

# High-profile Australian rape trial delayed after speech by celebrity journalist

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Last week the Australian Capital Territory (ACT) Supreme Court postponed the trial of Bruce Lehrmann, charged in August 2021 with sexually assaulting Brittany Higgins, a parliamentary staffer at the federal parliament in March 2019. Lehrmann has strenuously rejected the charges and denied that any form of sexual activity occurred.

The court decision was in response to a Logie acceptance speech by Network 10 journalist Lisa Wilkinson at this year's Australian television award night. The high-profile journalist won a Logie for her exclusive interview with Higgins on the network's "The Project" in 2021.

In her speech Wilkinson thanked Higgins for trusting her and "The Project" with the story. She praised Higgins for "courage," "bravery" and "changing the national conversation" around allegations of sexual abuse.

Steve Whybrow, Lehrmann's barrister, successfully argued that Wilkinson's speech and an interview later that night, as well as comments the following day by radio broadcasters Amanda Keller and Brendan Jones, were a potential "contempt of court" and could impact on the impartiality of the jury trial.

Whybrow told the court that his client had "no interest in delaying the trial" which was due to begin on June 27, "but wanted it to be a fair trial."

ACT Chief Justice Lucy McCallum concurred. Wilkinson's speech, she bluntly declared, had "obliterated" the "distinction between an untested allegation and the fact of guilt." The "implicit premise" of Wilkinson's speech, she added, was to endorse the "credibility of the complainant," whose story she herself had publicised.

"The trial of the allegation against the accused has occurred, not in the constitutionally established forum it must, as a matter of law, but in the media... The public at large has been given to believe that guilt is established.

The importance of the rule of law has been set at nil," McCallum said.

The chief justice concluded that any directions given to a jury, prior to empanelment or during the trial to ignore Wilkinson's speech and similar public comments, "could not adequately address the prejudice that could have been engendered by the recent publicity."

As a result, Chief Justice McCallum concluded, "regrettably and with gritted teeth," the trial must be delayed. Late last week, the court ruled that the trial will begin on October 4.

In April, McCallum rejected an application from defence lawyers that the case be permanently stayed or postponed. Lehrmann's lawyers argued that a fair trial before a jury was not possible because of widespread media comment on the case.

Last week, however, the chief justice told the court she had made a mistake in refusing a bid for suppression orders to prevent further publications about the case. "I trusted the press... you were right, and I was wrong," she said.

Wilkinson, who was to appear as a prosecution witness in the trial, was given a "clear and appropriate warning" by ACT Director of Public Prosecutions (DPP) Shane Drumgold on June 15.

Echoing previous statements by Chief Justice McCallum, he told Wilkinson to say nothing about the case at the Logies event. Wilkinson, who told Drumgold that she did not expect to win the award, ignored his warnings.

Wilkinson has been publicly pilloried by numerous journalists and television personalities on social and mainstream media, including Murdoch-owned newspapers and its Sky News.

The *Australian* weighed in on June 23 with a cynical editorial about the need for accountable journalism and the dangers of uncritically accepting social media allegations. It was necessary, the newspaper declared, to

observe “the norms of responsible publishing and the self-restraint necessary to maintain civil discourse—and public confidence in our independent courts.”

This from a publishing empire that has been in the forefront of vicious #MeToo-style attacks on Geoffrey Rush, John Jarratt, Craig McLachlan, to name just a few of its local victims.

No charges were ever laid against Rush, who won a \$2.9 million defamation suit against Murdoch’s *Daily Telegraph*, while Jarratt and McLachlan were found not guilty of sexual assault charges. Despite these legal victories, Rush, Jarratt and McLachlan have not worked again, their acting careers effectively destroyed.

Wilkinson’s speech, apparently checked by Network Ten, was not an emotive outburst by a novice. It was a carefully prepared effort by a highly experienced magazine editor and journalist, and an active proponent of #MeToo.

Notwithstanding all the public criticism of Wilkinson, nothing has been said about the media establishment’s ongoing marketing of #MeToo.

From the outset, the corporate media has treated #MeToo’s explicit anti-democratic declaration that “women must be believed,” which if accepted overturns the presumption of innocence and other legal principles, as good coin.

That Wilkinson should forget about how to avoid “contempt of court,” hardly comes as a surprise. Her interview with Higgins, and its legally untested claims, were used to spark a media frenzy, including the leaking of the name of the accused and assertions of his guilt.

Then followed other sexual assault accusations, this time against then Attorney-General Christian Porter. He was alleged to have raped a woman, decades earlier in 1988 when he was a teenager. While the allegations were unprovable because the woman died in 2020 and there were no charges, Porter was forced to step down.

The corporate media, backed by Labor and the Greens, then promoted nationwide protests on March 15, presenting them as a historic turning point in the struggle against “millennia of discrimination and sexual tyranny.”

Above all, Wilkinson’s award acceptance speech is a further exposure of the contempt #MeToo advocates have towards presumption of innocence and basic legal rights.

Contrary to its claims, this right-wing movement has nothing to do with defending women’s rights but is based on selfish, career-driven aspirations of upper-middle class layers, indifferent to basic democratic rights of ordinary people, men and women alike. Wilkinson, like other local

well-heeled leading lights championing #MeToo, is one of highest paid journalists in Australia. Her annual salary from Network 10 is reportedly \$1.7 million and was paid \$400,000 by HarperCollins for her autobiography *It Wasn’t Meant To Be Like This* published last year.

The fact that the Logies judges considered Wilkinson’s television interview with Higgins and its unsubstantiated and legally untested allegations Australian television’s “Most Outstanding News Coverage or Public Affairs Report” in 2021, says much about the degenerated state of the corporate media.

Two nights before the nationally-broadcast event at Australia’s Gold Coast, British Home Secretary Priti Patel announced that she had approved WikiLeaks founder and journalist Julian Assange’s extradition to the United States. If extradited the Australian citizen faces 18 charges under the Espionage Act and 175 years imprisonment for exposing US war crimes and other illegal activities.

Unsurprisingly, this did not elicit a single comment from the “stars” of Australian television journalism gathered at the lavish Gold Coast event.

With one or two notable exceptions, this privileged social layer, has played a key malicious role, recirculating government lies hurled against Assange, including the fraudulent Swedish sexual assault allegations, denied the illegal, torturous nature of his imprisonment, and provided political cover for all the Australian governments who have refused to secure his release.



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