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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 NINTH DAY: THURSDAY 4 APRIL 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

<VICTOR RAYMOND JEFFERIES, CONTINUING(10.00AM)

<EXAMINATION BY MS MCDONALD

15

Q. Mr Jefferies, I wanted just to revisit two aspects of your evidence from yesterday. You gave evidence about the index cards?

A. Yes.

20

Q. Or the dossiers.

A. Yes.

25

Q. And towards the end of yesterday at transcript 540, I asked you in a sense a hypothetical question about if you had become involved in a matter where you had been obtaining and collating information about accused which were kept on either the index cards or the dossiers--

A. Yes.

30

Q. --and that a prosecution then was being pursued, where the investigating officers were from CIB.

A. Yes.

35

Q. And I asked you some questions about whether you would provide the information--

A. Yes.

40

Q. --in the cards to the CIB officers, and your answer was along the lines of, "Well, look, if I thought it was relevant--

A. Yes.

45

Q. So it was a matter, and I'm not being critical, that you would determine what was relevant information in the index card or dossier, and then provide that information to the CIB officer?

A. Yes.

50

Q. I know this is a long time ago, it's probably pre-photocopiers, but you

wouldn't try and do a copy or anything like that of the index card or the dossier?

A. No.

5 Q. It would purely be extraction of relevant information and then providing that information--

A. Yes.

Q. --to the CIB police officers?

10 A. Yes.

Q. Also, I wanted to revisit some evidence that you gave yesterday, and this was pre-8 February 1979, about your dealings with the Croatian Republican Party.

15 A. Yes.

Q. You may recall, I took you to some particular photographs--

A. Yes.

20 Q. --and you identified people in the photographs. I also took you to some transcript at, I think it was the - no, it was the trial, I'm sorry, where you answered a question stating, "I had seen them cause a fair amount of trouble"?

A. Yes.

25 Q. I asked you about that, and this is at transcript 531, you said you saw them participating in a number of demonstrations, the photos that you showed with them chained together and shirtless and so forth, they tended to take control of what was a peaceful demonstration, and the Inter-Committee Council were of the same opinion, that when they came along and participated in a

30 demonstration, it tended to - it could get really out of hand, which it did on one occasion.

A. Yes.

35 Q. I asked you about the one occasion. At that point you really couldn't remember, and then I referred you to setting a flare off, and you--

A. Yes.

Q. --gave some evidence about that occurring at a Yugoslav national ball.

40 A. Yes.

Q. I wanted to explore with you this evidence that they caused a fair amount of trouble.

A. Yes.

45 Q. Your answer concentrated on their participation in demonstrations.

A. Yes.

Q. That the demonstrations were demonstrations, it would appear to be, organised by the Inter-Committee Council?

50 A. Yes.

Q. That usually they would be peaceful demonstrations?

A. Yes.

5 Q. Then you spoke about them chaining themselves together, shirtless, et cetera.

A. Yes.

10 Q. That probably could be described as annoying behaviour?

A. I suppose it could be, yes.

15 Q. Noisy behaviour, like--

A. Yes.

15 Q. --but is it really - I'm just trying to work out why you would describe that as a fair amount of trouble - that seems a more serious allegation than reflected in being shirtless and chaining themselves together, and being more noisier at a demonstration.

20 A. On occasions they threw smoke flares, which caused a fair amount of panic in the people, and quite a degree of alarm.

20 Q. The example you gave was a flare thrown at this Yugoslav national day ball, or something.

A. Yes.

25 Q. Is your recollection there were other occasions where flares were used?

A. Yes.

30 Q. Not in a sense underestimating the effect of a flare, was there any other--

30 A. Well, the flares generated not only flame, but a large degree of smoke, and in a crowded room or a crowded area, it caused quite a - men, women and children were caused quite a degree of problems.

35 Q. Other than their behaviour at demonstrations, including the use of flares, was there anything else that you were either told about, or you learnt through intelligence at the time, that led you to be concerned about the Croatian Republican Party?

40 A. Yes. It, in conversations it was stated that the Inter-Committee Council and other groups weren't doing enough and something more radical, and something along the lines of what the PLO had done. And that - that was the path to follow. So that caused us a great deal of concern.

45 Q. The reference to the PLO is a reference to the Palestine Liberation?

A. Palestinian Liberation Organisation, who hijacked planes and took hostages, and - and detonated bombs all around the world.

45 Q. Those statements were made to you by - it's in your statement, I can find it, but it was when you were visiting one of the Croatian five either at their home or at their place of work?

50 A. Yes it was Vjekoslav Brajkovic.

Q. I'm sorry?

A. It was Vjekoslav Brajkovic. At his home.

5 Q. Other than this statement by Mr Brajkovic along the lines of, "we need to do something more and looking at the PLO and their activity", was there any evidence, up until February 1979, of them putting into action anything more serious or anything more akin to what the PLO had been doing?

A. No. No, there wasn't.

10 Q. So it was a statement that was made by Mr Brajkovic when you visited him?

A. Yes.

15 EXHIBIT 5.2-2 SHOWN TO WITNESS

Q. Again, would you prefer a paper copy?

A. I have - I can see this, this'll do.

20 MCDONALD: Would you please go to page 561, paragraph 16? I think I might've done something wrong. Exhibit 5.2-2. Sorry, it's 5.5-2, and if we could go to paragraph 16, please, on page 561.

EXHIBIT 5.5-2 SHOWN TO WITNESS

25 Q. You can see from the beginning of paragraph 16 you refer to December 1976, this interview with Mr Brajkovic at his home at Bossley Park?

A. Yeah.

30 Q. If we can go down the page, it's about seven lines from the bottom--

A. Mm-hmm.

Q. --there's the reference to:

35 "I tell you true, the Croatsians want to liberate the Croatia, they must do more of this. They must follow the example of Yasser Arafat and the PLO. Look what they have done in a short time, we have nothing."

40 A. Yep.

Q. Then Detective Krawczyk refers to the innocent people, who have been murdered and injured by the PLO, and Mr Brajkovic says, "How you say the end justifies the means; we can't be worried about such things"?

A. Mm-hmm.

45 Q. So that was the conversation you were referring to?

A. Yep.

50 Q. If we can go to the beginning of paragraph 16, that conversation occurred on 15 December 1976. So from December 1976 up until February 1979, your

intelligence, and also ongoing observations of these members of the Croatian Republican Party, didn't provide any evidence of them actually planning anything akin to the activities of the PLO?

A. No.

5

Q. Mr Jefferies, I referred to your statement yesterday. I didn't want to take you through it in great detail, but from paragraph 7 - if we can just go up to it on page 558 - this is the section of your statement where you start talking about dealings you have had with members of the Croatian Five, so excluding Mr Bebic, from about February 1975.

10

A. I'm sorry, what paragraph are we looking at?

Q. Seven.

A. Yeah.

15

Q. Can you see there you say, "The defendant, Mile Nekic, first became known to me during February 1975"?

A. Yeah.

20

Q. In your statement, and you gave evidence yesterday that you've read it through, you've given an account of where you've either visited one of the Croatian Six at their home, and had a discussion, or their place of work?

A. Yes.

25

Q. And also when you've attended either demonstrations or soccer matches and you've seen certain members there, you've had - you might have a discussion with them there?

A. Yes.

30

Q. Or you might observe them protesting or at times, for example, letting off a flare?

A. Yes.

35

Q. The account you give, it commenced at paragraph 7 and goes through to paragraph 39. Were they all of the times that you either spoke to or saw members of the Croatian Six at either demonstrations or recording conversations with them?

A. I - I'd have to read the whole statement. I don't know.

40

Q. You can't recall?

A. I - I - well, I've got paragraph 7 - you can see it - through to paragraph 39. I don't know - I can't remember what's in the statement, so I don't know if that's all of the conversations I had.

45

Q. Do you have a recollection when you prepared your statement, and yesterday I think you said that you may have, at least, conferred with at least Detective Krawczyk?

A. Krawczyk.

50

Q. Krawczyk, I'm sorry, about this part of your statement.

A. Yes.

5 Q. Can you recall when you compiled your statement whether you were aiming to include every encounter that you had with a member of the Croatian Six in this part of your statement?

A. I think that was the situation.

10 Q. Again, I don't want to take time taking you through it, but it would appear from the statement, for example, you visit Mr Brajkovic at his home?

A. Yes.

Q. I think you visit either Mr Nekic, either at his home or his place of work?

A. Place of work.

15 Q. You visited the Kokotovics at their home?

A. I don't recall that.

Q. All right.

20 A. I may have, but I don't recall. I don't recall going to the Kokotovics' house.

Q. Is it your recollection that Mr Zvirotic--

A. Yeah.

Q. --you never visited him at his home?

25 A. No. He was - he was very unreceptive to - to talking to me.

Q. How did you know he was unreceptive to talking to you?

A. Because I tried.

30 Q. Where did you try to start speaking to him?

A. I can't remember. I can't remember. It may have been at demonstrations, or whenever I met him, but he was not - not very forthcoming.

35 Q. I think yesterday in evidence you might have called him "troublesome", or something like that?

A. Yes. Yes. He was - he had a reputation for being troublesome.

Q. Where did the reputation come from?

40 A. From the Inter-Committee.

Q. I failed to ask you a question about the index cards, or the dossiers.

A. Mm-hmm.

45 Q. As you've said, you would provide information that you considered to be relevant to another agency.

A. Yes. Yes.

Q. To your knowledge, did the CIB officers know of the system of index cards or dossiers?

50 A. No. I - I'd say no.

Q. Was it the case that back in 1979, that was something that resource, and the way the resource was maintained, was something that was kept within the Special Branch?

A. Yes.

5

Q. I want to return now to the evidence you were giving yesterday about 8 February 1979.

A. Mm-hmm.

10

Q. I had asked you some questions about you receiving a phone call from Detective Helson?

A. Yes.

15

Q. Then you go into work, you go to Special Branch, and then you attend some kind of conference or meeting--

A. Yes.

20

Q. --at the Armed Hold Up Squad.

A. Yes.

Q. Not being critical, but your evidence yesterday was that you recalled, and I'm putting to one side Mr Bebic, the names of all of the Croatian Five--

A. Yes.

25

Q. --were mentioned at that meeting, and then I took you to evidence at the trial and the committal, where your evidence was that there was a reference to Mr Brajkovic and Mr Zvirotic--

A. Yes.

30

Q. --but not the Kokotovic brothers, or Mr Nekic at that point.

A. Yes.

35

Q. You did give evidence yesterday that your recollection when Detective Helson rang you--

A. Yes.

Q. --was that he mentioned all those names.

A. Yes.

40

Q. As you were reminded of your evidence about the names raised at 2.00pm at the Armed Hold Up Squad--

A. Yes.

45

Q. --was it the case that Detective Helson referred you, or mentioned all those names in the telephone call?

A. I can't remember.

50

Q. After that meeting, do you recall that at about 3.30 to 4.00pm, there was another meeting Special Branch?

A. Yes. I think so.

Q. That meeting was held by Inspector Perrin?

A. Yep.

Q. And a number of other officers from Special Branch were present?

5 A. Yes.

Q. At that meeting, you discussed the available information from Lithgow, and also to determine what Special Branch was going to do about it?

10 A. Yes.

Q. At that point, the names that you were given, do you recall whether Vico Virkez was a name that either had been referred to at the 2.00pm, or at this conference?

15 A. I can't be sure. I think he was. I think his name was mentioned.

Q. Mr Bebic?

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

Q. But Mr Brajkovic and Mr Zvirotic were mentioned?

20 A. As - as I remember, yes.

Q. I think yesterday you gave evidence that at least Mr Brajkovic and Mr Zvirotic had information on index cards--

25 A. Yes.

Q. --and we'll get to Mr Nekic later, but you thought he might have actually had a dossier?

A. Yes.

30 Q. At the meeting at Special Branch from about 3.30 to 4.00pm, you gave evidence at the trial that you were instructed by Inspector Perrin to go to Chandos Street and undertake surveillance.

A. Yes.

35 Q. How did that instruction by Inspector Perrin come about?

A. It was - I think it was in relation to - to the original information said that there was to be a meeting. I think there was to be a meeting at Chandos Street.

Q. A meeting attended by who?

40 A. Croatians.

Q. Was this information that you had learnt at the meeting - the first meeting around 2.00pm at the Armed Hold Up Squad?

45 A. I can't remember.

Q. If I can describe them as the "2.00pm meeting", and then the "3.30pm meeting".

A. Mm-hmm.

50 Q. The 2.00pm meeting, Mr Brajkovic and Mr Zvirotic were mentioned.

A. Mm-hmm.

Q. Was it the case that, for you at least, those names would ring a bell?

A. Yes.

5

Q. Was it the case for the other officers from Armed Hold Up Squad, those names would have meant nothing?

A. That's right.

10

Q. At the 2.00pm meeting, did you provide any information to the other officers, the non-Special Branch officers, about who Mr Brajkovic, who Mr Zvirotic was?

A. I - I can't remember, but I probably did.

15

Q. Who first raised the information about a meeting of Croats at Chandos Street?

A. I think that came from - I think that came from Virkez. I'm not quite sure.

20

Q. Who, at the meeting at 2.00pm, relayed what Mr Virkez said?

A. To me?

Q. Yes. Who told you that there was to be this meeting at Chandos Street?

A. I can't remember.

25

Q. When you heard "Chandos Street" referred to, did that immediately have significance for you?

A. Yes. Yes, it did.

30

Q. Why did it have immediate significance?

A. I knew Zvirotic lived there.

Q. You gave evidence at the 3.30 meeting at Special Branch, Inspector Perrin instructed you to go to Chandos Street and undertake some surveillance.

A. Yes.

35

Q. Do you recall whether any other Special Branch officers who were in attendance at this 3.30 meeting were sent to other locations for surveillance purposes?

A. No. I don't recall that.

40

Q. The other name that you've given evidence that was raised at this time was Mr Brajkovic, and you knew where he lived--

A. Yep.

45

Q. --because you'd been there.

A. Mm-hmm.

Q. Do you recall whether any officers were dispatched to where he lived?

A. I think so. I think there were - were police sent to there.

50

Q. Was the aim of Special Branch at the moment just to undertake surveillance at these two properties?

A. Yes.

5 Q. You attended the Chandos Street property?

A. I did.

Q. At that point, you only remained outside the property?

A. I did.

10

Q. You didn't attempt to go inside or knock on the door?

A. No.

15 Q. Was it the case that during the period where you were near or outside 30 Chandos Street, you didn't observe anything of significance?

A. That's right, yes. There was nothing happening.

Q. Did you at least observe details, or information, about the particular house?

A. I - I observed the house, yes.

20

Q. From the front only, or was--

A. Only from the front, yes.

Q. Did you make any observations about, or have a look, if you could see around the back or--

25

A. No. I didn't.

Q. At this point, after the 2.00pm meeting and then the 3.30pm meeting, had it been raised at any of those meetings the likelihood of raids being undertaken that night?

30

A. I don't really remember, but I don't think so. I don't think so. I can't be sure.

Q. Why did you undertake the surveillance then?

35

A. We wanted to familiarise ourselves with the property and see if - I think the information from - I think the original information was that there was to be a meeting there, of Croatians, and we - we wanted to familiarise ourselves with the property, and see if there was a meeting, if there was activity. We were - general observations.

40

Q. Because you had that knowledge of Croatian affairs in Sydney, and people associated with the Croatian community, was it perceived that you would be a suitable person to undertake the surveillance to see if you could identify anybody entering or leaving the property?

A. Yes.

45

Q. Can I now move to the next meeting on that night?

A. Right.

Q. You returned from Chandos Street--

50

A. Yes.

Q. --and you go to the Armed Hold Up Squad, again roughly around 8.30 or 8.40 for another meeting?

A. Yes.

5 Q. Your evidence at trial about that meeting is that there was new information that's come from Lithgow.

A. I don't remember.

10 Q. Do you recall that some additional names are raised as people possibly involved in this, at this meeting?

A. No, I don't really remember that.

Q. Do you recall receiving some - or seeing at this meeting - some piece of paper with some names written on it?

15 A. No, I don't.

Q. With names spelled incorrectly?

A. No, I don't remember that.

20 Q. If the witness could be shown Exhibit 2.1-86, please, and this time red page 2946.

EXHIBIT 2.1-86, RED PAGE 2946, SHOWN TO WITNESS

25 Q. If we can expand that, thanks. Maybe if we just go to the beginning of the page. Can you see there's a question, "By departing Chandos Street in order to go into the city to the Armed Hold Up Squad, you left 30 Chandos Street unattended." So we're looking at you leaving the surveillance--

A. Yes.

30 Q. --and going to the Armed Hold Up Squad, and then you arrived at the Armed Hold Up Squad at about 8.30, and you say, "Sometime thereabout"?

A. Yes.

35 Q. You talked to Detective Inspectors Perrin and Morey.

A. Morey. Yes.

Q. You were advised of the arrest of a couple of men in Lithgow.

A. Yes.

40 Q. Then you were asked, "And three new names were then bandied around the Armed Hold Up Squad office", and there's the reference to three new names. You can see that?

A. Yep.

45 Q. And it's the Kokotovic brothers and Nekic.

A. Mile Nekic, yes.

50 Q. You respond that they were not bandied, and then you were asked, "You heard them for the first time in the room that day?" "Yes." Then you were

asked, "Was a list of names shown to you?" "Yes." Then you were asked about a screed purporting to contain a summary of information, but the question I want to ask you; does that refresh your memory that this is when you hear the names of the Kokotovic brothers and Nekic raised for the first time?

5

A. I don't - I really don't remember that, but obviously that's correct.

Q. When you heard those names raised--

A. Yeah.

10

Q. --again, it was a matter that I'll say an alarm bell or a red flag would go off in your mind, because you knew of these people?

A. Yes.

15

Q. Can you recall what were you told about those three gentlemen at this meeting?

A. I can't really recall in what context their names came up. No, I don't know.

20

Q. You know that on the night there were various raids of different premises in Sydney?

A. Yes.

Q. You attended the one at Chandos Street?

A. Yes.

25

Q. You knew there was one at Mr Brajkovic's house?

A. Yes, I knew there was going to be one, yeah.

30

Q. And you knew that there was going to be one at the Kokotovics'--

A. House.

35

Q. --house. The fact that you know that there were going to be raids there, does that jog your memory that those three gentlemen, their names were raised at this meeting as being people who were going to attend the meeting of the Croats, or Croatians, that you had been told about previously that was going to occur at Chandos Street?

A. No. I got - I don't follow your question, I'm sorry.

40

Q. They'd been mentioned at this meeting.

A. Yes.

Q. The sequence of events is you attend a meeting at 2pm where you get information, you've told us, from Lithgow.

A. From Lithgow, yes.

45

Q. That there is a plan for bombs to be installed at different places in Sydney?

A. Yes.

50

Q. And that there's going to be a meeting of Croatians--

A. Croatians.

Q. --at Chandos Street.

A. At Chandos Street, yes.

5 Q. You then have the meeting at Special Branch and you go and do surveillance, and you've given evidence it was to see if anybody you recognise turns up at Chandos Street?

A. Yes.

10 Q. You then return from your surveillance, this time back to the Armed Hold Up Squad, and you've got Inspector Perrin and Inspector Morey there. I'm right, Morey?

A. Morey.

15 Q. They raise these three names with you?

A. Yes.

Q. Of people who you know have been involved in the Croatian Republican Party.

20 A. Yes, I believe that's the case.

Q. You knew that there were going to be raids that night?

A. Yes.

Q. Including a raid on the Kokotovics' home?

25 A. Yes.

Q. Doesn't it follow that you were told something along the lines of "We have been provided with information that these three men are part of this bomb plot"?

30 A. Yes, it does.

Q. Do you recall at this meeting you nominated another person, or raised another person who might be involved?

35 A. In addition to Nekic and the Kokotovic brothers?

Q. Yes.

A. No, I really can't remember.

40 Q. We'll just take you back to this transcript a little bit further down. Do you see the question, "You know Joseph Stipich was arrested that night, don't you?"

A. Yes. Yes.

Q. "How come he was arrested?" "I mentioned his name, sir."

45 A. Right.

Q. "Because you knew him to be an associate", and you list the Kokotovic brothers and Mr Nekic--

50 A. Mile Nekic.

Q. --and you say, "And other people, sir."

A. Yes.

5 Q. Then "And other people, the other accused."
A. Yes.

Q. When you referred in that answer to, you said, "And other people, and the other people, the other accused", who were you referring to there?

10 A. I can't remember. I can't remember. I can't remember them.

Q. We've got three, probably four. Could you just maybe lift up the microphone and speak?

15 Q. That would be good. Now, at this meeting at about 8pm, we've now got four new names.
A. Right.

Q. As you've said, they're names that would trigger recognition immediately in your mind.

20 A. Yes.

Q. Indeed, the fourth name you've nominated - Mr Stipich.

A. Mr Stipich.

25 Q. Stipich, yes.

A. Yes.

Q. In respect of the Kokotovic brothers, you had information about them on an index card?

30 A. Yes.

Q. That would include their addresses?

A. Yes.

35 Q. Date of birth?

A. Yes.

Q. Any other relevant information you had about them?

40 A. Yes.

Q. Mr Nekic, you've said you thought at this stage he might have a dossier?

A. Yes.

Q. Because I think there was an arrest or an conviction?

45 A. Yes. He - he would - he was well known.

Q. Again, at a minimum in the dossier it would have name, address and date of birth.

50 A. Yes.

Q. Mr Stipich, is your recollection you had some information about him on an index card?

A. I can't really remember, but I think probably he would've been on an index card by then.

5

Q. I won't take you to it, but in that second half of your statement you do refer to seeing Mr Stipich in the company of some of the other Croatian Five at demonstrations, et cetera.

A. Yes.

10

Q. And that would suggest he was at least on your radar at that point?

A. Yes.

Q. No, to be - and I think I've asked you this, the Kokotovics, you visited them?

15

A. No. No, I never - I - no, I don't believe I ever did visit their home, no.

Q. Mr Neki--

A. Neki.

20

Q. --I'm sorry, you thought that was at his place of employment?

A. I saw him - yeah, I saw him - I saw - I used to see him at a registered club, which was near his place of employment; it was across the road from his place of employment.

25

Q. Mr Stipich--

A. Mr Stipich, yeah.

Q. --you never visited him at his home?

30

A. My memory's a little faint on Mr Stipich, but if it's the Mr Stipich I'm thinking of, I think we did visit his home.

Q. Before the Inquiry, there is some evidence that, I think in February 1979, he was living with his parents and about six or seven siblings; does that ring a bell?

35

A. Yes, it does ring a bell, but I - I think we did visit him at his - at his home.

Q. Again, is this the impression that you had from this 8pm conference; these new names are mentioned, you volunteer one mention, you know them, you know some information about them, but for the rest of the Armed Hold Up Squad officers there, they did not know them?

40

A. They'd never heard of them. No.

Q. At that meeting was it decided that there would be raids on the Sydney-based Croatians?

45

A. I think it was, yes.

Q. The address for Mr Brajkovic--

A. Yeah.

50

Q. --did you provide that?

A. I would've, yes.

Q. Because you'd visited in there, I think at least on about two occasions--

5 A. Yes.

Q. --you knew that?

A. 16 Restwell Road, Bossley Park.

10 Q. That's very impressive. You wouldn't have known his date of birth off hand?

A. I probably would've; I don't now.

Q. No, but at the time you would've known his date of birth?

15 A. I probably would've, yes.

Q. You knew where Mr Zvirotic lived, because you'd done the surveillance?

A. He lived at 30 Chandos Street.

20 Q. What about - you hadn't visited the Kokotovic brothers?

A. No. I hadn't.

Q. You wouldn't have known their address off--

25 A. I did. They lived at Ashfield I think.

Q. How - I'm sorry?

A. I think they lived at Ashfield. I did know their address.

Q. Why did you know their address if you hadn't visited them?

30 A. Well, that's - it was part of Special Branch work, when you - when you identify somebody, you get their name, their birth date, their address, their telephone number, their car registration, their - it goes on, and on, and on.

Q. But you memorise all that?

35 A. Some of them, yes.

Q. Which ones would you memorise?

A. A great, great many. A great many. Probably at least 20, maybe more.

40 Q. 20 of all the people you were interested in?

A. Yeah, probably more.

Q. You gave evidence yesterday that another area that you specialised in was the Greek community?

45 A. Greek Orthodox community, yes.

Q. When you nominate there'd be about 20 people that you'd memorised all their information about, does that include both Croatians and Greek community people?

50 A. To a lesser degree with the Greeks; they weren't - their problems weren't

as - as radical as the Croats, but no, I - I knew quite a number of addresses, yes.

5 Q. All right, but addresses, and are you also informing his Honour that you knew, you memorised dates of birth?

A. Some of them. Some of them, yes.

HIS HONOUR

10 Q. When you were agreeing with this--

A. I'm sorry?

15 Q. --the word, memorising, did you consciously try and store them in your memory, or did they just stick in your memory because you'd seen them so many times?

A. Bit of both, sir. Bit of both.

MCDONALD

20 Q. Addresses for certain people I can understand, but why would you memorise dates of birth?

A. Because when you submitted a report, if they didn't have a card or a dossier, you would submit their date of birth as well as their name to verify, you know, he is that Johnny White and not that Johnny White.

25 Q. I can understand that, but what I'm asking you questions about is what I think your evidence is, that for certain people, could be part of the Croatian community, could've been part of the Greek Orthodox, but for certain people you memorised their address--

30 A. Yes.

Q. --but you also memorised--

A. Some of them, yes.

35 Q. --their date of birth?

A. Some of them.

40 Q. But that's what I don't - I don't understand the utility of that. I can understand, as you said, if you're back at Special Branch and you're updating a card or you're creating a new card, to know the date of birth--

A. The date of birth, yes.

Q. --is - would be relevant information--

45 A. Yes.

Q. --but once you've created that index card, why you would sit back and think, that's Joe Blow of this address, and born on 1 June 1948?

A. That's something I did.

50 Q. Your evidence is you've done it for some people, who are the some people;

why would you memorise those details for a certain person and not another person?

5 A. It was - it was just something that I did. It was sort of old school - old school detective work. You'd refer to people and sometimes you'd refer to people and their date of birth.

Q. I don't think you've answered my question as to why you selected certain people. You've given evidence that--

10 A. Well because I'd frequently report on the same person. You know, some people I'd be reporting on probably once a fortnight or once a month, depending on how active they were, and when you submitted a report you would - it would start with the name and the date of birth, and then whether they had a card or a dossier.

15 Q. At this meeting it's now moved to a decision that there are going to be raids on different properties that night?

A. Yes.

20 Q. And, as you've said, from your perspective the new names, you knew who they were and that they at least had index cards back at Special Branch?

A. Yes.

Q. Did you provide information to the Armed Hold Up Squad officers about addresses?

25 A. I can't remember. I don't know whether it was I that did that, but the information would've come from Special Branch, in relation to addresses. I can't remember whether I - whether I - I might've provided one or two off the top of my head.

30 Q. Is your recollection that other addresses would've had to have been obtained from the cards or the dossiers at Special Branch?

A. I don't know where they got the address for Bebic, that would've--

Q. Well, Mr Bebic was different, he was in Lithgow.

35 A. Yeah.

Q. So we're concentrating really on the Sydney people.

A. Sydney people, yeah. And the question was?

40 Q. Well, you've agreed that we've got these people now identified, and you've nominated Mr Stipich?

A. Yeah.

45 Q. There's a decision that there's going to be raids conducted on Sydney premises that night?

A. Yeah.

Q. And, from your evidence, my - your impression was that the members of the Armed Hold Up Squad didn't know who these people were?

50 A. They didn't have the faintest idea.

Q. You, and others at Special Branch, were the ones who, (a) knew them?

A. Yes.

5 Q. And would also have details of addresses and other--
A. Yes.

Q. --information back at Special Branch?

A. Yes.

10 Q. What I'm asking you is, you've given evidence that your recollection now is
that you might've provided one or two addresses?

A. Yes.

15 Q. But other addresses were provided from the resources of Special Branch?

A. Yes.

Q. And those resources would've been the index cards or dossiers?

A. Yes.

20 Q. Do you recall, who was the person who went and retrieved that
information?

A. No, I don't. I'm sorry, I don't.

25 Q. At this meeting, you were present?

A. Mm-hmm.

Q. Was Detective Krawczyk?

A. At the Armed Hold Up Squad?

30 Q. Yes, this is the one, I'm sorry, at around 8pm.

A. Yeah. I can't be sure. He very well may have been there. I'm - I'm not
sure.

35 Q. Can you recall anybody else from Special Branch being there?

A. The officer-in-charge was there, Inspector John Perrin.

Q. Perrin, I'm sorry, who was the name before?

40 A. He was the officer-in-charge. John Perrin was there. Krawczyk could've
been there. Helson could've been there. But I'm not really sure.

Q. I'm going to show you an Exhibit from the committal. It's not your
document, but it contains some relevant information from 8 February.

A. Mm-hmm.

45 EXHIBIT 4.2-86 SHOWN TO WITNESS

A. Right.

50 Q. I'll just take you through this document. You can see it's headed,
"Information supplied by Detective Sergeant McDonald re operation at

Lithgow".

A. Mm-hmm.

Q. Then it's got typed by somebody "Grady".

5 A. Yeah. I think Grady was a detective.

Q. As you can see at the start of this, it refers to Detective Sergeant McDonald and Turner, and a number of other police went to Macauley Street at Lithgow--

A. Mm-hmm.

10

Q. --where two men names Virkez and Bebic were arrested--

A. Yep.

Q. --and various explosives were found in the car.

15

A. Mm-hmm.

Q. Can I just pause there. At the meeting at 8.00pm at the Armed Hold Up Squad, were you told about what was discovered in the car, or what was discovered at the premises in Lithgow?

20

A. Yes. I think - I think I was told of some of the details.

Q. When you say, "at least some of the details", it was of explosives, detonators and other--

25

A. I think there was particular mention of gelignite, because it was so big. They were very--

Q. It was so what, sorry?

30

A. Big. They were very big sticks of gelignite. Extraordinarily big. I remember someone telling me about that.

Q. Then can you see the document continues with, "other men alleged to be involved in the Sydney area."

A. Yep.

35

Q. There's a reference to Mr Zvirotic, Mr Brajkovic, and then the Kokotovic brothers, and Mr Nekic.

A. Yes. I can see that.

Q. Then there's a reference to the man, "Tony Zvirotic allegedly lives at Ashfield. Exact address not known. The addresses of all other persons involved are unknown."

40

A. Yep.

Q. Then there is a reference to, "Bebic and Virkez are allegedly going to meet all the above listed person in Sydney, and are all alleged to have explosives."

45

A. Yep.

Q. Then the next paragraph, "All of the above are members of the Croatian Republican Party, and allegedly have planned to bomb various places in the Sydney area, and also the large water supply pipes."

50

A. Yep.

5 Q. Can I just pause there, and, as I said, it's not your document, but looking at the document, that initial information, would it be fair to say that it would probably be information that was obtained from Detective Sergeant McDonald before you were at the Armed Hold Up Squad at 8 o'clock? Because you could have given them, at least, Mr Zvirotic's address.

A. Yep. I'd say so. All of the names are misspelt.

10 Q. Yes.

A. They're all wrongly spelt, so I - I haven't seen this document before, I don't think.

15 Q. I acknowledge that it's not your document.

A. Mm-hmm.

20 Q. What I'm trying to get a sense of is the information contained in this document, would you agree that that first part of the information, given that they didn't know where Mr Zvirotic lived--

A. Mm-hmm.

25 Q. --must have been conveyed to the Armed Hold Up Squad before you arrived at 8.00pm to attend the meeting?

A. Well, it was obviously submitted before I saw it, but I don't know when it was--

Q. If Tony Zvirotic's address was raised--

A. Yep.

30 Q. Like, "We have no idea where he lives", or, "It's somewhere in Ashfield"--

A. That's right.

Q. --you would have automatically said, "Chandos Street".

A. Yep.

35

Q. "I've just spent a couple of hours there."

A. Yep.

40 Q. What I'm suggesting to you, this seems to be initial information receive by the Armed Hold Up Squad before you were there at 8.00pm--

A. Yes.

Q. --to provide your knowledge?

A. Yes.

45

Q. Then can you see immediately underneath that is, "Members of the Special Branch have identified the above" something--

A. "the above"--

50 WOODS: "suspects".

MCDONALD: "suspects". Thank you.

Q. As being--

A. Yep.

5

Q. Then, again, we've got, this time, the correct spelling of names?

A. Yep.

Q. Addresses?

10

A. Yep.

Q. And also dates of birth.

A. Yep.

15

Q. Then, in particular, if I can take you to Mr Nekic's entry.

A. Yep.

Q. Even though there's a Burwood address--

A. Mm-hmm.

20

Q. --there's actually intelligence provided that he is probably at Livingstone Street, where the Kokotovic brothers are.

A. Mm-hmm.

25

Q. You knew that, because I think he was married to their sister.

A. That's right, yep.

Q. That information, as it says, it was obtained from members of the Special Branch.

30

A. Mm-hmm.

Q. One of the members of the Special Branch would have been you?

A. Yep.

35

Q. And possibly another member of Special Branch who went back and gathered information from the dossiers or index cards.

A. Yep. Yep.

Q. It would be fair to say that looking at that detail of information--

40

A. Mm-hmm.

Q. --for those five gentlemen--

A. Yep.

45

Q. --that wasn't something that you would have had, you would have learnt off my heart at that point?

A. No. I wouldn't have known all of it. I would have known the addresses.

50

Q. Probably date of birth for all of them probably would have been a bit of a stretch.

A. Yeah. That would have been a stretch.

Q. Also there, for example, I think in your statement you refer to "Tony Zvirotic".

5 A. Tony Zvirotic.

Q. It would appear that his proper name was "Anton".

A. Yeah. But he was known as "Tony".

10 Q. Did you know his proper name was "Anton"?

A. Anton. Yes. Yes. Yes. Yes. Yes. It's very common for Croatians for "Anton" to be "Tony".

15 Q. If you gave evidence at either the committal or trial that you had memorised all the details about the Croatian Five and provided it from memory--

A. Mm-hmm.

Q. --would have that evidence been correct?

20 A. No.

Q. Is a reason why you suggested that it was from memory is that, in a sense, you wanted to keep concealed the Special Branch source of the index cards and dossiers?

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

Q. To answer a question in court along the lines of, "Well, look, we keep index cards, or we keep dossiers, and it's got all this information, and we would have got the dates of birth and addresses from it"--

30 A. Mm-hmm.

Q. --would have that potentially have compromised Special Branch operations?

A. Yes. It would have.

35 Q. May that be a reason why you didn't want to reveal the actual source for all the information?

A. It may have been.

40 Q. I just want to confirm, putting to one side Mr Stipich, the three new names of the Kokotovic brothers and Mr Nekic--

A. Nekic.

Q. Nekic, sorry. Your recollection is that their names arose because of information that was obtained from Lithgow?

45 A. I don't remember, I'm sorry.

Q. I just want to raise with you an alternative scenario.

A. Mm-hmm.

50 Q. You had been provided with names of Mr Brajkovic--

A. Yep.

Q. --and Mr Zvirotic?

A. Yes.

5

Q. And I'm going to put this loosely: they were on your radar?

A. Yes.

10 Q. Also, you knew of associates of those two gentlemen, and when I say, "associates"--

A. Yes.

15 Q. --associates within the Croatian Republican Party in Sydney?

A. Yes. Yes.

20 Q. It wasn't the case that at this meeting when you heard Mr Brajkovic and Mr Zvirotic was mentioned--

A. Mm-hmm.

25 Q. --that you also volunteered not only Mr Stipich's name, but also the Kokotovics' name and Mr Nekic's name.

A. Nekic.

30 Q. Sorry, I'll get it right one day. Mr Nekic?

25 A. I - I don't remember. No. I don't know.

35 Q. I took you to this screed, and can I just ask you: throughout this Inquiry there's references to "screeds"?

A. To?

30

Q. Screeds.

A. Screeds?

35 Q. Yes. Is that a term that you identify that was used--

35 A. No.

40 Q. --by the police around this era?

A. No. No. It's - it's not a--

40 Q. Like a summary document of information that had been obtained at a certain time?

A. No. The word "screed" is - no. It - it's not unfamiliar to me, but it wasn't used.

45 Q. If we could go towards the beginning of that document. If we assume that contains information that, as it says, has been supplied by Detective Sergeant McDonald from Lithgow--

A. Yep.

50 Q. --and that the Armed Hold Up Squad--

A. Detective Sergeant McDonald was from the CIB. He went to Lithgow.

Q. Sorry, if I didn't say - what it would appear is that the information at the beginning of this document--

5 A. Mm-hmm.

Q. --the source of it was McDonald and Turner who were at Lithgow.

A. Yep. They went to Lithgow, yeah.

10 Q. Part of the information that's been handed over was, "Bombs, clocks, detonators, batteries", and, as it says, "Large sticks of gelignite."

A. Mm-hmm.

15 Q. You gave evidence you did have a recollection that at the 8pm conference that at least gelignite was raised, as having been found in Lithgow?

A. Yeah.

Q. At the 8pm conference, is this where the details of the various raids that were going to be conducted was worked out?

20 A. I don't know. I don't know, because it was organised and done by - by the CIB. I don't know exactly when they organised to do it.

Q. You attended - I'm jumping ahead--

25 A. Yep.

Q. --the raid at Chandos Street?

A. Yes, I did.

Q. How did you become involved, or why did you attend that raid?

30 A. Because I - I was the only one that could identify Zvirotic by sight.

Q. The fact that you were the only one who could identify him by sight, that must have been raised at some point in the afternoon/evening?

35 A. It would have been, yes.

Q. Was it raised at the 8pm conference?

A. I don't remember.

40 Q. There must have been - because you were attending that raid because of your ability to identify him - you must have at some stage been told some more details about who's attending the raid, when they're setting off, and other organisational aspects?

A. Yes, of course.

45 Q. Is your recollection that that occurred after you'd returned from your surveillance?

A. Yes.

50 Q. So it would be likely that it's been discussed at the 8pm conference or meeting?

A. Probably.

Q. At the 8pm meeting, given that there's information about gelignite and bombs, et cetera, being located at Lithgow--

5 A. Yeah.

Q. Was the potential of bombs, gelignite or other similar items being found at, for example, Chandos Street, was that discussed?

10 A. No, I don't think so. No, I don't think it was discussed.

Q. On a more general procedural basis, if you were going to be involved in 1979 in a raid on a property, and there was concern that there was going to be something unsafe at the property, like a bomb, or like gelignite, was there a procedure of involving other groups or other agencies to ensure safety?

15 A. I don't know, really. I think - I think the Scientific Section would have been alerted, or perhaps the Ballistics Section, and perhaps the army, bomb disposals, but I really don't know. It - that was not a decision for me to make; I was a bit junior.

20 Q. What about again if there was a concern that there may be a bomb at a property, and it's located in a relatively crowded suburban street with adjoining houses quite close, et cetera. Was there any procedure about evacuation of neighbours, or ensuring the protection of the surrounding neighbourhood?

25 A. I assume there was, but I was unaware of it.

Q. Again, I don't know with your experience of working primarily in Special Branch. Was this something that you hadn't been involved in before?

A. Yes.

30 Q. During the period when you were outside Chandos Street, when you had it under surveillance, were you able to conclude what type of house it was?

35 A. I assumed it was a very large house. Very - big old mansion type of a place. Double storey, I think, it might even - could have been triple storey, I'm not sure. In - in reasonably large grounds, and I assumed it was either flats or - or a boarding house, or something like that.

Q. Based on that assumption, it would follow that at the time of the raid there would be either other people who were living in flats or other rooms of the boarding house present?

40 A. Yes.

Q. Was there any discussion about ensuring their safety?

45 A. No. I - I really can't remember. I - I think it was just assumed by all of us to - to be very careful.

Q. It was assumed to be?

A. Assumed by all of us that were participating to be very careful.

Q. Be very careful?

50 A. Very careful of other people.

Q. What would that involve? For example, if you raided the property and some kind of bomb was discovered, how would you make sure that all the other residents of the boarding house would be safe?

A. That, once again, that wasn't a decision for me to make. I was very junior.

5

Q. But was there any discussion about it?

A. No, I don't think so.

Q. Because from your evidence, at least with Mr Zvirotic, there is a slight advantage because you've been outside keeping it under surveillance, and you reached the conclusion that it just isn't a stand-alone house with one person, or one family in it?

10

A. Yep.

Q. That there's going to be a number of occupants in there.

15

A. Yeah.

Q. Whose safety may be put at risk where you're dealing with bombs and gelignite.

20

A. We didn't anticipate finding bombs or gelignite there. The bombs and gelignite, as far as we were aware, were in Lithgow, and the people from Lithgow were bringing that to Sydney, and they never got here, so as far as we were concerned, the risk of bombs or gelignite being there were very, very minimal.

25

Q. What was the purpose of the raid then?

A. To - to arrest Zvirotic.

Q. How many officers attended?

30

A. Good question.

Q. There were quite a few, weren't there?

35

A. I think there was about six of us. There was me and Gilligan, Detective Sergeant Gilligan, Detective Sergeant Webster. Three. I think there was Grady, Carroll.

Q. Do you remember Jameson?

A. Jameson. Ian Jameson was there, I think, yep.

40

Q. Then to arrest one person, was it usual that you would have despatched that number of officers?

A. Under those circumstances, I believe yes.

Q. What were those circumstances?

45

A. Well, it was allegations of very serious - very serious crime being intended, and it was a very large house, and I think - I think that was understandable at the time.

Q. So it's a matter of it's a large house?

50

A. Very large house.

Q. That required - again, I wasn't keeping count, but I think you nominated about five or six officers.

A. Yeah, I think there was about six.

5 Q. Can I turn to when you arrive at Chandos Street?

A. First or second time?

Q. Second time, thank you. As you've said, you're attended because you're the one who can identify--

10 A. Yeah.

Q. --Mr Zvirotic. Because you're the key identifier, you're in a group who enter the house first off?

A. The front door, yep.

15

Q. Do you recall your evidence when you go through the front door that you see Mr Zvirotic, I think on the stairs?

A. On the stairs, yeah.

20 Q. Do you immediately identify him for the other officers?

A. I did, yeah.

Q. Your evidence was you said something to him, "Tony, stay there. I want to talk to you about some bombing matters."

25 A. Yeah.

Q. Then he was apprehended by Detective Gilligan?

A. Yes.

30 Q. Do you recall, did Mr Zvirotic at that point put up a struggle, or?

A. He did, yes.

Q. What kind of struggle?

35 A. Well, when we went through the front door he was coming down the stairs in his underwear. I think he was about half way down, and when he saw us he turned and started to go back up the stairs, and that's when I spoke, and then Gilligan grabbed him by the arm, and there was a struggle between him and Gilligan, and I think somebody - somebody joined in. I can't remember who came to Gilligan's aid. It might have been - I don't know. I've forgotten.

40

Q. Mr Zvirotic is apprehended by at least Detective Gilligan, and you think another officer?

A. Yep, at least. Yeah.

45 Q. Is he asked at that point something about where his room is?

A. Yes.

Q. Do you recall what he responded?

50 A. Yes. He said - he said, "Room" - he gave us the wrong number of the room. It was either seven or nine, "Up there", and when we went there - I

forget who opened the door. Somebody opened the door and another man came out, and it turned out he'd told us the wrong number. His room was the next one.

5 Q. At this stage you've had Mr Zvirotic apprehended by Detective Gilligan.
A. Yeah.

Q. Do you know where they took him?
10 A. I think they took him - I think they took him out and put him in the car, from memory.

Q. But you proceeded up the stairs to participate in the search of his room, when you got to the right room?
15 A. Yes.

Q. Why did you do that?
A. Well, I wanted to see what was there from a Special Branch point of view, if there was documents or banners, or information of any sort. That's why I - I was there.
20

Q. Other officers undertook the search in the room?
A. Yes.

Q. Do you recall who else was there?
25 A. There was Detective Gilligan. No, I'm sorry, I really can't be - I can't remember who was in the room. I was in the room; Gilligan was in the room; no, I'm sorry, I can't remember.

Q. Do you recall particular items that were discovered?
30 A. Yes.

Q. Do you recall what Detective Gilligan found?
A. Found a pistol.

35 Q. The pistol was in a brown paper bag?
A. It was, yes.

Q. Can you recall where in the room it was found?
40 A. I think he took it from the - I think he took it from the wardrobe.

Q. Can you recall an Officer Burke finding something?
A. I think he found - I think he found - I can't be sure. I think he found gelignite.

45 Q. Your evidence was that there was a briefcase located containing two sticks of gelignite and a detonator.
A. Right.

Q. And that was found by Officer Burke.
50 A. Right.

Q. You gave evidence before that this raid was purely to arrest Mr Anton Zvirotic, and that there wasn't an expectation that there would be gelignite or detonators there, that they were coming from Lithgow.

A. Yes.

5

Q. So it was a surprise when the briefcase was opened and there were the two sticks of gelignite and the detonator?

A. It was, yes.

10

Q. At this point, do you or do you see any of the other officers take action to ensure the safety of the other occupants of the boarding house?

A. No.

15

Q. Did you turn your mind to whether that should be done?

A. I may have, but it wasn't a decision for me to make.

Q. In your opinion, whose decision was it to make?

A. It would've been - that would've been Detective Sergeant Gilligan.

20

Q. So in a sense he was in charge of this raid?

A. Yes.

Q. Even though it's not your decision to make, surely it's a matter that if you are concerned you could've raised with Detective Sergeant Gilligan?

25

A. I - it wasn't my place to do that.

Q. Not even raises a safety concern? I'm not suggesting you'd tell him what to do.

30

A. No, no. He - it, no, it just wasn't my place to do that at all. He - he was a detective sergeant from the CIB and I was a lonely - a lowly, I think I was a detective senior constable from Special Branch, and there was a difference.

Q. Because at that stage it would've been unknown whether here were other gelignite, other detonators, even other kind of constructed bombs in the bedroom?

35

A. Correct, yes. That's right. It was a small room, it was a very small room and, you know, it - I think it had a bed and a desk. Bed and a--

Q. Now, I felt you spoke or you'd previously referred to a wardrobe?

40

A. Yeah. Yeah, it had a bed, a wardrobe, and I think it had two television sets for some unknown reason; but it was a very small room.

Q. Even though it was a boarding house, there must have been some common areas. For example, bathrooms, or kitchens, or something like that, or--

45

A. I should imagine so, but I - I didn't - I didn't observe those sorts of things.

Q. You said it was a large house with--

50

A. A very large house, yes.

Q. --did you look you the back, was there a backyard with a shed or anything like that?

A. I didn't look out the back. I don't know.

5 Q. What I'm raising with you, if you find some gelignite and a detonator in a briefcase, did the prospect that there might be other similar items not only in the room, but maybe hidden or stashed elsewhere in a property which you've described as a large property, or a large house?

A. No, it didn't really occur to me, to me.

10

MCDONALD: Your Honour, is that an appropriate time?

HIS HONOUR: Yes. Mr Jefferies, we'll just take the morning break, so you can step down.

15

WITNESS: Thank you, sir.

SHORT ADJOURNMENT

20

MCDONALD

Q. Mr Jefferies, before continuing your evidence about the raid at Chandos Street, I wanted to revisit some evidence you gave before the break. I asked you about the meeting at the Armed Hold Up Squad at about 8pm where the three new names are raised, and then you've given evidence that you in addition nominated Mr Stipich. I asked you whether it was the case that it was you who nominated the Kokotovic brothers and Mr Nekic, as you knew that they were associates of Mr Brajkovic and Mr Zvirotic.

25

A. Zvirotic.

30

Q. You didn't agree with that suggestion. I just wanted to take you to some questions you were asked at trial, and this is Exhibit 2.1-86 and page 2948.

EXHIBIT 2.1-86, PAGE 2948, SHOWN TO WITNESS

35

Q. If we can expand it, and it's a question that you were asked in cross-examination. "You see, Detective?" Maybe if we can just move down the page a little bit. Can you see you were asked, "You see, Detective, is it mere coincidence that the moment that you arrived at CIB from Chandos Street was the very moment that the names of the Kokotovic brothers and Mr Nekic start to be bandied round", and I took you to this previously, and you said that they weren't bandied round. But if you follow the questions, it's then put to you that "I suggest to you it is more likely that you arranged for or connived in the arrest of political demonstrators that for one reason or another you wanted off the streets." Do you see that? And you say, "No, sir."

40

45

A. At the bottom.

Q. Then, "You use the opportunity of the arrests of the men in Lithgow to get rid of Croatian Republican Party activists, or people you considered to be activists in that party, in respect of who you had ill will, or who you had been

50

told to concentrate upon." Again, you deny that.

A. Yes. I deny it.

5 Q. Your evidence today and your recollection today is that you would still deny such assertions being put to you?

A. Yes.

10 Q. That it wasn't a matter that either you had a wish to get rid of certain members of the Croatian Republican Party to get them off the street?

A. No. No way.

Q. Or indeed, that you had been informed or told to do that?

A. No, I hadn't. That's totally incorrect.

15 Q. Yesterday I'll ask you some questions about the Croatian Republican Party, and transcript 522, about lines 3 to 6, you said at around this time you thought they had no more than a dozen members.

A. That's right. In Australia, yes.

20 Q. Were there other Croatians in Sydney who you even knew or suspected were members of the Croatian Republican Party but who were not arrested as part of the Croatian Six? Putting to one side Mr Stipich.

A. No, I don't think so.

25 Q. The Croatian Six and Mr Stipich, they were the members of the Croatian Republican Party that you knew of, round February 1979?

A. I believe so, yes.

Q. Anybody else that you can recall?

30 A. No, I can't - I can't think of anybody else, no.

Q. Can I take you back to Chandos Street. You gave evidence that after the identification of Mr Zvirotic on the stairs--

A. Yes.

35

Q. --that he was apprehended, I think you suggested, by--

A. Detective Sergeant Gilligan.

Q. Detective Gilligan, and that he was then taken out to the car.

40 A. As far as I remember that's what happened, yes.

Q. You went up the stairs to participate in the--

A. In - in the search.

45 Q. Before the break you said one of the reasons why you went up for the search was from a Special Branch perspective you were interested in whether there were any documents, banners, other such material?

A. Yes.

50 Q. Did you find anything in the room along those lines?

A. There was a Yugoslav newspaper, but I mean, that's neither here nor there. No, I can't recall finding any documents.

5 Q. While you were either near the entrance of the house where you identified Mr Zvirotic, and your observations of him being arrested - I think you gave evidence that there was a bit of a scuffle on the stairs?

A. Yes.

10 Q. While he was being apprehended and taken away, did you see any - other than the scuffle on the stairs - any other violence or pulling of hair, or assault of Mr Zvirotic?

A. No.

15 Q. You gave evidence at the trial that after the discovery of the pistol and the gelignite and detonator in the room, that you then left and went downstairs out of the house, and went over to where the car was?

A. Yes.

20 Q. Do you recall that you gave evidence that you said something along the lines of, "We found a pistol, two sticks of gelignite, and a detonator in his room."

A. Yes.

25 Q. Who did you say that to?

A. I believe it was Detective Jameson.

Q. Where was Mr Zvirotic?

A. In the rear seat of the car, of the police car.

30 Q. Where was Detective Jameson?

A. Sitting beside him.

Q. When you reported that to Detective Jameson, did Mr Zvirotic say anything?

35 A. I can't remember.

Q. Do you recall Mr Zvirotic being cautioned around this time?

A. No. I can't remember that.

40 Q. The pistol and then the gelignite and detonator that were discovered in his room. They were not shown to Mr Zvirotic at the house.

A. No, I don't think they were.

45 Q. Is that unusual that a suspect who's been apprehended, and a discovery of certain items in their room, that they're not taken back and shown the items, for example, in the room, where they were found in the room, et cetera?

A. No, I don't think so.

Q. Not part of usual police procedure around that time to do that?

50 A. It may have been by some people, but I don't really - I don't really know.

5 Q. Mr Zvirotic at trial maintained or gave evidence that he had never seen the pistol, the detonator or the gelignite before, and that, if I can describe it as, the three items must've been planted in the room by the detectives who attended. Did you see any evidence of, for example, the pistol in the brown paper bag, or the briefcase with the gelignite and detonator being brought in by police?

A. No, I didn't.

10 Q. Indeed, did you bring either the pistol in the brown paper bag--
A. No, I didn't.

Q. --or the briefcase?

A. No. I did not. No.

15 Q. At any time while at Chandos Street, before Mr Zvirotic was taken back to CIB, did you see any police officer hit him on the head?
A. No.

20 Q. Or assault him in any way?
A. No.

Q. Mr Zvirotic was taken back to CIB.

A. Yes.

25 Q. After you finished at Chandos Street, where did you go?
A. I think I went back to the CIB.

Q. Did you speak to Mr Zvirotic at CIB?

A. No, I didn't.

30 Q. Did you participate in any way in an interview with Mr Zvirotic back at CIB?
A. No. No, I didn't.

35 Q. Given your - you'd had dealings with him before, though not very fruitful dealings--
A. Yes.

40 Q. --that out of all the officers, you were the one who could identify him and knew of him.
A. Yes.

Q. And, potentially given this finding of a detonator and gelignite, wasn't it important for Special Branch purposes, that is to gather information, for you to speak to him that night?

45 A. No. Probably not. It'd - the situation had changed from our interest to a criminal matter, and we didn't want to infringe on the detectives running the criminal side of the case.

50 Q. Why is that a concern of infringing on the detectives running the criminal side of the case?

A. Well, our interests at Special Branch were - we were separate from the CIB altogether. They dealt with criminal matters, we dealt with political intelligence. So once it reached the point where it was a crime, it became their purview as such, and we simply didn't interfere; unless we were asked.

5

Q. This decision not to interfere in their purview, that applied that night, when he'd been arrested and taken back to CIB?

A. Yes.

10

Q. Did it apply on the subsequent days, after his arrest?

A. Yes. As far as I remember, yes.

Q. When you said we wouldn't seek to speak to him unless asked, who would you anticipate would ask you to do that?

15

A. The - the detective-in-charge of the case from the CIB. That's who would ask.

Q. Was it possible that you might be directed or asked by one of your superiors in Special Branch to speak to him or another member of the Croatian Six?

20

A. It's possible, yes.

Q. If that was either direction or request was made, because it had become a criminal matter, would've you had to have sought the permission of the officer-in-charge--

25

A. Yes.

Q. --in CIB?

A. Yes, most certainly.

30

Q. Do you recall after you returned to CIB on that night how long you stayed there?

A. No, I don't.

35

Q. You didn't participate in any way in an interview or any discussions with Mr Zvirotic?

A. No. I didn't.

Q. Did you witness him being assaulted at CIB?

40

A. No, I did not.

Q. Are you in any other way aware of him being - of whether he was assaulted by police officers when he was at CIB?

A. No, I'm not.

45

Q. Vico Virkez. Your evidence was that before 8 February 1979 you'd never come across his name before.

A. That's right.

50

Q. He'd never come across your radar at demonstrations or anything like that?

A. No. I didn't know him, no.

Q. Also it was the same position with Mr Bebic?

A. No, I think I knew Mr Bebic, I think I knew Maks Bebic by sight.

5

Q. How did you know him by sight?

A. Probably from demonstrations and other police identifying him to me.

10 Q. In your statement in that section where you set out demonstrations or discussions, with members of the Croatian Six, Mr Bebic is, I'm pretty sure not referred to.

A. I can't remember. I can't remember whether he was or he wasn't.

15 Q. If it was a matter of you identifying or seeing him at demonstrations or other police officers pointing him out to you, was it the case that at least an index card would have been created?

A. Yes, I think so.

20 Q. And this is all pre-8 February.

A. Yeah.

Q. Can you recall, was there an index card for Mr Bebic?

A. I think there was, yeah.

25 Q. Do you know who created it?

A. I can't be sure. It may have been me, or my predecessor.

Q. Just concentrating on Mr Virkez, as you've said, you hadn't heard of him or he wasn't on your radar before 8 February.

30 A. That's right.

Q. After he came onto your radar, let's say 9 February, did you investigate or make any enquiries about him?

A. I believe I did, yes.

35

Q. What enquiries did you make?

A. I - I believe I would've contacted ASIO, Federal Police.

Q. Mr Jefferies, I'm having difficulties hearing you again, I'm sorry.

40 A. I'm sorry, I'm a bit far away.

Q. You said you contacted - your recollection is--

A. I probably would've contacted ASIO or - and/or the Federal Police, but I didn't know him up until then.

45

Q. When you say the Federal Police, at that stage it was the Commonwealth Police?

A. Commonwealth Police, yeah.

50 Q. You said probably would've contacted them.

A. Probably, yes.

Q. Does that reflect your procedure when you're gathering information or intel--

5 A. Yes.

Q. --that - you gave evidence yesterday that you had these contacts within those agencies?

10 A. Yes.

Q. Within ASIO, I know you answered, "Probably contacted them", can you recall whether you were told anything on about 9 February, or maybe the morning of 10 February about him?

15 A. No, I can't - I can't recollect when I was told anything about him. I - I know I gained information about him, but I don't know when.

Q. You did--

A. Yeah, I got information, again.

20 Q. I will take you shortly to your discussion with Mr Virkez which occurred on 10 February.

A. Mm-hmm.

Q. That was a discussion which occurred up at the Lithgow Police Station.

25 A. Yeah.

Q. What I'm interested in, again, using that as a mark, whether you can recall gaining any intelligence or information on him before you turn up at the--

30 A. Before I spoke to him?

Q. Yes.

A. No, I don't believe I did.

35 Q. The Commonwealth Police, did you at this time have a counterpart within the Commonwealth Police?

A. Yes, I did.

Q. Who was that?

40 A. That was Detective Sergeant Percy West.

Q. Percy West?

A. Percy West. I believe he's dead.

Q. When you describe him as your counterpart--

45 A. Yes.

Q. --was he the Croatian expert within the Commonwealth Police?

A. Yugoslav expert, yes.

50 Q. Yugoslav expert, and within the Commonwealth Police at that stage, did

they have like a branch or a unit dealing with intelligence?

A. They did, yes.

Q. Was Percy West part of that?

5 A. Yes.

Q. Around this time, was he your, in a sense, first port of call if you wanted to discuss a Yugoslav Croatian matter with a Commonwealth Police officer?

A. Yes. Yes.

10

Q. All right, can I turn to 10 February 1979? You attended Lithgow Police Station and you got up there late afternoon?

A. Yes.

15

Q. Around about 4pm?

A. I don't remember, but probably, yes.

Q. You were accompanied by a detective, is it Hogue of Special Branch?

A. Hogan.

20

Q. H-O-G-U-E?

A. A-N.

Q. A-N; Hogan?

25

A. Hogan.

Q. Do you remember his first name?

A. Tim.

30

Q. Tim?

A. Mm-hmm. He was the Special Branch detective at Newcastle.

Q. Could I just confirm, was it "Tim" with a "T" or "Kim" with a "K"?

A. A "T". With a "T".

35

Q. Tim?

A. Tim.

Q. Why did he accompany you?

40

A. He was - he was visiting Sydney from - from Newcastle, and - I don't really know. I think he might have been the only one available at the time. Something like that.

Q. It wasn't the case he had some special--

45

A. No.

Q. --interest in Yugoslav or Croatian matters?

A. No. No. No. No. No.

50

Q. How did you arrange this?

A. Arrange what?

Q. Speaking to Virkez at Lithgow Gaol - Did you ring ahead? Or was it a matter of - or did you ascertain whether he was still there or what?

5 A. Yes. I think - I think I rang - I think I rang Lithgow, and - I'm not sure. I really can't be sure whether Lithgow rang us, or I - I don't know, to tell you the truth.

10 Q. Do you recall the officer at Lithgow Police Station that you were dealing with?

A. No.

Q. Was it your understanding that at this point Mr Virkez had been charged?

15 A. I can't remember.

Q. If--

A. I know he was in the cells at Lithgow.

20 Q. You did know by this stage that he was one of the people arrested on the night, or on 8 February?

A. Yes.

Q. You had been told that he was the original source--

25 A. Yes.

Q. --of what was happening? He had attended Lithgow Police Station in the afternoon of--

A. Twice.

30 Q. --the 8th. Yes.

A. He went twice.

Q. On the 8th?

35 A. Mm.

Q. Who gave you that information?

A. I - I think it was Lithgow Police.

40 Q. When you spoke about on the 9th making some enquiries, at that point did you make any enquiries with the Yugoslav Embassy about him?

A. About Virkez?

Q. Yes. On about the 9th, or the morning of the 10th?

45 A. No. I don't believe I would have.

Q. You go to Lithgow, and you have a meeting, or a discussion, with Virkez.

A. Mm.

Q. Where did the meeting take place?

50 A. At Lithgow Police Station.

Q. But in the cells, or did they--

A. No. In - in an office there.

Q. Both you and Detective Hogan were there?

5 A. Yep.

Q. How long did the meeting go for?

A. For quite some time.

10 Q. I think at the committal you said, "It lasted about two- to three hours."

A. About that, yes.

Q. That accords with your recollection now?

15 A. Yes. It was - it was pretty lengthy.

Q. Did you keep any notes of it?

A. No.

Q. Did you observe Detective Hogan keeping any notes?

20 A. No. He didn't.

Q. Why didn't you keep any notes?

25 A. It was my practice generally not to take notes because I found when you start writing, people stop talking. So I trained myself to commit most of the things to memory, and then I would do a report afterwards, but--

Q. In respect of the interview with Virkez--

A. Mm-hmm.

30 Q. --did you produce a report about it?

A. I did.

Q. Was that report typed up when you got back to Sydney?

35 A. I don't know if it was immediate, but within a couple of days.

Q. The provision of a report, is that the type of report that you gave evidence about yesterday that you would provide, and it would be, I think, go to your immediate superior?

40 A. It would go to my - my immediate superior, yeah.

Q. Who would then make a decision whether it goes to the officer-in-charge?

A. Well, no. We're at odds there. No. When I say, "immediate superior", I mean the officer-in-charge.

45 Q. And at this stage, it was Inspector Perrin?

A. Yes. I believe so.

Q. Again, I think consistently with your evidence yesterday, you've got this report. Does that generate either an index card or a dossier now on

50 Mr Virkez?

A. It would have.

Q. Given what he was involved in, would he have jumped straight to a dossier?

5 A. No.

Q. So it would have started off as information recorded on an index?

A. On an index card, yeah. It referred you to the report.

10 Q. During this meeting with him, is it fair to say that you and Mr Virkez did most of the talking?

A. Yes.

Q. The first part of the interview with him--

15 A. Yes.

Q. --what did you discuss?

A. I'm not really sure. I can't - the first part of the interview?

20 Q. Can I say this to you: you've never met him before?

A. No. I'd never met him before.

Q. So he introduces himself to you--

25 A. Yes.

Q. --as Vico Virkez?

A. Yes.

Q. At that point, does something strike you--

30 A. Yes. I - I--

Q. --about this man sitting there--

A. He wasn't Croatian.

35 Q. All right.

A. He was Serbian.

Q. He wasn't Croatian; he was Serbian.

40 A. He was pretending to be Croatian.

Q. And pretending to be Croatian?

A. Yep.

45 Q. That's the information you were given, that you've obtained from this meeting.

A. Mm-hmm.

Q. How did you find that out? Did you say something to him at the beginning of the meeting?

50 A. No. It was just his general demeanour and - and the way he spoke. It was

obvious that he was trying to impress me with things that Croats wouldn't have - wouldn't have raised. I - I can't be more specific than that, but it became obvious to me very quickly that he wasn't Croatian.

5 Q. As you said, that was because of his demeanour--

A. His demeanour and--

Q. --and how he spoke, and what he raised.

A. Yep.

10

Q. When you say, "his demeanour", what was it about his demeanour?

A. Well, it was obvious - I don't know exactly what it was about his demeanour, but it was obvious he wasn't genuine. He wasn't being genuine with me. He was trying to impress me, and--

15

Q. But try to impress you in what way?

A. That he was a Croatian, and he was trying - trying to help.

Q. Trying to help?

20

A. Mm.

Q. You said that it was obvious that he wasn't Croatian--

A. Yep.

25

Q. --and from what you've said, you've come to that conclusion quite early during this meeting?

A. Yes.

Q. Did you say that to him?

30

A. Eventually, I think, I did.

Q. How did he respond?

A. I can't remember.

35

Q. Didn't you say to him, "You're not Croatian, but you're a Serb."

A. I did.

Q. Didn't he, during the meeting, say, "Yes. You're right. I'm a Serb."

A. Yes.

40

Q. And at that point, did he nominate what his real name was?

A. I can't remember where the name came from, but his name was Vitomir Misimovic. That was his real name.

45

Q. He said that to you during this meeting that that was his real name?

A. He must have, yes. He must have.

Q. At this point, you said that he was trying to impress you and saying, "I'm trying to help."

50

A. Mm-hmm.

Q. Did he raise anything about, "What am I doing in gaol?"

A. Yes. Yes. He wasn't very happy about that.

Q. What did he say about that?

5 A. Well, "I've come to" - you know, "I've come to - I've come to help you, and I've ended up in gaol. How - how does that work out?"

Q. You've now discovered he's not a Croatian; that he's actually a Serb, and he has another name.

10 A. Mm-hmm.

Q. During this meeting with him, did he give you details about other involvement he might have had within the Yugoslav community or the Yugoslav Consulate in Sydney?

15 A. No. I can't remember exactly. I know that he'd - I know that he'd approached the Yugoslav Consulate twice and been rejected and told to go to the police in relation to this matter. I don't think they were impressed with him at all.

20 Q. The Consulate wasn't?

A. Mm.

Q. The name of Vitomir Misimovic--

25 A. Yeah.

Q. --he gave you that name during this meeting?

A. He must have, yes.

30 Q. By giving you that name, is that a Serbian name, or is there any conclusion you can, given your knowledge of different ethnic groups within Yugoslavia, is that obviously a Serbian name?

A. I couldn't say that, no. I don't know.

35 Q. You said that during this meeting, he also referred to approaching the Yugoslav Consulate on two occasions.

A. Yep.

Q. Did he say how he approached them? Did he rock up to their door; did he ring them, or?

40 A. I'm trying to remember. I know they told him to go away and to go to the police. I'm just - I think he might have - I can't be sure. I think he might have rung them, and their response was "Go away, and go to the police. Go and tell the police."

45 Q. He approached the Yugoslav Consulate on at least two occasions?

A. Two occasions, yep.

Q. And got this knock back?

50 A. Yep.

Q. This is what he informed you; he got this knock back on two occasions?

A. Yep.

Q. Did he tell you is that why he then approached Lithgow Police Station?

5 A. I think so. I think so. Excuse me.

Q. In answer to a question just previously, you said something along the lines of he had approached Lithgow Police Station on two occasions?

A. Yep.

10

Q. What were you referring to then?

A. Well, after the - after the Consulate told him to go to the police, he went to Lithgow Police Station, and they turned him away. They didn't believe him, so he went back again. I - he - he went to the police station. They wouldn't believe him, so he rang the Consulate and they said you go back again, and he went back and they did accept it.

15

Q. His account was: consulate knock back, go to the police.

A. Yep.

20

Q. Went to the police, knocked back.

A. Yes.

Q. Another approach to the Consulate?

25

A. Consulate, yep.

Q. Another knock back, go back to the police?

A. Yeah.

30

Q. And this time he went to Lithgow Police Station and that was early afternoon on 8 February.

A. Yeah.

Q. Did he inform you about any previous dealings or contact he may have had with the Yugoslav Consulate?

35

A. No, I don't think so.

Q. During this meeting did he go into any more detail about what the actual plan was with the bombs and the gelignite, et cetera, that had been found at Lithgow?

40

A. He did.

Q. What details did he give you?

A. That they were going to come to Sydney and set off bombs. They were going to blow up the Elizabethan Theatre, when a Yugoslav group were playing. They were going to blow up the huge water reservoir at Petersham. They were going to blow up the Sydney water supply pipeline. They were going to murder, I think, about ten people, including me.

45

Q. Including you?

50

A. Including me. No, I think they were going to make letter bombs. I think he said they were going to make letter bombs.

Q. Were you going to be one of the recipients of a letter bomb?

5 A. I don't know. I don't know.

Q. But he said to you or nominated about ten people, including you--

A. Yeah.

10 Q. --who were, it was planned, would be murdered?

A. They were - yeah, they were - they were other Yugoslav, or other Croats, and Yugoslavs, because they opposed - opposed the Republicans' plans.

15 Q. Did you ask him why you were in the list?

A. Because I knew too much.

Q. But you'd never come across him before?

20 A. No, but he said that it was because when people started - when things started happening, I would know who was doing it, as in the Croatian Republican Party, so - another man was Fabian Lovokovic, who was a very, very prominent Croat, and he was to be - he was to be assassinated because he worked against - he spoke against the Republican Party, which he did.

25 Q. Was the Fabian person, was he associated with another rival group?

A. Yes. Yes, he was associated with the Croatian Liberation Movement, HOP.

Q. You gave evidence that the meeting went for about two to three hours.

A. Yes.

30

Q. You didn't keep notes--

A. No.

35 Q. --and it's a number of years down the track. Can you recall what other topics or matters you discussed during that two to three hours?

A. No, I can't be specific, but it would have had to do with Croatian politics, and the Republican Party, and their aspirations, perhaps.

Q. Did he nominate that he was a member of the Party?

40 A. Yep.

Q. If he was a Serb, did he say why he had joined the Party?

A. He was a strange chap. He - he - he thought he was doing something to further Yugoslavia's cause. He was an ardent Yugoslav.

45

Q. When you say "further the Yugoslav cause", what are you referring to?

A. Well, Yugoslavia is a collection of previously independent states, coupled together by Marshal Tito. Not all of them are happy at being in the - in the Federation, and you have pro-Yugoslavian people and anti-Yugoslavian people.

50

Q. So pro maintaining Yugoslav as a country?

A. Yes.

5 Q. With these number of other either ethnic groups or previous countries?
A. Previous states, yeah.

Q. Nationalities, kind of under the umbrella--

A. Yep.

10 Q. --of Yugoslavia?

A. Yep. Plus it was communist. It was a communist country.

Q. Did he indicate that he was a communist?

A. No.

15

Q. Did he set out by joining the Croatian Republican Party how he intended to further the Yugoslav cause?

A. Well, he was going to inform on - on the Republican Party, and their aims and objectives and their actions, and the membership. That sort of thing.

20

Q. This informing on the Republican Party, did he give any examples or any indication about whether he had informed on them before this Consulate, police, Consulate, police?

A. No. No, he hadn't. Well - I won't say he hadn't; he didn't give any indication.

25

Q. Was the indication at the meeting, was this the first time he was going to inform on the other members of the Party?

A. Yes.

30

Q. You described him as a "strange chap".

A. Yes.

35 Q. Can you give us some more details about your impression of him during this meeting?

A. He - he seemed to have his own agenda, and well, he was - he was strange in that he had two names. He had two nationalities, according to him. He - he was a former Serb and claimed to be Croatian. He was just - just a strange person, who - who thought he was doing good by supplying information to the - to the Consulate, Yugoslav Consulate.

40

Q. By supplying information to the Yugoslav Consulate--

A. That's what he was trying to do, yes.

45 Q. When you refer to that, that's the abortive two--

A. Yeah.

50 Q. --contacts with the Consulate. Can I just ask you, when you said he was born a Serbian but he claimed to be a Croat, or Croatian. The claiming to be Croatian, was it your impression that that was just subterfuge or a mechanism?

A. Yes.

Q. It wasn't kind of some genuine--

A. No, no, no, no. No, no, it was a mechanism. It was a--

5

Q. Mechanism--

A. Yeah

Q. --to infiltrate or--

10

A. Yes.

Q. --obtain information?

A. Yes.

15

Q. You spoke about him wanting to further the Yugoslav cause. During this meeting, did you speak to him or raise with him any other connection with, for example, the Yugoslav Intelligence Service or the UDBa?

A. I think I did.

20

Q. Did he indicate--

A. No, he denied it.

Q. He denied what, he was?

A. That he wasn't a member of UDBa.

25

Q. Or anything broader with the Yugoslav Intelligence Service?

A. Yes, he - well, I can't say he specifically denied all of those things, but he - he gave no indication that he was connected with anybody else.

30

Q. During the meeting where you have discovered, as you said, an unusual man, a strange man with two names, two nationalities, and this contacting the Consulate, contacting the police station. At any time during the meeting or immediately afterwards, did you become concerned that this might have been some kind of set up?

35

A. I considered it. I would have considered it. I can't remember, but I would have considered that, yes.

Q. Because of those factors that you--

A. Those factors.

40

Q. --identified in your evidence?

A. Yes.

45

Q. In considering whether it is a set up, what would you have done? Was that a matter of, in a sense, you sitting back and thinking through things, and making up your mind; or was it a matter that at least you would have had to have raised, at least within Special Branch?

A. No. No, I would - I would have considered it. It would have been my decision.

50

Q. I take it your recollection is that you didn't sit back and then conclude it had been a set up?

A. That's right.

5 Q. Did you have any discussions with Detective Hogan?

A. Yes, I would have had. I can't remember, but I certainly would have had discussions with him, yes.

10 Q. Can you recall whether he had a - and you discussed with him, "Is this a set-up, gee this is all a bit suspicious", or?

A. No, I don't think so. Tim - Tim was more or less a - just an observer and he didn't have any - any knowledge of Croatian or Yugoslav affairs. He - he was just.

15 Q. You didn't take notes and you've given evidence that your recollection is that upon returning to Sydney, either the next day or the day after that, you would've put all this information in a report?

A. Definitely, yes.

20 Q. The report would've included, or did include, that he was a Serb pretending to be a Croat?

A. Yes.

Q. That he had another name, a real name?

25 A. Yes.

Q. That he had infiltrated the Republican Party to further the Yugoslav cause?

A. Yes.

30 Q. That was relevant information for your report?

A. Yes.

Q. Also, contacting the Consulate, contacting the police, Consulate, police, that--

35 A. Yes. That would've been in the report.

Q. --that would've been in the report?

A. Yep.

40 Q. And that's all the important relevant information that you obtained?

A. No. I can't remember. Yes, I suppose that's correct.

Q. Also, for example, when you said to him, "Are you a member of the Yugoslav Intelligence Service or UDBa", and his denial of that, again--

45 A. Yeah.

Q. --important--

50 BASHIR: I object, your Honour. I'm sorry, but that wasn't the evidence. The evidence, as I noted it, was that he didn't deny those particular things, he said,

"I think I did. He denied that not a member of the UDBa", and then he said, "YIS was asked. I can't say he specifically denied all those things, but he gave no indication he was any of those things".

5 MCDONALD: Can I just clarify?

HIS HONOUR: Yes.

MCDONALD

10

Q. You asked him whether he was a member of UDBa?

A. I did.

Q. What's your recollection of--

15

A. He denied it.

Q. He denied that. I used then the expression the Yugoslav Intelligence Service.

20

A. Yes.

Q. Did you raise with him the Yugoslav Intelligence Service different organisation to UDBa?

A. No. We - I just referred to UDBa.

25

Q. So the questions you asked him during this meeting concentrated on UDBa?

A. Yeah.

Q. And your evidence is that he denied being a member of that organisation?

30

A. Yeah, but - it was commonly - it was commonly understood that although they were separate organisations, UDBa meant the lot, in discussions, you know, if we spoke, you know, if you are a member of UDBa, we didn't say you are a member of the Yugoslav Intelligence police, a member of the Yugoslav secret service, it was just - it's like saying you're a member of the cops, you know.

35

Q. The report that you prepared, you then submitted that to I think it was Inspector Perrin.

40

A. I think it was Inspector Perrin, yeah.

Q. Was it the procedure that, did you just submit it, and then wait for Inspector Perrin to read it and contact you?

A. Yes.

45

Q. Or - so there wasn't a procedure that if you got something in a sense red hot, or new--

A. No - well--

Q. --or something along those lines, you'd go and--

50

A. Yeah.

Q. --knock on his door?

A. We would be, or you'd go and knock on his door and discuss it with him, and - and some time later it - you'd just submit a report confirming what you told him.

5

Q. Can you recall upon your return from Lithgow Police Station with all this information, did you immediately approach Inspector Perrin?

A. I - I can't remember, but I think we got back pretty late.

10

Q. On the tenth?

A. Yeah. So, I can't be sure, but I think we got back pretty late, so I would've spoken to Inspector Perrin the next day.

15

Q. Now, there's either a discussion with Inspector Perrin but definitely a preparation of a report.

A. Yeah.

20

Q. I should've asked you this before. When I asked you about Mr Zvirotic being taken back to CIB, on the night of 8 February, you gave evidence that you were very conscious not to interfere or intrude on the purview of, in a sense, the investigating police.

A. That's right.

25

Q. Did you have the same concerns about not interfering with the investigating police who were investigating Mr Virkez? For example, did you contact them beforehand, inform them that you were going up on 10 February?

A. I can't remember - I can't remember. We probably would've contacted them.

30

Q. Do you recall who you thought was the, in a sense, investigating officer for Mr Virkez?

A. No, I don't.

35

Q. You gave evidence that after this meeting you did sit back and think, is this a set-up.

A. Mm.

40

Q. And your evidence was that your thought process was that it wasn't a set-up.

A. Right.

45

Q. That thought process, what factors did you rely upon in your decision or view that it wasn't a set-up?

A. Well, the basic information and the possibility of it being correct. Virkez's attitude. I - I was fairly confident it was - it was correct.

50

Q. When you say it was correct, what was correct?

A. Yeah. The information.

Q. This is the information about the explosives and the various plans to plant

the explosives at different sites in Sydney?

A. Yes.

5 Q. Even though your evidence is, in your mind you determined it wasn't a set-up, either when you - any discussion with Inspector Perrin about whether he had a concern about that?

A. He was concerned about it. He - he had some doubts.

Q. He expressed those doubts to you?

10 A. Not so much - not in so many words, but I could tell he was - he was unsure about it.

Q. When you say he was unsure about it, the impression you gained that he was unsure about it, was that after he had read your report, or--

15 A. No, during the discussion.

Q. During the discussion before you'd provided your report?

A. Yeah.

20 Q. Did you raise specifically with him whether he'd thought it was a set-up?

A. No, but I tried to - I tried to convince him that it was - convince him that it was genuine information.

25 Q. When you say genuine information, you're talking about, if I can describe it as, the bomb plot?

A. Yeah.

Q. This information, you have prepared a report, you've raised it internally within Special Branch.

30 A. Yeah.

Q. At this point, as you've given evidence because you didn't want to intrude on the purview of their investigation, you've got officers as part of CIB, either Armed Hold Up or Breaking Squad, investigating the bomb plot?

35 A. Yes.

Q. After your attendance at the raid on Chandos Street, have you had further involvement with any of those officers?

40 A. Yes.

Q. Who were the officers that you were dealing with?

A. Detective Sergeant Turner; and Senior Constable Jameson; and I think Sergeant Webster.

45 HIS HONOUR: Is that a convenient time?

MCDONALD: Yes. Sorry, your Honour. Yes.

50 HIS HONOUR: All right. Step down, we'll have lunch, and resume at two.

LUNCHEON ADJOURNMENT

5 MCDONALD: Your Honour, may I deal first with an administrative matter. Your Honour, currently Exhibit 1.2 - could the current document there be substituted with the document that I'm now handing to your Honour, which is The appointment pursuant to s 81(1)(b) of the *Crimes (Appeal and Review) Act 2001* (NSW), signed by his Honour, the Chief Justice, on 16 March 2023.

10 HIS HONOUR: Yes. That substitution will be made.

15 EXHIBIT #1.2 SUBSTITUTED BY A DOCUMENT REGARDING THE APPOINTMENT OF ACTING JUSTICE R A HULME TO CONDUCT THE INQUIRY PURSUANT TO SECTION 81(1)(b) OF THE CRIMES (APPEAL AND REVIEW) ACT, SIGNED BY THE CHIEF JUSTICE ON 16/03/23, ADMITTED WITHOUT OBJECTION

20 WOODS: Your Honour, before we proceed, a question of law arises. My learned friend the Counsel Assisting has just alerted me to it. I thank her for that. May we have two minutes so we can speak with the witness?

HIS HONOUR: Yes, all right.

WOODS: It's a matter of law that is of some significance.

25 HIS HONOUR: Yes. I would have thought that those sort of discussions would have been had by now, but anyway, if it hasn't, I'll go off the bench.

WOODS: Thank you, your Honour.

30 HIS HONOUR: Let me know when you're ready.

SHORT ADJOURNMENT

35 HIS HONOUR: Ready?

WOODS: Thank you, your Honour. We're ready now.

MCDONALD

40 Q. Mr Bennett, I just wanted to return to your discussion with Mr Virkez on 10 February, and you'll recall that you gave some evidence before lunch where you said that he said to you about approaching the Consulate on the two occasions and getting knocked back.

45 A. Yes.

Q. Also you gave evidence that you raised with him the UDBa--

A. Yes.

50 Q. --and whether he was part of that or a member of that?

A. Yes.

Q. As part of your work as a member of Special Branch, had you come across evidence of individuals who were members of UDBa or associated with UDBa, within the Australian community?

5 A. I came across people I suspected of being connected with UDBa, but I couldn't say that they were.

Q. What did you base your suspicion on?

10 A. Their activities. Pardon me - their activities and their - their interest in Croatian affairs, and their attendance at various events, where they weren't really part of the crowd, but just general observers.

Q. When you spoke with Mr Virkez about his approach to the Consulate--

A. Yes.

15 Q. --his statements to you, were they restricted to approaching the Consulate on those two occasions, or did he suggest there may have been other contact with the Consulate?

20 A. No, I think - I think there was only the two occasions, but I can't be sure. I think there was only two.

Q. Did he explain the purpose for contacting the Consulate?

A. He wanted to - well, he wanted to work for the Consulate, as - as such, as - as an informer.

25 Q. So that was his aim, was it; that he wanted to act as some form of informant?

A. Yes.

Q. To the Consulate?

30 A. Yes.

Q. Did he say that he expressly raised with the person at the Consulate "That's what I want to do"?

35 A. I can't answer that. I don't know.

Q. Was it more in the context that this was his account, was his first approach to the Consulate--

A. Yes.

40 Q. --and that may then lead to an ongoing relationship, for example, with the Consulate?

A. As I understood it, yes.

45 Q. In your work at Special Branch had you come across other members of the community who worked as some kind of - let's call it an unofficial informant to the Consulate?

A. Yes.

50 Q. The fact that they acted as this unofficial informant to the Consulate, how did you know that?

A. I can't really tell you. It was a matter of their attitude, their interest in information. Rumour in the community.

5 Q. It wasn't the case that any of them admitted to you that they were playing that role?

A. Only one. One person. One person told me, very - very plainly.

Q. That he was, in a sense, an informant to the Consulate?

10 A. Yeah.

Q. When was that?

A. It was reasonably early on. I can't be sure. Probably 77, something like that. I can't be sure, but it was reasonably early on.

15 Q. The information that you gained from this person that they had been acting as an informant, that was information that generated a report within Special Branch?

A. Yes, it would have.

20 Q. At least some record on an index card or a dossier?

A. Mm-hmm.

Q. That sort of information, was it all information that you also told your counterpart in the Intelligence Service of the Commonwealth Police?

25 A. No, I think they were aware of it.

Q. What about ASIO?

A. I think they were very much aware of it.

30 Q. You had discussions with either an ASIO representative--

A. Yes.

Q. You gave evidence yesterday about your contacts within ASIO.

35 A. Yes.

Q. Within ASIO were there particular contacts that, like you, specialised in Yugoslavian/Croatian matters?

A. Yes. Yes, there was.

40 Q. Do you remember their names?

A. Couldn't tell you their names.

Q. Male or female?

45 A. Male.

Q. Were they of a similar level of seniority and experience as you?

A. Yes.

Q. Any recollection of first name?

50 A. Can't say.

Q. You say you can't say.

A. No.

Q. Do you remember, a name, either a first name or a surname?

5 A. I do.

Q. When you just answered, "Can't say"--

A. Can't say.

10 Q. Hold on. Is that because you are concerned that there's some statutory--

A. Yes.

Q. --prohibition on you revealing that name?

A. Yes.

15

SILOVE: Your Honour, my apologies for--

MCDONALD: Thank you.

20 SILOVE: --you can see me here. My name is Silove for the record,
S-I-L-O-V-E, and I appear for the Commonwealth in regard to this matter.

HIS HONOUR: Thank you, Mr Silove.

25 SILOVE: Thank you. As Counsel Assisting has alluded to there, there is a
statutory prohibition on publishing or making public the name of current or
former ASIO officers.

HIS HONOUR: I thought there was.

30

SILOVE: Thank you, your Honour.

MCDONALD: Your Honour, I recall that there was such a prohibition. The
way it's been described is not a prohibition on publishing, I'm just wondering if
35 it was subject to a non-publication order by your Honour, and I don't have the
statutory provision in front of me, whether that would.

HIS HONOUR: Thank you. Mr Silove, do you have it?

40 SILOVE: I do, I might be able to assist the Inquiry in that. It's s 92 of the *ASIO
Act 1979* (Cth) and I note the chapeau to s 92(1), it's an offence to publish or
otherwise make public the name of a former or current ASIO officer. And so
we ask that the witnesses in this Inquiry not otherwise make public those
names. If such names are read onto the record, we simply seek a
45 non-publication order in respect of those names to the extent that those names
are, then we would seek that those names not be revealed in open Court in
circumstances where the Inquiry is being live streamed.

HIS HONOUR: Yes.

50

MCDONALD: Your Honour, we've had a quick look at the relevant provision. Because it has, it is an offence, we might put this to one side and not pursue it at the moment.

5 HIS HONOUR: Yes. I mean there's - if the name could be disclosed in a way that would ensure it didn't go outside the four walls of this hearing room, that may be acceptable, I'm not sure. I'm not sure that the full extent of what "make public" means.

10 SILOVE: Pardon me, your Honour, I can take instructions on that point, but, as Counsel Assisting has indicated, it is an offence provision and so it's not something that we can provide consent to reveal in circumstances where the offence involves simply the making public of a particular name. If Counsel Assisting is content to put this to one side, perhaps we can consider the issue
15 further through correspondence with those assisting your Honour.

HIS HONOUR: Yes, I think that's best, Mr Silove, thank you.

SILOVE: Thank you.

20 HIS HONOUR: Thank you both.

MCDONALD

25 Q. Mr Jefferies, I want to return now to you've prepared your report, you've given evidence about discussion or discussions you had with Inspector Perrin.
A. Yes.

30 Q. I want to now ask you about informing other officers who were involved in the investigation of the Croatian Six.
A. Yes.

35 Q. After February 1979, did you have dealings with some of the officers who were either preparing the brief of evidence or were involved in the ongoing investigation of the matter?
A. Yes.

40 Q. Which officers did you have dealings with?
A. It would've been Detective Sergeant Turner; Detective Senior Constable Jameson; there were others but I can't remember.

Q. Was the main officer with whom you were dealing Detective Turner?
A. Turner. Turner.

45 Q. The report that you prepared, did you provide a copy of that report to Detective Turner?
A. No, I don't think so. I think - I think I might've shown it to him. I don't - I don't think he - I don't think he got a copy. I can't be sure, but I don't think he
50 got a copy.

Q. Your recollection that you showed him a copy, was that at some meeting that you arranged with him?

A. No, I simply went to the CIB and just ad hoc and showed it to him as it's a report I've done.

5

Q. That ad hoc meeting at CIB, did it occur relatively soon after 10 February?

A. From recollection, probably a fortnight or so afterwards.

Q. About a fortnight?

10

A. About that.

Q. And you had a meeting with Detective Turner at CIB?

A. Mm-hmm.

15

Q. You were obviously present; he was present. Did you take anybody from Special Branch with you?

A. No.

20

Q. Did you discuss the meeting that you had with Mr Virkez with Detective Krawczyk?

A. I - I would have.

Q. At this meeting, you were the only person from Special Branch. There was Detective Turner. Anybody else from the CIB side?

25

A. No. No.

Q. Just the two of you?

A. Just the two of us, yep.

30

Q. Did you have any dealings with Senior Constable Milroy?

A. Yes. But only - only sort of in passing. I don't think - and I know Detective Milroy, but I don't think we had any close affiliation.

Q. You had the meeting with Detective Turner?

35

A. Yep.

Q. You had a copy of the report with you?

A. Yep.

40

Q. When you had the meeting with him, what did you say to him?

A. I just said, "I think - I think you should - you should see this, it is the report I've prepared."

Q. Can you recall how long the report was?

45

A. It was pretty lengthy, I think. From memory, I think - I can't be sure. I think it might have one to four pages.

Q. Four pages?

A. It might have, yes.

50

Q. In showing him the report, did you say anything about highlights of the report, or particular important pieces of information that you obtained from Mr Virkez?

5 A. No. I don't - I don't think so. I just showed him the report and let him make his own - own conclusions.

Q. You've got the report. You show it to Sergeant Turner, or Detective Turner, and do you see him read through the report?

10 A. Yeah, he read the report.

Q. After he's read through the report, does he ask you any questions?

A. No. I don't think so.

Q. Did he ask you for a copy of it?

15 A. No.

Q. Did he open a notebook and start making any notes of--

A. No.

20 Q. --any part of the report?

A. No. He didn't.

Q. Did either he or you raise the topic of whether the Croatian Six bomb plot was a setup by Mr Virkez?

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

Q. The information that you've given evidence about today concerning what you were told by Mr Virkez, information such as the two names, the two nationalities, the Consulate contact, et cetera--

30 A. Yep.

Q. --that was, at a minimum, new information? That was the first time that you had heard that information when Virkez told you?

35 A. Yes.

Q. There was no suggestion in any of the briefings or meetings that you attended that he had two names?

A. No.

40 Q. Or that he had contacted the Consulate?

A. No. No.

Q. At that point, the investigation was focusing on the Croatian Six, and also Mr Stipich and Mr Virkez?

45 A. Yes.

Q. Putting to one side Mr Stipich--

A. Yes.

50 Q. --at that point in the proceedings, you had the Croatian Six and Mr Virkez--

A. Yes.

Q. --in that they had all been charged--

A. Yes.

5

Q. --with offences?

A. Yes.

Q. They were all bail refused?

10

A. As far as I know, yes.

Q. And the various criminal prosecutions brought against the seven men--

A. Mm-hmm--

15

Q. --were proceeding as per usual. I.e., leading up to a committal hearing, and then if committed to stand trial, a trial.

A. Yes.

20

Q. To your understanding at that point, there'd been no distinction between the Croatian Six and Mr Virkez, in terms of he was an accused?

A. No. He'd been - he'd - he'd - he'd been charged.

Q. Yes.

A. Yes.

25

Q. And--

A. And there was - I think I - no. I don't think there was a distinction, no.

30

Q. He had a whinge to you at the meeting about, "Why am I still in gaol?"

A. Yeah.

Q. "I was kind of" - you know--

A. "I was informing"--

35

Q. "I went to the authorities and told them."

A. Yep.

Q. But, in a sense, that complaint had been unheeded at that time?

A. Yes.

40

Q. During the two- to three-hour meeting, do you think you established any kind of rapport with him?

A. I did.

45

Q. At this stage we've got, as you agreed, seven defendants, or accused, charged with, I think, the same offences and looking at proceeding down the criminal procedure.

A. Mm-hmm.

50

Q. Then you find out or you're told quite astounding information. Would you

agree that it was astounding information that you had been told?

A. I don't follow.

5 Q. Again, you've got somebody with two names.

A. Yes.

Q. And the link between the seven defendants appears to be the membership of the Croatian Republican Party--

10 A. Yes.

Q. --or sympathetic to its aims?

A. Yes.

Q. But you've got somebody with two names, another identity.

15 A. Yes.

Q. Which doesn't seem to have been known to the other six?

A. Right.

20 Q. And you've got that person telling you I'm actually not a Croat--

A. Yes.

Q. --I'm a Serbian--

25 A. Yes.

Q. --and I pretended to be a Croat. I think your words were, to proceed or to assist the Yugoslav cause.

A. Yes.

30 Q. I know you reflected upon it and you didn't think it was a set up.

A. Yes.

Q. But even given that assessment--

35 A. Yes.

Q. --that's quite astounding new information, isn't it?

A. Yes.

40 Q. With that astounding new information, did you have an expectation that Detective Turner would start asking you questions?

A. Yes.

Q. And did he?

45 A. He did, yes.

Q. At this meeting, or subsequently?

A. I think subsequent meetings.

Q. So step number 1, I think you described it as an ad hoc visit.

50 A. Yeah.

Q. You show him the report. He reads the report?

A. Yep.

Q. You don't leave a copy of the report. You don't see him take any notes?

5 A. No.

Q. Is your recollection at that point, Detective Turner really doesn't say anything to you?

10 A. Yes, that's my recollection.

Q. Putting it in one way; wouldn't you expect on reading that somebody to say, "Oh, my goodness", or "Bloody hell", or something like that?

A. I suppose you might expect some people to say that, but that wasn't Ted Turner.

15

Q. From your dealings with Mr Turner, you wouldn't have expected such a response?

A. No. No. He was a--

20

Q. A reticent, quiet man, or?

A. No, I think he was past surprise.

Q. Past surprise?

25

A. He'd been a detective for a long time. I don't think anything surprised him.

Q. You've spoken about subsequent meetings with him. Did those meetings occur shortly after this meeting where he reads the report?

A. Yes.

30

Q. Was it one meeting or a couple of meetings?

A. There was a couple.

Q. I know it's a long time ago, but the first meeting, can you recall how it arose? Did Turner contact--

35

A. I think - no, I think I was interested in what was - how the case was progressing. My office - Special Branch was in police headquarters, and CIB was in a separate building, so I had to go. I had to go over to the CIB and - and see Ted Turner, and try and ascertain what was - what was happening, and how things were progressing. We were completely separate.

40

Q. This enquiry about how things were going, was that in reference to the presentation of the brief of evidence?

A. Yes.

45

Q. You had a meeting when it was ostensibly about an update on how presentation of the brief of evidence was going?

A. Yes.

Q. At that meeting, was Sergeant Turner by himself?

50

A. Yes.

Q. During that meeting did he raise any of the information that he would have read in your report?

A. I can't remember. I - I think we might have discussed some details in there, addresses and such.

5

Q. Addresses?

A. Addresses and - and - I can't remember. We - we had a discussion about it.

10

Q. About the contents of the report?

A. Yep.

Q. Without trying to identify which meeting, have you got a recollection of what was discussed at this meeting--

15

A. No.

Q. --when you discussed the report?

A. No, not really. Not--

20

Q. As I keep on going back to, we've got the names--

A. Yeah.

Q. --we've got the ethnic background--

A. Yeah.

25

Q. --we've got contacting--

A. Yeah.

30

Q. --the Consulate. We've got the, you know, the Yugoslav cause. Just under those broad headings, can you remember what was discussed?

A. With Turner?

Q. Yes, at this meeting. He's read the report, it's a subsequent meeting.

35

A. It - I really can't remember, but it was probably along the lines of a basic explanation of Croatian, Yugoslav politics, of which he knew nothing, and - and the various people in the report, and what their affiliations were. It was probably along those lines. As best as I recollect.

40

Q. From what you've just answered, you were providing a guide to Yugoslavia and the various countries and different ethnic--

A. Yes.

Q. --groups underneath?

A. Yes. I was providing information in that regard.

45

Q. Nationalist--

A. Yeah.

Q. --forces or pressures--

50

A. Yeah.

Q. --under that umbrella of Yugoslav?

A. Yes.

5 Q. In discussing that, the relevance of having a Serb pretending to be a Croat, who is pursuing the cause of Yugoslavia, and who in a sense was the informant to the other Croatian Six, that must have been raised, mustn't it have?

A. That was raised in regard to whether or not I knew him, or knew of him.

10 Q. Of Virkez?

A. Yeah, Virkez and who he was and where he came from. I think that was Turner's thrust, who is this bloke, you know, and virtually, what's this all about, because he - he didn't know. That - that was the thrust of the - the discussion I believe.

15

Q. Assuming a need by Detective Turner to be educated--

A. Yeah.

20

Q. --in that history of Yugoslavia, which I accept back in 1979, you know, it's pre-Balkans War, when I think the majority of people realised those pressures--

A. Yeah.

25

Q. --and forces that existed, once you get over the education, isn't the next enquiry, or the next question that got to be asked, "What implications does this have on the New South Wales Police prosecuting six Croats?" Doesn't it inevitably lead to that question?

A. I don't think so. I think it was just a matter of their guilt and would it be a successful prosecution. I think that's how - I think that's how we saw it.

30

Q. The information that you learnt from that meeting, and again, I'm kind of summarising it as two names, two ethnic backgrounds, the approach to the consulate and the Yugoslav cause.

A. Mm-hmm.

35

Q. Even if it didn't lead to a conclusion that this prosecution shouldn't proceed, at a minimum it was material or information that the defendants should've been told about, the other defendants?

A. That wasn't a decision for me.

40

Q. No, I know - we'll come back to that. I'm just asking your view as an experienced police officer, that information, if you were the OIC who was dealing ultimately with the Crown, dealing - compiling the brief of evidence, is it your view that that was at a minimum information that the defence should've been told about?

45

A. Well, I - yes. Yes, they should've been. They should've been informed.

Q. One of the ways that they could've been informed of that material was if you prepared a statement.

50

A. It was out of my hands.

Q. Why do you say it was out of your hands?

A. Because it was from Special Branch and it was now in the hands of the Criminal Investigation Branch, and they'd taken over the investigation and that was it. We were subservient to them.

5

Q. Right. I think you've anticipated my next question. Your view of the relationship in 1979, did you wait for either a request or an instruction to prepare, for example, a statement for the brief of evidence?

A. I can't remember, I think - I think there was an instruction to prepare a statement.

10

Q. I took you to this earlier today, you will recall you did prepare a statement, it had 9 February at the top.

A. Mm-hmm.

15

Q. If you need to see it again, I can bring it up. Yesterday I asked you about it and it was a lengthy statement.

A. Yeah.

20

Q. It had those lengthy sections towards the end about all the dealings you'd had with the various members of the Croatian Six.

A. Yes.

25

Q. Your evidence was that you probably conferred with Detective Krawczyk--

A. Krawczyk.

Q. --about it.

A. Yes.

30

Q. And that it wasn't completed on 9 February, it probably took you a little time after that?

A. I probably started it on 9 February and it took me some time after that to complete it.

35

Q. By the time you completed it, you would've attended the meeting on 10 February with Virkez at Lithgow?

A. I can't say. Probably - probably so.

40

Q. You just said, that though dated the ninth--

A. I started it on the ninth. Yes.

Q. --it would've taken you a little bit of time after that.

A. Yeah. That's probably correct.

45

Q. And probably finished by the time you had prepared your report re Virkez?

A. Yeah. Well, probably.

Q. You didn't include in your statement anything about that meeting with Virkez?

50

A. I can't remember. Don't know.

Q. You can have a look at your statement, if you want to have another read of it, but Virkez is not mentioned.

A. Right. I might have seen him as a separate issue.

5 Q. Why would you have seen him as a separate issue?

A. Well, I - I commenced - I commenced the report on the 9th, as you say, and I think I had a line of thought in relation to that report. Then I went and saw Virkez--

10 Q. On the 10th.

A. --on the 10th. No, I - I don't think so.

Q. I've taken you to your statement before. It's really kind of in those two parts.

15 A. Yeah.

Q. You talk about what you did on the 8th at Chandos Street--

A. Yep.

20 Q. --and that's only about, I think, seven or eight paragraphs.

A. Mm-hmm.

Q. Then you start back in 1975 when you see Nekic for the first time.

25 A. Yeah.

Q. That section is very detailed.

A. Mm-hmm.

30 Q. You know, you're talking about it was at this protest, and X and Y was there, and I was there with Detective Krawczyk. So a lot of work went into it.

A. Yes.

Q. It also reflects the contact you had with the defendants.

35 A. Yep.

Q. The ideology that they subscribe to--

A. Mm-hmm.

40 Q. --and things that they did, whether letting off flares, or chaining themselves, or whatever.

A. Mm-hmm.

Q. The information you got from Virkez on 10 February was really of a similar nature.

45 A. Mm-hmm.

Q. His ideological leanings.

A. Yeah.

50 Q. Things that he had done and why, but you didn't include it in your

statement. What I'm putting to you is it seems as if it would naturally flow with that information that you would include it.

5 A. I don't know. I - I - I really can't recollect, but I - I've - I've got a thought that I wanted to keep the two separate - the two reports. There'd be a report on Virkez, and there was a report that I'd already commenced, and I wanted to keep them separate at that point. That's a faint recollection.

Q. At any time did you prepare a statement about your communication with Virkez?

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

Q. You gave that evidence that you were, in a sense, subservient--

A. Mm-hmm.

15 Q. --to CIB because they were preparing the brief of evidence, but there was nothing to prevent you preparing such a statement and volunteering it to, for example, Detective Turner? You know, "I showed you the report. There was this relevant information, so I've done this statement", and hand it over to him. Whether he included it in the brief of evidence or not was probably

20 ultimately his decision, but you did have the ability, at least, to do that?

A. I did. I can't recollect - I can't recall what the - what the sequence was. I don't know.

25 Q. Mr Jefferies, I asked you at the beginning of your evidence about giving evidence, not only preparing the statement that we've taken you to, but also that you gave evidence at the committal hearing and also at the trial.

A. Yes.

30 Q. I wanted to take you to some of the questions you were asked at the committal.

A. Mm-hmm.

EXHIBIT 2.3-32 SHOWN TO WITNESS

35 Q. If we could first go to red page 7671. You might recall at the committal there were a number of barristers representing different defendants?

A. Yes.

40 Q. I just wanted to take you to this cross-examination. This was from Mr Ritchie.

A. Yep.

45 Q. If we can keep on going down a little bit, it's a question that asks, "So far". Maybe stop there.

"Q. Up to 8 February, had you ever seen the defendant, Virkez, at any demonstration?

A. Not to my knowledge, sir. No."

50 That's consistent with the evidence you've given to this Inquiry.

A. Mm-hmm.

Q. Then:

5 "Q. Had you ever come across him in relation to any of your enquiries in the Croatian community?

A. No, sir."

10 Then, and I'm just paraphrasing, "First time you became aware of it was on the 8th of Feb 1979?" You said, "Yes, sir." Now:

"Q. Did you speak to Virkez after 8 February?

A. Yes, sir.

15 Q. Do you recall the date?

A. 10 February.

Q. You put certain questions to him about Croatian affairs in this country?

20 A. Yes.

Q. And elsewhere?

A. Yes.

25 Q. And would it be fair to say that he answered those questions that you put to him that he could answer?

A. He answered some questions, sir, yes."

30 Just those questions and answers; are they consistent with the evidence that you've given at this Inquiry?

A. I think so, yes.

HIS HONOUR: Who was Mr Ritchie appearing for; can you remind me?

35 MCDONALD: I think it was Mr Virkez.

HIS HONOUR: Virkez.

MCDONALD: Yes.

40

Q. I want to move to page - I think it is 7672, and it's questions asked by Mr McCrudden who was representing the Kokotovic brothers, Mr Brajkovic and Mr Zvirotic.

A. Zvirotic.

45

HIS HONOUR: Sorry, what's the page again?

MCDONALD: 7672, your Honour.

50 Q. Here you are asked some questions again about this meeting on

10 February. Can I just ask you, who was with you? There it's called Detective Hogue.

A. I'm sorry. Yes, I'm sorry, that is his name; Hogue.

5 Q. This morning you said Hogan.

A. I said Hogan. Yes, I'm sorry.

Q. It's actually Hogue?

A. Hogue, yep.

10

Q. Were you right with his first name, Tim?

A. Tim. Yes.

15

Q. We'll just keep going down. You've travelled all the way to Lithgow; who was with you; and then if you keep on going down, if you just stop for a sec:

"Q. Was it in the nature of informal discussion?

A. Nature of a discussion on Croatian political affairs, sir.

20

Q. How long did the interview last?

A. Perhaps two or three hours."

Do you see the question, "Did you make a subsequent report on this meeting? Your answer there was "No, sir."

25

A. That surprises.

Q. That--

A. "No, sir. I may have discussed it, sir, with the officer-in-charge."

30

WOODS: In fairness, the witness should be taken to the subsequent material. No doubt my learned friend will do that.

HIS HONOUR

35

Q. Yes. I can't hear what you're saying, either.

A. I'm sorry.

HIS HONOUR: You're talking to the screen there. I can't hear what you're saying.

40

MCDONALD

Q. Mr Jefferies, if you can either move towards it or somehow move the mic.

A. I will lean forward for you.

45

Q. Mr Jefferies, there's some questions there--

A. Yep.

50

Q. --and I'll just take you to them. "Did you make a subsequent report on the meeting", and you say, "No, sir." Then you were asked "Did you make an oral

report at any time on the meeting", and you say, "I may have discussed it, sir, with my officer-in-charge."

A. Yes.

5 Q. I'm just asking you about those two questions and answers.

A. Yes.

10 Q. The second question about an oral report; that's consistent with the evidence you've given to this Inquiry about your discussion with Inspector Perrin.

A. Yes.

15 Q. But I want to take you to, "Did you make a subsequent report on this meeting?" It's recorded that you answered, "No, sir." Your evidence to this Inquiry has been that you did prepare that written report.

A. Yes. I believe I prepared a written report sometime later.

20 Q. Your evidence today was that you didn't take notes in the meeting.

A. No, I didn't.

20 Q. That you memorised it?

A. Yes.

25 Q. But you probably wrote the report - my recollection is this morning you said either the next day or the day after.

A. I believe that, yes.

30 Q. Again, the writing of the report; that's consistent with the evidence you've given about the Special Branch procedure?

A. Yes.

35 Q. That that was the way you got information. You put it in a report?

A. Yep.

35 Q. It would go up to Inspector Perrin?

A. The boss, yep.

40 Q. And then depending on what is in the report it might get moved to the dossier, or incorporated into the index cards?

A. Yes.

45 Q. It's recorded that you said, "No, sir", there. Given the evidence you've given today, is that an incorrect answer?

A. It is, yes. It's incorrect.

45 Q. Do you recall why you gave that incorrect answer?

A. No, I don't.

50 Q. When the question was asked at the committal?

50 A. No, I don't. I don't recall why - why I would say that, no. I may have been

confused about something. I don't know.

5 Q. Just a suggestion: was there any concern within Special Branch that if information got out about reports or index cards or dossiers, that may attract subpoenas or requests for the information, and there was, in a sense, a culture of look, we'll keep this under the kind of--

A. Very much.

10 Q. --umbrella of Special Branch?

A. Very much so. Very much so, yes.

Q. Do you think that might have inspired your answer back then; that kind of culture or attitude?

15 A. No, I don't think so. I can't understand that at all. I was confused or mistaken, or something.

WOODS: Can I ask my learned friend to take the witness to the top of the next page, about the first 15 lines?

20 MCDONALD

Q. Mr Jefferies, I'm going to take you to a couple more questions and answers. In addition to having it up on the screen, would you also prefer to have the paper copy in front of you?

25 A. No, no, no, this will do.

Q. You're fine with the screen?

A. Mm-hmm.

30 Q. All right. We're still on page 7672.

A. Mm-hmm.

35 Q. If we can keep on going down the page, Mr McCrudden raises with you the, you spoke for two to three hours with the man and you just simply committed it to memory, and you said, "Yes, sir"?

A. Yes.

Q. Then the question was asked, "And did not make any report of it", and there your answer was, "Not to my recollection, sir, no".

40 A. I'm sorry, where are we?

Q. Can you see it's about three questions up from the bottom of the page?

A. From the bottom. Yes, I see that.

45 Q. Now, today you've had a recollection that you prepared a report.

A. I believe so, yes.

50 Q. So again the answer, "Did you make any report of it? Not to my recollection, sir, no", and then it was put to you, "Come on, you would remember if you made a report, would you not? Not necessarily, sir".

A. Well not necessarily, because I made lots of reports every day.

5 Q. Yes, but this was, if you were being asked questions about Mr Virkez and that meeting on 10 February, with those astounding pieces of information or facts that you were told, you would've remembered - you would remember the report that you had prepared that you've given evidence about today; wouldn't have you?

A. No, not necessarily, ma'am. Not necessarily.

10 Q. This is in September 1979.

A. Yeah.

Q. It's a very--

15 A. A very long time ago.

Q. No, no, no, no.

A. Yes, yes, yes, yes.

20 Q. The event of the meeting with Mr Virkez was on 10 February 1979.

A. Yes.

Q. You were being asked about preparing any report in September 1979.

A. Yes.

25 Q. You can recall now, today--

A. Yes.

Q. --albeit a number of years later--

30 A. Yes.

Q. --preparing a report. You've given evidence today that you prepared a written report.

A. Yes.

35 Q. You've given evidence that you have a recollection of taking that report and showing it to Turner.

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

Q. So whether or not you were confused at the time--

40 A. Yeah.

Q. --what I'm putting to you where you answer that there was no report--

A. Yeah.

45 Q. --or that you can't - sorry, I'll put it this way - where you answered that there was no subsequent report on the meeting, that wasn't an accurate answer.

A. No, it wouldn't have been.

MCDONALD: Could we go to 7673, please?

50

Q. Now, again, Mr Jefferies, there's a particular part of it that I want to take you to, but if you want to read through the page until we get to that question, I am fine with that; or I can take you directly to the questions.

A. Take me to the question.

5

Q. Can you see, at least, on I think about the fourth question, you refer to your evidence about an organisation as UDBa?

A. Yes.

10

Q. Then if we can follow it down, and if we can stop there for the minute, you were asked some questions about being aware that a major national newspaper published an exposé of UDBa in Australia, and you say, "I'm aware of that"?

A. Yes I say that, but I don't recollect it.

15

Q. That's all right. If we can then move down the page, so UDBa is a topic that's been discussed here.

A. Mm-hmm.

20

Q. Now, a little bit further down, and if we could stop it there, and again you know you've been asked, "Have you had dealings with other people that you knew to be a member of UDBa"?

A. Mm-hmm.

25

Q. Then you're asked, and this is three questions up, "In connection with this interview you had with Mr Virkez, was that in connection with his possible involvement with UDBa", and you answered, "No, sir". But the next question, "Did you raise that question with him", and you answered, "No, sir".

A. Right.

30

Q. Now, that answer is inconsistent with the evidence that you've given today.

A. I can't explain that, ma'am.

35

Q. Can I just take you to another answer on page 7676? Sorry, if we could start at 7675, and again this is Mr McCrudden asking questions. Again, Mr Jefferies, if you want to pause and read the whole page, please let me know.

A. Yep. Yes, ma'am.

40

Q. Actually, if you go to 7676, and I apologise.

A. Mm-hmm.

45

Q. If you keep on going a little bit further, again you're being asked about the interview on 10 February, and you were asked some questions, and you don't quite understand, and then you're asked, "Q. You said, 'He'", and I'd suggest that's a reference to Mr Virkez:

"Q. You said, 'He told you nothing new.'?"

A. That's true."

50

A. Yep.

Q. Now, again, based on the evidence that you've given to this Inquiry--

A. Mm-hmm.

5

Q. --that answer wasn't an accurate answer.

A. No. It wasn't.

Q. Then if we could go to page 7678--

10

HIS HONOUR: Just before you do.

MCDONALD: Sorry, your Honour.

15

HIS HONOUR: It might be just noted, I don't know whether you want to ask him about it, but it might be noted that at that point that you've just been referring him to, Mr McCrudden was referring back to evidence he'd given on the previous page at about point 8 on the page: "Because what he told me, sir, I knew most of anyway."

20

MCDONALD: Yes. Thank you, your Honour.

Q. Just as a matter of fairness, Mr Jefferies, if we go back to 7675.

A. Yep.

25

Q. Towards the bottom--

A. Yes.

Q. --you were asked:

30

"Q. Why did you not write down the material which you obtained from Virkez on 10 February?

A. Because what he told me, sir, I knew most of anyway."

35

A. Right.

Q. And, again, that wasn't an accurate answer?

A. It was - it was largely--

40

Q. I'm sorry?

A. It was largely accurate.

Q. But you didn't know his--

A. There's some things I didn't know, but most of it I knew.

45

HIS HONOUR: The next question and answer perhaps is relevant to what you've just said.

MCDONALD

50

Q. The next question was:

"Q. It took you three hours to find out that he had nothing new to tell you?"

5 A. Yes, sir."

A. Yes, sir.

10 Q. The information that you've given evidence about receiving for the first time: a Serb, a different name, the Consulate, the pursuing Yugoslav cause. That information was new.

A. Um--

15 Q. You didn't know. Before you walked in to speak with Virkez on 10 February--

A. Before I met him--

Q. Yes.

20 A. --I didn't know - I didn't know him. I'd never seen nor heard of him, no.

Q. Again, I'm speaking in shorthand, but those four topics--

A. Yes.

Q. --or areas, they were revelations to you during that meeting?

25 A. Yes.

Q. To answer a question:

30 "Q. Why did you not write down the material which you obtained from Virkez on 10 February?"

A. Because what he told me, sir, I knew most of anyway."

A. Yes.

35 Q. Even if it was the case that the bulk of what he said to you on the 10th you knew anyway--

A. Mm-hmm.

Q. --would you agree that that answer was rather misleading?

40 A. No. Not really, no.

Q. You're giving the impression that nothing new--

45 A. No. I said, "The bulk". He told me some new things, but a lot of what he told me, I already knew. It was old hat.

Q. Did you put that condition on your answer? "Because what he told me, sir, I knew most of anyway, but there were a couple of - four pieces of new information that were like, wow, or--"

50 A. I can't - I can't - I can't remember. I can't remember now. But I - I think - I think, actually, that's what I - that's what I did answer, but I - I knew most of

what he's told me.

5 Q. What I'm suggesting to you, even though if that is correct, it is misleading in that it gives the impression that it was a run-of-the-mill interview, where you're sitting there, and Mr Virkez is telling you things. Maybe it's the history of Croatia, the history of Yugoslavia, and you knew it all anyway?

A. No.

10 Q. And it conceals those four - I think you agreed with me when I described them as new and kind of astounding pieces of information?

A. Yeah, it wasn't meant to.

15 Q. You didn't mean to mislead?

A. No, no, no.

Q. But do you agree that's probably the effect of your answer?

A. Yes, probably was.

20 Q. Could we go to page 7678, please? Right at the top. Mr McCrudden asks you, "And did you enquire from him about the use of the name", he's written there, "Misavovic."

A. Yeah.

25 Q. What I would suggest to you is that what Mr McCrudden asked you was actually a reference to the surname--

A. Misimovic.

30 Q. Do you agree with that?

A. Yes. I wasn't sure. He asked me Misavovic, and obviously I'd never heard of Misavovic, but Misimovic is completely different.

Q. It is typed as Misavovic.

A. Yeah.

35 Q. What I was going to suggest to you that it was actually a reference - what Mr McCrudden did refer to was Misimovic.

A. Misimovic.

40 Q. I know it's a number of years ago. Do you have a recollection of him using that name, or is it the name as it appears?

A. I'd say - I say this is correct, because I answer, "No, sir", because I'd never heard of a Misavovic, but Misimovic I knew, which is a completely different name. If he'd asked me that I would have said yes.

45 Q. If I can take you to the subsequent questions and answers. "Were you aware that was another name which he used", and you answered, "Not at the time, sir."

A. No.

50 Q. Then you were asked "Did you subsequently become aware", and you

answer:

"A. Yes, sir.

5 Q. You became aware after the tenth?

A. Yes, sir.

Q. When did you become aware of that?

A. I don't recall."

10

That series of questions would suggest that the name that was put to you was the name that--

A. Misimovic.

15 Q. --Virkez, thank you.

A. Virkez.

Q. Revealed to you in the meeting on 10 February.

A. No. I'd never heard of Misimovic. I--

20

Q. But you didn't subsequently become aware that Mr Virkez--

A. Yeah.

Q. --was known by that other name?

25

A. Misimovic.

Q. Yes.

A. I don't know when I became aware of it, but I did.

30

HIS HONOUR

Q. No, you're answering a question there, saying that you subsequently became aware that he was also known by the name if the first question on this page, which is spelled M-I-S-A-V-O-V-I-C. Did you subsequently become aware he used that name?

35

A. Not to my recollection, sir. I don't remember him using that name.

Q. You've said you subsequently became aware of it.

A. I say that, do I?

40

MCDONALD

Q. Yes, third question down, and then you further clarify it that you became aware after the tenth; "Yes, sir." "When did you become aware of that?" "Don't recall."

45

A. I - I don't remember that at all. I don't recollect that at all. I knew him as Vico Virkez or Vitomir Misimovic. I - I don't recall that name.

Q. What I want to suggest to you, when you take into account all your questions and answers--

50

A. Yeah.

Q. --that appear on page 7678--

A. Yeah.

5

Q. --what Mr McCrudden actually asked you--

A. Yeah.

10 Q. --is did you enquire from him, at the meeting, about the use of the name M-I-S-I-M-O-V-I-C.

A. Yes, Misimovic.

15 Q. And that was your understanding of what Mr McCrudden was asking you?

A. Yes.

15

Q. As illustrated by the subsequent questions?

A. Yes.

20 Q. Now, if you accept that, your answer to the first question--

20

A. Yeah.

25 Q. "Did you enquire from him about the use of the name", and that should be "M-I-S-I-M-O-V-I-C"--

A. M-I-S-E-M-O-V-I-C.

25

Q. "Were you aware that was another name which he used?" "Not at that time, sir", i.e., the meeting on 10 February. Those two answers are not accurate.

A. No, they're not.

30

Q. Because you--

A. As far as - to my recollection. I don't remember that conversation at all. I knew him as Vico Virkez and Vitomir Misimovic. I don't recall this - this question at all.

35

Q. The evidence you gave this morning is that was one of the new and outstanding pieces of information that Virkez told you on 10 February, that he had another name.

A. Yep.

40

Q. Mr Jefferies, I've taken you to about three or four instances in the committal hearing where I have suggested to you that when we look at the evidence you've given to this Inquiry, the answers or evidence you gave at the committal were not accurate. You remember I've just asked you a series of questions?

45

A. Yes.

Q. With many of those you've agreed that your answer was not accurate--

A. Yes.

50 Q. --at the committal. Can I put something more serious, putting to you that

it's not a matter of being inaccurate at the committal, that you were actually withholding information in your answers, in those answers I've taken you to at the committal?

A. No, I don't believe so.

5

Q. Or that you were deliberately lying?

A. No. I wasn't lying.

Q. You weren't lying in your evidence at the committal?

10

A. No. Never.

Q. Can you give an explanation as to why you were inaccurate in those - and I can take you back to them, I'm just trying to shortcut it; you've agreed that you were inaccurate, it's evidence that you give a couple of months down the track in 1979--

15

A. Yep.

Q. --and I would suggest it's evidence that would be relatively fresh in your mind and you wouldn't fall into the inadvertent error or inaccurate - in providing inaccurate evidence?

20

WOODS: Could that question be clarified.

MCDONALD: Yes, I'm sorry.

25

Q. What I'm suggesting to you is that it's really not - when you look - I'm sorry, start again. You're giving evidence in September 1979 about relatively recent events.

A. Yes.

30

Q. February 1979.

A. Yes.

Q. I would suggest that given that in September 1979 it would be relatively fresh in your memory.

35

A. Yes.

Q. It's really not plausible that you gave just inaccurate answers.

A. I think the situation was I had a very lengthy statement, I made a very lengthy written statement, and I - I was in the witness box for some time, and I think I just became slightly confused at - on certain points. There was no deliberate misleading on my part.

40

Q. The questions I've taken you to focus on that conference, or sorry, meeting with Mr Virkez on 10 February.

45

A. Yes.

Q. And what I'd suggest to you is, from the questions that Mr McCrudden's asking you, he's very interested in that topic.

50

A. Yes.

Q. You knew as at 13 September 1979 that you'd produced a report.

A. Yes.

Q. And that report would still be at Special Branch.

5 A. Yes.

Q. After you gave evidence--

A. Yes.

10 Q. --you would have had the opportunity to go back to Special Branch and refresh your memory.

A. Yes.

Q. And if you'd done that, you would've revealed, "When I said that I never asked him about whether he was an UDBa agent or contact--

15

A. Yes.

Q. --that was an incorrect answer, that was wrong"?

A. Yes.

20

Q. You would've remembered that he had said to you, "My name is Misimovic".

A. Misimovic. Vico Virkez, Vitomir.

25 Q. In circumstances where you give evidence in a Court, and then you learn that, look, I gave an incorrect answer, inadvertently, is your evidence now.

A. Mm-hmm.

Q. You would know that the appropriate thing to do in those circumstances would be to approach the prosecutor, here a police prosecutor, and inform them that you had inadvertently given incorrect answers?

30

A. Yes. I've done that.

Q. But you didn't do it here.

35

A. Well, I - I can't explain it. I don't know why - why that occurred. I've got no explanation.

Q. In the lead-up to the committal, or around the time you were giving evidence at the committal, did you have any discussions with Sergeant Turner?

40

A. I can't - I can't remember, but I don't believe I did.

Q. After that time when you met with Sergeant Turner and you showed him the report which he'd read, or he appeared to read to you, and I think you then said there was another meeting when there was a discussion about some of it, at any time did Sergeant Turner say to you, "Look, we really should include a copy of that report in the brief of evidence"?

45

A. No. He didn't.

50 Q. Was there any time when Detective Turner said to you, "Look, that

information that you gathered at the interview with Mr Virkez, you really should put that in as - I want you to put that in a statement”?

A. No, he didn't.

5 Q. “That is important evidence that we really need to include in the brief of evidence”?

A. No, he didn't.

10 Q. Indeed, it would have been important evidence against Mr Virkez, wouldn't it, potentially?

A. Part of it would've been I believe, yes.

15 Q. Because, at that stage he was pleading not guilty?

A. Yes.

Q. It was a contested committal.

A. Yes.

20 Q. Not only in respect of other members of the Croatian Six, but also him?

A. Mm-hmm.

Q. And at no time did Sergeant Turner raise any of those possible options for you?

A. No, he didn't.

25

Q. At the committal, did you have a meeting or a conference with the police prosecutor beforehand?

A. No, I don't believe I did.

30 Q. After you'd given your evidence, I think you've answered this, you never went and approached the police prosecutor about any concerns you might have--

A. No.

35 Q. --with the answers that you gave to Mr McCrudden?

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

Q. You gave evidence at the trial as well.

A. Yes.

40

Q. I'm sorry, Mr Jefferies, I should check, are you okay, or did you?

A. I'm getting a bit weary.

45 Q. Getting a bit weary?

A. Yeah.

MCDONALD: Your Honour, I'm not going to finish with Mr Jefferies today.

HIS HONOUR: No.

50

MCDONALD: We could pull up stumps and come back tomorrow or I don't know if you'd take a five or ten-minute break.

WITNESS: Give me ten minutes.

5

HIS HONOUR

Q. Would a short break assist you, Mr Jefferies?

A. Yes, it would.

10

Q. I'll leave it in your hands. Should we adjourn now to tomorrow?

A. No, no, no, just give me ten minutes.

HIS HONOUR: We'll do that.

15

SHORT ADJOURNMENT

MCDONALD

20

Q. Mr Jefferies, I've taken you to evidence you gave at the committal.

A. Yes.

Q. You also gave evidence at the trial.

A. Yes.

25

Q. Unlike the committal where there was a police prosecutor--

A. Yes.

Q. --at trial the Crown there was a Queen's Counsel, Mr Shillington.

30

A. Yes.

Q. There was a Junior Counsel, a Mr Viney.

A. Yes.

35

Q. And there was a solicitor, probably from something like the Clerk of the Peace, called White, Mr White.

A. May have been that name.

Q. In the lead up to the trial, did you attend any conference with anybody - if I can call them the Crown team?

40

A. Yes, I believe I did.

Q. Do you recall was the conference with the barristers, Mr Shillington and Mr Viney?

45

A. I don't remember. I just remember attending a conference.

Q. Can you recall where the conference was?

A. I think it might have been in a room at the Quarter Sessions, the District Court. I think it might have been. I'm not sure.

50

Q. A conference at a room where the trial was being held?

A. Yeah, would be held, yeah.

HIS HONOUR

5

Q. Where was the trial? Darlinghurst?

A. Sorry?

Q. Darlinghurst?

10

A. I'm sorry, sir?

Q. Darlinghurst?

A. Darlinghurst, yes.

15

MCDONALD

Q. The conference you had with the Crown team, that was a conference obviously before you gave evidence?

A. Yes.

20

Q. Can you recall was it on the morning, early in the morning before you were due to give evidence, or a couple of days beforehand?

A. I think - I think it was days beforehand. I'm not sure, but I think it was days before.

25

Q. At that conference or meeting with the Crown team, was one of the purposes for the meeting to take you through your evidence?

A. I think firstly it was to establish why all the witnesses would appear, and when, and I think we did discuss the evidence, yes.

30

Q. To get an idea of your evidence, you provided your statement, so the Crown would have your statement?

A. Yes.

35

Q. And it was your understanding that they also had access to the committal transcript?

A. I didn't know, but I would presume so, yes.

Q. It would make sense; wouldn't it?

40

A. Yes.

Q. Also, at this conference, you would have the opportunity to raise any matters that were either of concern to you; that's correct?

A. Yes.

45

Q. Or any matters that might have arisen from your evidence at the committal that you wished to raise with the Crown?

A. Yes.

50

Q. For example, sometimes a question is asked at committal, and then you

subsequently either investigate or look at the answer you gave, and you kind of think, look, that's not quite right, or--

A. That's right, yes.

5 Q. --there's a document that supports this, or something like that.

A. Yes.

Q. Because, obviously the Crown team weren't the team conducting the committal?

10 A. Yes.

EXHIBIT 2.1-86 SHOWN TO WITNESS

15 Q. If we can go right down the bottom of page 2960, you were asked, "On the other hand, did you interview Vico Virkez", do you see that, three questions from the bottom?

A. Yes.

Q. "When did you do that? 10 February."

20 A. Yep.

Q. "Where did you do that? Lithgow."

A. Lithgow.

25 Q. Then would you go to the next page, 2961? "For how long? Two to three hours."

A. Yep.

30 Q. "Did you do so in your capacity as a detective with Special Branch? Yes. Did you take a record of interview?" And you replied, "No".

A. Right.

Q. The question of a record of interview, did that suggest to you a process where questions are asked and there are answers and it's--

35 A. Typed.

Q. --typed up?

A. Yep.

40 Q. Then, there's the person participating is given a caution or an option to participate, and at the end of it, they usually review the typed questions and answers and adopt it in some way?

A. Yes.

45 Q. You definitely didn't do that with Mr Virkez on the tenth?

A. No.

50 Q. "Did you write the conversation down as it occurred in your notebook? No. Did you write up a note of the conversation afterwards?" Now, you answered there, "I don't believe I did".

A. Mm-hmm.

Q. In answering that, did you distinguish between a note of the conversation and the report that you prepared?

5 A. Yes.

Q. But you don't nominate, didn't write up a note but I did prepare a report, you don't--

10 A. Well, I was asked if I wrote up a note, and I didn't.

Q. Now, I think the next question's a little bit unclear. "In that case, what you did on 10 February in respect of Virkez wouldn't have been in accordance with your" - I'm sorry, I don't know is it would or wouldn't? Would've been your usual practice?

15 A. Wouldn't have been.

Q. "wouldn't have been in accordance with your usual practice as a Special Branch detective, would it?" And you said, "Yes, sir"?

20 A. Mm-hmm.

Q. Is that indicating that it wasn't in your usual practice, or in accordance with your usual practice?

A. I think - I think that was the intention, it wasn't my usual practice.

25 Q. All right. Just if, and you agree with that now, sitting--

A. Yes.

Q. --here today?

30 A. Yes.

Q. Why didn't you adopt your usual practice?

A. My usual practice was not to take notes.

35 Q. All right. I thought you'd agreed that what you did on 10 February wasn't in accordance with your usual practice.

WOODS: Your Honour, there's a double-negative problem there.

MCDONALD

40

Q. Yes.

A. There's a bit of confusion there, I think, ma'am. My practice was not to take notes.

45 Q. All right. It's just in - yes it's a little bit confusing, but look, what I really wanted to ask you about this now is a series of questions where you can see there's an objection by the Crown.

A. Mm-hmm.

50 Q. If I can just take you to, "What did you discuss", that was objected to and

rejected.

A. Mm-hmm.

5 Q. "You discussed Croatian political affairs, didn't you?" Objected to, rejected. Then you can see there's the reference to the UDBa--

A. Yep.

10 Q. --and then I think we get down to, "Did you, in your talks" - I think we might have to go down a little bit further. Yes, we're just getting to it. "Did you, in your talks with Vico Virkez, raise the question of his possible involvement with UDBa?" That was rejected. And then a question: "Q. You are aware, are you not, that Vico Virkez is not a Croatian?" And, again, there's obviously an objection and it's rejected. Then, "Did you investigate his

15 background?" Rejected. "Did you consider whether Vico Virkez might be a plant?" Rejected.

20 Now, can I ask you, I realise you're the witness, and you're giving evidence, and it is the Crown who objects to questions, and it's obviously up to the presiding judge to reject the question or not, but what I want to ask you about: the questions that are being asked there would suggest from the defendant, or the accused's perspective, that they are interested in such matters as whether Virkez was wanted, or in some way was involved with UDBa, was actually not a Croatian, or whether you ever considered whether

25 he was a plant.

Now, given that the asking of the questions, which were rejected, indicates that interest by the defence after this period in court, did you ever approach any member of the Crown team and say, "Look, those questions that they asked, they were rejected, but I've actually got a report", or, "I actually knew X", or, "I

30 knew Y."

A. No. I didn't. I didn't.

35 Q. In the lead-up to your evidence where you had this conference with the Crown team, did you raise with them anything along the lines of, "Look, at the committal they were interested in these matters, and I've got a report." Or--

A. No. I didn't, ma'am. No. But--

Q. I'm sorry?

40 A. I didn't, no. That wasn't my purview.

Q. Was it your view that, as a witness called by the Crown, that your job was to listen to the questions and answer them?

A. Yes.

45 Q. Issues such as, "I'm a police officer, and I've come across what appears to be relevant evidence, an interest shown by the defence, shouldn't I let the Crown know about it", wasn't that part of your role as a police officer involved in, in some way, in the investigation of the matter?

50 A. Yes. In - in - in certain circumstances, yes.

Q. Did it ever pass through your mind, or did it come to your mind, that you should be raising this as possible relevant evidence with the Crown?

5 A. I can't remember. I was probably wondering why - why - you know, they were pursuing the course of action, but in general that was a matter for the Crown. That wasn't a matter for a lowly detective.

Q. Were either Detective Turner, or maybe Detective Milroy, at court when you gave evidence?

10 A. I - I can't remember. There was - no, I can't remember who was there.

Q. You probably know sometime in trial, if the officer-in-charge has given his or her evidence upfront, they're then allowed to sit in the courtroom?

A. Yes. Yes.

15 Q. Have you got a recollection of Detective Turner sitting in the courtroom?

A. No, I haven't. I haven't any recollection of that at all. It's quite possible, but I don't know.

Q. Even if he wasn't in the courtroom--

20 A. Yeah.

Q. --as the officer-in-charge, he'd be hanging around the Court?

25 A. Well, possibly. But in his position, he had - he had plenty of work, so it was a matter of his time. He couldn't just say, "I want to go and hang around the courts." You know, he had lots of cases going on at once.

Q. But it wouldn't just be hanging around the Court--

A. No.

30 Q. --it would be providing assistance to the Crown?

A. Yeah. I can't - I can't remember whether he was there or not, to tell you the truth.

Q. You've given evidence that even though you were in separate buildings--

35 A. Yeah.

Q. --you would just pop over to CIB and have an ad hoc meeting?

A. Yeah.

40 Q. Again, in respect of this obvious interest by the defence in these matters, or these topics where you had relevant evidence, did you pop over to CIB and have a word with Detective Turner about, "Don't you remember I showed you that report?" And, you know, "We knew Virkez wasn't a Croat."

45 A. Probably. Probably. You know--

Q. Did you do that?

A. Well, things like that would have happened, yes.

Q. When did you do that?

50 A. I don't know.

Q. Do you actually have a recollection of doing that?

A. I do have a recollection. I - I go to the CIB and see Detective Turner and discuss matters with him, but when, I - I've got no idea.

5 Q. What about after you're sitting there in the witness box, these series of questions are asked, which aren't allowed--

A. Yep.

Q. --but obviously you've got that relevant information in your report--

10 A. Mm-hmm.

Q. --wouldn't have that been an opportunity to remind Detective Turner about that report that he read?

15 A. No. Not really. Not really. The situation was Sergeant Turner was running - running the Court case, and I was a long way down the list, so unless it was extra special, I wouldn't have discussed it with him.

MCDONALD: Your Honour, I am moving to a different topic.

20 HIS HONOUR: All right. Mr Jefferies you can step down, we will continue tomorrow at 10 o'clock.

<THE WITNESS WITHDREW

25 ADJOURNED PART HEARD TO FRIDAY 5 APRIL 2024