

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX
REPLY SUBMISSIONS ON BEHALF OF THE DIRECTOR OF PUBLIC
PROSECUTIONS (NSW)

INTRODUCTION

1. These submissions have been prepared in reply to primary submissions made on behalf of:
 - a. The NSW Commissioner of Police dated 24 February 2025 (**COPWS**);
 - b. The Commonwealth parties dated 19 February 2025 (**COMWS**);
 - c. The 25 individual officers represented at the Inquiry dated 19 February 2025 (**OFFWS**); and
 - d. James Bennett dated 18 February 2025 (**JBWS**).

SUBMISSIONS ON BEHALF OF NSW COMMISSIONER OF POLICE

Disclosure

2. It can be accepted that the law around the prosecutor's duty of disclosure in criminal proceedings was uncertain in the late 1970s and into the 1980s and was, over that period, in a state of flux. A fundamental aspect of the rationale for what was the minority opinion of Murphy J in *Lawless*¹ may be observed to have informed the judgments of Deane J² and Dawson J in *Whitehorn v The Queen* (1983) 152 CLR 657, the latter of whom stated at 675:

No doubt all of these observations are merely aspects of the general obligation which is imposed upon a Crown Prosecutor to act fairly in the discharge of the function which he performs in a criminal trial. That function is ultimately to assist in the attainment of justice between the Crown and the accused. In this respect the Crown Prosecutor may have added responsibilities in comparison with other counsel but it does not mean that his is a detached or disinterested role in the trial process.

3. It was likely on the basis of the undoubted duty of the Crown to act fairly in the discharge of its functions³ that Blanch QC accepted before the High Court that information from Cavanagh's meeting with Virkez (on the assumption it was known,

¹ (1979) 142 CLR 659 at 682: "Those prosecuting on behalf of the community are not entitled to act as if they were representing private interests in civil litigation. The prosecution's suppression of credible evidence tending to contradict evidence of guilt militates against the basic element of fairness in a criminal trial."

² Per Deane J at 663: "That is not to say that the Crown is entitled to adopt the approach that it will call only those witnesses whose evidence will assist in obtaining a conviction. Prosecuting counsel in a criminal trial represents the State. The accused, the court and the community are entitled to expect that, in performing his function of presenting the case against an accused, he will act with fairness and detachment and always with the objectives of establishing the whole truth in accordance with the procedures and standards which the law requires to be observed and of helping to ensure that the accused's trial is a fair one."

³ With disclosure being regarded as an aspect of the duty to act fairly.

and in the particular circumstances of this case) fell within “the duties of the Crown to disclose relevant material to the defence”.⁴ The Director does not seek to go behind that position.⁵

4. The duty of a prosecutor to act fairly was not novel in 1980. It would have been well understood by an experienced prosecutor such as Shillington QC. It is for that very reason that it is unlikely that – contrary to his duty of fairness – Shillington QC would have made the submission that he did in closing had he known of what Virkez had told Cavanagh.⁶

The significance of non-disclosure

5. The fact that certain information from Cavanagh’s meeting with Virkez was conveyed to NSW Police (at least Turner) was known to the CCA (before whom Cavanagh gave evidence of that fact). It was also known to the High Court on Special Leave (Cavanagh’s evidence on the point having expressly been brought to their attention at a point after Blanch QC accepted, in effect, that the material should have been disclosed).⁷
6. What is ultimately in issue before this Inquiry is the significance of the material not disclosed to the question of whether reasonable doubt attends the convictions of any of the Croatian Six. In that regard, the submission at COPWS [12] – that “a defect in the conduct of the trial by reason of non-disclosure of evidence of Virkez’ relationship with the Yugoslav Government is not...of a nature as to produce a reasonable doubt as to the guilt of the petitioners” – should be accepted.

Milroy’s evidence

7. At COPWS [35], reference is made to evidence that Milroy and Turner “had frequent (virtually weekly) meetings with the Crown Prosecutor and solicitor during the committal and the trial”. That evidence needs to be considered in light of other evidence before the Inquiry, including that which established that Shillington QC held only a watching brief at the committal stage; and, significantly, the Duty Book of Milroy which first noted a meeting with Shillington QC on 11 December 1979 – a point after the committal proceedings had concluded. Milroy was – understandably given the passage of time – simply mistaken in his recollection as to the timing of meetings.
8. The evidence of Milroy extracted at COPWS [37] falls within the same category.
9. To the extent it may assist, extracts of Milroy’s evidence on the topic of disclosure have been collated in **Annexure A** to these submissions.

⁴ Ex 2.5-2 rp 9691.

⁵ Which is the basis of the primary submissions at DPPWS [49] and [84] that certain information “should have been disclosed” to the legal representatives of the Croatian Six.

⁶ This being the point made at DPPWS [15] and [97].

⁷ Ex 2.5-2 rp 9713 (the broader discussion occurring from rpp 9707 – 9714).

Coherence of approach

10. At COPWS [54], the point is made that documents attributing comments to Whitelaw are “hearsay records prepared by unnamed persons recording, in narrative and sometimes summary form, the contents of conversations with Assistant Commissioner Whitelaw” with “no reason to think that Assistant Commissioner Whitelaw approved their contents as a wholly accurate record of what he said”. So much can be accepted: reservations should attend the use of such hearsay material. No such reservations are, however, raised at COPWS [64] where reliance is sought to be placed on hearsay statements purporting to attribute knowledge to Shillington QC – hearsay statements deriving from a conversation to which Shillington QC was *not even a party*.
11. Fact-finding will need to be undertaken in a far from perfect environment in this Inquiry, particularly given the absence of relevant witnesses. A consistent approach should be taken.

SUBMISSIONS ON BEHALF OF 25 INDIVIDUAL OFFICERS

Complexity of the alleged corrupt conduct

12. At OFFWS [17]-[20], submissions are made regarding the improbability that police officers from disparate units that had been hastily assembled on 8 February 1979 would engage in wide-scale corruption of the type alleged. Those submissions are supported.

People do confess and the possibility of coincidence

13. At OFFWS [52]-[54], cogent submissions are made regarding the probability that members of the Croatian Six would have made confessional statements upon their arrest on 8 February 1979 and a plausible explanation is given as to why there may have been reticence to participate in a typed record of interview (as distinct from a notebook interview). Those submissions are supported.
14. At OFFWS [57]-[58], the point is made that coincidences *can* occur and that the true “independence” of the events in question needs to be carefully considered in weighing the likelihood of coincidence as an explanation for events. That approach is supported. Here, there were common factors informing the circumstances of the confessional statements and common factors informing their withdrawal such that the events should not be regarded as wholly independent.

The beach conversation

15. At OFFWS [84], reference is made to Cunliffe’s claim of a conversation between St John and Shillington QC on a south coast beach. That evidence was implausible when given and was flatly contradicted by the evidence of St John.⁸ It should not be relied upon as credible or reliable.

⁸ T3058.38-50 (St John).

“Soft” verbals

16. At OFFWS [332], the submission is made that the characterisation (by the Petitioners) of evidence of conversations between Wick and Stipic as constituting a “soft verbal” is “without foundation”. That submission should be accepted.
17. The questions and answers asserted by the Petitioners to constitute a “soft verbal” are set out at PWS [625]-[627].⁹
18. The answers given are not incriminating on their face and could never have substantiated consciousness of guilt reasoning.¹⁰ Notably, Stipic was not asked about these conversations during the course of his evidence before the Inquiry. He was not cross-examined by the Petitioners at all.¹¹ In his statement to the Inquiry, Stipic stated:¹²

“That officer asked me to read what is written on coil. I read it. It was written ‘detonator’. I told them, **‘I never saw it before, it’s not mine’**.”

19. Some 45 years after the event, that account is broadly consistent with the conversations recorded in the statement of Wick. There is no basis on the evidence for concluding that Wick engaged in a “soft verbal” as there is no evidence of Stipic denying the occurrence of those conversations.

Events of 27 November 1977

20. At OFFWS [379]-[388], it is submitted that Brajkovic’s evidence of what Perrin told him during the course of an arrest on 27 November 1977 – “(Look idiot), I will get you, even if it’s the last thing I do in my life” – appears consistent with recent invention. That submission finds support in the timeline of allegations of threats supposedly made by police towards Brajkovic. If it were concluded that Brajkovic had “invented” the threat made by Perrin, that would seriously undermine his credit given that the alleged threat sought to impute to police a motive to fabricate evidence against him.¹³

Krawczyk

21. At OFFWS [541], the submission is made that Krawczyk should not be the subject of criticism on account of the two “versions” of his statement. In this regard, it is noted that both “versions” of Krawczyk’s statement were produced to the Court of Petty Sessions during the course of committal proceedings:

⁹ Harvey; “Q. What have you got to say about these detonators here? A. Nothing.”; Wick: “Q ‘Are these your detonators?’ The defendant shook his head but did not speak. I said ‘Do they belong to some other person?’ He made no answer. I said ‘Can you tell me why you have them here in your room?’ He replied, ‘No.’ I said, ‘Can you give me any reason at all why you have these detonators?’ He said, ‘I can not, no.’ I said, ‘Does any other person use this room?’ He said, ‘My room, only me.’”; Wick alleged that, when asked at CIB whether he wished to tell Police anything about the detonators, Stipic replied, “No, nothing”. PWS being a reference to the Petitioners’ Written Submissions.

¹⁰ Cf. PWS [625]

¹¹ T72.39 (Stipic).

¹² Ex 8.5 rp 37 at [30].

¹³ T3240.50-3241.5 (Brajkovic).

- a. Exhibit #110 at committal includes the reference to a “white plastic bag”; and
 - b. Exhibit #115 at committal does not include any reference to a “white plastic bag” (and appears to mirror Ex 11.153).
22. Some of the circumstances in which both “versions” came to be tendered are outlined at Ex 2.3-20 RP6878; Ex 2.3-21 RP7007; and Ex 2.3-22 RP 7030-7031.
23. The fact that both “versions” were produced at committal suggests that Krawczyk was not attempting to conceal the fact that there had been more than one version of the statement.

Milroy’s evidence

24. At OFFWS [625], reference is made to Milroy’s evidence as to what “the Crown” knew and when. As is noted at [7] above, such evidence needs to be considered in the context of Milroy’s misapprehension as to who had conduct of the committal proceedings.¹⁴

SUBMISSIONS ON BEHALF OF COMMONWEALTH PARTIES

Credit assessments

25. At COMWS [5], it is submitted that each of St John, Boyle and Barkley were helpful and credible witnesses. Those submissions are supported.
26. At COMWS [6] it is submitted that Cunliffe “presented as a partisan witness who viewed, and sought to characterise, Commonwealth officials and agencies in the least favourable light”.¹⁵ That is a fair characterisation of his presentation and the suggestion that his evidence be “treated with caution” should be accepted.¹⁶

Jefferies evidence re: Virkez being rejected by the Yugoslav Government

27. At COMWS [14], it is submitted that Jefferies is likely mistaken in his recollection of having been told by an ASIO officer that Virkez had twice approached the Yugoslav Government to become an agent and twice been rejected. That does appear to be the most likely scenario in circumstances where there is no documented evidence of any such approach in the ASIO material that has been produced to the Inquiry.

Cavanagh

28. At COMWS [45], it is submitted that Cavanagh’s interviews with Virkez were conducted following consultation with Turner and Milroy and that Cavanagh advised NSW Police about the outcome of his interviews with Virkez. On those topics:

¹⁴ As to which see Annexure A to these submissions.

¹⁵ A level of cynicism that might be seen to undermine his objectivity was apparent in, for example, his evidence at T3032.18-41 (Cunliffe).

¹⁶ COMWS [7].

- a. The letter from Assistant Commissioner Farmer dated 11 March 1980 makes express reference to Virkez having been interviewed “following consultation with the (NSW) officers in charge of the case”. The (NSW) “officers in charge of the case” can be taken to be referencing Turner and Milroy. There is no evidence as to the substance of the reported consultation and whether it was anything more than, as a matter of courtesy, advising them of the intention to interview Virkez;
- b. Cavanagh’s evidence to the CCA was that he was interviewing Virkez “purely as a representative of the Prime Minister and Cabinet Department and to satisfy (himself) as to (Virkez’s) bona fides”.¹⁷ That evidence tends to suggest that any “consultation” with Turner and Milroy was limited and that Cavanagh was not, in any sense, questioning Virkez at their behest; and
- c. Despite the coincidence of timing referred to at COMWS [45.1], Cavanagh made no mention of having told Turner his views on Virkez in a conference the following day. To the extent he identified a time at which he told Turner his view that Virkez was “not a professional agent”, it was at a later point:¹⁸

Q. Was any of this information sent on to the (NSW) police, the content of this?

A. From my recollection the major thing that was passed on to the (NSW) police was that in my opinion Virkez was not a professional agent.

Q. Who passed that on?

A. It was possibly passed on by me verbally.

Q. To whom?

A. To a number of officers I was dealing with at the time. One of the people would have been Det. Sgt. Turner who was the officer in charge of the case.

Q. You had a number of conferences?

*A. No, not a number of conferences, **simply as a result of this particular interview and the subsequent one I did have a discussion with him on the phone.** I may well have seen him in Sydney when I was up here on other matters as well, I am not sure.*

29. Two points are made:

- a. if Cavanagh had disclosed the information to Turner the very day after he had spoken to Virkez on 21 February 1980 then that is a coincidence of timing that he might be expected to have remembered when giving evidence before the CCA; and,
- b. had he conveyed that information the next day (on 22 February 1980), he would not have needed to convey it in a phone call which took place after the second (March 1980) interview with Virkez.

30. The evidence of Cavanagh before the CCA does not support the proposition that Cavanagh divulged the contents or effect of his interview with Virkez on 21

¹⁷ Ex 2.4-10 in camera rp 9563 (Cavanagh).

¹⁸ Ex 2.4-10 in camera rp 9568 (Cavanagh) (emphasis added).

February 1980 to Turner, Milroy, Shillington QC and White during their conference the following day.

SUBMISSIONS ON BEHALF OF JAMES BENNETT

31. At JBWS [3], it is submitted that police officers should not be put in a category of unreliable witnesses.¹⁹ That submission should be accepted. It reflects the approach of the High Court in *McKinney v The Queen* (1991) 171 CLR 468²⁰ in rejecting the notion that “police evidence is inherently unreliable or that members of a police force should, as such, be put in some special category of unreliable witnesses”.²¹
32. At JBWS [5], it is submitted that Bennett was a “thoughtful, considered, credible and reliable witness”. That submission is supported both on the basis of his presentation in the witness box and upon consideration of those matters supporting the reliability of his account as outlined in the JBWS generally.



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28 February 2025

¹⁹ Cf. PWS [105]-[118].

²⁰ Per Mason CJ, Deane, Gaudron and McHugh JJ at [23].

²¹ See also, in this regard, the appropriate warning at OFFWS [32] regarding the risk of overgeneralisation and, at OFFWS [33], the caution against hindsight bias; JBWS [123]; DPPWS [125].

Annexure A

Day 5 (27 March 2024): Examination in chief	
<p>Q. Did you at any point in your investigation become aware of any connection between Virkez and...[the] secret police?</p> <p>A. No... but I think the information that was passed to the Crown, it was the same. They were of the same view that if anything he was a community source, or a - what you might call a community informer, the person passing on information to a body that was interested in the activities that was going on at that particular time, but there was nothing concrete.</p> <p>Q. During your investigation, did you become aware of any connection between Virkez and the Yugoslav Consulate?</p> <p>A. No, but I believe Jefferies went and interviewed the Consulate...but other than the comments he made himself to Marheine, as I understood it, that he was passing on information about pamphlets and their - the activities of these groups in - in the public environment. That's all we knew.</p>	T293. 24 - 43
<p>Q. Did you know the contents of that discussion that [Jefferies] had with Virkez? ...</p> <p>A. All I was aware of what that the discussions that he had with Jefferies was to be related to his - his - nothing to do with... his involvement in the bombing. It was to do with his passing on information to the Consulate, about pamphlets and the activities of - of the groups in the community.</p>	T294. 10-16
<p>Q. ...do you agree with me that this entry [Ex 11.50 rp 208] does not make any mention ...that Virkez told Jefferies about his involvement in passing on information?</p> <p>A. Jefferies, as I understand it, spoke to Virkez before this date, and he passed on that information to Turner....</p> <p>Q. The Inquiry needs to understand, was the information from Jefferies about Virkez passing on information regarding the Croatian community ever conveyed to the Crown Prosecutor?</p> <p>A. Oh yes, that's why the Crown Prosecutor, I think, indicated in the trial, I think, he indicated that was not a skerrick of evidence that the Crown had that indicated that Virkez was an agent in the sense of an agent provocateur...So the Crown were appraised of all the enquiries and the results that we carried out.</p> <p>.....</p> <p>Q. But this information from Jefferies about Virkez passing on information to the Croatian community, that level of information, was that conveyed to the Crown Prosecutor?</p> <p>A. Yes.</p> <p>Q. When would that have been, would you say?</p> <p>A. Turner would have briefed him, or Turner and I would have briefed him, in relation to that's what our understanding is, based on the information that was obtained from the Special Branch, that that was what Virkez was allegedly involved in.</p> <p>Q. Did the Crown ask of you to make any further enquiries ...?</p> <p>A. I can't recall. I think the - I think all the information that we - we had at our disposal in relation to Virkez contacting the embassy was - the consulate, was passed on to the Crown.</p>	T294. 45 - T295. 48
<p>Q. You say [Cavanagh] came to see you?</p> <p>A. He spoke to - I recall he came and spoke to Ted, Ted Turner and I at the CIB because of their interest in the - the Croatian and Yugoslav tensions, et cetera, from my understanding.</p> <p>Q. When would that have been approximately; when did he come to visit you at the CIB?</p> <p>A. Well, it would have been as we were - in those early - early weeks when we were putting the brief together... because I remember that he came and spoke to Ted Turner about his - his interest in the - from an intelligence point of view...</p> <p>...</p> <p>.. I believe that Cavanagh also spoke to [Virkez]; that is my understanding. So there were - like they were communicating that back to us what they had - their views were of - of what Virkez's role was in relation to the information he's provided to the Yugoslav consulate. So I just remembered that in the same context as Jefferies was speaking to Virkez about the same issue.</p> <p>...</p> <p>...I think actually he contacted Ted Turner and came in and spoke to him, but in relation to what the conversation was, I can't - I can't recall the actual full conversation or the discussion.</p>	T300. 22 – T301. 27
Day 6 (28 March 2024): Cross examination (Petitioners)	
<p>Q. Did New South Wales Police, to your knowledge, find out what happened on that occasion? [re: Cavanagh and Blades visit to Virkez at Parramatta Gaol on 21.2.1980]</p> <p>A. No...Roger Cavanagh ... came in that one visit to see Sergeant Turner, and I just spoke to him briefly and mentioned that he spoke to Virkez, and that in his opinion, Virkez was a - just a - an ordinary person giving information to the - to the Consulate, and that was it really...</p> <p>Q. Are you sure that's what he told you?</p>	T333. 48

<p>A. Well, it was along those - it was along those lines. It was only the fact that he was a - an informant in the sense of providing general information about the, if I can recall, about the activities of the groups in the - in the Yugoslav community, and that was all. It was just basically a, "Hi, how are you going?" Just stood there. I think Ted said to him, "Have you got any record of all that?" And I think he indicated he didn't make notes or something. I can't remember.</p>	T334. 14
<p>Q. Does that accord with your memory of what you understood about the status of Mr Virkez and his relationship to the Yugoslav Consulate [re: Ex 10.2-4]?</p> <p>A. No, as I said, I indicated that other than what the comments that Mr Jefferies indicated, and likewise Mr Cavanagh, just a one-line comment that he was just basically a - a low-level - not a low-level, that's not the word - a sort of a community source, and he was passing on information to the - to the Consulate about the activities of the groups, and that. Handing out pamphlets and things like the - I mean, that's - that's all I knew, nothing else.</p>	T341. 22 - 29
Day 7 (2 April 2024): Cross examination (DPP NSW)	
<p>Q. Given you did not document [the information received from Jefferies or Cavanagh], is it possible that some 40 years later...you may have had some confusion as to exactly when...information relating to the background of Mr Virkez came to your attention?</p> <p>A. Well, I take the view that the information was passed to the - the prosecution staff, and as you will recall, the Crown Prosecutor referred to that in his opening address in relation to making a comment there was not a skerrick of evidence; so I take it that he would make that statement on the basis of what he'd been told; that is, the background to Virkez, that would have been passed on by Turner and myself... <i>[re-asks question]</i></p> <p>A. No, I can recall Jefferies and Cavanagh coming to our office, so I don't - I'm not confused at all.</p>	T397. 15 – 39
<p>Q. Is it possible that what you were recalling is what the Crown knew as at the time of the later appeals?</p> <p>A. No. I think the Crown were - were aware of this, because we - as I indicated last week, we'd passed on the information in relation to Virkez's background that we received from Jefferies and others, and - that is I'm firmly convinced that at the time of the committal proceedings the Crown would have been aware, or the equivalent of the DPP, would have been aware, that Virkez was a community source, as we call it.</p>	T399. 35-42
<p>Q. That same information you did not consider was evidence that Mr Virkez was an agent of, or had some role as a Yugoslavian intelligence agent, correct?</p> <p>A. No, we had no information.</p>	T400. 20-23
<p>Q. Do you have a specific recollection of a conversation with somebody from the Crown in which that information was conveyed?</p> <p>A. As I indicated, your Honour, we had virtually weekly meetings with the Crown and their - and his instructing solicitor for the Petty Sessions and right through the trial.... I mean, how could I remember after 45 years specific conversations? ...</p> <p>Q. So does it follow from that that you don't have a specific recollection of telling the Crown or somebody from the Clerk of the Peace or the Crown Prosecutor at trial this specific information?</p> <p>...</p> <p>A. No, I don't have a recollection; after 45 years, no.</p> <p>Q. But, doing the best you can, you would've passed on the fact that enquiries had been made in relation to the background of Mr Virkez?</p> <p>A. Yes.</p> <p>Q. You would've passed on that the result of those enquiries was that in the view of investigators there was no evidence that Mr Virkez was some sort of undercover agent, an UDBa or Yugoslav representative, is that right?</p> <p>A. That's correct.</p>	T402. 12-42
<p>Q. If it were in fact a police prosecutor that appeared at the committal proceedings, is it possible that you had not engaged with, I'll say the DPP, as early as you thought?</p> <p>A. Yeah, if that's - if that's what it shows in the records, then who am I to challenge the document that you might have that indicates that?</p>	T403. 10 – 14
<p>Q. So is it possible that when you shared this information [...from...] Jefferies, you may in fact have been sharing it with the police prosecutor who had appeared at the committal ...?</p> <p>A. Yeah, that's possible. If you have - all of that information before you, I'm at - clearly at a disadvantage.</p>	T403. 43-49
Re-examination	
<p>Q. [HH]: ...you say this was passed on to the Police Prosecutors in the early days, in February or March, and even in 1979?</p> <p>A. It would have been passed on. Whatever information we'd gathered in relation to the background and what came from Jefferies would have been passed on to when we went before the committal proceedings. It would have been referred to the Prosecutor.</p> <p>Q. [Melis]: The Police Prosecutor?</p>	T413. 41

A. Yes. I mean, we wouldn't sit on information like that for nearly 12 months...	
Q. ...in what form do you say that information was passed on to the Police Prosecutor...? A. I can't recall ... Q. If I was to say that there is no statement from either of those sources [re: information on Virkez's background]...do you say that that information would have been passed on orally, do you? A. Yes, but also in their statement, as you say...	T414. 9 - 25
Q. To be clear, if you say that the information was passed on to the Police Prosecutor, would you have separately passed it on to the Crown Prosecutor at trial? A. Again, I can only take what the Crown said at the trial, and deduce from that that they must have been told by us, or by Sergeant Turner, of Mr Virkez's statement for the Crown to make that announcement at the trial. I can only - I can't, after all these years, remember every single thing that anybody says verbally after all this time.... ...I take from that then, because he was told that Virkez was only a community source. Not an agent. I mean, that's my understanding of that - that statement.	T415. 3 - 22
Q. Was that information in of itself passed on to the Crown; the fact that Vito Misimovic.had rung up the Consulate on 8 February 1979 providing information about a bombing? A. As I understood it, yes, that was one of the reasons for trying to get confirmation from the Consulate that that took place Q. Is that where the enquiry ended, Mr Milroy? A. ...as I understood it, that probably was the end of enquiries as per their running sheet.	T417. 38- T418. 5
Day 24 (7 August 2024): Examination in chief	
Q. Mr Milroy, this is an extract from an ASIO document. It relates to a Special Inter-Departmental Committee report dated 28 February 1979...Did you ever see this document in 1979 or 1980? A. No. I - I don't think I - from my memory, I don't recall seeing that, no. .. Q. Was that information of that nature, was that ever passed on to you or Detective Sergeant Turner around this time? Around 28 February 1979 or any time there after? A. Well...at some stage or other, the information that he'd rang the Consulate-General, but in relation to the other information about - for a period of six months prior to that, I don't recall seeing that. ... Q. Mr Jefferies gave evidence that he probably discussed this report with Detective Sergeant Turner, but couldn't remember...Does that assist...? A. No... I really don't have any recollection of that sort of information at that earlier stage.	T1805. 20 - T1806. 15
Q. The information this telex reveals that Mr Misimovic called the Yugoslav Consulate to let them know of this potential bomb plot...My question to you is, what was done with this telex? A. Well, it's - I can only comment on not so much what happened to the telex. I'm only just saying we - as you know - tried to get a statement from the consulate to verify that he actually had rang them. I mean - and they refused. They wouldn't cooperate, which is understandable, because they claimed privilege. So that's what - that's all I can recall. Q. That's where the matter end? A. No, that's all I can recall.	T1817. 50 - T1818. 19
Q. --so you would have known all of that information [that Mr Virkez had been informing on members of the Croatian community onto the Consulate; and that he was an ordinary community member passing on information] as of 11 December 1979. A. Yes, I believe so. Q. And that was information, which consistent with your previous evidence, the senior Crown Prosecutor would have known because you and/or Detective Sergeant Turner would have informed him. A. I believe so, that's right.	T1823. 3 - T1823. 9
Cross examination (DPP NSW)	
Q. You agreed that in the context of the information that you were given that it was possible in your meeting of 22 February 1980 that it included discussion in relation to Mr Virkez, do you remember agreeing to that? A. That's - yeah, I - possibly, yeah. Q. But just to confirm, you have no independent recollection? A. No.	T1909. 24-30
Q. Is it also possible that indicating that he was not a member of YIS, and not a member of UDBa was the extent of the information that Mr Cavanagh, or other police officers had expressed to Mr Shillington in that meeting of 22 February? A. It's possible.	T1917. 26 - 30