damning indictment of the Morrison government's priorities".

"Rather than enacting long-overdue reform to whistleblowing laws, the government has gone to the High Court to keep parts of a court judgment that said no to a secret trial itself secret," he said.

"This latest court battle in the Collaery saga is simply perverse. Whistleblowers should be protected, not punished - and not prosecuted in secret trials."

Mr Collaery is accused of unlawfully sharing classified information about the alleged bugging operation of the East Timor prime minister by Australian officials in 2004.