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SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

THE HONOURABLE CHIEF JUSTICE MCCALLUM

PRE-TRIAL APPLICATION

SCC 264 of 2021

**THE QUEEN
and
BRUCE LEHRMANN**

CANBERRA

4.04 PM, MONDAY, 20 JUNE 2022

MR S DRUMGOLD SC appeared on behalf of the Crown.

MR S WHYBROW appeared on behalf of the Accused.

MR WHYBROW: Your Honour, thank you for listing this matter at short notice. I apologise I'm not robed and for being a bit late.

5 HIS HONOUR: No, there's no need to be robed. We had this conversation before I left chambers, Mr Whybrow. The only reason I'm robed is because I couldn't be bothered changing.

10 MR WHYBROW: Your Honour, I've asked the matter to be listed urgently this afternoon. We were intending to be having the matter brought back soon for – to raise some concerns in relation to disclosure and things of that nature ahead of next week, but - - -

15 HER HONOUR: When you say 'and things of that nature' are you referring to some of the subpoena arguments, or?

MR WHYBROW: No, no.

HER HONOUR: You just mean disclosure by the Crown.

20 MR WHYBROW: Yes. You might recall the first time I appeared I indicated that we would be seeking disclosure of a whole lot of things and on the basis that was expected to be a facilitative process we'd be right to start on time.

25 Of the things we've requested, I understand we've been provided with zero, today.

HER HONOUR: Sorry? Say that again.

30 MR WHYBROW: We've been provided with none of the material we've asked for in the last 12 days.

HER HONOUR: Some proofing notes?

35 MR WHYBROW: Except for some proofing notes. But in relation to the material on the police disclosure certificate that was available if requested, and that includes notebooks from police officers who on the face of it were the first people to do anything at parliament house after this, we still haven't got any of that. So, that would be an issue in terms of us being ready to run
40 with trial on Monday. But that has been overtaken today as a result of one of the Crown witnesses giving a speech on national television last night, following being given a Gold Logie for the story that was published on The Project.

45 Can I hand up two documents? I'm not sure if I've got copies.

MR CROWN: That's without objection, your Honour. I've seen them.

HER HONOUR: Why is Ms Wilkinson a Crown witness?

MR WHYBROW: Well.

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HER HONOUR: I assume you're talking about Ms Wilkinson?

MR WHYBROW: Yes, I'm talking about Ms Wilkinson.

10

HER HONOUR: Let me just read the material.

MR WHYBROW: Yes.

15

HER HONOUR: I've been told about it, but I didn't see it.

Sorry. I apologise, Mr Crown. Do you have this material?

MR DRUMGOLD: I do, yes.

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HER HONOUR: Thank you. I'm sorry for not asking.

Mr Crown, is there any objection to this material being relied on?

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MR DRUMGOLD: There isn't.

HER HONOUR: I don't yet know what order is sought, but - - -

MR DRUMGOLD: No, there is no objection.

30

HER HONOUR: Thank you, Mr Crown.

We had established the bona fides of the evidence.

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HER HONOUR: What order - are you making an application now, Mr Whybrow?

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MR WHYBROW: No, your Honour, we're bringing to the Court's attention at the earliest possible stage, whilst this still is a - to use the hackneyed phrase - a developing story, just looking at twitter and things like that, there are ongoing conversations of a prejudicial nature in relation to this trial. I can hand up also - I apologise I didn't do this before, but this is a - - -

45

HER HONOUR: What are you asking the Court to do? I must say before even hearing from you I had reflected today upon whether I should ask my chambers to contact Ms Wilkinson and ask her please to refrain from making public statements about the character of the complainant a week before the trial.

MR WHYBROW: Yes.

5 HER HONOUR: That is, approving, or praising the character of the complainant a week before the trial. And speaking in the language of fact rather than allegation.

10 MR WHYBROW: Your Honour, I anticipate that we'll be seeking to renew a previous application that I did not appear in but your Honour would be aware of. It is too early to say whether it will be a renewal of the permanent stay or a temporary - - -

HER HONOUR: Are you saying you're foreshadowing that that may come.

15 MR WHYBROW: Yes. Foreshadowing that that may come, and I am indicating, your Honour, I don't want to go off half-cocked in this sense when it's happening now.

20 HER HONOUR: All right. But you wanted to bring the matter to the Court's attention.

25 MR WHYBROW: Wanted to bring it to the attention and can I just - in terms of matters that need to be brought to the Court's attention, I am about to hand up what I'm instructed is a post on the complainant's Instagram site about midday today.

MR DRUMGOLD: And no objection to that, your Honour.

30 HER HONOUR: Is that today?

35 MR WHYBROW: Yes, I'm instructed today. Well, couldn't have been before last night because it's referencing the win last night on the Logies. There is an article in the Daily Mail with the headline: "Brittany Higgins praises Lisa Wilkinson and The Project panel as the Channel 10 show cleans up - - -

HER HONOUR: I'm sorry, Mr Whybrow, I was reading, and I stopped listening.

40 MR WHYBROW: I apologise, your Honour.

HER HONOUR: Could you - - -

45 MR WHYBROW: No, no. I just wanted to identify another document that I'll hand up and allow your Honour to digest these things. So, I'll hand it up what I am instructed are very recent posts from Brittany Higgins onto her Instagram post of today's date. And I'm going to hand up now an online

article printed at 3.26 pm today from the Daily Mail with the headline: "Brittany Higgins praises Lisa Wilkinson and The Project panel as the Channel 10 show cleans up at the Logie Awards: 'Well deserved!'"

5 I won't swamp your Honour at this stage, but I can indicate that there are stories of a similar nature on the ABC news website, Mamamia, various other things. There are raging debates on twitter, variously going "#Logie" "#innocentbeforeprovengUILTY" "#guiltybeforeproveninnocent" I'll allow your Honour to read that material at the moment.

10 HER HONOUR: This is just my curiosity, Mr Whybrow. On the last page the post by Inam Chowdhury about making money out of Bitcoin, was it a mistake?

15 MR WHYBROW: Is this the document that starts with the meaning - - -

HER HONOUR: Yes.

20 MR WHYBROW: It's probably a thread that goes back through various other things. I'm not sure, your Honour.

HER HONOUR: I see. It doesn't seem to have anything to do with the - - -

25 MR WHYBROW: No.

HER HONOUR: Well, I suppose you rely on it to show that it's the only post in pages of posts that doesn't refer to Brittany Higgins.

30 MR WHYBROW: No.

HER HONOUR: Let me just read the Daily Mail.

MR WHYBROW: Yes, your Honour.

35 HER HONOUR: That article seems to be largely a reproduction of the acceptance speech.

MR WHYBROW: Yes.

40 HER HONOUR: Although interestingly, the article records the knowledge of the author that the trial starts next Monday.

45 MR WHYBROW: In that regard, your Honour, without saying what precisely this document is, I've raised it with my friend and if I can hand it up. It's apparent on the face of it what it is and if your Honour could turn to the last page, it's just - - -

HER HONOUR: So this is something that's been disclosed, is it?

5 MR WHYBROW: This is something that has been disclosed by the Crown and it's in relation to what I ask your Honour to read. First of all, it's as recently as 15 June and then it's a discussion at the conclusion, so it's the last part of the note.

HER HONOUR: What is [REDACTED]?

10 MR DRUMGOLD: That is the room.

HER HONOUR: Sorry?

15 MR DRUMGOLD: That is the room where the alleged incident occurred. It is - - -

HER HONOUR: The room in Parliament House?

20 MR DRUMGOLD: Yes. It stands for Ministerial - - -

HER HONOUR: Its designation, yes.

MR DRUMGOLD: [REDACTED].

25 HER HONOUR: Thank you.

30 MR WHYBROW: Your Honour, could I finally before I make some – on that document your Honour will see that there is a suggestion very early in those notes that there is some five to six hours of recorded conversation that neither the Crown nor the defence have seen, and it is obviously material that we would like to see given that this all happened before any evidence-in-chief interview took place with police.

35 HER HONOUR: When did the program go to air?

MR WHYBROW: 15 February last year or thereabouts.

40 HER HONOUR: You might be lucky, Mr Whybrow. In my experience in a different field of jurisprudence in defamation law they don't usually hold the offcuts that long, but you never know.

MR WHYBROW: I am instructed - - -

45 HER HONOUR: There is quite often an order early in defamation proceedings requiring television stations to hold the editing floor room material.

MR WHYBROW: I can only say that - - -

HER HONOUR: The editing room floor.

5 MR WHYBROW: Editing floor. I understand that there may be a transcript
being prepared of this material so our understanding is, based on interactions
with the Crown, that it exists. You will be aware, your Honour, that some
subpoenas have been issued to another journalist who has – we are instructed
and the police have informed us – had significant interaction with the
10 complainant and it may have even predated the interview with - - -

HER HONOUR: Who is that?

15 MR WHYBROW: Samantha Maiden. We can indicate that on Thursday
there will be – we have been advised that material will be produced in
response to a subpoena that was issued to her employer and to her personally,
and I am instructed it runs to over 60,000 or 70,000 words of material
interactions: emails, text messages, and perhaps even other recordings.

20 HER HONOUR: A lot of that material – I accept that it is probably the
subject of a subpoena, but I suppose direct versions of the allegation you
would need to go through closely. But a lot of the material in the subpoenas
that I have seen is more directed to if you receive a certain kind of document
that you think you might receive, then that will assist in cross-examination.
25 But - - -

MR WHYBROW: No, there are two categories of document: ones that go
to, if I can put it broadly, motivation or other beneficial nature, and the other
is prior statements, consistent or otherwise, in relation to these allegations. I
30 only raise that because my application, I can now – in the course of this has
crystallised to an application to vacate the trial on the basis of the material
that we have put forward and reminding most respectfully your Honour, of
what you said recently in R v Lehrmann (No 2) - - -

35 HER HONOUR: That part of that – is that the judgment that is redacted?

MR WHYBROW: I believe so.

40 HER HONOUR: Yes, it is best if you just give paragraph numbers. The - all
that is publicly available is a fairly disappointing opening paragraph and a
fairly disappointing closing paragraph with the tantalizing reasoning all in
between - - -

45 MR WHYBROW: Right. No, well can I make reference - - -

HER HONOUR: - - - so if you just give me the paragraph numbers.

MR WHYBROW: Can I make reference then to an authority in the New South Wales Supreme Court - - -

5 HER HONOUR: But that is also suppressed if it is the one I am - - -

MR WHYBROW: Is that one as well?

HER HONOUR: If it is the one I am remembering, if it is - - -

10 MR WHYBROW: I just want to refer to the relevant legal principles that might be at play here.

HER HONOUR: Yes, give me the principle.

15 MR WHYBROW: As I understand it - - -

HER HONOUR: Do not refer to authority because it might - - -

20 MR WHYBROW: No.

HER HONOUR: One of the decisions referred to – part of the reason Lehrmann (No 2) is redacted is because one of the decisions - - -

25 MR WHYBROW: It refers to another - - -

HER HONOUR: - - - to which it refers is currently the subject of a suppression order.

30 MR WHYBROW: I understand that, your Honour.

HER HONOUR: That was one of the reasons the judgment was delayed, as because that matter went on a special leave application and I wanted to see what the High Court did with the judgment.

35 MR WHYBROW: Well if I can just say, as far as I understand the relevant principles but in the context of a permanent stay and my application is not for a permanent stay - - -

40 HER HONOUR: For a permanent stay.

45 MR WHYBROW: - - - but for a vacation of the trial date which would be defacto a temporary stay at least, I appreciate that, are that addressing prejudice created by all sorts of manners caused by pre-trial publicity, factors include the intensity of the publicity which, in my submission, is very intense. I have not handed up some of the debates on Twitter at the moment.

HER HONOUR: I know the – I remember the passage you are referring to.

MR WHYBROW: Yes.

HER HONOUR: Intensity, the - - -

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MR WHYBROW: Proximity to the trial, we are now less than a week out, and one might expect this debate to continue on until the trial starts, and the nature of the publicity and that includes a widely syndicated radio show just asserting that the complainant was raped in Parliament House and it is quite hard to – already to deal with the prejudice that has occurred but, in my submission, it is anathema to a fair trial at this stage for this matter to proceed next Monday and I, accordingly, am instructed to seek that the trial be vacated.

10

15 I can indicate if your Honour is – I can indicate from the Bar table that internet searches today have indicated that the relevant program in which Ms Wilkinson gave that speech in circumstances where she had been advised barely a week ago that publicity might lead to something like this happening, was viewed by over 885 – or about 885,000 people according to the ratings that have been published.

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HER HONOUR: Sorry, what number?

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MR WHYBROW: 885,000, so across all platforms, and this is only material that we have been looking at in the last 3 hours, my submission, as regretful as it is, and from our researches, it will be the subject of criticism of Mr Lehrmann and that he is trying to avoid this matter and nothing could be further, tell you the truth. I am instructed - - -

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HER HONOUR: He wants to get it on.

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MR WHYBROW: He wants to get it on but he wants to have a fair trial and, your Honour, it is not possible at this stage in light of all of these things, in my submission, taking into account the pre-trial publicity, its intensity and its proximity to the trial and its nature that that can occur now and I formally seek that the trial be vacated, and that would allow some of the other issues that were going to be raised in relation to disclosure, can be considered as can any subsequent applications that may need to be brought as a result of last night's program.

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HER HONOUR: Mr Crown, first I am not going to call on you this afternoon, I have got time tomorrow morning which I had initially set aside this afternoon for one of the subpoena arguments but that was resolved, and - - -

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MR DRUMGOLD: I am content to address your Honour, if you want.

HER HONOUR: Well the only difficulty is that I have a meeting at quarter to 5.00 so you would only have - - -

MR DRUMGOLD: I would - - -

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HER HONOUR: - - - effectively 10 minutes. It is a meeting that I am chairing so I can't be late but if I could give you 10 minutes now but I also now have all of tomorrow because another matter went away. So, if you want to come back tomorrow and continue - - -

10

MR DRUMGOLD: I'm content to do that. I'd just like to perhaps use five of the 10 minutes to disaggregate some issues that the tail of what my friend said about disclosure can't just be something that's sprinkled over the substantive issue to give it weight. Some of the disclosure issues relate to not just – it's not the police's unwillingness. It's their simple inability to meet what's being requested.

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What's being requested are things like a full Cellebrite report of Ms Higgins without redactions. Now, under the Victims of Crime charter, we can't do that. Without redactions includes providing her address, her parents' address and her boyfriend's address and his phone number and all of the various details.

20

So, it's not a case of refusing to in cases such as that. It's a case of not being able to. Another thing that's been requested is a full report of Ms Higgins' iCloud and Google Drive cloud based data. That does not exist. The cloud is a large voluminous - - -

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HER HONOUR: Cloud.

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MR DRUMGOLD: Yes. Of electronic data. It's akin to saying because she's a complainant can we have the keys to her car, her house and her office so that we can go in there and scrounge through all of her notes and all of her financial – all her financials and her photo albums and anywhere we want to go. On her iCloud will be non-disclosable material. There will be communications.

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There will be intimate details. There will be restricted information involving contact. We have not refused. We've said the police – first of all to access that, one needs a special device that only police have. That they use to go in there and they don't look all around it because it's simply too large to do it. So, there is an ongoing dialogue about – we haven't just said 'no'.

40

We've outlined some of the restrictions that we're facing and sought things to be narrowed to make them possible. Things mentioned by my friend, such as police notes, every police note involved in this matter has been disclosed. Every piece of CCTV that is in anybody's active possession has been

45

disclosed. So, the disclosure issue is not quite what it's being represented or not – I don't mean that as a criticism.

5 I mean, not as what might draw the position – one might draw the position. I'll address your Honour tomorrow other than to say – to just let this sync for a moment. The speech is really undesirable. I accept. It's completely undesirable. The proofing notes probably can be open to interpretation. My permission was not being sought.

10 I was being advised and I didn't - - -

HER HONOUR: I don't understand Mr Whybrow to be directing any criticism to you.

15 MR DRUMGOLD: No.

HER HONOUR: And I would read those remarks as indicating that you were saying, 'Hang on a minute I'm not your speech writer'.

20 MR DRUMGOLD: Exactly. Yes.

HER HONOUR: That's a matter for the court but be warned.

25 MR DRUMGOLD: I'm not interested in hearing your speech.

HER HONOUR: Yes.

MR DRUMGOLD: But no - - -

30 HER HONOUR: Yes. Mr Whybrow, I take it - - -

MR WHYBROW: It's just that she was on notice.

35 HER HONOUR: - - - the point was that she was on notice.

MR WHYBROW: Yes.

40 HER HONOUR: That if she said something that this very application might – it might found this very application.

MR WHYBROW: Indeed. The Director is not the lawyer for any of the witnesses, so yes.

45 MR DRUMGOLD: And I'll finish after this point and perhaps take up your Honour's invitation. The speech at the Logie's as undesirable as it was is a regurgitation of some of the emotion that's been thrown around including on the hill that was subject of the original application.

The issue now is proximity. That's the variable is proximity.

5 HER HONOUR: Well could I suggest, Mr Crown, just for your consideration and perhaps to expand upon tomorrow. I agree, when I first read the speech, I thought 'Well that's not too bad' because it really is a rehearsing of things that Ms Wilkinson has said before and that strong female journalists have said before. The problem is the fallout.

10 MR DRUMGOLD: Indeed.

15 HER HONOUR: And then you get people like Jonesy and Amanda picking it up and running with it and that, combined with the proximity – and that Jonesy and Amanda – Brittany had – the backstory here I'm sure you remember was 'raped in parliament house', and then goes to the world a week before the trial.

20 MR DRUMGOLD: I just raise this in an interim because we're coming back tomorrow and this thing has not been finalised, as an interim measure, whether your Honour may reconsider order 4 that was sought. I know that's a very bold move.

25 But if we work through a catalogue of: first of all, stop the hole/stop the water flooding in; secondly, so let us reflect on what damage has occurred as the water has flowed in.

30 HER HONOUR: And just to make sure my recollection is correct, that was the application for takedown orders and an injunction? Not 'takedown orders' - - -

MR DRUMGOLD: Just the injunction; order 3 was the takedown orders.

35 HER HONOUR: - - - but the injunction. But directed against whom at this point?

MR DRUMGOLD: The order sought - - -

40 HER HONOUR: I mean, I could restrain Lisa Wilkinson, I could restrain Jonesy & Amanda, I could restrain – well, I don't know – can I restrain the complainant?

45 MR DRUMGOLD: It was an order restraining any media outlet from publishing any material of/and concerning the accused and/or complainant that relates to/or refers to directly/or indirectly the present criminal proceedings.

I expect – I share my friend's concerns.

HER HONOUR: Sorry, could you read it again? I'm sorry, Mr Crown.

5 MR DRUMGOLD: An order restraining any media outlet from publishing any material of/and concerning the accused and/or the complainant that relates to/or refers to directly/or indirectly the present criminal proceedings or any part of the subject matter to which those proceedings relate.

10 It's verbose.

HER HONOUR: Just, at this point - if we could've held this hearing within an hour after the speech, maybe - it just feels at this point as though maybe trying to put the toothpaste back in the tube.

15 MR DRUMGOLD: Can I raise this. I share my friend's concerns. I expect, tonight - when a major program wins an award, there will be grabs tonight. Even - - -

20 HER HONOUR: Are you saying that I could make that order now?

MR DRUMGOLD: In relation to The Project. In relation - - -

HER HONOUR: Against whom?

25 MR DRUMGOLD: The Project. Or Lisa Wilkinson.

HER HONOUR: I see.

30 MR DRUMGOLD: So, she won an award.

HER HONOUR: Sorry. Excuse my sheltered lifestyle, Mr Crown. I'm aware of the program but when does it go to air?

35 MR DRUMGOLD: It airs tonight at 6.

HER HONOUR: Every night? Is it every night, or?

MR DRUMGOLD: Every night.

40 HER HONOUR: At 7.30, is it?

MR DRUMGOLD: 6 o'clock, I think.

45 So, by way of background: the Logies speech occurred on Channel 9, a rival network; it relates to an interview on a program on Channel 10, a different - - -

HER HONOUR: A rival network, as Ms Wilkinson said.

5 MR DRUMGOLD: Yes. The award has been given since the last airing of the project, so tonight's airing will be the very first airing post the award and the speech.

HER HONOUR: I'm loath to make an order, for the reasons I gave in the judgment.

10 MR DRUMGOLD: Yes.

15 HER HONOUR: But perhaps what I could do is ask my associate to write to The Project and repeat remarks that I've made before, and say that any announcement concerning the award carries a risk of compelling the court to stay the proceedings.

MR DRUMGOLD: The paragraph that my friend referred to in the judgment is one of the excluded paragraphs. It's one of the paragraphs - - -

20 HER HONOUR: Could you hand up the unredacted copy, Mr Whybrow?

MR WHYBROW: Yes, I do have it here, your Honour.

25 MR DRUMGOLD: Your Honour will see it falls within the second category of offence – of paragraphs of the judgment that are not subject to the publication prohibition.

HER HONOUR: I see. So, is that under – which paragraph number is it?

30 MR DRUMGOLD: 40, I think it was.

HER HONOUR: I'm not sure 40's the one - sorry, you're now talking about the principle about restraint of the media at large.

35 MR DRUMGOLD: Correct.

HER HONOUR: In 40, I said:

40 This country has robust contempt laws of which the media may be taken to be aware. To seek instead to regulate media discussion of criminal proceedings by the inexact tool of suppression and non-publication orders is a pious hope.

45 MR WHYBROW: Yes.

MR DRUMGOLD: And it was.

HER HONOUR:

Particularly since the advent of the internet and social media.

5 MR DRUMGOLD: That's true.

HER HONOUR: That was my concern and that remains my concern. And the difficulty with an order, once I have made an order of the court the sanction is punishment for contempt.

10

MR DRUMGOLD: Correct. Yes, that is correct.

HER HONOUR: And, firstly, I shouldn't make an order that is unenforceable; and, secondly, I shouldn't make an order that is unduly Draconian against the background of the existence of the laws of contempt. But - - -

15

MR DRUMGOLD: I would appreciate - - -

20

HER HONOUR: I think a communication with The Project might be helpful.

MR DRUMGOLD: Yes. Yes, I think it would be and if they push pause on any – I think the term is bite, or something to that effect, until we have ventilated this thoroughly tomorrow.

25

HER HONOUR: And I will just effectively draft the email in your presence and ask you both to give any input you may want to. So we would write to the producer of The Project and say the court has this – sorry:

30

As you may be aware, the trial of Mr Lehrmann is due to start next Monday. The court has this afternoon commenced hearing an application for a stay of the proceedings on the basis of publications following the award to Ms Wilkinson last night. That application will be further heard tomorrow. Any statement concerning the trial of the accused or the allegations made by Ms Higgins or commentary about the fact that she came forward with them and what should be the response to her allegations is likely to jeopardise the commencement of the trial next Monday and her Honour would be grateful if you would refrain from publishing such material tonight.

35

40

Strong enough? Not strong enough?

45 MR WHYBROW: Your Honour, I have no difficulty with that, but on the basis that I don't concede that - - -

HER HONOUR: You don't think it will - - -

MR WHYBROW: - - - putting that finger into that hole in the dock is going to make much difference when the floodgates are already opened.

5 HER HONOUR: I mean, there may be something in that, Mr Whybrow.

MR DRUMGOLD: I hear my friend.

10 HER HONOUR: Mr Crown, very quickly. May I take it you don't oppose my dispensing with the requirement to file a written application? I think there is a power - - -

MR DRUMGOLD: No.

15 HER HONOUR: - - - under rule 601(6) to make an application orally.

MR DRUMGOLD: Yes. We consent to that, your Honour, given the timing.

20 MR WHYBROW: Your Honour, my instructor has the email address of the chief counsel I believe at The Project and will provide that to the director so that that - - -

HER HONOUR: Thank you. That is very helpful.

25 MR WHYBROW: That communication would come better from the director rather than the accused's representatives passing on your Honour's - - -

HER HONOUR: Well, I was going to ask my associate to send it.

30 MR WHYBROW: Indeed. Well, I will pass it onto your associate.

35 HER HONOUR: Yes, thank you. Thank you. All right. Well, I will simply indicate pursuant to rule 601(6) that I accept the application having been made to the court orally. The order you seek is for a temporary stay of the trial presently listed to commence next week?

MR WHYBROW: For Monday the 27th, yes.

40 HER HONOUR: And the application is now part-heard before me and I will continue to hear further submissions tomorrow. I can sit early. You have other commitments tomorrow.

MR WHYBROW: That would be my preference, your Honour.

45 HER HONOUR: Mr Crown, can we impose on your goodwill again and ask you to come at 9.00 in the morning tomorrow?

MR DRUMGOLD: Indeed, your Honour. Yes.

HER HONOUR: So I will stand the matter over to 9.00. Is that manageable for you, Mr Whybrow?

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MR WHYBROW: Yes. No, that is suitable. We are going to - - -

HER HONOUR: You have made your submissions, the Crown - - -

10

MR WHYBROW: We are doing addresses tomorrow.

HER HONOUR: - - - has indicated he will be brief. And I will mark collectively all of the – actually, I won't. I will mark it separately, but I will mark it tomorrow morning.

15

MR WHYBROW: Yes, your Honour.

MR DRUMGOLD: Please the court.

20

HER HONOUR: Thank you both for your efficiency. We will adjourn until 9 o'clock tomorrow.

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ADJOURNED TO 21 JUNE 2022 AT 9AM

[4.44 pm]