

Epiq:DAT

D3

SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 THIRD DAY: MONDAY 25 MARCH 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

HIS HONOUR: Yes, Ms McDonald.

MCDONALD: Your Honour, the first matter; may I announce as part of Counsel Assisting, Ms Melis?

15

HIS HONOUR: Yes.

20

MCDONALD: Your Honour, before calling the first witness in this second tranche of evidence, there are two matters that we would seek to raise with your Honour. The first matter is tendering of further evidence, and Ms Epstein will deal with that matter.

25

WOODS: Before she does that, your Honour, might I announce my appearance, and the appearance of my learned colleagues, for several more of the witnesses anticipated in the proceedings?

30

HIS HONOUR: Yes, of course.

WOODS: That is for Mr Dennis Gilligan, Mr John Carroll, Mr Ian Robinson, Mr Peter Wick, Mr Alastair Milroy, Mr James Counsel, and Mr Robert Godden. Can I also seek your leave to represent those people, and indicate that Mr Haverfield appears with me; and also in lieu of Mr Paul Madden, who is elsewhere, Mr Thomas Woods appears.

35

HIS HONOUR: Very well. You have that leave. Thank you, Dr Woods. Yes, Ms Epstein.

40

EPSTEIN: Thank you, your Honour. Your Honour, there are a number of new documents to be tendered today. At the first directions hearing and in the first hearing block, Exhibits 1 to 16 were tendered. Since that time, a number of new documents and material has been obtained by the Inquiry. To assist with the tender of those documents, I have for your Honour an updated copy of the Tender Bundle Index, which I'll hand up and ask your Honour to mark as MFI 4.

45

MFI #4 INDEX TO THE TENDER BUNDLE AS AT 25/03/24

50

As your Honour will see, the index includes the exhibits which have already been tendered in black, and new documents are marked in red text. I'll provide a brief overview of what those new documents are, if your Honour pleases.

5 Tab 5.11-4 is a subpoena directed to Ian Cunliffe to appear and give evidence before the Court of Criminal Appeal on 18 May 1982. Exhibit 10 has been updated and contains various records produced by the National Archives of Australia. These comprise Tabs 10.2-1 to 10.2-16, Tabs 10.3-1 to 10.3-99, and 10.4-1 to 10.4-8. Tab 11.69 contains a letter from ComPol dated 20 February 1979 to various recipients, titled "Recovery of Explosives", and a corresponding transcription has been prepared by the Team Assisting.

10 Tab 12.6 contains certain pages of the Parramatta Gaol visitation log book entries over the period 19 March 1979 to 12 November 1980. Tabs 13.23 to 13.41 contain various publications and related records, including numerous audio and visual files which are contained on a USB drive. Tabs 14.3 to 14.17 contain certain records produced by the New South Wales Commissioner of Police. Tab 15.6 contains a letter dated 21 January 2024 from the Registrar of the New South Wales Coroner's Court, to confirm the death of Roger Rogerson. Tab 15.7 contains a statement of Mr Leonard Ashworth dated 13 March 2024. Tab 15.8 contains the death certificate of Vitomir Misimovic, dated 31 January 2024.

20 Tab 17 comprises a table which has been prepared by the Team Assisting in consultation with the legal representatives of the DPP. This summary has been drawn from documents produced by the New South Wales Director of Public Prosecutions pertaining to the prosecution or referral for prosecution of the police officers who were involved in the investigation and/or trial of the Croatian Six. The table has been added to the Tender Bundle at
25 Tab 17.1. The New South Wales DPP maintains a claim of legal professional privilege over certain of the documents produced, and it is not proposed that any of the documents produced by the DPP be tendered, given the summary contains the key matters that can be drawn from those documents.

30 Your Honour, there are also a series of amendments and updates to existing exhibits to the Inquiry, and in order to undertake those replacements and amendments I seek your Honour's leave to uplift a number of documents; specifically exhibit 4.2-29, 5.12-2, 9.1-32, 11.32, 11.63 and 13.13.

35 HIS HONOUR: You have that leave.

40 EPSTEIN: Thank you. Finally, your Honour, I note for the benefit of those watching and those present in the Inquiry that there are various non-publication orders over the documents proposed to be tendered, and these have been distributed to the parties, and are also published on the Inquiry website.

45 HIS HONOUR: Thank you, Ms Epstein.

50 MCDONALD: Your Honour, may I raise the other preliminary matter? It relates to a witness who is scheduled to give evidence tomorrow afternoon; Dennis Gilligan. The Inquiry has received some material in respect of Mr Gilligan, and an application has been made that he be excused from giving evidence during the Inquiry. Your Honour, what is proposed is that the

material received by the Inquiry be circulated to interested parties for their review, and if there is anything that they wish to raise in respect of that material they can raise it with Counsel Assisting. Your Honour, before distributing that material, we would seek your Honour to make a non-publication order.

5

HIS HONOUR: Yes, very well.

MCDONALD: If I can hand this document up with the terms. The initial orders probably don't have to be made currently, but the non-publication order which would allow the distribution of the material to the parties.

10

HIS HONOUR: Yes, I make that non-publication order.

MCDONALD: Your Honour will also note that Order number 3 was that the Inquiry receive as relevant evidence a supplementary statement signed by Mr Gilligan, and dated 24 March 2024. I tender the supplementary statement of Dennis Gilligan, signed on 24 March 2024, and if your Honour accepts that, could that be Exhibit 15.9?

15

HIS HONOUR: That statement of Dennis Gilligan dated 24 March 2024 will be Exhibit 15.9.

20

EXHIBIT #15.9 STATEMENT OF DENNIS GILLIGAN SIGNED 24/03/24,
ADMITTED WITHOUT OBJECTION

25

MCDONALD: Your Honour, we now propose to call the first witness in this tranche, Christopher Ingram, pursuant to an order that your Honour made in chambers. He will be giving his evidence via Audio Visual Link from Cooma police station. I understand - and again, fingers crossed - he should be coming up on the screen shortly.

30

HIS HONOUR: Is it appropriate to deal with the nature of the cross-examination of him at this point?

35

MCDONALD: Yes, your Honour.

HIS HONOUR: A document was received by those assisting me last Friday from those representing the petitioners in the Inquiry, in relation to the proposed cross-examination of this next witness, and further police witnesses in the matter. Mr Buchanan, I don't propose to engage in any to and fro about it now, but is there anything further you wish to say about the proposal?

40

BUCHANAN: Only that it was prepared without knowledge of what, if any, examination will occur at the hands of Counsel Assisting.

45

HIS HONOUR: Yes, understood.

BUCHANAN: Accordingly, it's probably more fulsome than would be the case at the end of Counsel Assisting's examination.

50

HIS HONOUR: Yes. Just take a seat, Mr Buchanan. I just want to say something generally about this approach to the examination and particularly cross-examination of witnesses in the Inquiry. On 15 March 2024, directions were issued as to the examination and cross-examination of witnesses generally. It included that parties seeking to cross-examine a particular witness were to advise in writing the purpose and the issues to be canvassed and whether any affirmative case was to be made and, if so, the details of that. It also included that limits may be imposed upon cross-examination, including as to both scope and time and also the possibility that cross-examination may be disallowed. The petitioners have advised of the proposed purpose and issues to be raised in cross-examination of various police witnesses scheduled to be called today and tomorrow and I expect that will continue for witnesses to be called during this two week hearing block. I have to say, the proposed cross-examination is more extensive than I had imagined it might be. Possibly that is because of the matter that Mr Buchanan just mentioned.

The scope of the Inquiry was settled late last year. Briefly, it covered three broad areas. Firstly, the evidence given in the trial of the Croatian Six in 1980 of Vico Virkez. It was proposed that the Inquiry would look at the truthfulness and the reliability of his evidence at trial, as well as disclosure of information to the defence of the trial of any connection he may have had to the Yugoslav Government and its agencies. The second area was the evidence of admissions and confessional statements relied upon by the prosecution at the trial and, in particular, as to the truthfulness and the reliability of New South Wales police officers in relation to such statements alleged at the trial to have been made by members of the Croatian Six. It also included the methods used to obtain and recall those confessions and admissions, and alleged violence by police towards four of the six. The third body of material the Inquiry proposed to examine was the raids on various premises and the alleged finding of explosives and firearms and bomb paraphernalia and the subsequent handling, storage, analysis and use against the accused at trial.

The scope of the Inquiry was focused upon whether there was untruthfulness or unreliability in any of these bodies of evidence or whether there was a reasonable possibility that there was. It did not include a detailed examination of how and why persons may have acted with malevolent dishonesty to secure unjust convictions. I want to be clear that the ultimate issue for this Inquiry is to determine whether any of the six accused at trial were the subject of a miscarriage of justice and whether there is or may be a reasonable doubt about their guilt. That is why the scope of the Inquiry was confined as it is. Putting it into blunt terms, such as used in the document setting out the proposed cross-examination of witnesses provided by the petitioners, a primary focus of this Inquiry is not how and why were the Croatian Six framed. It is more to do with were they, in fact, framed or is it a reasonable possibility that they were.

I propose to allow the cross-examination to proceed with the hope that what I have said will be taken into account. If it emerges that the cross-examination is venturing into areas that I consider are too remote from the core issues or is

5 becoming unproductive and inappropriately time-consuming, I anticipate I will be intervening, but I won't delve into any specific restriction at this point. Finally, just a brief explanation as to what is to occur when witnesses conclude their evidence. I propose to adopt the practice of standing witnesses down, rather than excusing them from their order to attend as witnesses, and the purpose of that is to save having to issue and serve fresh orders to attend if it becomes necessary for any witness to be recalled at some later stage of the Inquiry.

10 AUDIO VISUAL LINK COMMENCED AT 10.21AM

<CHRISTOPHER JOHN INGRAM, SWORN(10.22AM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name.

A. My name is Christopher John Ingram, I-N-G-R-A-M.

Q. Mr Ingram, are you now retired?

A. Yes.

10

Q. In 1979, were you a senior constable with the New South Wales Police stationed at the Lithgow Police Station?

A. Yes.

15

Q. As at 1979, how long had you been stationed at Lithgow?

A. About six years.

Q. During those six years, had you lived locally either in or around the Lithgow area?

20

A. Yes.

Q. You gave evidence at the committal proceeding for the Croatian Six and a transcript was taken of your evidence and you also gave evidence at the trial of the Croatian Six. Have you recently been provided with a copy of the transcript of your evidence at the committal?

25

A. No.

Q. Have you been provided with a transcript of your evidence at the trial?

A. Yes.

30

Q. And you've read that through?

A. Yes, I have.

Q. Were you also provided with a statement that you gave as part of the investigation, which was dated 2 April 1979?

35

A. No.

Q. For preparation today, the only document that you've been provided with has been the transcript of your evidence at the trial?

40

A. That's correct.

Q. That evidence that you gave at the trial, reading the transcript, is there anything you wish to change it?

45

A. No. There's one thing I probably need to bring to your attention, if I can. Do you have my transcript in front of you?

Q. We can easily get that. If your Honour can just excuse me. To start with, Mr Ingram, which page are you looking at?

50

A. On page which is marked 33 in black on the bottom and 54 in red.

Q. Your Honour, it is part of Exhibit 2.1-2. Mr Ingram, it's page 54 of the Tender Bundle, but page 33 of the actual transcript?

A. That's correct.

5 Q. Was there something on that page that you wished to change?

A. No, I just wish to bring it attention I think there's an omission there.

Q. Mr Ingram, looking at page 54 or 33 of the transcript, there was something on the page that you wished to raise with his Honour?

10 A. Yes, ma'am. On the - in the beginning the locations that Virkez has gave me in relation to where bombs were to be placed, or allegedly placed, I was asked a question about that and my answer was - I began answering that and my answer was interrupted while there was some discussion from - with his Honour and some of the counsel and then I was giving evidence about the
15 actual locations at that time and so that - after that interruption, I continued my answer at the bottom of the page on paragraph 3 from the bottom.

Q. Does that commence with the question, "Would you care to relate it"?

20 A. That's correct, and I continued with naming the places where it was alleged these bombs were to be placed. Now, there was no mention in there of the Elizabethan Theatre, and I believe that - my memory is that Virkez told me that the Elizabethan Theatre was one of these locations and I believe it would be in the notes that I made within that day. Well, as you know, without any of the
25 other documents, I don't have anything that I could help to clarify it with.

Q. Mr Ingram, can I just confirm, looking at the answer that's printed there on page 54 where you refer to a travel agency in King Street--

A. Yes.

30 Q. --and then a sixth location that one or two bombs were to be placed in big water pipes--

A. That's correct.

35 Q. Are you saying that in addition you were told about the Elizabethan Theatre as a possible site, but you--

A. I believe that's right.

Q. --didn't say that in your evidence at trial at that point?

40 A. I didn't give it for some reason or other, yes. I'm pretty sure that's the way it went.

Q. Did you give that evidence at trial and has there been an omission in the transcript?

45 A. It may well have been an omission by me. There was another matter that we sorted out a few days ago. Similar thing. I think what's probably happened is that - excuse me - back then we were giving our evidence by learning our statements and then giving them verbatim in the witness box and I probably missed it and I've been giving my evidence now. I just - I'm not sure, because my memory is not good on the whole thing. I don't - I'm not sure that that is
50 correct, that he actually told me that, but I'm pretty sure it is.

Q. Putting to one side the matter that you've just raised about a bomb being placed in the Elizabethan Theatre, when you read through the transcript of your evidence at the trial, was there anything in addition that you wished to change?

5 A. No.

Q. The evidence you gave at the trial, was it true and correct to the best of your knowledge and belief?

10 A. Yes.

Q. Mr Ingram, I want to take you back to 8 February 1979, about the events that occurred on that day--

A. Yes.

15 Q. --and a trial you gave evidence about some of those events. At about 12.45pm on 8 February, you were on duty at the Lithgow Police Station when a man arrived at the station and identified himself as Vico Virkez.

A. That's correct.

20 Q. When he came to the station, were you the only officer actually at the station at the time?

A. I was the only detective at the station at the time. Yes, I was - I was asked to return to the station to see somebody, I believe.

25 Q. Where were you when you were called to come back to the station?

30 A. I - it's difficult, it being so long ago, but my memory is that there were three of us working at - there. Sergeant Marheine, myself and Detective Hudson, and for some reason - I'm sure we'd split up to get on top of something that we were doing with at the time, to get it more quickly resolved. So we were all out doing different jobs, and I - I was probably the closest to the station at the time, and I was asked to return to see somebody.

Q. That somebody was Mr Virkez?

35 A. It was Mr Vico Virkez, yes.

Q. When you saw him at the station, did you recognise him?

A. No. I didn't.

Q. Do you have any recollection at that time of meeting him before?

40 A. I didn't, but it's in the evidence. I didn't - I didn't recall having met him before at all. I just thought he was somebody coming to report something. But I had, apparently, met him, or had some dealings with him before, but I don't remember what they were.

45 Q. When did you realise that you had had some dealings with him before?

A. Well, only when I read the transcript. This is some 44, 45 years ago, but, yeah. It was a bit of - it was a bit of a surprise to me, because I didn't have any recollection of it at all.

50 Q. Sorry, Mr Ingram, can I just distinguish, as you sit here today, you can't

recall having previous dealings before 8 February with Vico Virkez?

A. No.

5 Q. But when you read your transcript, you saw that there were some dealings that you had previously with him?

A. That - that's correct.

10 Q. When you returned to the station and you spoke with Mr Virkez, you took some rough notes of what he was saying?

A. I did.

15 MCDONALD: Your Honour, the rough notes are Exhibit 4.2-95. We seek to show Mr Ingram those notes. I think the way we're going to have to do that is bring them up on the screen.

Q. Mr Ingram, do you have a copy? Do you have a copy of your rough notes with you?

A. No. I don't.

20 Q. What we'll do is we'll bring them up on the screen.

EXHIBIT 4.2-95 SHOWN TO WITNESS

25 Q. Mr Ingram, can I check, on your screen is there a page entitled, "The rough notes of P.C. Constable Ingram?"

A. Yes, there is.

30 Q. If we move to the next page, I think it consists of about 5 pages. Looking at the first page of notes, do you recognise those as the rough notes you took on 8 February?

A. Yes. Yes. It's difficult to read, but that - that is the notes, I'm sure.

35 Q. If we just look at the first page, right at the top you have, "Vico Virkez", but immediately before that is another name. Do you see that?

A. Yes. It was - yeah. Misimovic Vitomir.

Q. And then, " - Vico Virkez".

40 A. That is. That's the name he gave me as - as his name, and Vico Virkez was a name that he'd adopted since - since then.

Q. At that stage, you record where he lives. Macauley Street, Lithgow?

A. 6 Macauley Street, yes.

45 Q. Then towards the right, I think you've got, "Labourer of power station", and something like, "Lived here four years."

A. That's - that's right.

Q. Immediately under that, there are three names.

50 A. Yes.

Q. Ante Zvirotic, Maks Bebic, and then Vjekoslav Brajkovic.

A. Yes. That's correct.

5 Q. Do you recall what you were told, or why you recorded, those three names?

A. I think he just - he told me that they were involved in whatever this endeavour was that they were going to - going to attempt.

10 Q. This endeavour that they were going to attempt, what did he tell you that it was?

A. They were going to make bombs, take them to Sydney, and plant them in various places in the metropolitan area, and I think they were all to be made to explode about 3 o'clock the following morning.

15 Q. At this point, did you ask him why he had come to the police station to tell you this?

20 A. I'm not sure whether it was - whether it was then or maybe later on, but he just said that - something to the effect of - originally that they were building something to be bombed, but he didn't want people to be killed, so he was telling us about it.

Q. If we go back to the second page, the next section refers to Maks Bebic is to--

25 A. Yes.

Q. --come to his home with explosives?

A. No. I've got a page - the number of motor vehicle registration numbers.

30 Q. Could we return to the page before, please. Yes. Thank you. Sorry, Mr Ingram. Can you see under the names that I just took you to, there's a reference to Maks Bebic?

35 A. Yes. "Come to the house that evening. Virkez to buy three clocks. Then work - them to assemble bombs (time bombs). One bomb is to be put in the Yugoslavian Travel Agency at Cabramatta (Bulkan). One at Fairfield (Branan). One at the community something or other at - Yugoslavians at Cabramatta. One at - one at a tourist agency in Newtown. Knows where it is, but doesn't know the name of the street. One in King Street, Newtown. Adriatic (Travel Agency). One or two was supposed to be put in the big water pipes. And then, "3.00am this morning".

40 Q. Just pausing there. Is this your record that you were making at the time that you were speaking to Mr Virkez?

A. That's correct.

45 Q. When he provided you with this information, what did you do with it?

A. I made contact with Detective Sergeant Marheine and told him exactly what I'd been told, and I was directed then to make some other calls. Meanwhile, Sergeant Marheine was returning.

50 Q. Was Detective Sergeant Marheine your superior?

A. Yes. He was.

Q. Just looking at the notes, if we go to the next page, we've got details of, it would appear to be, registration of different cars?

5 A. Yes.

Q. Do you recall when you made those notes?

A. No. I don't.

10 Q. If we can go to the next page, which at the top, it's either "Ron" or "Roy", is it Milligan?

A. I think it's Millingen, I think. I vaguely recognise the name. It's a police officer, I'm sure.

15 Q. Then immediately enough – “was taught how to make bombs in Fairfield by Brajkovic”?

A. That's - yeah. That was Virkez, again, giving the information, because they knew how to make bombs.

20 Q. The phone number there, the 609-2328, do you see that?

A. Yes.

Q. Do you recall what that relates to?

A. No. I don't.

25

Q. You've given evidence that you contacted Detective Sergeant Marheine, and he gave you particular instructions.

A. Yes.

30 Q. What instructions did he give you?

A. Well, I had to contact the Special Branch immediately and give them the information that I had, and I was then to contact the District Detective Sergeant in Bathurst, who was the next level of - of authority over Sergeant Marheine.

35 Q. When you rang the Special Branch, were you given a name to contact, or did you just ring the Special Branch?

A. No. I think I just rang them.

Q. Do you recall--

40 A. No. No. John Krawczyk. Yeah, I did speak to John Krawczyk, but I'm not sure whether I was given his name prior to the phone call.

Q. But your recollection, and as recorded on your note, that it was John Krawczyk that you spoke to at the Special Branch?

45 A. That's right.

Q. The officer, the superior at Bathurst; who was that?

A. That was Detective Senior Sergeant Barry Pringle.

50 Q. After you contacted Krawczyk at Special Branch, did he give you any

instructions or tell you anything to do?

A. I don't think so.

5 Q. The information you gave him, was that the information that Virkez had told you about; the explosives, making the bombs, and particular targets?

A. Yes.

10 Q. At some point did Detective Sergeant Marheine return to Lithgow Police Station?

A. Yes, he did.

15 Q. Before he arrived, did you either make other phone calls, or did you receive some other calls from other police officers?

A. I don't think so.

20 Q. If you have a look at your handwritten note, can you see above Krawczyk there's a reference to - is it Ken Webster, AHS?

A. Yes. The - Ken Webster, is it?

25 Q. Yes.

A. It's difficult to read. Yeah, I see it there, yeah, no, AHS.

30 Q. Does that ring a bell at all?

A. No, it doesn't.

35 Q. Would AHS be Armed Hold Up Squad?

A. It could be, yes.

40 Q. What about Noel Morey, the name that's recorded there. Do you recall who he was?

A. Noel Morey. I think he was a Detective Inspector somewhere in Sydney.

45 Q. Looking at your note, do you recall whether you rang them or they rang you?

50 A. I don't have any memory of either ringing them or them ringing me.

55 Q. February 1979. Had you had many dealings with Special Branch?

A. None.

60 Q. The Armed Hold Up Squad, as at February 1979. Had you had many dealings with any of its members?

A. No, I don't think I'd had any dealings with them. I've probably met one or two of them.

65 Q. In what circumstances would you have met them?

70 A. More than likely - I don't know - a Court hearing? Yeah. I remember a Court hearing at Bathurst where there was a couple of members of the Armed Hold Up Squad giving evidence, when - and I was up there giving evidence in another matter, but there - I often went to Sydney with exhibits and all sorts of different things, before and after all this took place, actually. I had

5 regular - regular trips to Sydney. I had - I had a daughter who had leukaemia, and she was under constant treatment, so they used to load me up with anything that they had, as far as exhibits to be moved, or whatever it might be, and I'd take a trip to Sydney with - with my wife and my daughter for her appointment, and I'd do the jobs while she was being examined and we'd go home. So I could have met any number of them.

10 Q. The task that you've just described was a task where because you were going to Sydney you would be used to transport exhibits in other matters?
A. Yes. It could be any number of things. It was firearms and all sorts of stuff.

15 Q. The Breaking Squad. As at February 1979, had you had many dealings with any members of the Breaking Squad?
A. No. Don't think so.

Q. You contacted Detective Sergeant Marheine. He eventually arrived back at the Lithgow Police Station?
A. Yes, he did.

20 Q. When he arrived, was Mr Virkez still at the police station?
A. Yes.

25 Q. Was there a further discussion with Mr Virkez?
A. Sergeant Marheine; I gave him the notes, and he had - he had a conversation with Virkez about them. I'm just trying to find them in the transcript at the moment, but that's - yeah, he had a conversation with him.

30 Q. That conversation, did you record that in these rough notes?
A. No. No, he shut me, and he had the notes with him while he was speaking to Virkez.

35 Q. Can I just take you back to the notes. We've taken you to the top of - I think it's page 3, but it's got 672 at the bottom. Had taken you to certain names. Then there's a reference to a black Valiant. I think it's six, four before that.
A. 64 black Valiant. I can see that, yes.

40 Q. Do you recall what that was a reference to?
A. That would have been Virkez's vehicle.

Q. If you continue down that page--
A. Yep.

45 Q. --there's a reference to "Brajkovic has informed Virkez that he has--
A. It's "planted", yeah.

Q. --planted bombs before."
A. Yep.

50 Q. "And also shown him how to make light-switch activated bombs."

A. That's right, yeah.

Q. I won't read it all out, but again, is this a record of information that was being provided to you by Mr Virkez at that first meeting with him?

5 A. I'm pretty sure it is, yes.

Q. There's a note, "Believed to have someone else at Burwood keeping the explosives." Do you see that?

10 A. Yes, I do.

Q. Were any names given to you about who these other people would be who were keeping explosives?

15 A. I don't remember that bit, actually. I don't remember actually making - writing it down, but. I remember - I remember Virkez telling me the bit about letter bombs. Bebic knows the names of all the others. I don't - yeah, I don't remember that. Virkez told police. Yeah. My memory's pretty scratchy on it.

Q. If you go to the next page - sorry. You've noted "Special Branch Sydney", and then, is that "Barry Pringle from Bathurst"?

20 A. Barry, yep. Barry Pringle, yes.

Q. He was the overall superior that you rang?

25 A. Yes, I - he was the - the senior detective in the district, which is the Bathurst district, and Lithgow was one of the stations of the Bathurst district.

Q. Then if we go to the final page of the notes, you've got "Virkez, Vico", and then there seems to be a description of his appearance.

30 A. Yes. Yes, yes.

Q. Can I take you to the last entries there.

A. Probably "wearing".

35 Q. Yes, "Will be wearing" something "trousers, probably yellow shirt and or brown jacket."

A. Brown - yeah, that's right.

Q. That was volunteered or told to you by Mr Virkez?

40 A. Yes.

Q. Why was he telling you what he would be wearing?

45 A. Well, I presume to - to identify him, as opposed to any of the other people involved in this, because he was - he was at that stage obviously our informant.

Q. When you describe him at the moment as our informant, what if any repercussions did that have in how you dealt with him for the rest of the day, when you undertook the raids, et cetera?

50 A. Well, nothing, really. He left the office - it was probably at the end of when these notes were - were finished with. He was getting - he was getting a bit

agitated, because he was due to meet Maks Bebic at Virkez's home, I believe, and the time for that meeting was getting close, and he was getting a bit agitated because he - it was coming close, and I think the - the description and the - and what he would be wearing was so that if - if we raided the place,
5 which obviously was to happen in future, that he - he would be recognisable from - as opposed to Bebic or anybody else.

Q. Why would it be important that he be recognisable?

10 A. Well, I don't know. I mean, he was - yeah.

Q. You described that he was becoming agitated because he had to get back to Macauley Street to meet Bebic.

A. That's correct.

15 Q. Did either you, or in your presence, Detective Sergeant Marheine give him any instructions or directions about what he should do when he returned to the house?

A. Sergeant Marheine, I think, told him just to go back to - to do what it - what it was that he had intended to do. Continue on as normal, I think it was. I
20 think - I could be wrong - but from memory I think he had to go and buy some clocks before he went back to his house. Again, I'm finding it difficult to find anything on the transcript; it's very hard to read. I'm going on memory alone.

25 Q. In your notes you referred to that he reported that Maks Bebic was to come to his home with explosives. During this first meeting with him, did he describe or give any detail about what the explosives were?

A. I don't think so. I could be wrong. I don't - yeah. It - no, probably too hard to find it. It may well be that it was - what the explosives was, from memory,
30 was about 50 kilos of gelignite. I'm just - I'm just not sure whether that was actually mentioned or not, but that was what the explosives were alleged to be.

Q. That may have been something that you learned subsequently.

A. It could have been.

35 Q. When you attended the premises, for example.

A. No, I think - I think that was known prior to us actually going to the place. How it came about, I don't know. I just don't recall.

40 Q. After Mr Virkez leaves, you must have a conversation with Detective Sergeant Marheine. What do you either discuss or determine to do now?

A. I don't remember what it was. We went down to a place opposite Virkez's house and made some observations for a while, just to two of us, and we observed some - a couple of different things. Again, I have - I can't find the
45 right part of the transcript which deals with it, but we made observations from across the other side of Macauley Street and we were relieved - I think we saw a vehicle leave and then - and maybe come back and then Sergeant Pringle and Detective Hudson came down and relieved us at the - where we were at our, sort of, observation posts and we went back to the station, I think, for a while and after that--
50

Q. Do you remember when you were relieved of your observation duties, as you said, you went back to the station, then you returned and resumed those observation duties?

A. Yes, that's right, we did.

5

Q. At that point in your evidence you spoke about seeing Bebic walk down the house to a white Toyota station sedan and place something on the rear of it and then he walked back towards the house.

A. Yes, that's right.

10

Q. Then you gave evidence that you'd observed Virkez drive the Valiant with Bebic as a passenger and that you and Marheine then followed them?

A. That's right.

15

Q. You followed them to a shed or some kind of place at 3 Hepburn Street, Lithgow?

A. That was Bebic's house, I think. Yes, it was.

Q. Your--

20

A. We followed - yeah.

Q. Sorry.

A. Yeah, we followed the vehicle up to, I think, almost Bebic's house.

25

Q. Do you remember what you observed if Bebic retrieved anything from the place?

A. No, I don't think we observed that. We just knew that that's where it was and then we went - we left the area.

30

Q. On the way back do you lose the black Valiant?

A. Yeah, I think we did. Yeah. We lost sight of it, I think, in - we were later told about where it was. I think it might have been back at the house when it - back at his - Virkez's house.

35

Q. After you lost sight of the Valiant, did you go back to the police station?

A. I think so, yes.

Q. At the police station had any officers from Sydney arrived?

A. Yeah, a number of them.

40

Q. Do you remember Detective Sergeant McDonald and Detective Sergeant Turner had arrived at Lithgow Police Station?

A. I remember Sergeant Turner. I don't remember Detective McDonald being there, but I think - yeah, I think he was, but I don't remember him being there.

45

Q. Were there other police officers from Sydney there?

A. Several of them, yeah.

50

Q. At this point was the proposal to raid Macauley Street later on that evening? Was that discussed?

A. Yeah, I don't remember exactly what discussions were had, but, obviously, that was what was being planned, not by myself but by other people, obviously, and that's what, in fact, took place later on.

5 Q. You were going to participate in the raid?

A. Yes.

Q. Was there any form of briefing or discussion about what was going to happen during the raid at Macauley Street?

10 A. I don't remember. If there was an actual briefing, I don't remember what was said. I don't particularly remember the briefing, but I think we were all given, pretty much, the mechanics of how it was going to happen. So, like, "Okay. You go to this place and you go to that place and then after that, you do this and you do that". So it was planned out so it would operate smoothly or as smoothly as could be made. Yeah, that's about it.

Q. Do you remember any of those details of who goes where and what you do afterwards?

20 A. Yeah, I think - as far as my part of it was, I had to go to the back door of the house and be there to deal - help deal with whatever happened at that part of the house and when that was secured, I was to go back around the front and see Sergeant Marheine. That was pretty much my role.

25 Q. The officers who arrived from Sydney, was there one officer who seemed to be the officer-in-charge of the raid?

A. I think that would have been Sergeant Turner.

Q. Why do you think that?

30 A. I don't remember, really. I think he was just - I think, well - if - I think Sergeant McDonald, Angus McDonald, I don't remember him - well, I don't remember McDonald being in Lithgow. I don't - for some reason or other, I don't remember that - being there, but if he was there, he would've been in charge of the whole operation.

35 Q. Who would have been, sorry?

A. Detective Sergeant McDonald.

Q. Why do you say if he was there he would have been--

40 A. He would've been senior to Sergeant Turner.

Q. Can I take you back to the raid when it occurred. You said that your recollection was that you were directed to go around the back of the house to begin with and when that was secured to return to the front of the house where Detective Sergeant Marheine was?

45 A. I would meet him at the front of the house, yes.

Q. When you got to the house, did you follow the anticipated role, that you went around the back first?

50 A. Yes. Again, I don't remember actually doing that or going up the driveway or whatever took place, but I remember being at the door with my weapon

drawn--

Q. Can I just ask, you said, "I remember being at the door". Which door?

5 A. The back door of the house and Detective Hudson was on the other side of the door. We both had our service pistols drawn and Detective Musgrave, he was, I think, standing behind the car, the black Valiant, which was parked there and he had a military weapon, I think, drawn.

Q. To your knowledge, where was Musgrave from?

10 A. I think he was from Ballistics, but I believe he would have been a member of the SWOS Squad.

Q. You were at the back of the house. Who emerged from the house when you were there?

15 A. Bebic.

Q. Did he have anything with him?

A. No, not at that time. He had a - he had his hands in the air.

20 Q. Your recollection in the backyard was you and Hudson and you had your pistols drawn?

A. Yes.

Q. Also your recollection is Musgrave was there?

25 A. Yes.

Q. Do you recall whether he had a gun drawn?

30 A. He did. He had some sort of military - a long weapon. A long rifle or something. A military type weapon, I believe. That's my memory, but, anyway.

Q. Your recollection is Mr Bebic came out with his hands in the air?

A. Yeah.

35 Q. What was said or yelled to Mr Bebic when he came out?

A. I don't remember. I just remember that he was placed against the back wall of the house with his hands up on the wall and I think it was Sergeant Turner started to search him. There were other police there by that stage, but--

40

Q. Was Turner in the backyard, as well, or at the back of the house?

A. Yeah, he must've been.

45 Q. At the trial, Mr Bebic gave evidence that when he came out he heard somebody yell out, "Shoot the bastard". Did you hear anybody say that?

A. No.

Q. He also heard, "No shoot. No shoot". Do you recall hearing that?

50 A. No.

Q. He said he was handcuffed and hit hard on the back of his head. Do you recall, first, seeing him handcuffed?

A. No, I don't.

5 Q. Do you recall seeing him hit hard on the back of the head?

A. No.

Q. Do you recall Bebic being asked, "Where are the bombs?"

10 A. No. I probably left the area by that stage, I'm not sure. Probably more than likely I had gone down to the - to the front of the house.

Q. All right.

A. I don't remember him being handcuffed.

15 Q. I'm sorry, I didn't hear that?

A. No, I don't remember seeing him in handcuffs, so--

Q. Before you left the back of the house, did you see any of the police officers there beat Mr Bebic?

20 A. No, I never saw that. No. There were other officers there. I don't even know who they were, but there were other officers about, but I didn't know they were there until I turned around. We were totally engaged watching the door. So I don't know what was going on behind me at that stage--

25 Q. Before you left the back of the house to go around to the front of the house, did you see any violence being inflicted on Mr Bebic?

A. No, I didn't.

30 Q. When you went around to the front of the house, who was there at that point?

A. Sergeant Marheine was there, and I'm not sure who else. There were other people there, but I don't know who they were.

35 Q. There was going to be obviously a search of the house undertaken. Did you participate in that search?

A. No.

Q. Did you participate in any search of any of the cars? Like the black Valiant?

40 A. No. I didn't.

Q. Or the white Toyota?

45 A. No. I think that probably would have taken place after we left. Sergeant Marheine and I had, like, Virkez, and took him back to the police station. That was - I think that was pre-arranged.

Q. When you say it was pre-arranged, what do you mean by that?

50 A. It might have been my instructions before we actually went to the house to - to conduct the - the raid.

Q. To--

A. If you go - "you do that. Go and stand there. When you've finished, come around here and see Marheine. Bring Virkez to the station." I think that's how it went, anyway.

5

Q. Who gave you that instruction?

A. I don't know. I don't remember. I'm only - I'm just sort of surmising that's what it was, but my memory is not good.

10

Q. Mr Ingram, it's important that you give evidence about what you can recall, and not surmise. As you sit here today, can you remember somebody giving you an instruction when you were first at the Lithgow Police Station along the lines of, "Get Virkez and bring him back to the station."

A. No. I don't remember that. But that's what we did.

15

Q. Do you recall when you were at the house at Macauley Street, did somebody give you that instruction to take Virkez back to the police station?

A. No. I believe I was aware that I had to. Once I'd done my task at the back of the house, I was - I was to go around - around to the front and meet Sergeant Marheine and take Virkez back to the station. I'm pretty sure that's what I was told.

20

Q. You went around the back to the front of the house, and Detective Sergeant Marheine was there.

25

A. Yes.

Q. Where was Virkez?

A. I don't know when I first actually saw him. I think he might have been with Sergeant Marheine.

30

Q. Can I just pause. Do you have a recollection of him being with Detective Sergeant Marheine?

A. No. I don't. No.

35

Q. Do you recall transporting Virkez back to Lithgow Police Station?

A. I don't recall doing it, but it's - it's in my evidence given at the trial. So there's a lot of this stuff I don't - I don't really recall, even though I'm reading it.

40

Q. You and Detective Sergeant Marheine take Virkez back to Lithgow Police Station?

A. Yes.

Q. Do you know what happens to him at that point at Lithgow Police Station?

A. No. I don't remember. I don't remember it.

45

Q. Do you recall that you and Detective Sergeant Marheine and some other officers then went to another location in Lithgow?

A. Yes. We went back to Bebic's house and searched the house.

50

Q. Can I just stop you there. Bebic's house was at 3 Hepburn Street?

A. Yes.

Q. That was where you had made some observations earlier in the day?

A. That's right.

5

Q. You were part of the group of officers that searched 3 Hepburn Street?

A. Yes.

Q. Do you recall whether you found anything of note?

10

A. I didn't.

Q. Do you recall whether Detective Sergeant Marheine found anything of note?

15

A. He took a - I think it was a suitcase, or something similar. He took possession of that. I'm not sure what else of any note was found.

Q. At that time, if you were raiding premises and you were seizing, for example, a suitcase or some other items, was there any procedure in place that you had to record what you were seeing? Seeing where it was located?

20

A. No. I don't remember, but--

Q. You don't remember whether there was any procedure that you had to follow?

25

A. No.

Q. After the search at Hepburn Street, did you then return to the station?

A. I'm not sure. I think we did, yes. I think we did.

Q. We're still at 8 February. On 8 February, did you participate in a Record of Interview conducted with Virkez by Detective Sergeant Marheine?

30

A. Yes. I was present at that - that evening, yes.

Q. What was your role during the Record of Interview?

35

A. Again, I am not really sure, but I'm pretty sure I was just there to be a witness. Corroboration more than anything else.

Q. Do you recall whether you were typing the questions and answers?

40

A. I don't, but I think - again, Sergeant Marheine could have been typing the - the - the whole of the interview, and I was just there as an observer, I think, but I'm not sure of it.

Q. You just answered, "I think". Do you actually have a recollection of what you were doing at the Record of Interview?

45

A. No. I don't.

Q. The next day there was another Record of Interview conducted with Virkez--

A. Yes.

50

Q. --on 9 February?

A. 9 February, yes.

Q. Again, you were present at that Record of Interview?

A. Yes.

5

Q. As you sit there today, do you have any recollection of what your role was during that second Record of Interview?

A. No.

10 MCDONALD: Your Honour, could we bring up on the screen the transcript of the first Record of Interview, which is Exhibit 4.2-8.

EXHIBIT 4.2-8 SHOWN TO WITNESS

15 Q. Mr Ingram, do you see that's the first page of a document that's headed, "Record of Interview between Detective Sergeant Marheine and Vico Virkez at Lithgow Police Station on 8 February 1979. Other persons present P.C. Senior Constable Ingram", and then, "Interview commenced at 9.05pm."

A. Yes.

20

Q. Then you can see how it commences with, "Question 1: I am now going to ask you certain questions", et cetera?

A. Yes, I do.

25 Q. If we can just go through the document, you can see the next page starts with, "Question 3"?

A. Yes.

30 Q. I should just note right down the bottom of the page, there seems to be two signatures. One, Detective Sergeant Marheine?

A. Yep.

Q. And another one Vico Virkez?

A. Yes. I think it must be Vico Virkez's signature.

35

Q. Then if we go over to page 3, can you see a series of questions starting with, "Question 27"?

A. Yes.

40 Q. Then across the page, "Question 37"?

A. Yes.

Q. And then a final page 5, "Question 50 through to 53"?

A. Yep.

45

Q. Some final questions.

A. That's correct.

Q. Can I just go back to the page before, just at question 45. You can see:

50

"Q. We're coming to some final questions. Anything further you wish to say about this?

A. No.

5 Q. Can you read English?

A. Yes. I can read or write. Some words are hard.

Q. Are you prepared to read this typed Record of Interview to see if it's been correctly recorded?

10 A. Yes. I will.

Q. Will you read it out loud, or if you're having any difficulty reading it, I will have someone else read it over to you.

A. All right."

15

A. I see that, yes.

Q. Then in capitals it's got, "HANDED THE TYPED RECORD AND READS SAME OUT LOUD."

20 A. Yep.

Q. Then the next question is:

"Q. Do you agree that you have read this typed record of our interview?

25

A. Yes."

A. Yes.

30 Q. Do you have a recollection of Mr Virkez reading this out loud?

A. No. I don't remember.

Q. If somebody had difficulty in either reading English, could you sometimes bring another officer in to read it?

35 A. I think that was the case, yes. You could do that, from memory.

Q. Do you have a recollection of whether that was done here?

A. I don't know. It doesn't look like it to me.

40 Q. We took you through that very quickly, and if we can go to the next page. You can see, "Interview concluded at 10.20pm."

A. Yep.

Q. Do you have a recollection now of what your role was, or any more details about this Record of Interview?

45

A. No.

SHORT ADJOURNMENT

50 Q. Mr Ingram, can you hear me?

A. Yes, I can.

Q. Immediately before the break, I was taking you to the Records of Interview that were conducted with Vico Virkez--

5 A. Yes.

Q. --and I had taken you to the first one. There was another Record of Interview conducted with him on 9 February.

10 A. Yes.

Q. If we could bring up on to the screen the transcript from that Record of Interview, which is 4.2-10.

EXHIBIT 4.2-10 SHOWN TO WITNESS

15

Q. Mr Ingram, if you look at the top of that first page, you can say it's, "Record of Interview between Detective Sergeant Marheine and Vico Virkez at Lithgow Police Station on 9 February", and then I think we get to 1979. "Other persons present: P.C. Senior Constable Ingram"--

20 A. Yes.

Q. "Interview commenced at 4.10pm."

A. That's right.

25 Q. If you go through, I think it's about five pages, the interview concluded at 6.15pm. You can see that on the final page at 305.

A. Yes.

Q. What was your role during this Record of Interview?

30 A. I don't remember. I don't remember.

Q. Do you recall being present?

A. I don't remember the interview at all.

35 Q. Mr Ingram, I'm having difficulty in hearing you. Could you just repeat what you said, please?

A. I don't remember the interview. I can't recall the - the details of it.

Q. The various individuals, including Maks Bebic, were charged with offences. You know that?

40

A. I do know that, yes.

Q. You gave evidence, as we established this morning, that you gave evidence at the committal, and then at the trial?

45 A. Yes.

Q. Vico Virkez, he was also charged?

A. Yes. He was charged with something. I'm not sure exactly what.

50 Q. The preparation of a brief of evidence, if I can describe them as "the

Croatian Six", including Maks Bebic, were you put in charge of preparing that brief of evidence, or was it other officers?

A. No. I - no. I wasn't in charge of it, for sure.

5 Q. What about the brief of evidence against Vico Virkez?

A. No.

Q. Did you have any role in ultimately Mr Virkez pleading guilty, and in his sentence hearing?

10 A. No.

EXHIBIT 11.15 SHOWN TO WITNESS

15 Q. Mr Ingram, this document consists of two pages. Can I take you to the top of the first page.

A. Yes.

Q. Can you see it's headed, "Report relative to antecedents of Vico Virkez"?

20 A. It's a bit hard to read from here, but that's - that's better. What date? Dated 24 October 79. Yep. Yep. That's an antecedent report.

Q. You can see it was at the, "Central Court of Petty Sessions" on that date. Committed for trial at the Supreme Court, Darlinghurst commencing 24 March 1980.

25 A. Yep.

Q. On a charge of conspiracy to cause explosions.

A. Yep.

30 Q. The next section says, "I have to report that." And then for the next two pages there's information, but if we can go back to the bottom of the first page, can you see--

A. Yep.

35 Q. --under "name" there's a signature?

A. That's mine.

Q. If we go to the bottom of the next page, again, it's your signature, but there's a signature block with your name, and, "P.C. Senior Constable"?

40 A. That's right.

Q. If we can go back to page 1, can you see it gives details, background information, about Vico Virkez?

A. Yes.

45

Q. For example, in the second paragraph, "He informs me that he was born in a particular village in Yugoslavia. He's the third oldest in a family of three boys and one girl", et cetera.

A. Yes.

50

Q. Then it sets out details of Virkez's history.

A. That's correct.

Q. Was that information that you obtained from him?

5 A. It had to be, yes.

Q. When did you obtain that from him?

10 A. I don't know. I don't remember actually doing that for - I must have been tasked to sign that information out, because it's - it's one of the things that's needed to - for police to produce when somebody is - up before a District Court or up for sentence.

Q. In 1980, was this the practice? That if somebody was to be sentenced in the District or Supreme Court, an officer involved in the matter would obtain, as it's described, information about the antecedents of Vico Virkez, or of the particular person to be sentenced?

15 A. That's right.

Q. Just looking at the document, and I realise you don't have a recollection of its preparation, and if you need more time to read it, let me know, but it would appear that it is primarily information that you must have obtained from speaking to Mr Virkez?

20 A. That's - that's right, yes.

Q. As it says at the top of the first page of the document, Mr Virkez is in custody?

25 A. (No verbal reply)

Q. Can you see right at the top, "On bail" is deleted, and, "In custody" remains?

30 A. Yes, I can. Yes.

Q. Do you recall which gaol Mr Virkez was in?

35 A. I'm not sure what gaol he would have been in when this was taken. But I visited him once in Parramatta Gaol. I don't think this document was prepared from that visit, but that's the only time I - I ever saw him in custody after having - after he was - yeah.

EXHIBIT 12.6 SHOWN TO WITNESS

40

Q. I just pause at that first page. Mr Ingram, these are an extract from the records of Corrective Services recording people who have visited Parramatta Gaol, giving details as to the date, the name of the person visiting and their particular designation or occupation.

45 A. Yep.

Q. It doesn't record who they visited.

A. Okay.

50 Q. Could we go through on that document to page 86, down the bottom. Can

you see at the top there's a date, 24 March 1980?

A. I can't read it, but I'll take it that's what it is. 24 March 1980, was it?

Q. Yes. Is that better for you?

5 A. Yeah, that's better. Thank you.

Q. Ten names down, can you see, "Name: C Ingram", and then to the right, "Police station, Lithgow."

10 A. Yes.

Q. I just want to take you to another entry before I ask you some questions. Could we go through to page 89, please, and maybe if we could expand it?

15 A. Yeah. 16 - 16 May, by the look of it, 1980.

Q. I think it might be 14 May.

A. Sorry. I beg your pardon; 14 May 1980.

Q. If you go down about four names, can you see your name, Lithgow Police?

20 A. Yes.

Q. Underneath there seems to be, is it, "O Carter", or "D Carter"?

A. Owen Carter, is it - yeah, O Carter.

25 Q. Again, with "Lithgow Police"?

A. Yes.

Q. Just pausing there. As I said, there's no record of who you visited on those occasions, but it would appear from the log book that you visited Parramatta Gaol by yourself on 24 March, and then also in the company of Owen Carter on 14 May 1980.

30 A. That - yes, that looks like the case.

Q. The preparation of the statement of antecedents; is that a matter that you would have visited Mr Virkez in gaol to prepare?

35 A. Yes.

Q. Was your practice that if you were seeing an offender to prepare such a document, would you go with another officer, or would you go by yourself?

40 A. If there - if you were normally working in a pair, yes, you'd go as a - you'd go with another officer, which I think might have happened on this occasion. Obviously, Owen Carter, and that probably would have been when I prepared the antecedent report. Well, the first - the first occasion - excuse me - the first occasion I attended, which was back in March.

45 Q. Yes.

A. I attended on my own. I remember that.

Q. You recall visiting Parramatta Gaol by yourself around 24 March 1980?

50 A. Yes, I do.

Q. Who were you visiting on that occasion?

A. It was Virkez.

Q. On that occasion what did you discuss with him?

5 A. I was asked to - by Sergeant Marheine, I think, to go and see him. I was
actually attending Sydney with - for a number of other matters which I've - I've
outlined previously, and I was asked to see him because he was becoming
upset that he'd spent too much time in gaol, so I went and saw him. I had a
10 fairly short conversation with him, in which he expressed the opinion he'd been
in gaol long enough, and he wanted to go home, and I took that information
back to Sergeant Marheine, who later on, after returning to Lithgow. I
remember that. I remember that particular visit because I had my wife and my
daughter in the car at the time, and I left them sitting outside the gaol.

15 Q. Can I just ask you; the sentence hearing of Virkez, according to our
records, happened on 25 March and 11 April 1980.

A. Okay.

20 Q. Which would have been a day after your visit by yourself, but after the visit
with Owen Carter.

A. Okay. I - no, I don't understand it.

25 Q. To ask probably a straightforward question; the statement of - Mr Ingram,
what I was going to ask you was the statement of antecedents would have to
be prepared before the sentence hearing.

A. Yes, and the date of that was?

Q. It commenced on 25 March.

30 A. Rightio.

Q. And then if we can go back to Exhibit 11.15, and if we can go to the top of
the document but expand it a little bit more, please. What I'm interested in;
right at the top line which has "Lithgow. 2790. Station"--

35 A. Yep.

Q. --and then there's a date to the right?

A. Yes. It looks like it's cut off, somehow.

40 Q. It does. It's cut off, but it appears to be, I would suggest, 24 March?

A. Okay.

Q. Mr Ingram--

A. Yes.

45 Q. --I acknowledge that it's cut off, but looking at it, does it appear to be that
date?

A. It's hard to tell but if that's what it is, I'll accept that. I may have had the
purpose of my two visits mixed up, because I don't remember that one visiting
the gaol with - with Detective Carter, Owen Carter.

50

Q. You do recall a time that you visited Mr Virkez at Parramatta Gaol, because as you said, you were instructed to do it because he was getting upset that he was still in gaol, and that he wanted to go home?

5 A. That's pretty much - yeah, what I remember of it. It's - yeah, so I think they just wanted me to go and have a talk to him. See what his problem was.

Q. Sorry, I interrupted you.

10 A. That's all right. I'm - I'm pretty sure it was Sergeant Marheine who asked me to drop in and see him, because I was going to Sydney to do a number of other tasks, and I think I did it on the way home. They got me to see him at Parramatta Gaol. Had a short talk to him, and yeah, I'm pretty sure that was the one where he said, look, you know, I've in gaol long enough. I'm out. I want to go home, but I'm--

15 Q. I'm sorry.

A. Yeah. Again, I don't know which date that was, so I wasn't aware of the other date. I don't remember having done the antecedents, so I might have just been asked to get the antecedents from him, but that would have been about the only involvement I would have had, probably, in his sentencing
20 matter.

Q. From your recollection of the instruction to visit him because he was getting upset, and he raised with you the amount of time he'd been in gaol, and that he wanted to go home; was that a separate visit to a visit pre-sentencing,
25 when you got the information for the statement of antecedents?

A. I think it was, yeah.

Q. It would appear from the documents, Mr Ingram, that you did visit him on two occasions in Parramatta Gaol.

30 A. Yes, it does.

Q. One was to get information for the statement of antecedents?

A. Yep.

35 Q. Then the second one was when you were instructed to see him because he was getting agitated or upset.

A. That - yeah.

40 Q. You may have said this and I missed it; but who gave you the direction or the instruction to go and see him in the gaol, when he was upset about the amount of time he'd been in gaol?

A. I can only assume it was Sergeant Marheine.

45 Q. When you say you assume it was him; do you actually have a recollection of being instructed by Sergeant Marheine?

A. Not really, no.

Q. Why did you assume that it was him who gave you that direction?

50 A. Well, he was my immediate supervisor, and anything that I did in relation to seeing a prisoner like that would have been directed to me by him.

Q. To your knowledge, did Sergeant Marheine have any relationship with Vico Virkez before 8 February, when he arrived at Lithgow Police Station and spoke with you?

5 A. I didn't know that he had. I wasn't aware that he'd actually encountered him either, until sometime later. He had had some dealings with him, and I'm not sure what they were.

Q. But you discovered that later, after the raids?

10 A. After - after the eighth of February, yeah. Sometime after.

Q. Do you recall in what circumstances you learned about that prior contact between Sergeant Marheine and Vico Virkez?

A. No. No, I'm not.

15 Q. Do you recall any details of what those prior dealings or relationship was between the two men?

A. No.

HIS HONOUR

20

Q. Mr Ingram, I suspect it's probably because you're sitting a little bit closer to the camera that you were previously, but - that's better. Now I can see your whole face. That's good, thank you.

A. Sorry.

25

MCDONALD

30 Q. You recall attending Parramatta Gaol and having this meeting with Vico Virkez, where he said something along the lines of "I've spent enough time in gaol. I want to go home." The reference to home, did he say what he was referring to, or where he was referring to?

A. I don't remember.

35 Q. For example, was home Lithgow? Was home somewhere else in Australia, or was home overseas? Do you recall if he said anything to you?

A. I don't - I can't say for sure, but I - something tells me that it may have been to go back to Yugoslavia, or go back where he came from.

40 Q. When he raised with you something along the lines of he'd spent enough time in gaol; did he explain to you why he was of that view, that he'd spent enough time in gaol?

A. No, I don't remember any of that.

Q. Had he been sentenced by then?

45 A. I don't know. I don't know when he was sentenced.

MCDONALD: Your Honour, this morning I raised another matter with your Honour. Could I seek an indulgence of the Inquiry for just about a five minute break?

50

HIS HONOUR: Certainly.

Mr Ingram, I'm just going to take a short break, so we'll come back to you shortly.

5

WITNESS: Thank you, your Honour.

SHORT ADJOURNMENT

10 HIS HONOUR: Two housekeeping matters before we continue.

One is that I'm reminded that there is a non-publication order in respect of Exhibit item 12.6, which are the Corrective Services visitation records of Parramatta Gaol. That non-publication order is still in force. It does not extend to the oral evidence that has been given today concerning Mr Ingram's visits on those two particular dates in March and May 1980. That oral evidence is available for publication. The NPO still applies to the document.

15

The other thing is, I referred earlier this morning to there being directions as to parties notifying Counsel Assisting of proposed examination or cross-examination of witnesses. A request has been made which I'm prepared to accede to. Any material provided to Counsel Assisting in compliance with that direction is not for further dissemination and certainly should not be the subject of any discussion or dissemination to other witnesses. That covers it.

20

25

MCDONALD

Q. Mr Ingram, I want to return to your visit to Parramatta Gaol on 14 May 1980, it would appear, in the company of Owen Carter, another police officer at Lithgow.

30

A. Yes.

Q. Mr Virkez was sentenced on 11 April 1980 to two years, four months' imprisonment backdated to commence on 8 February 1979. The date that you visited him in May 1980, he'd done, roughly, over a year and about two or three months--

35

A. Yeah.

Q. --of that sentence?

40

A. Okay.

Q. Does that accord with your recollection of the sentence he received?

A. I - no. I think I was aware that he'd got a couple of years, but apart from that, no.

45

Q. Given that he's - and this is rough maths - he's got about another year to go in his sentence, did he say to you why he was - that why he thought he had spent enough time in gaol?

50

A. I can't remember if he gave a reason he thought that. He may have, but I don't know.

HIS HONOUR: Ms McDonald, can I ask would that sentence have been subject to remissions?

5 MCDONALD: I'm not sure too sure, your Honour, I would have to take that on notice. Remissions would mean it would result in a shorter period of time.

Q. Mr Ingram, his Honour just asked a question about whether the sentence would be subject to remissions.

10 A. Yes.

Q. Do you recall whether it would have been or whether that was a matter that was discussed with Mr Virkez?

15 A. I don't remember it being discussed. I can only assume that there would have been remissions involved. I always thought there were remissions involved in most of those things.

Q. I didn't take a note of your evidence before we had the short break, but you gave evidence that you were instructed to attend the gaol to speak to Mr Virkez?

20 A. Yes.

Q. Who gave you that instruction?

A. I assumed it was Sergeant Marheine.

25 Q. After your discussion at Parramatta Gaol where Mr Virkez said to you he'd spent enough time in gaol and he wanted to go home, did you report that to anybody?

30 A. I would've taken the information back to Sergeant Marheine. I don't remember.

Q. But if you were instructed by Sergeant Marheine, it would have been your practice to report it back?

35 A. Obviously, I would be - yeah, required to take information back to him. Yes.

Q. When you were visiting in the Parramatta Gaol, was any issue or topic raised about any contact or link Mr Virkez had with the Yugoslavian Consulate?

40 A. No, not to my memory.

Q. Yugoslav Intelligence Service?

A. No.

45 Q. Moving away from the visit in May 1980, before that visit had you ever - had Mr Virkez, when he came to see you in Lithgow Police Station during the Records of Interview, et cetera, had he ever raised any issue of a connection with Yugoslav Consulate?

A. No.

50 Q. Or any link--

A. ..(not transcribable)..

Q. I'm sorry.

A. Sorry.

5

Q. Or any link with--

A. No, I don't think so. No.

Q. Or any link with the Yugoslav Intelligence Service?

10

A. No.

Q. Do you remember a person called Stjepan Topic or Topic?

A. Topic.

15

Q. Topic.

A. Yes.

Q. Did you have any involvement with him?

A. Yes, I did.

20

Q. When did that involvement arise or when did it occur?

A. On the night of 8 February 79, late that evening. I went to Wallerawang and I brought Mr Topic back to the police station at Lithgow.

25

Q. Who provided you with information that caused you to go and get him and bring him back to the Lithgow Police Station?

A. It would have been Sergeant Marheine, I believe.

Q. Do you remember what Sergeant Marheine said to you about Mr Topic?

30

A. I don't remember that it was him, but I assume that it would have been Sergeant Marheine, but I don't know what he said. It was just, likely, to bring him back.

Q. After bringing him back to Lithgow Police Station, did you have any role in interviewing him or obtaining any further information from him?

35

A. Not that I remember.

Q. Were you involved in any subsequent police investigation into Mr Topic?

40

A. I was given the task of preparing the brief in relation to Mr Topic regarding the theft of the explosives and I didn't complete that.

Q. You did or you didn't?

A. I didn't complete it. I--

45

Q. I'm sorry, Mr Ingram, I was distracted. You didn't complete that task?

A. I did not complete it. I'm not sure what I did on it at all. The simple fact is I made a very serious mistake and I got the Court dates wrong and I didn't have a brief prepared on the date that he appeared at Court and the matter was dismissed.

50

Q. Mr Ingram, you said that you were given the task of preparing the brief of evidence for the charge of theft of explosives?

A. Yeah.

5 Q. What did that task involve? Did you actually have to investigate it or was it a matter of relying on the investigation of others and putting together a physical brief of evidence together?

10 A. It was putting a brief of evidence together. I don't remember exactly what I would've done, but I did very little if anything on it and I got the dates mixed up and I kept putting it off and I - all of a sudden I'm standing in Lithgow Court without a brief and Mr Topic is there with a barrister and he - and it was his hearing date.

15 Q. Was it the case to your recollection that other police officers were investigating the charge or the conduct that led to the charge?

A. I don't know.

20 Q. Do you recall the matter that was dismissed before, was it, Lithgow Local Court, was that a committal hearing or was it being dealt with by the magistrate?

A. I don't know. I don't remember. I remember that he was being represented by a barrister. A gentleman from Penrith, I believe.

25 Q. Details of what was to be put in the brief of evidence, what statements were obtained or other evidence, do you have a recollection of that?

A. I don't think I did very much on it at all. I don't think I - I certainly didn't have a brief prepared. I didn't have any - anything to go in there and present to the Court.

30 <EXAMINATION BY MR BUCHANAN

Q. Mr Ingram, could I ask you please to have a look again at Exhibit 4.2-95, page 670. Sorry, Mr Ingram. My name is Buchanan. I represent the petitioners, the people who applied for the Inquiry.

35 A. Yes. Yes, sir.

Q. I wonder if we could enlarge the top of the page. Counsel Assisting asked you about the names that are written on the top left-hand side of that page.

40 A. Yes.

Q. Is it possible that the name "Misimovic, Vitomir, Vico Virkez", and the address--

A. Yes.

45 Q. --were written by Mr Virkez?

A. Yes. Yes.

Q. The names Ante Zvirotic, Maks Bebic, Vjekoslav Brajkovic; that they also were written by Mr Virkez?

50 A. They were given by Virkez; yes.

Q. It's not a case of you writing down what he told you; he wrote those names down, as well as the suburbs after those names. Is that right?

5 A. I very vaguely remember that - I believe he wrote something on the notes, and I'm not sure what it was, but I don't really see a difference in the - in the writing.

Q. But you knew how to spell Ashfield and Fairfield, didn't you?

A. Yeah. Yes.

10 Q. But they're not spelled correctly there, are they?

A. No, they're not. I beg your pardon, yeah. That's probably his writing.

15 Q. That's all in relation to that document, thank you very much. Do you recall that there were any enquiries from or conversations with anyone that you understood to be attached to the Commonwealth Police in this case?

A. I had no connection with them at all. I had no - no dealings with the Commonwealth Police.

20 Q. Do you have a recollection that anyone attached to the Commonwealth Police came to Lithgow on 8, 9, or 10 February 1979?

A. I have no knowledge of any attendance of Commonwealth Police there at any time.

25 Q. Did you ever hear of a man called Roger Cavanagh, spelled with a C? C-A-V-A-N-A-G-H.

A. No. No.

30 Q. Can I ask you about the first Record of Interview with Mr Virkez, at which you were present, which says that it was conducted on the night of 8 February 1979.

A. Yes.

35 Q. Does that document record everything that was said by Mr Virkez between the commencement time and the conclusion time?

A. I don't know. I don't remember the interview in - in detail at all. I presume it would.

40 Q. The document is purportedly signed by Mr Virkez.

A. Yes.

Q. Was there any reluctance on the part of Mr Virkez to signing it?

A. I don't know. I don't remember it.

45 Q. Was he bashed in order to get him to sign it?

A. No. I would have remembered that.

Q. Was he bashed at all, at Lithgow, to your knowledge?

A. I have no knowledge of that.

50 Q. Did you ever come across, in relation to this matter, a Special Branch

detective called Jefferies?

A. I met him. I'm not sure when it was though, but I didn't have any particular dealings with him.

5 Q. What were the circumstances in which you met him?

A. I don't - I don't think I met him at Lithgow. I think I might have met him in Sydney, on one of - one of the visit there, somewhere, but I - yeah, but I remember the name, but I didn't have any - any dealings with him as far as police work or in that - or any in that way.

10

Q. There are three Records of Interview consecutively dated 8, 9 and 10 February.

A. Yes.

15

Q. You were recorded as being present for the interviews conducted on 8 and 9 February.

A. Yes.

20

Q. But not the interview conducted on 10 February.

A. That's right.

Q. Do you have a recollection of why it was that you weren't there at the interview on 10 February?

A. No.

25

Q. The Inquiry has evidence from Sergeant Marheine that the police station was short staffed at that time, that rough period of time, and it wasn't possible for him to obtain another police officer to be present during the interview. Is it possible that you were not on duty on 10 February 1979?

30

A. It might - it might have been. I don't remember.

Q. Did you ever hear the name Ilija Kokotovic?

A. Yes, I did.

35

Q. When was the--

A. But I don't know when though.

Q. My next question was going to be when or in what circumstances did you first hear that name?

40

A. I think it was - it would have been after all the - well, after the smoke had cleared, I suppose. Sometime after the - we - we did what we needed to do in the - in Macauley Street. I don't know whether it was at - immediately after that, or sometime after, but there was Kokotovic, and there was--

45

Q. Two Kokotovics; one Joseph, and one Ilija, and one Nekic?

A. Bekic (as said). That's right, yeah.

Q. But it was long after that Friday, Saturday, Sunday; 8, 9 and 10 February 1979. Is that what you're telling us?

50

A. Yes. Yeah, I wouldn't have heard those names at that stage, I

think. They - they were members of the - of the people that were arrested in Sydney, and I didn't know what had happened in Sydney for some time. But do remember; I was pretty much a junior at the time all this happened, so I wasn't sort of told anything.

5

Q. Did you speak with any police on the night of 8 February 1979, about what they had been doing, at the time that Sergeant Marheine was talking with Mr Virkez?

A. I'm sorry, I don't understand.

10

Q. Did you have any understanding that Mr Bebic was being interviewed?

A. No. No, I don't remember anything about his - his being interviewed. I don't think I had any involvement with it.

15

Q. Do you have a recollection of being told anything about what had happened when he had spoken with police?

A. No.

20

Q. So although you had some continuing involvement in the matter, is it right to say that you didn't have very much to do with the investigation in relation to Mr Virkez?

A. No.

25

Q. That's to say you're agreeing that you didn't have much to do with the investigation into him.

A. No. No, not after the actual raid and that, and the results of that, that evening. I don't think I had any dealings with him, apart from the visits to gaol for antecedents, and another one to have a short conversation with him.

30

Q. Can I ask you about the first visit to see Mr Virkez at the gaol.

HIS HONOUR: Mr Buchanan, perhaps that might be a convenient time to take the break, and we'll proceed with that after.

35

Mr Ingram, we're going to take the lunch break now. We'll have you back at 2 o'clock. All right?

WITNESS: Thank you, sir.

40

LUNCHEON ADJOURNMENT

BUCHANAN

45

Q. Mr Ingram, can I show you, again, please, your antecedents report on Mr Virkez. I think it's Exhibit 11.15.

EXHIBIT 11.15 SHOWN TO WITNESS

50

Q. My question to you is: would you mind just reading to yourself, please, the first, say, four paragraphs, because what I want to do is show you another

document, and then ask whether it seems similar.

A. Okay.

5 Q. So the question is: could you please read to yourself the first four paragraphs. I really mean the second, third, fourth, and, say, fifth paragraph, just to remind yourself as to how it was phrased.

A. Okay. So I've read that.

10 EXHIBIT 7.1, RED PAGE 15, SHOWN TO WITNESS

Q. Mr Ingram, are you able to see that? We might just enlarge the top of that page. I'm just asking you, if you wouldn't mind, please, reading the words after "witness" in the third-printed line there.

A. Yes.

15

Q. Just to about halfway down. My question is: does it seem very similar to you to what is in your report? Indeed, word-for-word?

A. Hang on one second. That's pretty much, you know, the same.

20

Q. If I could ask whether we could show you the bottom of that page, you can see who said that. Can you see the bottom of the page there?

A. Yeah. Yeah, I can. Detective Sergeant Turner's name there.

25

Q. That's right, and if we can go back up to the top of the page, please. You see the first things attributed to Detective Sergeant Turner are, "The witness was not known to me prior to his arrest; however, he informed me".

A. Yes, that's - yeah, I can see that.

30

Q. Is there anything you can help us with as to how it would be that Detective Sergeant Turner would have been saying that Mr Virkez informed him of what, according to your antecedents report, he informed you, word for word?

A. I can't help with you that. I didn't even know this thing existed. Is that another antecedent report?

35

Q. I'm not in a position to assist you, other than to--

A. Sorry.

40

Q. --other than to show you Tender Bundle Tab 12.6, red page 79. Can you see "Det. Sgt. Turner" written there? "Special Breaking Squad, CIB"?

A. One second, I've just--

45

Q. It's towards the bottom of the page.

A. Yeah, yeah. Detective Sergeant Turner. Yes, about four or five from the bottom.

50

Q. That's right, and that's against the date 19 March 1979.

A. Yep, okay.

Q. Are you able to help us as to whether Detective Sergeant Turner took the antecedents that you signed?

A. I don't know. I can't help you with that.

Q. Please assume that on 25 March Mr Virkez appeared in the Supreme Court and pleaded guilty to one count of conspiracy to cause explosions.

5 A. Okay.

Q. That's the day after your visit on 24 March.

A. Okay, I--

10 Q. My question--

A. Yep, sorry.

Q. My question is was there any discussion with Mr Virkez on your visit of 24 March 1980, of Mr Virkez pleading guilty?

15 A. No. I don't know anything about that.

Q. Do you mean it's possible that that was discussed between you and him, or that you can say no, it wasn't?

20 A. It is I don't - didn't have any conversation with him at all about his plea on anything. That's actually the - the antecedent report that I've been shown here today, that's the first time I've seen that, and I didn't have any knowledge of it. Why that's - why there are that document and another document pretty much the same; I don't know.

25 Q. You agree it would seem surprising that you visited Mr Virkez in gaol on 24 March--

A. Yep.

30 Q. --and he pleaded guilty on 25 March, and that you and he had no discussion about that at all?

A. No discussion about his plea?

Q. Yes.

35 A. I wouldn't have had a discussion about him with his - about his plea, no. I wasn't handling his brief. I wasn't in charge of it. Not really very clear--

Q. Sorry?

HIS HONOUR

40

Q. Mr Ingram, could you sit back a little bit please, from the camera?

A. Sorry.

BUCHANAN

45

Q. Why in that case were you taking his antecedents?

A. All I can offer is I was probably asked to go and do it, and probably - yeah, because somebody else couldn't - couldn't attend. I don't know. I really can't help you with it.

50

Q. Your second visit to Mr Virkez, the one on 14 May 1980.

A. Yes.

5 Q. Was a week before Mr Virkez started his testimony for the Crown in the trial of the Croatian Six.

A. Okay.

10 Q. Because that was on 21 May 1980; Exhibit 2.1, day 27, red page 882. My question is, given that it was only a week before Mr Virkez started giving his evidence, was there nothing said between you and Mr Virkez on 14 May 1980 about him giving evidence?

A. No, I didn't have any conversation with him about him giving evidence at all.

15 Q. You're quite sure about that?

A. Yes, I am. I didn't have a conversation with him about his evidence. I'm still mixing up the two, what happened at both these visits, because I didn't even remember the visit where I went with Owen Carter. That's the first I've seen of it today. The only visit I remembered was the one where I went there
20 on my own, because I had my wife and child with me. I don't know which one was which, but, no, I didn't have a conversation with him about his plea or his evidence or anything.

25 Q. Was any record made of what was said between you and Mr Virkez or what Mr Virkez said in respect of either of these visits?

A. Only - as far as the antecedent report went and he was asked questions, "What's your background? Where did you go to school?" All that sort of stuff. That's the information which is contained in the antecedent report, but
30 the other - when I visited him and he wanted to speak to somebody about the fact that he'd been in gaol too long and he wanted to go home, no, I didn't take any notes of that. I just had a very short conversation with him and I said I'd take what he said back to John Marheine.

35 Q. In respect of either visit, did you, to use your words, take back to Sergeant Marheine what Virkez had said to you?

A. Pretty much so, yes.

40 Q. You say that Mr Virkez on the occasion, I think, of this second visit on 14 May was agitated about his sentence?

A. I don't know whether he was agitated about his sentence, but he just said he'd spent long enough in gaol and he wanted to go home. That was pretty much the whole thing. That's why it was a fairly short conversation.

45 Q. You didn't convey to him that the length of time that he would spend in gaol might be affected by the evidence that he gave--

A. No.

Q. --or was due to give?

A. No.

50

Q. Can I ask you some questions about Mr Topic. Did you arrest Mr Topic and bring him back to the police station?

A. Yes.

5 Q. Where did you arrest him?

A. Where?

Q. Yes.

10 A. In Wallerawang. I don't know exactly where. I don't know whether I went to his house, I don't remember, but I brought him back - I found him and brought him back from Wallerawang to Lithgow.

Q. Was there any search conducted of Mr Topic's house?

15 A. Not by me. I didn't go - I don't know whether I actually went to his house, but I presume I did, but, no, I didn't search his house.

Q. What was Mr Topic charged with?

20 A. He was charged with, I believe, stealing the explosives the subject of all this.

Q. Not possession of--

A. Or being a part of the theft of the explosives.

Q. I apologise for interrupting.

25 A. Sorry.

Q. You don't have any recollection of him being charged with possession of explosives?

30 A. He was charged with something to do with the actual explosives. That's all I know. I don't think I was there when he was actually charged.

Q. Was any police officer with you when you brought Mr Topic back to the police station?

35 A. I don't remember.

Q. Was Mr Topic interviewed?

A. I don't know.

Q. Who was the officer-in-charge of Mr Topic's case?

40 A. It would've been Sergeant Marheine, I presume.

Q. There's a Special Branch report dated 8 March 1979 that the Inquiry has, Exhibit 11.5, which says that Mr Topic was arrested at 6 Macauley Street and charged with possession of explosives. What do you say to that?

45 A. I don't know anything about that. I brought him back from Wallerawang to Lithgow pretty late on the night of 8 February. Very late.

Q. Did you have an understanding of where Mr Topic had been before you picked him up at Wallerawang?

50 A. I have no idea. I don't remember. I didn't have much of a conversation

with him at all. I just brought him back to Lithgow to be spoken to by the police.

Q. Was Mr Topic at 6 Macauley Street?

5 A. Not 6 Macauley Street at all. That's Virkez's address.

Q. Was he found in possession of explosives?

A. I don't know.

10 Q. There is a witness statement that the Inquiry has, Exhibit 11.51, in the name of Stjepan Topic. Now, the name of the--

A. Stjepan Topic, yes. 55 Lett Street. I can see that, yes.

Q. Did you have anything to do with this statement being taken? If we could scroll to the bottom, so that the witness can see it. Is it visible?

15

A. No. I don't know. I don't have - think I had anything to do with that. I don't remember it at all.

Q. I'll just, for the record, note that the image of the second page of the statement has the signature of any witness obscured by another piece of paper, and so it's not possible to tell whether it was witnessed, and if so, by whom.

20

A. Okay.

Q. There's nothing in that that's visible in that statement about stealing explosives with Maks Bebic, or about possessing explosives?

25

A. No. I haven't read it. I'm just trying to read it now, but I - I don't know. I don't see anything there. I'm finding it difficult to read, but I don't--

Q. If you were in charge of putting the brief together, isn't it likely that you took this statement?

30

A. I haven't seen that statement. That was the problem. I didn't put a brief together, and that's the reason he walked.

Q. I want to ask you a different question now, if I can, please, Mr Ingram.

35

A. Yes.

EXHIBIT 13.13(A), RED PAGE 60, SHOWN TO WITNESS

Q. What I want to show you is a page from the report of the Royal Commission into the New South Wales Police Service, which, of course, was much later than the events that we've been talking about in 1979 and 1980.

40

A. Yes.

Q. If you could go down to the second-last item there. You'll see that it's essentially a glossary of terms, and a definition of those terms. The second-last one is, "Verbal. False evidence given by police that a suspect had confessed, or made inculpatory remarks at the time of arrest or during an interview." During your time in the New South Wales Police Force, were you ever aware of police officers verballing suspects?

45

50

A. No. I never - I don't think I'd ever seen it happen, but it was fairly common knowledge that it did.

Q. Did you ever verbal anyone?

5 A. No. I haven't.

EXHIBIT 13.13(A), RED PAGE 111-107, SHOWN TO WITNESS

Q. If I could draw your attention to the seventh dot point in paragraph 6.20.

10 A. "Institution tolerance".

Q. The paragraph starts out, "Several other organisational factors emerged as contributory factors. They included", and the seventh dot point is, "An institutional tolerance of brutality, and particularly for unnecessary assaults of persons under investigation or in police custody."

15

A. Yes. I see that.

Q. During your time in the police force, were you ever aware of police officers assaulting anyone in custody?

20

A. Yes.

Q. How often did that happen in your experience?

A. It was a long time ago, but it was - it happened a bit. It happened a bit.

25

Q. Was Mr Virkez assaulted in custody?

A. I have no idea. I don't believe so.

Q. Were you with him in the period before he was interviewed by Sergeant Marheine?

30

A. I don't know. I don't believe so.

Q. My question is: what was going on with Mr Virkez in the period immediately before the Record of Interview commenced? Do you know?

35

A. No. I don't.

NO EXAMINATION BY MS NEEDHAM, MR BROWN AND MS BASHIR

<EXAMINATION BY DR WOODS

40

EXHIBIT 7.1-6, PAGE 14 AND 15, SHOWN TO WITNESS

Q. Can you read the bottom line, few lines of that, sir?

45

A. The bottom couple of lines? "Crown Prosecutor", what - question, "What is your full name, please, Sergeant?" "A. My name is Kelvin Ed - Kelvin Edward Turner. I'm a Detective Sergeant of Police stationed at Special Breaking Squad, South East Sydney." "Sergeant, Would you give the antecedents of the prisoner as they are known to you?" "Yes, sir."

50

Q. Thank you. Go to the next page. Could you read out the first two lines there?

A. First two lines? I say - no, "Mr Collier: I may tell your Honour that the prisoner has been shown the antecedents by me and agrees that they relate to him."

5 HIS HONOUR: Just a note; on red page 13, which is the beginning of this day's transcript, it's indicated that Mr Collier is the solicitor appearing for the prisoner.

WOODS: Yes, thank you, your Honour.

10

WITNESS: ..(not transcribable)..

WOODS

15 Q. Do you see anywhere on the following page that Mr Turner says he wrote the antecedents? See where it says, "Witness: The prisoner was not known to me prior to his arrest." You were asked some questions about this, and my learned friend put to you that it appeared to be the same as the document you did prepare.

20 A. It seems to be, yes.

Q. If you prepared a document, would it have been given to somebody else?

A. Well, it may well have been.

25 Q. It wouldn't necessarily be you who was giving the antecedents to the Court.

A. I - I didn't give antecedents to the Court for Virkez.

Q. You were asked some questions relating to the Royal Commission Report from 1997, I think. Is the statement you made for the 1980 trial true and

30

correct?
A. Sorry? Yeah, the statement I made?

Q. Is the statement - was it an honest statement of what you believed to be true?

35

A. I haven't seen that statement since - yeah, since prior to the trial.

Q. Assuming that there was a statement, do you say it would have been true and correct?

A. It would have been, yes.

40

Q. Is the evidence that you gave in the 1980 trial true and correct?

A. Yes. To my memory, yes.

Q. Did you fabricate any evidence against the accused, or any of them?

45

A. No, I did not.

Q. Did you hear any talk by other police about fabricating any evidence in this case?

A. No, I did not.

50

Q. Did you in any way assault or threaten any of the accused in this case?

A. No.

5 Q. Did you see any other police officer assault or threaten any of the accused in this case?

A. No, I didn't.

10 Q. Did you hear talk among any police suggesting that evidence had been fabricated against any of the accused, or that any of the accused had been assaulted or threatened in this case?

A. Yes, I did.

Q. What was the talk that you heard?

15 A. It was in relation to Bebic, and it was - Bebic had been punched, and he said, "You hit me, you killed me. I'd be dead, I'll tell you nothing."

Q. You mean by that that you heard allegations emanating from the accused about violence?

20 A. No, I heard a conversation. Overheard a conversation.

Q. Between whom?

A. I don't know who it was. I didn't see them.

Q. But between police?

25 A. I presume so, yes.

Q. What were they saying?

30 A. That - that he was - he'd been punched and you know, that's what he said, he said ..(not transcribable)..

Q. That he said he'd been punched?

A. That Bebic said, yeah.

35 Q. You're not saying that the police said that he'd actually been punched, but that he said he'd been punched?

A. No. I heard a conversation that he - Bebic had been, was where he punched, and he said, "You hit me. You killed me. I'd be dead, I'll tell you nothing." That's all it was.

40 Q. Do you know when that was?

A. It's - yeah, late that evening.

Q. On the?

45 A. 8th. 8 April.

HIS HONOUR

Q. Do you mean the day of the arrest?

50 A. Yes, sir. That's the day of the arrest.

Q. So that's 8 February 1979.

A. Yes.

WOODS

5

Q. Having heard that, did you do anything about that?

A. No, I did not.

Q. Do you remember where it was?

10 A. I think it was in the detectives' office at Lithgow Police Station.

Q. Was it when Bebic was there?

A. No, I was in the office alone at the time, I'm sure.

15 Q. There's only yourself and one or more other police officers?

A. Yeah. No, just me.

Q. Just you?

A. Yeah.

20

Q. Who said what?

A. I'm sorry?

Q. Who said something?

25 A. I don't know who they were. I didn't see them.

HIS HONOUR

Q. How many other people were there?

30 A. There was nobody with me in the office, no. I heard the--

Q. You heard one or more voices. Where were they coming from?

35 A. Coming from the hallway which ran past the office, the next room to the detectives' office was a meal room and then on towards other rooms to the front of the building, the front exit to the building, but I - yeah, that was it. I was there on my own doing I don't know what. Yeah. I just overheard that and that was it.

WOODS

40

Q. But could you tell us more accurately what it was that you heard? What words did you hear?

45 NEEDHAM: Excuse me, your Honour, before the evidence is given I wonder if the witness could be asked to sit back so that people with hearing problems might be able to see his lips.

WITNESS: I apologise.

50 HIS HONOUR

Q. Yes. It's hard to hear you very clearly when you're leaning forward like that, so sit back, speak slowly, speak clearly. Okay.

A. He was being punched.

5 WOODS

Q. Right, but who was saying this?

A. Well, I don't know who they were. He was being punched and he said, "You kill me, I'll be dead. I'll tell you nothing".

10

HIS HONOUR

Q. Could you just repeat that part for me? I didn't quite catch it.

A. Sorry.

15

Q. Say it slowly so I can get every word.

A. Okay. He was being punched and he said - I heard him say this, said, "You hit me, you kill me, I'll be dead and I'll tell you nothing".

20 WOODS

Q. Was that the--

A. And that's it.

25

Q. Was that the whole of the conversation that you heard?

A. Yeah, that's pretty much it.

Q. Did you mention that to Sergeant Marheine?

A. I didn't mention it to anybody.

30

Q. Did you make a note of it?

A. No, I did not.

Q. Was this after the interview by Bebic with some police?

35

A. It was just - I don't know.

Q. Well, did this happen after the interview with Virkez in which you had been involved or which you had been present at?

A. I'm not sure what time the interview with Virkez was.

40

Q. You don't know whether it was before or after?

A. I don't know. No, I don't. I was in the office there on my own doing something, I don't know what. It was where I heard it and shortly after that I just left the office and went somewhere else to do something else.

45

Q. And you don't know who it was?

A. I'm sorry?

Q. You don't know who the speakers were or the speaker?

50

A. No, I don't. I didn't see them. I didn't leave and see them.

Q. Was it on the day of the arrest of Virkez?

A. It was at night.

<EXAMINATION BY MS MCDONALD

5

Q. Mr Ingram, can I ask you some questions about that last evidence you gave.

A. Yes.

10

Q. We're taking notes as you were giving evidence, so we might not have got it correct, but you're talking about the night of the raid?

A. Yes.

15

Q. You were back at Lithgow Police Station?

A. Yes.

Q. Where were you?

A. I'm pretty sure it was in the detectives' office.

20

Q. Did you have a desk in the detectives' office?

A. Yes, I used to - yeah. Yeah.

Q. Did you hear voices and the conversation was outside the detectives' office?

25

A. Yes, I believe it was in the hallway. Somewhere behind me in the hallway, probably.

Q. The voices that you've heard, you've given evidence that you couldn't identify who was speaking.

30

A. I didn't.

Q. But what were their voices like? When I say, "like", would you sit back and think they're Australian-speaking or did anybody speak with an accent?

35

A. No. I don't think so. I don't remember, but it's a long while ago.

Q. You don't think it was anybody speaking with an accent?

A. I don't think so, no. That's as far as I can take it.

40

Q. You heard somebody say there was a reference to Mr Bebic having been punched?

A. Yes.

Q. Again, the note we have is, hee said, "You hit me. Kill me. I tell you nothing."

45

A. That's pretty much it, yeah.

Q. Was it the one person who was talking about Mr Bebic having been punched, and then saying, "You hit me, kill me, I tell you nothing."

50

A. Yes. I think it was just the one voice. I didn't hear - I don't remember hearing a - a reply or a conversation between them. It was just a story being

told by one person to another, as far as I can remember.

5 Q. When you say, "One story being told by one person to another", by referring to a story, do you mean giving an account of something that was said, or something that was alleged?

A. I don't know. I don't know. I just--

10 Q. Do you remember on 8 February 1979, you had a rather busy night.

A. Yes.

15 Q. You were at 6 Macauley Street?

A. Yes.

20 Q. Then you took Mr Virkez back to the police station?

A. Yes.

25 Q. Then you went back to, I think it was, Hepburn Street--

A. Yes.

30 Q. --and conducted the search there.

A. Yes.

35 Q. Then I think you went back to the police station?

A. Yes. I think we also - I also involved in some of the evacuation between that as well.

40 Q. What was the evacuation that you're talking about?

A. Well, there was - because of the amount of explosives that apparently were found there, there was a problem with the safety of the area. So some police had been tasked to go and try and evacuate houses near 6 Macauley Street, and I think I helped with that for a small - a short amount of time. Sorry, that's about it. Yeah.

45 Q. You were part of the small group of officers who were given the task of evacuating people in the area?

A. For a time, yeah. I wasn't involved in it, I think, from go to whoa.

50 Q. When you say, "evacuating", did it involve going and knocking on neighbours' doors?

A. A door knock, yes.

55 Q. Were people actually being told to move out, or was it a matter of just be careful, or stay in the house? Do you remember what you were telling people?

A. I don't remember now. No, I don't.

60 Q. That task of evacuating people, did that occur after you went to Hepburn Street or before? You were there at the raid. You took Mr Virkez back to the station--

A. Yes.

Q. Then at one point you went to Hepburn Street to do a search.

A. Yeah, I think - I think that part might have been before the - the search at Bebic's house in Hepburn Street.

5 Q. You took--

A. I - I believe I wasn't involved in it for the whole of the - whatever the exercise was in the evacuation. It may have even been called off for some reason. I don't know. But I think that happened before we went to Hepburn Street and conducted a search there.

10

Q. The sequence, again, is you attend the raid at Macauley Street. You and--

A. Yes.

15 Q. --Sergeant Marheine take Mr Virkez back to Lithgow Police Station?

A. Yes.

Q. Then you returned to Macauley Street to give some assistance with this evacuation/warning to neighbours?

A. Mm-hmm.

20

Q. Is that right?

A. I think that's right, yes.

25 Q. Then you go to Hepburn Street?

A. Yes.

Q. Then you go back to the station, and you're present when the Record of Interview is conducted with Mr Virkez?

A. I was, yeah. That's right.

30

Q. Was it on that night that you also went and arrested Mr Topic?

A. Yes, it was.

35 Q. Where did that fit in with the sequence?

A. I don't know. I don't remember.

Q. The conversation you overheard when you were at your desk in the detectives' room, what is your recollection, using those kind of things that happened on that night, when do you say that occurred?

40

A. I really don't know.

Q. Mr Ingram, what you overheard by the people who you think were in the hallway, were they saying that they had been involved, or had witnessed Mr Bebic being punched, or what Mr Bebic said to them?

45

A. I - I'm not sure. It may have been that they - that they'd witnessed it, I think.

Q. That they witnessed it. That was the--

A. Well, again, I'm assuming that. I don't - I can't say for sure.

50

Q. So that's what--

HIS HONOUR: There's evidence, I think, of him hearing one person say something. Now, that's been converted into, "they were speaking".

MCDONALD: Yes, your Honour.

5

HIS HONOUR: I think I only heard him talk about one voice. Can that be clarified, please.

MCDONALD: Yes.

10

Q. Mr Ingram, thinking back, you're in the detectives' room at your desk. You gave evidence that you heard one voice say the words.

A. That's right, yeah.

15

Q. Was there another person who said something in response to that?

A. I - I just - just feel that there were two people. One person was telling the story. I don't know whether somebody replied to something, or just said, "Yes", or, "No", or whatever. But just - I just had the impression there were two people there, and one was telling what - the other person something and that was it.

20

Q. Why did you have an impression that there was another person there?

A. Well, the person just said he was being punched, and he - and he said this. He wouldn't have been saying it to the wall, he was saying it to somebody else.

25

Q. Yes. Quite obvious, Mr Ingram, thank you.

A. Sorry about - I apologise.

30

MCDONALD: That's the re-examination, your Honour.

HIS HONOUR

Q. Mr Ingram, the area where the voice was coming from, and where you assumed there must have been at least one other person present. Was that an area where only police would be, in that part of the police station?

35

A. Normally. There were - there were public servants that worked there as well, but at that hour of the night it would only have been police.

40

Q. Did you become aware either during or after the trial what the general nature of the defence case was? That is, that there were allegations being made accused had been assaulted?

WOODS: Your Honour, I object. Your Honour, there may be a question of taking the fifth, so to speak. It may be that this witness needs to be cautioned.

45

HIS HONOUR: I'll require him to answer, if he wants to object to answering the question.

50

Q. Mr Ingram, did you become aware during the trial or after the trial, either

way, that it was being alleged that some accused had been assaulted; that police had fabricated confessions; and that things like explosive devices and the like had been planted on people? Did you become aware that that was the general nature of the defence at the trial?

5 A. Yes, I did.

Q. What you've just told this Inquiry this afternoon, have you ever told anyone that before mentioning it today?

A. Yes, I have.

10

Q. In what circumstances did that occur?

A. I told a - I told a good friend.

Q. A police officer or a non-police officer?

15 A. Not a police officer, no. Good friend.

Q. Anyone else?

A. No, I don't think so.

20 Q. Apart from that one thing that you've told us today, and to a friend on some prior occasion, is there anything else that you are aware of that you haven't previously mentioned, that might be relevant to three things I'll now mention: the truthfulness of the evidence of Mr Virkez?

A. I - no, I - no.

25

Q. Whether the confessions alleged to have been made by the accused were voluntary confessions?

A. Is this in relation to Virkez?

30 Q. No, in relation to the accused. The police claim that confessions were made. Is there anything else you're aware of that's relevant to that?

A. No.

Q. And whether any evidence had been planted. Are you aware of anything in relation to that subject?

35

A. There'd been allegations made that evidence was planted, and that was pretty much out in the public some years later, it was released on television programs and whatnot.

40 Q. Do you have any knowledge of anything that might be relevant to that that you have not previously disclosed?

A. No.

HIS HONOUR: Anything further?

45

MCDONALD: No, your Honour.

HIS HONOUR: All right.

50 Mr Ingram, that's the conclusion of your evidence today. You're not excused

from your order to attend as a witness. I'll stand you down, though. If you are required to be recalled you'll be notified. All right?

5 WITNESS: Thank you, your Honour.

HIS HONOUR: Thank you for your evidence today.

WITNESS: Thank you, sir.

10 <THE WITNESS WITHDREW

AUDIO VISUAL LINK CONCLUDED AT 2.53PM

15 HIS HONOUR: Yes.

MCDONALD: Your Honour, the Inquiry calls Detective Sergeant John Marheine.

<JOHN WILLIAM MARHEINE, SWORN(2.56PM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name.
A. My name is John William Marheine.

Q. You're currently retired?
A. I am.

10 Q. Mr Marheine, in 1979 were you a detective sergeant with the New South
Wales Police?
A. I was.

15 Q. Were you stationed at Lithgow Police Station?
A. Yes, that's correct.

Q. As at 1979, how long had you been stationed at Lithgow?
A. I went to Lithgow on 13 November 1973.

20 Q. In respect of this matter, you gave evidence at the committal proceedings
of the Croatian Six?
A. I did.

25 Q. You gave evidence at the trial?
A. I did.

Q. You also provided a statement dated 2 April 1979?
A. That's correct.

30 Q. The committal proceedings transcript, have you had an opportunity to read
through that recently?
A. Sorry, could you just repeat that.

35 Q. The transcript of the evidence you gave at the committal
proceedings. You've been given that?
A. No. I was just reading some of it outside now.

40 Q. Were you given the transcript of your evidence at trial?
A. I was.

Q. You've had an opportunity to read through that?
A. I have.

45 Q. Was there anything that you wish to change in it or anything that you've
read and you now consider not to be correct?
A. No.

50 Q. The evidence that you gave at trial, was it true and correct to the best of
your knowledge and belief?

A. It was.

Q. You gave a statement dated 2 April 1979. Have you recently had an opportunity to read that?

5 A. I have.

Q. Again, any changes to your statement?

A. No.

10 Q. Reading through it, was it true and correct to the best of your knowledge and belief?

A. It was.

15 Q. Mr Marheine, can I take you back to the 1970s. After you became stationed at Lithgow Police Station, did you come across a man called Vico Virkez, or Vitomir Misimovic?

A. I did.

Q. When was that? When did you first come across him?

20 A. It was approximately 12 to 18 months after I had arrived at Lithgow.

Q. Are we talking about 1975?

A. Yes. Probably early in 1975.

25 Q. How did you come to have dealings with that person?

A. Pardon me. I received an official file from the Canberra Police at that time requesting the - Vico Virkez be interviewed as he had been named as a possible suspect in an explosion which damaged a statue at a church in Canberra.

30

Q. You said that you received an official file from the Canberra Police?

A. Yes.

Q. When you refer to the Canberra Police, are they the local Canberra Police?

35 A. Just the local Canberra Police.

Q. Once you received that file where this person was a suspect in an explosion at a church in Canberra, what did you do?

A. I interviewed Vico Virkez and he denied all knowledge of the incident.

40

Q. Can I just stop you there.

A. I returned the - I'm sorry.

Q. No, no, keep on going, sorry.

45 A. I returned the file through the official channels to Canberra informing them of the result of my interview with Virkez and asking that they provide any further information they had if they wished him to be interviewed further.

Q. When you received the file from the Canberra Police, the suspect that they wanted you to interview, what name were you given?

50

A. English.

Q. I'm sorry?

A. I'm sorry, I may not - may have misunderstood you then.

5

Q. You received the file from the Canberra Police.

A. Yes.

10

Q. They asked you in that when you received the file to interview a suspect?

A. Yes.

Q. Did they in the file nominate the name of that suspect?

A. It did.

15

Q. What name did the Canberra Police give you?

A. Vico Virkez.

Q. Was there anything in the file about a person called Vitomir Misimovic?

A. Not that I'm aware of.

20

Q. At the time that you received the file, did you know or had you come across Vico Virkez?

A. Yes.

25

Q. Where had you come across him beforehand?

A. I - I hadn't known him prior to receiving that file, but I became well aware of him after that time.

30

Q. You said you interviewed him. Where did you interview him?

A. At his home.

Q. At that stage, was his home at Macauley Street, Lithgow?

A. That's correct.

35

Q. The material in the file about this allegation, was there any supporting evidence, or material, or evidence that you could put to Virkez?

A. No. There was nothing. It was a - a very short file in itself. My recollection is that it was only half a page, but there was nothing that assisted me to question him to any degree whatsoever.

40

Q. But you did question him?

A. We did.

45

Q. You put the allegation to him?

A. I did.

Q. And he denied it?

A. And he denied it.

50

Q. You gave evidence that you then informed the Canberra Police of his

denial, and you said, "If there's any further information that I can use, or would assist me, please let me know."

A. That is correct.

5 Q. Did you receive anything from the Canberra Police?

A. Nothing whatsoever.

Q. During this interview, did he give you any background about where he was from, what he was doing in Lithgow?

10 A. Well, he did tell me that he was working as a labourer at the power station at Wallerawang. I don't recall him giving me any further personal details, although it's over the coming years I got to know him better, and I obviously did find out further information about him.

15 Q. Can I ask you about over the next couple of years getting to know him better. How did that come about? Getting to know Mr Virkez better?

A. Yes. Well, quite often I'd walk through the hotels doing general searches, and he would be there, and he always spoke to me. I do recall him telling me that he was single, and he had been married, but had been divorced, and he
20 did mention that name, that Misimovic to me, and said that was his name but he had changed it, and that he was single at that stage and living at the Macauley Street by himself.

Q. Did he say why he changed his name?

25 A. I don't recall him telling me, but if he did, I have forgotten the reason why.

Q. Did he say anything about his ethnic background, or where he came from before he arrived in Australia?

30 A. No. He told me he was a Yugoslav, and we did discuss the various little countries that made up Yugoslavia at that time. I recall that, but--

Q. Do you remember any of the countries he identified as making up Yugoslavia?

35 A. Well, at that stage, I just accepted he was a Yugoslav.

Q. When you said you had a discussion about the countries that made up Yugoslavia, did he refer to any particular country that made up Yugoslavia?

40 A. I may have, but I do not recall at this stage whether he said anything other than he was Yugoslav.

Q. You've said that you'd run into him in a pub and have a discussion with him there. Was there anything else that you became involved in with him?

45 A. There was. On one of the occasions when I was talking to him, he asked me if I knew anyone who would want to buy a car, because he was trying to sell his car, and over the next few months I did give him the name of various people who I'd heard wanted to buy a car, and I had told them to go and see him at his home, and he thanked me later because he eventually sold it.

50 Q. When he was trying to sell the car, and you were letting people you know about the car, did you attend the Macauley Street house again?

A. I'm sorry?

Q. Did you ever go back to the Macauley house to look at the car, or any involvement that way?

5 A. No.

Q. Before February 1979, did you know Mr Bebic?

A. No.

10 Q. You'd never met him at the pub, or anywhere like that?

A. Well, not that I can recall, if I did. He may have been in Virkez's company, but I never - I was not officially introduced to him.

15 Q. Can we now turn to 8 February 1979. You were on duty that day, but around 12.45, 12.50, you weren't at the police station.

A. That is correct. I had been called out to another serious matter the night before, and I had been out all night, and throughout that early morning, and I was out at a motel at Lithgow obtaining a statement from a person, when I received a phone call from Constable Ingram that Virkez was at the station looking for me. I was - if I might add, I may - I was not surprised to hear that he was there, because he had been to this police station on the Monday, trying to find me.

20 Q. How did you know that?

25 A. I had a message book at the police station where the police would write messages for me if someone came in, if I wasn't there, so that I could chase them up. At the time that that message was written in my book on the Monday, I was working in Sydney. I'd taken exhibits down to Sydney, and I was away on the Tuesday, and did not get home late on Tuesday night. I tried to contact Mr Virkez on the Wednesday, but he was at work, and I hadn't seen him, and then later that night I'd been called out on this other matter.

30 Q. When Constable Ingram contacted you, what did he say to you?

35 A. He said to me, "Vico Virkez is here at the police station, and he's got some information for you, and it's urgent that he sees you", and I then said to him, well, tell Vico that I'm tied up at the moment on another important matter, and ask him if he'll give you that information and then you can let me know what it is. Subsequently, I received another phone call back from Detective Ingram explaining what had happened.

40 Q. When you got that second call from Detective Ingram, what did he say to you?

45 A. He said that Vico had to go to Sydney that afternoon at 3 o'clock with Bebic, and prior to going they had to get some explosives, which were up in - hidden in the Newnes Forest, and make some bombs, and take them to Sydney where they were to be placed in various positions.

Q. When Detective Ingram told you that, did you give him any instruction?

50 A. I did. Pardon me. I apologise. That's the second time today.

Q. What instruction did you give Detective Senior Constable Ingram?

5 A. At that time, Detective Ingram told me that Virkez had given him three names. I told him to make enquiries to try and find out if there was any record of them at the police station, and if not, to contact the Special Branch, that they may have had some information on them.

Q. Did you nominate somebody at Special Branch that Detective Senior Constable Ingram should speak to?

10 A. No. I had no knowledge of anyone that worked at the Special Branch at that time.

Q. Had you, as at February 1979, had you had many dealings with Special Branch?

15 A. No. Not normally.

Q. After you gave that direction to Detective Senior Constable Ingram, did you then head back to the Lithgow Police Station?

A. I did.

20 Q. When you arrived there, who did you speak with first?

A. Detective Ingram, and that was in the presence of the man, Virkez. I then spoke to Inspector Ray, the officer-in-charge, and possibly Sergeant Mason.

Q. Inspector Ray; where was he?

25 A. He was at Lithgow.

Q. And Sergeant Mason, was it?

A. Yes, he was the actual officer-in-charge at Lithgow.

30 Q. When you spoke with Detective Ingram and also Virkez, were you provided with or did you have a look at some notes that Detective Senior Constable Ingram had taken of his initial conversation with Virkez?

35 A. The only document I saw was the name - with three foreign-sounding names on it, that had been I think written by the man, Virkez. I didn't see any of the - the notes that Detective Ingram had written out. He explained the contents of those notes to me.

EXHIBIT 4.2-95 SHOWN TO WITNESS

40 Q. Can we go to the next page. Looking at that document, have you seen that document before?

A. No. I could see it from a distance earlier this morning, but--

45 Q. You've just been handed a paper version. Can you see towards the top of the page after Vico Virkez and his address there are three names. Can you see one appears to be Ante Zvirotic?

A. Yes.

50 Q. Then Bebic, Maks Bebic, and then a reference to Brajkovic. When you said there was a document with three names on it, were they the three

names?

A. Yes, but on a different, smaller piece of paper.

Q. I think you said it was a document that Virkez had written on?

5 A. Yes.

Q. How did you know that?

A. He told me.

10 Q. Did he say anything about who these three names - who these people were?

A. Well, he mentioned Bebic, I know that, and I - my recollection is that he had gone to Sydney with Bebic on a couple of times prior to that date and they had had lunch with those other two men.

15

Q. When you received those three names, did you inform anybody of those names?

A. I would have, because I had to notify my superior officers in Sydney and I would have mentioned those names in the course of those conversations.

20

Q. You just said, "I would have to notify my superior officers in Sydney".

A. Yes.

Q. Who were they?

25

A. Well, the first one was the Detective Inspector in charge of all country detectives. Then later on in the afternoon, I had to speak to - I was receiving phone calls from some of those officers. Word had gotten around about the information and - amongst the police circles there and they were ringing me for further information.

30

Q. Can I just ask you, the Detective Inspector in charge of country detectives--

A. Yes.

Q. Who was that?

35

A. I can't think of his last name now. Ron. Unfortunately, he was killed in a car accident a couple of years ago on Tom Uglys Bridge, but I just can't think of his last name.

Q. Then later on the calls that you got from other officers in Sydney?

40

A. Yes.

Q. Who was that? Who was ringing you?

A. I can remember one was superintendent - no. I've got a mental block.

45

Q. Do you remember which - whether it was from a particular branch or squad or--

A. Well, he was at the - one of those senior officers at the CIB. Noel Morey.

Q. I'm sorry?

50

A. Noel Morey.

Q. Any other officers?

A. There were a number of them. Their names just skip me at the moment.

5 Q. You've still got Exhibit 4.2-95 in front of you. Would you go to page, I think it might be 3, which has got 672 down the bottom. There it is, and maybe right to the top of the page. Can you see right up the top there's Ron Millingen? Do you see that right at the top?

A. Ron Millingen, yes.

10 Q. Was he the Detective Inspector in charge of--

A. No.

Q. Who was he?

A. He used to be on the Ballistics section.

15

HIS HONOUR

Q. How do you spell his surname?

A. M-I-L-L-I-N-G-E-N.

20

MCDONALD

Q. Do you remember speaking to him during that afternoon?

A. I don't think I did.

25

Q. With the allegations that there were going to be bombs taken to Sydney and set off, is one of the sections or areas you would have contacted Ballistics?

A. No.

30

Q. Do you know why Ballistics was either ringing or being rung?

A. No.

35

Q. You've given evidence you've come back to Lithgow Police Station. Virkez is still there with Detective Senior Constable Ingram. You have a further discussion with Virkez. Do you instruct, or tell, Virkez to do anything?

A. Not that I can recall.

40

Q. Were you going to arrest or take Virkez into custody then?

A. No.

45

Q. You gave evidence that he was supposed to meet up with Bebic and go to Sydney?

A. That's correct.

50

Q. Did you say anything to Virkez about whether he should do that?

A. I may have. What he told me was that Bebic was going to pick him up at about 3 o'clock, and they were going to go up at the forest to recover the gelignite, and then make some bombs, and then take the bombs to Sydney. I didn't give him instructions to go ahead to Sydney, but I did instruct him to

meet up with Bebic and not let on that he'd been to see me.

Q. Did Virkez at this point tell you why he'd come to the police station to tell you what was planned?

5 A. I'm not sure whether he mentioned it that afternoon, but I know that I said to him - I'm sorry, that would be a conversation I had with him later, what I was about to tell you.

Q. When you say, "later", when?

10 A. Yeah. No, I just told him to go back and to meet up with Bebic until - I was thinking at the time that we would take action then, because I couldn't put him under arrest at that stage because he hadn't done any--

Q. When you said you were, "thinking we'd have to take action", is that against Virkez?

15

A. Yes.

Q. But you couldn't arrest him at that time because he actually hadn't done anything?

20

A. That's right.

Q. Virkez leaves the police station?

A. Yes.

25 Q. What do you then do?

A. Well, another - one of the instructions I'd given, and Detective Ingram, earlier was to go down, when he had the opportunity, and try and locate a good spot where we could keep surveillance of the house, where Bebic was living - I'm sorry, where Virkez was living. So he had found a really good spot, and as I'd been out since the previous night, I went home for a short time, probably only 20 minutes, maybe less, just freshen up more than anything, and then he and I went down to the bottom of Union Street, which stopped short of intersecting with Macauley Street, and opposite where Virkez lived, and people who lived on the corner of that street had made their home available to us, to take our observations, and they have even offered us the use of their telephone. They had a landline there, and in those days, of course, there was no mobile phones, so we were able to keep in contact with the police station, and any of the Sydney Police who rang us at that address.

30

35

40 Q. Was Sydney Police ringing you while you were undertaking this surveillance?

A. Some did, yes.

Q. Do you recall who was ringing you?

45

A. Initially it was Detective Sergeant McDonald, but I'd also contacted Senior Detective Sergeant Barry Pringle, who was then the senior detective in that western area, and he'd rung me several times to let me know he was on his way down to assist, so.

50 Q. Detective Sergeant McDonald, which branch or part of the police was he

associated with?

A. At that particular time, I think he was in charge of the Breaking Squad.

Q. Had you had dealings with the Breaking Squad beforehand?

5 A. Regularly.

Q. Throughout your career up to that point?

A. Yes. Yes.

10 Q. At one point when you and Detective Senior Constable Ingram were conducting your surveillance, do you recall that Virkez and another man got into the Valiant car and drove to 3 Hepburn Street, Lithgow?

A. Yes.

15 Q. The other man you learned eventually was Mr Bebic?

A. That's correct.

Q. You followed them to 3 Hepburn Street, Lithgow?

A. Yes.

20

Q. Then they got back into the car; this is Bebic and Virkez.

A. Yes.

Q. Drove off, and then at some point you lost them?

25 A. Yes. That's when we came to the intersection with one of the streets. They made a left-hand turn there, and traffic coming down on the right blocked me, and we just couldn't get out, and we lost sight of them.

Q. When you lost sight of them, did you return to the station?

30 A. Yes.

Q. At some point when you were at the station, did you get some information that the car was back at Macauley Street?

35 A. I did. We received a phone call from Detective Sergeant Pringle who had taken over the observation, and he informed me that they were back there.

Q. The period of time roughly between losing the Valiant when it turned left and you were blocked from following it, to when you got the call from Detective Superintendent Pringle that the car was back; roughly how long was that?

40 A. It may have been 20 or 30 minutes.

Q. From Hepburn Street, Lithgow, to get from there to the Newnes Forest and then back to Macauley Street, could that trip be done within 20 to 30 minutes?

45 A. Well, depending how far into the forest you went. It could still be done.

Q. When you went back to the station, and before Pringle rang you to say the car's back; had officers arrived from Sydney?

A. No, I think they arrived a short time later.

50 Q. While you were still at the police station?

A. No. I think we - we turned down to Union Street, where we were keeping observation, and then we were notified that the Sydney police officers had arrived, so we went straight back.

5 Q. When you went back to the police station at that point, how many officers had arrived from Sydney, just roughly?

A. Eight.

10 Q. At this stage was there discussion about conducting a raid on the home at Macauley Street?

A. Yes.

Q. Who was going to be in charge of the raid?

15 A. Detective Sergeant McDonald.

Q. It was anticipated you would have a role in the raid?

A. I'm sorry?

Q. That you would participate as a police officer in the raid?

20 A. Yes.

Q. What were told, how was it going to be organised? Were you given particular tasks, or?

25 A. Well, we were going to go to Macauley Street, but I explained to them the position of Virkez's house would make it very difficult for us to rush the premises, which was situated probably a 30 feet above the street level, with a big, wide, open and driveway, where we could be seen as soon as we pulled up down there. We would have to rush up the hill to get to the place. I then - they'd also been told by Virkez that Bebic had a gun, and he was
30 prepared to use it if they were stopped by the police, and with that in mind, and knowing that there may have been some shots fired, I firstly went down to Virkez's neighbour's place. I knew the woman that lived there and I saw her and her husband and told them that we were going to raid that place shortly thereafter and that there might be some shots fired and I asked them to move
35 from one side of the house over to the other side, further away from Virkez's house and I told them I would come back and see them before we actually made the raid.

40 Q. Can I just stop you there. Before you went back to Macauley Street to speak to the neighbours, you had this meeting or discussion with the Sydney police officers?

A. Yes.

Q. And you've said that Detective Sergeant McDonald was the one in charge?

45 A. Yes.

Q. The information you've been given by Virkez suggests that it's to do with bombs and explosives?

50 A. Yes.

Q. Was there any discussion about how you were going to prepare for the possibility that there were already made up bombs or some kind of explosives at the site?

A. Not at that stage, but later on it was discussed.

5

Q. When you say, "later on it was discussed", when was that?

A. Before we actually made the raids, I don't recall doing it myself, but I know that the army camp out at the Marrangaroo were contacted and told about the pending raid and the explosives also and they were going to come and see us, just to make sure that the explosives were safe at that stage.

10

Q. When you said, "before we made the raids it was raised", was it raised when you were physically at or near Macauley Street?

A. Well, before we went, the raid was discussed and we were each given positions to take and I also, when I went down and saw the neighbours, got permission from them to go through their property and get over the fence, which would make it easier and make us not so noticeable as we tried to go up the place.

15

Q. The decision about positions that different officers would take, that was discussed at the police station?

A. Yes.

20

Q. Who determined which positions people would take?

A. Sergeant McDonald.

25

Q. Were you given a particular position?

A. Yes.

30

Q. What was that?

A. On one corner of the house.

Q. You were at one corner of the house. Did officers enter the front door or the back door first?

A. No, the front door. Yeah, the front door.

35

Q. What did you observe after those first lot of police officers went in the front door?

A. Well, I - at that stage I was at the back of the neighbour's house, but on - I jumped over the fence and then I heard someone call out, "Look out, he's got a rifle", and then, again, someone called out, "He's going towards the back door", and at that stage Detective Sergeant Turner was the only other person at that back door and I was heading towards his direction. I couldn't see the front door at that stage and no one came out the back door and all became quiet and then I saw Bebic - no, I apologise. I saw Virkez coming out into my view with Sergeant McDonald and one of the other police.

40

45

Q. When you saw Virkez, was that at the front of the house?

A. Yes.

50

Q. At that point when Virkez comes out of the front of the house with McDonald and another police officer, are you instructed to do anything?

5 A. No. At that stage, I saw the three of them fall to the ground and I went over there and then I saw the man, Bebic, and - being brought out by Detective Sergeant Turner and another police officer.

Q. It was at the front or the back of the house?

10 A. Yeah, no, they brought him out the front and at that stage, Detective Sergeant McDonald said to me, "Take Virkez back to the police station". So Constable Ingram and I then took Bebic back to the police station.

Q. Took Bebic? Sorry, who did you take back?

15 A. I'm sorry. Virkez. And we took him back there. I placed him in the custody of other police, and then I returned with Constable Ingram to Macauley Street.

Q. At Macauley Street, when you returned, was the search of the house and the cars being undertaken?

A. Yes.

20 Q. At that stage, had any explosives been discovered?

A. I think I saw Sergeant Musgrave was near the Valiant car, and I went over there, and I - I saw the boot was open, and I could see a cardboard box there, and sticks of gelignite in the back of it - in the - in the box, and I saw another box in the back of the car. At this stage, we'd been unable to obtain the services of one of our scientific police from Orange, and I attempted to contact a local reporter from the newspaper, who we'd use quite regularly, and I made arrangements for him to come up to take photographs of the explosives in the positions where they were.

30 Q. The photographer for the local newspaper, was that Len Ashworth?

A. Yes.

Q. You gave evidence that you saw Bebic come out the front of the house, I think, with Turner and another police officer--

35 A. Yes.

Q. --and that was before you left to take Virkez to the police station. Before you left to take Virkez to the police station, did you witness anybody assault Bebic?

40 A. No.

Q. Did you assault Bebic?

A. No.

45 Q. When you returned from the police station to Macauley Street, did you see Bebic?

A. At which time was this? When I returned?

50 Q. Yes. You took Virkez to the police station, and then you said you returned to Macauley Street and arranged Len Ashworth to come and take photos.

A. Yes.

Q. When you returned at that point, did you see Bebic?

5 A. Yes. At that stage, they were in what I'd call the lounge room of the premises. He was sitting on the lounge, a police officer was near him, and Sergeant Turner was sitting on another chair facing them.

Q. Did you speak to Bebic at that point?

10 A. At that time I did.

Q. What did you say?

15 A. I said - I said to him, "I would like to search your house." And he said, "All right." I said, "Do you have the keys to it?" And he reached into his pocket and handed me a bunch of keys, and he indicated a key, which I took off that bunch and kept it.

Q. After you received that key, did you then go to his house?

A. Yes.

20 Q. That was the house at Hepburn Street?

A. Yes.

Q. Who went with you to Hepburn Street?

25 A. Bebic lived there.

Q. Yes. But did somebody go with you?

A. Yes. I - Constable Ingram and - I think it was Constable - or Detective Sergeant O'Brien, I think it was. But another police officer.

30 Q. When you went to Bebic's house, you searched it?

A. Yes.

Q. Did you find anything that you seized?

35 A. Yes. We searched through, and I took possession of a blue suitcase, which had a lot of documents in it. I didn't have the time to read it there. There was something else, and I also took possession of a book, which was open and lying on the floor of the premises. I took possession of that because of what I could see the contents were.

40 Q. What interested you from the contents of the book?

A. Well, it was open at the page on how to make bombs.

Q. How did you know it was on the page about how to make bombs?

45 A. It was open at that page.

Q. Was the book in English? What language was it written in?

A. I can't remember now.

50 Q. When you finished searching Mr Bebic's house, you seized the blue suitcase and also this book?

A. Yes. There was something else too, I just can't remember what it was.

Q. There was something else at his house that you seized?

A. Yes.

5

Q. Back in 1979 when you seized something during a raid, you seized an item, what record did you keep of the item that was seized?

A. Well, when we back to a police station, normally you would record it in the exhibit book you had taken possession of it, but on this occasion I handed those articles, I think, to - it might have been Detective Sergeant Turner, or O'Brien. I think it was Turner, and they would have record them in due course.

10

Q. When you handed the items to Detective Sergeant Turner or O'Brien, was that at the police station?

A. No, that was at Macauley Street, at Virkez's house.

15

Q. So after finishing the raid at Bebic's house, from there did you go back to Macauley Street?

A. Just briefly.

20

Q. When you went back to Macauley Street was it then that you handed the items over, either to Turner or O'Brien?

A. As far as I can recall, yes. I know I did go back there also to find out whether Mr Ashworth had turned up to take the photographs.

25

Q. The items that you seized, you referred to your procedure which would have been to enter them into the exhibit book at Lithgow Police Station.

A. Normally it would have been, yes.

30

Q. Your answer was that you handed the items to Turner or O'Brien, and something like you would have expected or in due course they would have entered the items in an exhibit book.

A. I would expect so.

35

Q. What was your expectation? Was it going to be the exhibit book at Lithgow, or an exhibit book back in Sydney?

A. I didn't even consider that at that stage. I just thought it would be--

Q. They would do--

40

A. --recorded somewhere.

Q. You went back to Macauley Street; you handed the items to either Turner or O'Brien; checked on whether Mr Ashworth had turned up to take the photos. Did you then go back to the Lithgow Police Station?

45

A. I did.

Q. At the Lithgow Police Station at this stage, Virkez is still there?

A. I'm sorry?

50

Q. Virkez?

A. Yes.

Q. At that point did you conduct an interview with Virkez?

A. Shortly after then, yes.

5

Q. How did the interview with Virkez come about?

A. I did the typing, and recorded on - as a record of the interview, and Detective Ingram was the witness there.

10 Q. Did you have a discussion before holding the Record of Interview with Virkez about the Record of Interview?

A. I would have.

Q. Do you recall what you said to him?

15 A. Well, my normal procedure was to explain it to a person that I would ask them questions. I'd give them the official caution, and that I would record their answers as they occurred. I generally asked them to speak up so I could hear them.

20 Q. Your Honour, could we bring up Exhibit 4.2-8, please? Just while we're finding that; did you have a discussion with any of the Sydney officers about you interviewing Virkez?

A. Yes. We've had a briefing prior to the raid, and it was discussed along the lines that I would interview Virkez, and Detective Sergeant Turner and
25 Detective Milroy would interview Bebic.

Q. Was anything raised about the fact that you knew Virkez, and your familiarity with him, to the extent that you helped him sell a car, in a way?

30 A. Well, it would have been, because the mere fact that I knew him, he would most likely give me more authentic answers, and be inclined to answer the questions.

Q. Was that discussed at the briefing before the raid?

35 A. Well, I know I discussed it with Detective Sergeant McDonald. It may not have been discussed amongst the group of us, but we - I certainly knew that I would be interviewing Virkez and Turner would be interviewing Bebic.

Q. To your recollection, did Detective Sergeant McDonald approve of that proposal?

40 A. Yes.

Q. Your Honour, I note the time.

45 HIS HONOUR: Mr Marheine, we'll continue this tomorrow morning. You're free to go for the afternoon.

<THE WITNESS WITHDREW

50 MCDONALD: Your Honour, just before we adjourn, could I just raise one matter. The material about Mr Gilligan has been circulated. I don't know if

anybody has any issue to raise about him being excused or wish to discuss it with Counsel Assisting. If we could ask--

5 HIS HONOUR: If that's going to occur, maybe that could occur before we resume tomorrow so we're clear on where we're going.

MCDONALD: Thank you.

10 ADJOURNED PART HEARD TO TUESDAY 26 MARCH 2024