

MR DRUMGOLD: Yes, indeed, your Honour.

HER HONOUR: Could we have the witness back, please? Thank you.

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<LINDA KAREN REYNOLDS, Recalled: [3.29 pm]

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<EXAMINATION-IN-CHIEF BY MR DRUMGOLD CONTINUED

HER HONOUR: Senator, thank you for your patience?---Thank you.

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I just remind you that when you went into the witness box, you took an oath and you remain bound by that oath in your further evidence, do you understand?---Yes, your Honour.

Yes, Mr Prosecutor.

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MR DRUMGOLD: Thank you, your Honour. So, Senator, I'm going to put this to you directly that at our time 4.27 pm on Thursday, 6 October, you were aware that Ms Higgins had just started her cross-examination. Were you aware of that?---I can't be - I haven't got any sort of records in front of me, but which day was that?

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Well?---The 6th. Sorry, I just don't have - - -

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That's okay. I will give you a term - I will give you a point of reference?---Thank you.

At 4.27 pm on Thursday, 6 October, you sent a text - - -?---Yes.

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- - - to the defence lawyer saying, 'Hi, do you have the daily transcripts? If so, are you able to provide my lawyer'?---Yes.

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Now, first of all I am suggesting that your lawyer had no interest in these transcripts, it was you that had interest in these transcripts and that message is to say 'Can you send them to my lawyer' with a clear understanding that your lawyer would pass them on to you?---Yes, I did ask for them. But, again, it was explained to me that it wasn't appropriate to make that request - - -

Okay, I'm - - -?--- - - - so they were not sent.

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No, no?---Yes. That's correct.

No one is suggesting that they were sent. My next question is you were aware that that was two hours into Brittany Higgins' cross-examination?---I couldn't tell you the exact time, but if - - -

5 Okay?---As I said, because I wasn't here. But it could well be the case, yes.

Moving back - - -?---Yes.

10 - - - you were aware that Brittany Higgins' cross-examination had just commenced when you sent that text?---I – well, I was aware that it had commenced, yes. It was well reported.

Then you sent a text one minute later, 'Also, if you have text messages between Brittany and Nicky, they may be revealing'?---Yes.

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Now, you were referring to Brittany Higgins and Nicky Hamer?---I was, yes.

Now, you had those texts – did you have those texts?---No, I did not.

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Then what is your source of information to think that those texts might be revealing?---Because I had previously met not just with yourself but with the defence counsel, who had asked for information relevant to the case, and I knew that Brittany and Nicky were friends and I thought they might be able to shed some light on the matter. But had I seen them? No, I had not.

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What is your motive for attempting to coach the cross-examination?---That's not what I was seeking to do.

30 Well, what were you trying to do then? You're instructing the defence lawyer two hours into the cross-examination - - -?---Yes.

- - - of Ms Higgins, 'If you have text messages' - - -

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MR WHYBROW: I object to the phrase 'instructing', your Honour.

MR DRUMGOLD: Well, I withdraw that.

40 You are alerting the defence lawyer two hours into the cross-examination of Brittany Higgins, 'If you have text messages between Brittany and Hickey' – 'Brittany and Nicky, they may be revealing'?---Yes.

45 So you are injecting yourself by trying to assist him in his cross-examination?---I – as I said, I haven't been through this process before and I've talked to both you and to the defence, which I understood was appropriate because both of you have talked to me about my statement, and going through this mentally – I've done nothing but for the last 18 months go through – go through all of this and it seemed – it seemed appropriate.