

Well, let me ask it this way. The election was held on 18 May?---Yes.

5 Were you aware that that was the weekend of the election as of this stage?---I don't believe the exact date, because we knew the PM was about to call the election, he was – it was imminent after we'd had the Budget, and he does have a small degree of flexibility in terms of whether it is a five or a six week campaign.

10 I will probably make the application at this stage, your Honour.

HER HONOUR: Should I send the jury out?

15 MR WHYBROW: I am just not – I might be able to just quickly speak to my friend. I understand it relates to what may have been known on the 1 April meeting, so in that sense my only concern is if there is no breadth to any - - -

HER HONOUR: I think the same position as before.

20 MR WHYBROW: Yes.

HER HONOUR: You are not opposing it, but - - -

25 MR WHYBROW: I am not opposing it.

HER HONOUR: But on any individual issue you let me know if there is an issue.

30 MR WHYBROW: Yes, your Honour.

MR DRUMGOLD: It is 1AN(4) again, your Honour.

HER HONOUR: Sorry?

35 MR DRUMGOLD: It is 1AN(4) again.

HER HONOUR: Yes. I grant leave.

40 MR DRUMGOLD: Thank you, your Honour.

I am going to suggest that you knew that there was a sexual element the previous Saturday?---No, I did not.

45 MR WHYBROW: Excuse me one second. I object to that question.

MR DRUMGOLD: Yes, I accept my friend's correction.

I am suggesting to you that you were aware that Ms Higgins had made an allegation about Mr Lehrmann being on top of her at this stage?---I was not.

5 Would you agree that in the run up to election that having an allegation that one staff member sexually assaulted another staff member would be potentially politically embarrassing?---No, I do not accept that.

10 Do you know what Ms Higgins says occurred on 1 April sitting here today?---I – not in any detail, no, but I have seen some of the media reporting.

Well, have you sought that information?---Sorry, please clarify, which information?

15 Have you attempted to inform yourself of the evidence of Ms Higgins in this trial?---Only what I have seen in the media.

20 Listen to the question. Have you attempted to obtain the evidence of Ms Higgins in this trial?---No. Do you mean recently?

Recently?---I just need it to be a bit clearer, I'm sorry.

25 Well, let me ask it this way. You have sought the transcripts of Ms Higgins's evidence in this trial, haven't you?---Yes.

Why?---Because I was – I was curious to know what had been said but I was advised by my lawyer that that wasn't appropriate.

30 You arranged for your husband to sit in the back of the court, didn't you?---No, he's not my husband, but my partner has been here in the court, yes.

35 And he's been talking to you about the evidence that Ms Higgins gave, hasn't he?---No, he has not. My lawyer was very – my lawyer was very clear and I have been in Rwanda for the last week. I came back early to testify today.

40 You wrote to my friend – you wrote an SMS to my friend asking him to send transcripts to your lawyer at the conclusion – at the commencement of Ms Higgins' cross-examination, didn't you?---Yes, but I was advised that it was not appropriate. I hadn't realised it wasn't appropriate because I haven't been in this situation before, so my lawyer made it very clear that it wasn't appropriate.

45 And you're saying that your partner has sat in the back of the court through Ms Higgins's evidence and you've not once asked him about Ms Higgins' evidence?---He has been very clear. My lawyer was very clear with him not to discuss it with me. Yes.

So what would be the point of him sitting in the back of the court? I mean, he lives in Perth with you, doesn't he?

5 MR WHYBROW: Well, I object, your Honour. Your Honour, this is getting well beyond any rational unfavourable evidence.

HER HONOUR: It is. I am aware of the test and I am going to extend the leave.

10 MR WHYBROW: As your Honour please.

MR DRUMGOLD: Thank you, your Honour.

15 Your partner lives in Perth?---He does.

And during Ms Higgins's evidence, your're in Rwanda?---Yes.

And your partner lives in Perth?---Yes.

20 And your partner finds himself in the back of the court listening to Ms Higgins' evidence. Correct?---Yes, although we do have a house here in Canberra and he has been here in Canberra for most of the last month.

25 And two hours into Ms Higgins's cross-examination you texted my friend asking him to send your lawyer transcripts of the trial. Correct?---Yes.

Can I ask, did you have private text messages between Ms Higgins and Nicole Hamer?---No.

30 Did you suggest to my friend - - -

MR WHYBROW: I object, your Honour. I object to this.

35 MR DRUMGOLD: Well, it goes to the evidence, your Honour.

MR WHYBROW: I object to this, your Honour, and it should be done in the absence of the jury.

40 HER HONOUR: Members of the jury, would you mind please going with the Sheriff's Officer.

JURY RETIRED

[3.18 pm]

45

HER HONOUR: Senator, do you mind waiting outside. It is just more convenient to have - - -?---This way or this way?