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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 SIXTEENTH DAY: TUESDAY 21 MAY 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

AUDIO VISUAL LINK COMMENCED AT 10.01AM

<JAMES JOSEPH COUNSEL, ON FORMER OATH(10.01AM)

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<EXAMINATION BY MR DE BRENNAN

Q. Mr Counsel, can you see and hear me?

A. I can, yes.

20

Q. Yesterday, we heard some evidence that following the raid, or at least being in the house, Detective Grady, and I think yourself, went to the vehicle and then drove back to the CIB?

A. Yeah, after we left the house. Yes.

25

Q. I think even before you commenced driving to the CIB, that the explosives that you say were found at the premises were put in the boot of the car?

A. Yes, they were.

30

Q. My understanding is that you travelled in that car back to CIB?

A. I missed that, I'm sorry.

Q. My understanding is that you travelled in the back of the vehicle back to CIB, is that right?

35

A. I can't remember whether I drove or whether I sat in the back. But I was in the vehicle, certainly.

Q. Just when the explosives were being put in the boot prior to you driving back, did you express any concerns about the safety of putting those items in the back of the car?

40

A. Well I relied on Detective Grady, he was more experienced in relation to those matters and I didn't - I had full faith in what he was doing.

45

Q. Do I take it from that that you didn't say anything along the lines of, "What happens if those explosives or the gelignite interacts with the connectors" or anything like that?

A. Well, I don't know, I didn't see how they were put in the boot, I don't know.

Q. Did you have any concerns about travelling in the car in circumstances where that material was in the boot?

50

A. Well, I suppose I thought about it, but I can't recall exactly what I felt or

what I thought.

Q. Just so I'm clear, that was a standard police vehicle rather than a vehicle that was fitted out to deal with explosives?

5 A. It was a police vehicle, yes.

Q. It was a standard police-issued car wasn't it?

A. Yes.

10 Q. Do you recall whether you or Mr Grady had any discussions about transporting Mr Kokotovic in the back of the vehicle at the same time that you were transporting explosives?

A. Well I had no concern about it, no.

15 Q. Did you give consideration to contacting the Army or experts in explosives transportation on the night?

A. No, I gave no thought to that.

Q. You had been involved in other operations involving bombs?

20 A. No, I can't recall I have.

Q. You were certainly aware that there had been some bomb scare at Bondi Junction in the period immediately prior to this matter?

A. I don't recall that, no.

25

Q. You were asked some questions from Counsel Assisting about whether you arranged for a senior officer to come in at the conclusion of your interview. Do you recall those questions?

A. I recall the questions, yes.

30

Q. Just in relation to senior officers at the CIB on the night in question, you'd accept, wouldn't, you that Inspector Morey was present at CIB at least at some point on the evening following the raid?

A. At some point on the evening, yes, he was.

35

Q. You'd accept that Sergeant Roger Rogerson was present?

A. I can't recall, but I'm sure he would have been.

Q. You've given some evidence that there was a commissioned officer present?

40

A. I don't know.

Q. I'm going to suggest to you that there was a sergeant working at reception?

A. There may have been, yes.

45

Q. I'm going to suggest to you that in a busy complex like that there would have been a bail sergeant to deal with matters of bail?

A. Well, that would happen at Central Police Station.

50 Q. Just in relation to Central Police Station, it was the case wasn't it that

various officers that had been associated with these raids were going back and forth to Central on the night in question?

A. I believe so, yes.

5 Q. You'd accept that even in the event that you did arrange for a senior officer to come in at the conclusion of the interview, that that is not a complete safeguard against police impropriety?

A. I'm sorry, I just missed the last part of your question.

10 Q. You would accept that even if you did or were to arrange for a senior officer to come in at the conclusion of an interview, that that is not a complete safeguard for an accused?

A. I can't recall exactly what happened then. Why I didn't, I don't know. I would have known at the time.

15 Q. Well, just concentrating on this matter, you're aware that at least one of the officers that was present on the night that was a senior officer to you was Detective Sergeant Roger Rogerson?

A. Yes.

20 Q. You would have heard since 1978 of Roger Rogerson going on the public record and saying that it was not unusual for police to be involved in practices of verballing and assaulting accused persons?

A. Well, he mentioned that, yes.

25 Q. You would also agree that on this night Detective Inspector Morey was also called in after an interview of - pardon me a moment - Mr Brajkovic and said that he saw no injuries on Victor Brajkovic?

A. Yeah, I just can't recall, but--

30 MCDONALD: Sorry, I object to that. Is my friend asking about knowledge of the present of Inspector Morey being there or the additional fact of confirming that Mr Brajkovic had no injuries? There might be two different answers.

35 HIS HONOUR: But it was both, wasn't it, Mr Brennan that you're putting to him?

DE BRENNAN: I'll put it in more general understanding, your Honour. I should probably deal with it in that way.

40 HIS HONOUR: Yes. But as Counsel Assisting has indicated, the two components of what you're putting, you might put them sequentially.

DE BRENNAN: I thank you. I thank my friend.

45 Q. Mr Counsel, were you aware that a Detective Inspector Morey, following the interview of Victor Brajkovic, went into a room to assess him following the interview?

A. Yes, he went into an interview room when we got to the CIB, yes.

50

Q. But just in relation to Victor Brajkovic, were you aware of Detective Inspector Morey being asked to come in following an interview with Mr Brajkovic?

A. No, I can't recall that.

5

Q. Well, just if I could ask you generally, did you hear at any point about Detective Inspector Morey saying that after he'd come in following an interview, he saw no injuries on Mr Brajkovic?

A. I can't recall that, no.

10

Q. Did you know or did you learn at the trial of the Croatian Six that that information given by Detective Inspector Morey, that there were no injuries, was contradicted by a nurse that had assessed Mr Brajkovic on the evening in question?

15

BASHIR: I object.

HIS HONOUR: I'm not sure that that's the effect of the evidence, Mr De Brennan, on the evening in question, what do you mean? Didn't she see him later in the day on the ninth? In the afternoon on the ninth?

20

DE BRENNAN: Yes, I withdraw that. Yes.

BASHIR: Well, and I think some days later actually. I think not even that day.

25

HIS HONOUR: Was it later?

BASHIR: I might be wrong, but I think it - I'll check, your Honour, but it certainly wasn't--

30

HIS HONOUR: I thought it was when he arrived at Long Bay after having been refused bail in Court on the afternoon of the ninth. Is that right?

BASHIR: Yes your Honour.

35

DE BRENNAN: Yes.

Q. Did you hear, Mr Counsel, anything about a nurse identifying injuries on the afternoon or the late afternoon of 9 February 1979?

40

A. I have no knowledge of that, but from my observations there were no injuries to the accused.

HIS HONOUR

45

Q. These questions were specifically related to Mr Brajkovic, Mr Counsel, did you understand that?

A. Mister?

Q. Brajkovic?

50

A. I don't think I have anything to do with him.

DE BRENNAN

5 Q. Mr Counsel, your evidence was that when you arrived at the house in Burwood you had gone up to the attic and you had at some point seen Joseph Kokotovic holding a pair of scissors. Is that correct?

A. Well, there's been mention of it, but I can't recall it.

10 Q. The evidence of Detective Grady was that he took those scissors at some point and put them in his pocket?

A. As far as I'm aware, yes.

15 Q. Mr Grady's evidence was also that ultimately he didn't take those scissors back to the CIB but left them at the house?

A. I can't recall that. I don't know what happened to them.

Q. Just in relation to that last point, you didn't see those scissors again during the evening?

A. I can't recall seeing them again, no.

20 Q. Just in relation to the scissors, do you recall whether there was any discussion whether that item in particular should be entered up in some kind of notebook as an exhibit or anything like that?

A. Are you still talking about the scissors?

25 Q. Yes.

A. Yeah, I don't recall.

30 Q. You were asked some questions about the storage of the explosives or the gelignite and the connectors, and you indicated to the Inquiry that you were aware of a Dangerous Goods Branch or something where such items would be stored?

A. That's where those things were placed, I understand, yes.

35 Q. Just putting aside items for a moment that might be regarded as dangerous, where would have other exhibits or at least potential exhibits such as paperwork or documentary evidence or placards or scissors have been kept assuming that they were to be seized and/or written up?

A. No, I just - that doesn't really - I can't recall it.

40 Q. But surely it was the case that you and other police officers took more from the house than simply the gelignite and the connectors.

A. Well, I wasn't involved with the search, and I don't know what was taken.

45 Q. Weren't you one of the first officers to identify the gelignite and connectors in the attic?

A. Yeah, when I walked in I saw them. Yes.

Q. Had there been some discussions during your briefings as to what would happen, assuming illicit material of any kind was found?

50 A. I don't know. I can't recall it - I can't recall what was said at the meeting.

Q. That meeting doesn't stand out in your mind as a particularly memorable one?

A. Not really, no.

5 Q. This was a fairly significant incident that you had learned about on the night--

A. Yes.

Q. --from Detective Inspector Morey?

10 A. Yes.

Q. You had received information that there was at least potentially going to be a number of targets, or bombing targets, across the Sydney metropolitan area?

15 A. At that stage I didn't, no.

Q. Is that because you were on standby?

A. On standby for what?

20 Q. Was it the case that initially you weren't going to be part of this raid. You were on standby and then you were brought into the fold later in the evening. Is that right?

A. As far as I can recall, yes.

25 Q. What were the circumstances, as you recall them, in which you were brought into the fold later in the evening?

A. Well, I think I was told, or Detective Grady was told that him and I would proceed to Burwood police station.

30 Q. But you had also been part of the briefing at CIB headquarters which was overseen by Detective Inspector Morey?

A. Well, there would have been a discussion but I have no recollection of it.

35 Q. Mr Counsel, I'm going to suggest to you that that initial briefing would have been very memorable for you in the course of your policing career.

A. Well, at that time it would have been, yes.

Q. Could I ask that the witness please be shown Exhibit 2.1-38, red page 1092.

40

EXHIBIT 2.1-38 RED PAGE 1092 SHOWN TO WITNESS

45 Q. Mr Counsel, could I ask you please to go down to the bottom quarter of the page, and you should see a question commencing with "Who?", answer, "Detective Sergeant Morey", to the bottom of the page which I should point out to you ends at "and this other screed that you speak of. When did you receive that?" Your answer is, "When I returned." Could I just ask you to read that to yourself.

A. Yes.

50

Q. If you could let the Inquiry know once you've read that.

A. I have, yes.

Q. You say there that you received two screeds.

5 A. Yes.

Q. You indicate that at least one of those screeds was received at the CIB.

A. Yes.

10 Q. You were asked from whom, and you say, "Detective Sergeant Rogerson."

A. Yes.

Q. In relation to that, and appreciating that you've said that your memory of this initial briefing is not great, but do you recall who was dominating or running the briefing at the CIB?

15

A. I can't recall that, no.

Q. As you sit here now do you have any recollection of whether your impression was that the screeds had come from Detective Inspector Morey, or to your mind, were they documents generated by Detective Sergeant Rogerson?

20

A. I don't know where - who prepared it, no.

Q. Just on the evening more generally, did you think that you were embarking upon this raid under the authority of Detective Inspector Morey, or was it your impression that Roger Rogerson was conducting the operation?

25

A. Well, Roger - Detective Sergeant Rogerson, I think he was acting in a supervisory role.

Q. Your evidence was that this was the only time that you had worked with Roger Rogerson?

30

A. Yes. I'd never worked him before or since.

Q. Your evidence was also that prior to your involvement in this meeting, that you had been asked to be on standby?

35

A. Most probably, yes.

Q. Do you recall now in view of this transcript whether there was any discussion about how it was that you had gone from being on standby to being part of the raid at Burwood?

40

A. Well, as far as I can recall, Rogerson said that Detective Grady and myself would be part of the operation.

Q. What was your reaction to that?

45

A. I don't know. It was something we - I was directed to do.

Q. Detective Sergeant Rogerson being senior to you, you adhered to that request?

A. I did.

50

Q. If I could ask you to have a look at that final question on the page which reads as follows: "And this other screed that you speak of, when did you receive that?" Your answer is "When I returned."

A. Yes.

5

Q. Over the page you were asked whether that was when you returned to the CIB, and you say, "Yes."

A. Yes.

10

Q. Is that correct, as you remember it, that when you got back to the CIB you were given another document?

A. I don't, in the - I don't recall these incidents. It may have happened, but I can't - now I can't recall it.

15

Q. Were you given any instruction to use this document that you were given back at the CIB as the basis of any witness statement that you would prepare?

A. Yes.

20

Q. Did you, when given that document, and being told to use that as the basis of any witness statement, say anything along the lines of "I'm simply going to include in my statement what happened at Burwood"?

A. I don't think the screed would have any bearing on what I put in the statement.

25

Q. Haven't you already accepted from Counsel Assisting that at least some of your statement bears a resemblance to one of the screeds that you were given?

A. As far as I can recall, yes.

30

Q. Returning to this original briefing at the CIB. Do you recall receiving any information about either Mr Bebic or Mr Virkez?

A. No.

35

Q. But you accept, having looked at the screed in the course of Counsel Assisting asking you questions that reference was made to matters in Lithgow as well as Mr Bebic and Mr Virkez.

A. Well, I'm not certain. I don't know.

40

Q. Mr Counsel, I'm going to suggest to you that what had occurred at Lithgow, in terms of the findings up there as well as Mr Bebic and Mr Virkez, would have loomed large in any briefing that you received prior to going to Burwood.

A. Well, I'm sure that would have been included in it.

45

Q. That was the whole backdrop to you going to Burwood, wasn't it?

A. Yeah, that's where the information came from, yes.

Q. Everything, really, up until that meeting had emanated from Lithgow?

A. Most of the information came from there, as far as I'm aware.

50

Q. Surely you were told that a Mr Virkez had gone into Lithgow Police Station

and tipped police off with respect to--

A. Yeah, I was aware of that, yes.

5 Q. Surely you were told that Mr Virkez was not completely unknown to police, that a Detective Senior Constable Marheine had known him for up to two years?

A. Yeah, well, I don't have any knowledge of that now.

10 Q. Surely you were told that Mr Virkez had gone into Lithgow Police Station on occasion and requested to speak to Mr Marheine in particular?

A. Marheine, yes, he's - that's where the information came from, as far as I'm aware.

15 Q. Did you receive any information about Mr Virkez having been on police's radar as a result of Canberra or Commonwealth Police, giving them some information about a bombing at a church of a statue, or anything like that?

A. That doesn't - I can't recall what I thought or what I was told at that point.

20 Q. Did you receive any information about Mr Virkez being Serbian?

A. Being?

Q. Serbian.

A. I don't know.

25 Q. Did you receive any information about Mr Virkez having links to the Yugoslav Consulate or the Yugoslav Intelligence Service at this initial briefing?

A. I don't recall that.

30 Q. Do you remember anyone at that briefing saying anything about the fact that media had been called to take photos of the explosives?

A. No.

35 Q. You're aware, though, that since the Lithgow arrests that there had been a lot of media publicity?

A. There may have been, I can't recall that at the moment.

40 Q. You didn't see anything on the news that day or in the evening about these matters at Lithgow?

A. I can't recall; I can't recall that.

45 Q. Did Detective Inspector Morey or any of the officers present at this original briefing say anything along the lines of "We need to get this right, these arrests"?

A. No.

50 Q. Were you instructed at any point by anyone at that meeting to try and get convictions at all costs because there were concerns about police being embarrassed or blundering?

A. No. I don't recall that.

Q. Ordinarily in a matter of this magnitude you, as a raiding police officer, would be careful to adhere to all protections that an accused has at the time of any arrest or raid?

A. Yeah, I'd have been aware of it, yes.

5

Q. This was a very significant matter, wasn't it, Mr Counsel?

A. Yes. It could've had - bad ramifications.

Q. Yes, and because of that, I'm going to suggest to you that you would've known that it was important for you to do everything by the book with respect to this raid.

10

A. Well, I think that applied to any raid.

Q. Precisely, and so I'm asking you, did you receive any direction from your superiors to disregard those normal practices and secure convictions at all costs to avoid police being embarrassed?

15

A. No. I can't recall anything like that at all.

Q. Did you receive any information that Mr Virkez was, or at least potentially a spy who had infiltrated the Croatian Six group and that police would look silly given all of the media publicity if that was exposed?

20

A. No, that's not correct.

Q. How do you explain, Mr Counsel, as you sit here now, the fact that the various officers that raided these individuals on the night adopted almost identical practices as far as the confessional evidence was concerned?

25

MCDONALD: Well, I object. I don't think it's been established first that Mr Counsel has knowledge of what other officers adopted in terms of practices of interviews, et cetera.

30

HIS HONOUR: Yes, and what similarities you're referring to and so forth, I'm not clear either.

DE BRENNAN: Yes.

35

Q. I will break it down, Mr Counsel. You didn't give Mr Kokotovic the opportunity to adopt the admissions purportedly made by him; did you?

A. Did I give him any opportunity, did you say?

40

Q. Yes?

A. I can't recall - if I did or I didn't.

Q. You know, by virtue of your long association with this case, that a number of other officers didn't provide those opportunities or protections?

45

A. No, I don't know.

Q. You didn't hear about the failure to do those things during the course of what was a nine-month trial?

50

A. I'm sorry, but I just couldn't understand what you were saying.

Q. You didn't hear about the failure to adopt some of those practices in the course of what was a nine-month trial?

A. Yes, I - I can't understand, or I can't recall why I did or I didn't.

5 Q. I'm going to ask you again. Were you directed by senior officers to secure or try and secure convictions at all costs in this matter during the raids?

A. No, that's never been said.

10 Q. Well why didn't you do thing such as arrange for fingerprinting of the gelignite?

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

EXHIBIT 2.1-38, RED PAGE 1094, SHOWN TO WITNESS

15 Q. Mr Counsel, could I ask you to look at the fifth question down, you should find this; "You didn't ask him whether he knew Virkez or Bebic or any of these people"?

A. I don't recall asking that, no.

20 Q. You say, "Not directly, no"?

A. Yes.

25 Q. Can I ask you, given the briefing that you had received and the screed that you say, at least one of the screeds that you say you have seen, why you didn't make those enquiries?

A. Why?

Q. Yes?

30 A. I don't know, I can't recall.

Q. Weren't you anxious to learn in circumstances where, on your own evidence, that this matter had been informed by Lithgow, were you not interested in exploring the relationship between these men at Burwood and Virkez and Bebic?

35 A. Well, I relied on the information that I received from Lithgow.

Q. In relation to the information you received from Lithgow; what was that?

A. Sorry?

40 Q. What was the information you received from Lithgow?

A. Well, that one of the people involved had gone into the police station at Lithgow and told Detective Sergeant Marheine what the rest of them intended to do.

45 Q. Yes, and in light of that information, why didn't you ask Mr Kokotovic more about his relationship with them; assuming one existed?

A. I can't recall asking him that, no.

Q. Do you know why you didn't?

50 A. I don't know.

Q. Just in relation to the briefing that you received, Sergeant Jefferies was present at that briefing, wasn't he?

A. Who was that?

5 Q. Sergeant Jefferies from the Special Branch?

A. I can't recall. I - I don't know him.

Q. You don't know a Sergeant Jefferies?

10 A. I know the name, but I don't think I know him, no. Sorry about that. Sorry.

Q. Concentrating again on the briefings that you received prior to going into the house, do you recall whether that is Burwood?

A. Do I recall? I can't.

15 Q. Concentrating on any briefings that you received prior to going into the house at Burwood, was there any discussion about the division of labour; and what I mean by that, as to which officers would arrest which individuals?

A. That's something I can't recall.

20 Q. Right.

A. I don't know why I came to arrest the person that I did; I just can't remember.

25 Q. You don't recall whether, for example, Detective Inspector Morey or Sergeant Roger Rogerson indicated to you that you should try and arrest Joseph Kokotovic?

A. No, I don't recall that.

HIS HONOUR

30 Q. Did you know who was going to be in the house before you went into the house?

A. I don't think so.

35 DE BRENNAN

Q. You had been conducting some surveillance outside before you actually went in?

40 A. I think we may have watched the place for a short time, yes.

Q. Some, I think, registration checks were done in relation to one of the vehicles that had pulled up?

A. There was a mention of a vehicle, yes.

45 Q. I think it was established that that was a Mr Nekić that had pulled up or at least his vehicle, potentially; does any--

A. I don't know.

50 Q. You weren't even given a description of Joseph Kokotovic, were you, before you went in?

A. Not that I'm aware of.

Q. Is it the case that even before he was arrested that you didn't enquire about his name at the Livingstone Street premises?

5 A. No, I can't recall that.

Q. You said in your evidence at trial that you didn't hear anybody make any enquiries as to his identity?

10 A. I can't recall that, I'm sorry.

Q. Well, how is it that you explain arresting someone without even knowing their identity?

A. I can't recall that either.

15 Q. Normal policing practice would involve, would it not, at least trying to ascertain the identity of a suspect before apprehending them?

A. No, no, I can't understand your question to be honest with you.

20 Q. Well, what I'm putting to you is that police 101 would involve, at least making an enquiry as to the identity of the person that you were going to arrest?

A. I think we may have been informed from Lithgow the people that resided or the males that resided that address.

25 Q. But on your own evidence, you hadn't received a description or didn't know who these males were, isn't that correct?

A. Well, I can't recall, I may have at the time, but I can't recall now.

Q. There were a number of people in this house?

30 A. I understand there were, yes.

Q. It wasn't a matter where, for example, you walked in and one of the males had a handful of gelignite in his hand, and you could say unequivocally that that person had custody and control of those items, it wasn't a case like that, was it?

35 A. I can't recall. The explosives that I'm referring to were on the table.

Q. Did you receive a direction then just to go and arrest any male in that house?

40 A. No, I didn't. I don't believe so.

Q. I'm not meaning to be repetitive, but I just want to ask you why it is that you didn't make any enquiries as to Mr Kokotovic's identity prior to arresting him?

45 A. Well, I can't recall.

MCDONALD: Your Honour, I object.

HIS HONOUR

50 Q. Just a minute, Mr Counsel.

MCDONALD: I think he's going to answer. His answers have been that he just can't recall the circumstances of arresting Mr Kokotovic.

HIS HONOUR: Yes. I think that might be the problem.

5

DE BRENNAN

Q. Well, Mr Counsel, you do recall, don't you, Mr Kokotovic having scissors in his hands?

10

A. I can't recall that now, no.

Q. Can you recall whether there was gelignite and other explosive material on a table?

A. Yes.

15

Q. You do recall that?

A. I do.

Q. You saw that the moment you went up to the attic?

20

A. Yes.

Q. Do you recall that there was a tussle involving Joseph Kokotovic?

A. No.

25

Q. Mr Counsel can I ask you this, was there a reason why Joseph Kokotovic was arrested in the first instance as opposed to say Mile Nekić?

A. Well, he was arrested in relation to his possession of those items, explosive items and on the information we were given from Lithgow.

30

Q. Just in terms of timing of the arrests, was there any rationale to that?

WOODS: I object to that.

WITNESS: I don't know what time - no.

35

DE BRENNAN: I withdraw that.

Q. As you sit here now, do you have any recollection as to why it was that you and Detective Grady ended up interviewing Joseph Kokotovic?

40

A. No, I have no recollection of why that happened.

Q. Because I'm going to suggest to you that reading the trial transcript could give one the impression that the way people or each suspect was taken into custody happened somewhat organically?

45

WOODS: I object to that.

HIS HONOUR: I don't know what that means. Yes.

50

WOODS: I object just to the form of the question, your Honour.

DE BRENNAN

Q. Do you know why you interviewed Joseph Kokotovic instead of Ilija Kokotovic?

5 A. No, I don't.

Q. In light of that answer, you don't recall whether Detective Grady or Mr Howard or anyone said to you anything about them taking a particular suspect?

10 A. I can't recall that, no.

EXHIBIT 2.1-39, RED PAGE 1118, SHOWN TO WITNESS

15 Q. Could I ask you, please, Mr Counsel, to go down to about halfway where you should see a question, "When do you recall was the last time that you saw the explosive substances that you say you found at the house at CIB that night"?

A. Yes, that's the last time I saw them, yes.

20 Q. Down to the question which reads, "Did you see any of the other accused in an interview room in the main office of the Armed Hold Up Squad that night"?

A. No, I didn't.

25 Q. Could I just ask you to read that portion to yourself and let his Honour know once you've done so?

A. I can't quite understand what you're saying.

30 Q. I just wanted you, Mr Counsel, in the first instance, to read that little passage to yourself, if you could?

A. Which one are we referring to, please?

Q. Just the question commencing, "When do you recall", about halfway down, "Was the last time that you saw the explosive substances"?

35 A. Yes, in the interview room.

Q. Down until the question, "Did you see any of the other accused in an interview room in the main office of the Armed Hold Up Squad that night"?

40 A. No, not that I can recall.

Q. But I'm just confirming that you've read that little portion of the transcript?

A. Yes.

45 Q. Does the Inquiry take it from your answers to those questions there that you actually saw the gelignite and connectors on the table in the interview room?

A. Whether they were on the table or on the floor, I can't recall.

50 Q. Just in relation to that practice, was that a normal practice that when questioning a suspect, you would bring dangerous items of that sort into an

interview room in a busy police station?

A. Well, that's the one and only time that I can recall being involved in explosives, so I can't answer that, I'm sorry.

5 Q. But just with Joseph Kokotovic, it had been the case on police's evidence that earlier on in the night there'd been a tussle in the attic?

A. No, I don't recall that.

10 Q. But you do recall him having scissors at some point that needed to be taken from him?

A. Yes, well, it's been mentioned. I can't specifically remember it at the moment if he had scissors or not, but I believe he did.

15 Q. Was there any consideration, for example, of the potential for Mr Kokotovic in a confined interview room being able to access those explosives in a dangerous way?

A. Not that I'm aware of.

20 Q. Wouldn't the normal approach in a matter of this kind be to perhaps photograph the explosive material and then show it to a suspect in a confined interview room?

BASHIR: I object, your Honour, just in terms--

25 WITNESS: It may happen on some occasions, but I'm not aware of it.

HIS HONOUR

30 Q. Mr Counsel, just a minute, there's an objection.

BASHIR: Sorry, your Honour, I just think that the timing - is the question back in 1979 or now?

35 HIS HONOUR: Yes, I think it's a hypothetical for 1979. Put it that way, Mr De Brennan.

DE BRENNAN

40 Q. Mr Counsel, in or around 1979, would the practice be to photograph explosives and then show them to a suspect in an interview room rather than taking the physical items into an interview room?

A. I'm not - I can't answer that, I don't know.

45 Q. But that was at least something that was open to do to you?

A. It was.

Q. You would agree that as part of your police training, when dealing with explosives, at the forefront of that training were matters of public safety?

A. Yes.

50

Q. Public safety included obviously the general public safety?

A. Yes.

Q. Also police safety?

5 A. Yes.

Q. A suspect or accused person's safety?

A. Yes.

10 HIS HONOUR

Q. Mr Counsel, what would you have had to do in order to get photographs of the explosives at that time of the morning when you were at the CIB?

15 A. It would require someone from the Scientific Section to come and photograph it and at that time there might have been no one there. I'm not aware whether there was or wasn't.

DE BRENNAN

20 Q. Mr Counsel, you thought that by the time you got Mr Kokotovic back to CIB that he was at least potentially a dangerous man?

A. He was a what man?

Q. A dangerous man?

25 A. I can't recall that.

Q. You didn't have any concerns about putting explosives in the same room as him, given what you say had transpired back at the Burwood address in the attic?

30 A. Well, Detective Grady was the one that handled the explosives because he had more experience than me, and I'm not sure where they were put or - I assume that they weren't all put together. They may have been placed in different areas.

35 Q. Putting explosives in the boot of a car, you would agree, is inconsistent with public safety.

40 MCDONALD: I object. The witness has given evidence that he didn't see how they were placed or where they were placed in the boot of the car. The answer really would depend on how they were placed in the boot of the car.

HIS HONOUR: Yes, I think that's right.

45 DE BRENNAN: In my respectful submission, I'm not sure if it does, your Honour. The evidence is that this is a vehicle that is not fitted in any way.

HIS HONOUR: He's given evidence that he just placed full faith in Detective Grady, who had greater experience with these things. I think beyond that he's incapable of assisting on the subject.

50

DE BRENNAN: May it please. Mr Counsel --

5 WOODS: Your Honour, I'm sorry, may I intrude briefly? Apart from the intrusions of Big Ben, it appears that Mr Counsel may be having difficulty with his breathing. I know he has a carer with him there in the room.

HIS HONOUR: Yes, all right.

10 Mr Counsel, would you like to have a short break at this point?

WITNESS: If that's convenient to the Court, yes.

HIS HONOUR: I'll take the morning adjournment, I think.

15 AUDIO VISUAL LINK DEACTIVATED

SHORT ADJOURNMENT

20 BASHIR: Your Honour, just before the recommencement, I thank you, I've had the opportunity to check the transcript and the Morey adoption at the end of that petitioner's interview is at 1.46am, and Nurse Jeffries says that she saw him on the ninth between four and six, what must be PM.

25 HIS HONOUR: PM?

BASHIR: PM, yes.

HIS HONOUR: Yes. Okay. Thank you.

30 BASHIR: Thank you.

HIS HONOUR: Yes.

35 AUDIO VISUAL LINK ACTIVATED

DE BRENNAN

Q. Mr Counsel, can you see and hear me?

40 A. I'm sorry?

Q. Can you see and hear me?

A. Yes, I can. Thank you.

45 Q. Thank you. You were asked some questions by Counsel Assisting about visiting gaols from time to time?

A. Yes.

Q. You agreed that one of the reasons that you could, for example, attend upon a goal would be to prepare antecedents?

50 A. That's possible, yes.

Q. You would also agree that from time to time you would've been called upon to visit a gaol to discuss issues of cooperation and assistance with a witness?

A. That's a possibility, yes.

5 Q. And potentially speak to a witness about matters including pleading guilty or giving evidence for the Crown?

A. I'm not too sure about that, but - I'm not sure whether I'd be checking whether someone's pleading guilty or not guilty.

10 Q. You were asked some questions by Counsel Assisting about an assault of Mr Kokotovic by Detective Grady; do you remember those questions?

A. Yes. Yeah, I was asked that, yes.

15 Q. It was put to you that, among other things, Detective Grady had put a motorcycle helmet on the head of Joseph Kokotovic and was--

A. That was mentioned, yes.

Q. You denied seeing anything along those lines?

20 A. I do. Most definitely.

Q. What about, and I don't think you were asked about this, do you recall seeing Joseph Kokotovic on the ground being kicked by Detective Grady?

A. I do not.

25 Q. Do you remember seeing him attempting to cover his groin area whilst being kicked?

A. No.

30 Q. So you deny, do you, that you saw any beating or assault of Joseph Kokotovic by Detective Brady?

A. Yes, I do, I deny that, yes.

Q. But you would have seen examples of police violence in the course of your long career?

35 A. I'm - would you repeat that, please, you broke up a little bit.

Q. You would have seen during your policing career, police officers assaulting suspects?

40 A. No. I haven't.

Q. You never saw that?

A. I haven't, no.

Q. How long was your career in total?

45 A. Well, it was 29 to 30, somewhere between 29 and 30 years.

Q. You never heard any of your colleagues speak about, for example, beating suspects with phone books or anything like that?

50 A. With?

Q. Phone books?

A. No, no, I haven't.

Q. You didn't even hear about that anecdotally?

5 A. No, I can't recall that, no.

Q. You never heard any stories whilst you were in the Force about certain police officers having engaged in violence against suspects?

10 A. I can say this, that allegations have been made, but I haven't seen it, no.

Q. Just in relation to the allegations that you had heard being made, did you ever form the view that there was substance to those allegations?

A. No, I didn't.

15 Q. Why was that?

A. Well, because I've never seen that occur.

Q. You've, no doubt, become aware of the findings of the Wood Royal Commission?

20 A. Well, yes, I retired pretty much about the same time, and I don't think I had much knowledge of what occurred at the Royal Commission.

Q. Even with that, you didn't hear anecdotally that police officers that had been associated with the CIB around the late 70s and into the 80s had been implicated in terms of some of the findings?

25 A. I don't recall that, no.

Q. Well, surely you must have had occasion to discuss that with some of your colleagues?

30 A. We may have, yes, but as I said before, I haven't observed any of it myself.

Q. I appreciate that the findings, I think, were handed down in 1997, but even in the years subsequent to your raid at Burwood, did you hear of any of your colleagues having been asked to, for example, give evidence at the Wood Royal Commission?

35 A. No.

HIS HONOUR: He retired in 1994, I recall he told us, well before the Royal Commission even started.

40

DE BRENNAN: Pardon me, your Honour.

WITNESS: I retired on 12 December 1994.

45 DE BRENNAN: Your Honour, can I just. My understanding is that Patton's speech and the hearings started well before 1997.

HIS HONOUR: Well before 1997 but had it started before his retirement date on 12 December 1994?

50

DE BRENNAN:

Q. Could I ask you in this way, Mr Counsel, when you retired, did you say you retired in 1990--

5 A. I'm sorry?

HIS HONOUR: He just told us, 12 December 1994.

DE BRENNAN: 1994.

10

Q. Did you remain a member of the Police Association?

A. Yes.

15

Q. In that capacity, did you continue to receive information from the New South Wales Police Service by way of newsletters and bulletins and the like?

A. Yes.

20

Q. Did you continue to have an association with police officers, notwithstanding your retirement?

A. Yes.

25

Q. I take it that you continue to have an association with former serving officers?

A. Yes.

Q. You continue to be a member of the Police Association?

A. I have, yes.

30

Q. Can I ask you this, that notwithstanding your retirement, is it your evidence that you didn't really hear, even anecdotally, of instances of police assaulting people?

A. I'm not aware of that, no.

35

Q. What about this idea of planting evidence or loading people up?

A. Well, I've heard mention of it, yes.

Q. And what have you heard?

A. Well, I've heard is some people admitted to doing that.

40

Q. So, those admissions weren't just allegations, were they, people had actually accepted that that conduct had occurred?

A. Well, I don't know. They were made - they were allegations. Whether they were right or not, I don't know.

45

Q. You said that you only worked with Detective Sergeant Rogerson on this one occasion, that's correct?

A. That's the only time, yes.

50

Q. Did you have a view on him outside of this raid?

A. Well, in later years, yes.

Q. What was that view?

A. Well, he was obviously doing things that were not right and he subsequently got the sack from the police.

5 Q. But you accept that he was the person in charge of the raid that you conducted?

A. Yes.

10 Q. He was the one that was responsible for providing you with a screed?
A. I believe so, yes.

Q. He was the one responsible for telling you where you would enter the house?

15 A. I can't recall that, but that may have occurred.

Q. You knew he was the officer that went to another address at Burwood, a Eurella Street, and allegedly found some 16 books?

A. I'm not aware of that, no.

20 Q. Just so I'm clear, just in relation to assaults, your evidence is that in the course of your policing career, you didn't hear of any examples other than allegations of police assaulting suspects?

A. There's been allegations made, but I've never--

25 WOODS: There's some problem with the technology.

DE BRENNAN

30 Q. We just lost you there for a moment. Mr Counsel, it froze, I think. Can you hear, Mr Counsel?

A. I'm sorry.

Q. Can you hear?

35 A. Can I hear?

Q. Can you hear me speaking at the moment?

A. Yes, a little bit difficult, but I can hear you.

40 EXHIBIT 2.1-39, RED PAGE 1138, SHOWN TO WITNESS

Q. Mr Counsel, do you have that in front of you?

A. Yes, but it's - I can't read it. It's not--

Q. Could I ask you--

45 A. --for me to read.

DE BRENNAN: Could I ask the section at the bottom quarter of the page commencing, "You have told us about the explosives in the boot", that is the gelignite being on the right-hand side, to the bottom of the page ending, "That I
50 take it applies to the left-hand side, to the detonators as well, does it? It does,

yes". That that be shown to the witness?

WITNESS: Yes, I saw that.

5 DE BRENNAN

Q. Could I just ask you to read that portion to yourself and let the enquiry know once you've done so?

A. Yes.

10

Q. Now, just before these explosives were placed in the boot, it was the case, wasn't it, that a lady named Lydia Kokotovic, as she was then known, who was Joseph Kokotovic's wife, was at the police car with you and Detective Grady and Joseph Kokotovic?

15

A. I don't recall that.

Q. You don't remember her being there as you put him in the police vehicle?

A. No.

20

Q. In any event, you never had occasion to take a statement from Lydia Kokotovic as she was then known, as to what she witnessed or saw on the night in question?

A. No, I can't recall that.

25

Q. I asked you some questions before about your recollection of the explosive items being placed in the boot. Having read that passage, does that refresh your memory?

A. No, it doesn't.

30

Q. Just with respect to this question, "So, there was nothing restraining them from movement, was there", and you say, "No, that I can recall"?

A. That's right.

35

Q. In light of that evidence at trial, do you know whether you said anything to Detective Grady about feeling a bit uneasy, about going in the police vehicle back to CIB?

A. No, I - he was the one that was having the explosives, and what he did was accepted by me.

40

Q. But on your own evidence you couldn't recall them being restrained?

A. I don't believe they were, no.

Q. Certainly unrestrained explosives being kept in that way would not have been consistent with your training, in terms of public safety.

45

A. No, I don't know. I can't recall.

EXHIBIT 2.1-38, RED PAGE 1109, SHOWN TO WITNESS

50

Q. Mr Counsel, could I ask you to look at the bottom portion of the page commencing with a question, "But on this occasion". It's about point 7 on that

page, "But on this occasion you had not drawn arms designated for use by people engaged in SWOS operations, had you?" Read down to the end of the page, which commences with a question, "Do you recall seeing any policeman with a torch in his hand that night?"

5 A. Yes, I can recall that, yes.

Q. Could I ask you to read that portion of your evidence at trial, and just let the Inquiry know once you've done so.

A. Yes, I have. I've read that.

10

Q. I asked you some questions yesterday about whether you were a member of SWOS--

A. Yes.

15

Q. --at the time of these raids, and I think your evidence was that you didn't think you were at this point. In light of this evidence, does that change things for you?

A. No.

20

Q. You say here that you had taken part in SWOS operations before, and you say, "I have, yes."

A. Yes.

25

Q. You would not have been taking part in SWOS operations, would you, if you weren't a member, or is that incorrect?

A. No, I - I don't think I would have been, but here again, I - I can't recall.

30

Q. It's the case though, isn't it, that you weren't wearing any personal protective equipment at the time of the raid?

A. No. I wasn't.

Q. You were carrying your ordinary .38 gun?

A. Yes.

35

Q. You were also asked a question as to whether you had brought a torch to the raid?

A. Right. No, I didn't take a torch to the raid.

40

Q. Your evidence was that you couldn't recall anyone else using a torch.

A. I can't recall a torch being used, no.

Q. It's accepted though, isn't it, that at the time the raid took place it was dark?

A. Well, it wasn't dark inside the house, it was - there were lights on.

45

Q. The only light on when you were observing it from outside was in the attic, wasn't it, on police evidence?

A. Yes. That's as far as I can recall, yes.

50

Q. Just in light of that, do you recall whether there was any discussions about the need to bring a torch to the scene--

A. No.

Q. --to look for--

A. No, I can't.

5

Q. I take it police weren't just searching inside the house in connection with explosive items?

A. Well, they searched the house, yes, but I wasn't involved in the search.

10

Q. But wouldn't the police have also had to search the immediate perimeters, including the yard, for explosives?

A. That's possible.

15

Q. Was that part of your briefing?

A. I don't recall.

Q. Was your briefing simply that there'll be explosives in the attic, go up and get them?

A. No.

20

Q. Do you recall what your briefing said in relation to the requirements of any search?

A. No, I can't.

25

Q. But ordinarily it would be your practice, or certainly a practice that you had witnessed as part of a raid, to look not only in the house but the areas proximate to it?

A. That's possible, yes.

30

Q. Mr Counsel, the reason why the officers didn't wear any protective personal equipment was that you knew you didn't need to, did you?

A. I beg your pardon? I missed.

35

Q. You knew that there were no items of concern in this house, and that's why you didn't wear proper personal protective equipment.

A. Well, I wasn't aware of what was in the house until I entered the house.

40

Q. That's not true, is it? You had a screed and you had a tip off that there was not only potential but a real potential for both explosives and firearms to be in that premises.

A. Well, that was a possibility, but I don't think we had any real knowledge if it was or wasn't.

45

Q. Even accepting that it's a possibility, I'm going to suggest to you that you would have, as a member of SWOS, worn proper personal protective equipment to a job of this kind.

A. Well, it may or may not. I don't know.

50

Q. I'm going to suggest to you that if police were really looking for explosive items in a house, you would have taken a torch at night.

A. That's a possibility, yes.

5 Q. But you didn't need to do, did you, any of these things because you knew that the only way those items were going to be identified in that house was through you and your fellow officers, wasn't it?

A. No, I don't agree with that.

Q. I'm putting to you that you knew that this raid was an absolute stitch up.

10 A. No, I deny that.

Q. That is why you and your fellow officers were so lackadaisical in the transportation of these alleged explosives in the boot.

A. No. I deny that.

15 Q. That is why you didn't take statements from people like Lydia Kokotovic, who was present by the car when these items were apparently being put in the boot, because that would be inconvenient evidence for you, wouldn't it?

A. No, I deny that.

20 Q. That is why you had no compunction about putting dangerous items on the table in a small interview room, in circumstances where you say that Mr Kokotovic had had scissors, and been involved in a scuffle earlier that night. That's the truth, isn't it?

A. I deny that.

25 Q. That is why you didn't invite Mr Joseph Kokotovic to adopt the alleged admissions that he made. That's the case, isn't it?

A. I can't recall that, no.

30 Q. That is why you didn't get a senior officer to come in after the interview to make the usual enquiries, isn't it?

A. I can't recall that, why I didn't do it.

Q. You knew that you were framing the three men in this house, didn't you?

35 A. Could you repeat that, please?

Q. You knew that you were framing the three men in this house, didn't you?

A. I can't recall.

40 Q. When you say I can't recall, does that mean it's a possibility?

A. No, it's - I don't know who was in the house. I know when I walked in, but before I went into the house I didn't know how many people were in the house, no.

45 Q. Because you didn't know who was in the house it could have happened?

WOODS: Your Honour, if my friend could make it clear what he's suggesting happened. "It", "it happened".

50 HIS HONOUR: Yes.

DE BRENNAN

Q. Insofar as you say you weren't in the house, is your evidence before this Inquiry that items could have been planted?

5 A. Planted?

Q. Yes.

A. No. That's not true.

10 HIS HONOUR: Mr De Brennan, I'm not clear what case you're putting to him. Is it the case that you're alleging that gelignite and detonators and connectors were in fact in the house; were in fact put in the boot of the car; and were in fact on a table in the interview room; but they were not in the possession of any of the Croatian Six? Or is it your case that there were never
15 any such items in those places?

DE BRENNAN: Well, your Honour--

20 HIS HONOUR: You seem to be putting to him that they were in fact in those places, but the police were just lackadaisical about the fact.

DE BRENNAN: I hear what your Honour says, but insofar as my clients disavow any knowledge of these items--

25 HIS HONOUR: So they weren't, those items, on a table in the attic?

DE BRENNAN: Well, they disavow the existence of those items per se.

30 HIS HONOUR: So they weren't put in the boot of a police car for transport back to the CIB, and they weren't in the interview room. Is that the case?

35 DE BRENNAN: Well, we don't know, your Honour, insofar as there is no existence of continuity or documents that support these things, and so in my respectful submission these are legitimate lines of enquiry. Particularly in circumstances where the evidence is such that it is not suggested, for example, that my clients were privy to all of those transportation arrangements. In my respectful submission--

40 HIS HONOUR: Well, he was in an interview room, wasn't he, at some stage, with Detectives.

DE BRENNAN: Yes.

45 HIS HONOUR: Does he accept that there were explosive items on the table in that room? Does he deny it?

50 DE BRENNAN: Well, your Honour, what is being put to this witness is irrespective of whether that occurred or not, bearing in mind that my clients don't bear any onus, is the ridiculousness of that proposition.

HIS HONOUR: Yes, I understand that, but I am just not clear, what - you've put a case to him that seems to implicitly accept that the items were where the police say they were.

5 DE BRENNAN: But In my respectful submission that is the police case, your Honour, and I'm just testing that. That that is the evidence as it stands. I have also put, for example, that Ms Lydia Kokotovic was at the back of the car, consistent with my instructions, and didn't see anything.

10 HIS HONOUR: All right. So what you're putting is confined to assertions about the police case itself?

DE BRENNAN: Yes, your Honour, and in my respectful submission - certainly what I don't want to do is create a dichotomy that doesn't necessarily exist. All
15 I'm seeking to do is show that there is a legitimate doubt or question with respect to these convictions, and whether it's the case that these items on one suggestion were there, on the one hand or not in my submission, are--

HIS HONOUR: All right. I just wanted to be clear, Mr De Brennan, just to get
20 to the point. You weren't putting to him the defence case as such, you were putting to him the unlikelihood of the police case being acceptable?

DE BRENNAN: Yes, your Honour.

25 HIS HONOUR: Okay. All right.

DE BRENNAN: Nothing further. Thank you, Mr Counsel.

HIS HONOUR
30

Q. Mr Counsel, there's one matter that I wonder whether you can assist me with, and it is this. Two of the suspects that were arrested at Burwood, that's Mr Joseph Kokotovic and Mr Mile Nekic, as well as another suspect who was arrested at Ashfield, that's Mr Zvirotic, were each alleged to have engaged in
35 interviews with pairs of detectives: Mr Joseph Kokotovic with you and Mr Grady; Mr Nekic with Mr Godden and Mr McHugh; and Mr Zvirotic with Mr Jameson and Mr Carroll. Do you follow me so far?

A. Yes, sir.

40 Q. In each case, the suspect is said to have declined the prospect of having an interview which would be recorded on a typewriter?

A. Yes.

45 Q. In each case, they said the reason they did not want that to happen concerned fear of the others seeing what they had said?

A. Yes.

Q. But then, in each case, the detectives suggested that the interview might be recorded by handwriting in a notebook, and in each case the suspects were
50 agreeable to that occurring; do you follow me?

A. Yes.

Q. In each case, at the end of it all, the notebook was not signed by the suspect?

5 A. That's correct.

Q. So we've got three different suspects, each having the same reason for objecting to a typed record of the interview being made, but each giving the same explanation for that objection and each being agreeable to a notebook record being made. I'm wondering whether there's some significance in the fact that three people, separately, had those similar features in terms of their interviews. Could the explanation for that be coincidence?

10 A. Well, I find it difficult to answer that, because I only was involved with the one person and I don't know what the other police were doing or how they approached their interview.

Q. All right. Well, I've just told you what happened in relation to each three suspects. No--

20 A. Yes.

Q. --typed record of interview, don't want the others to see what I've said, but I'm happy for you to record it in your notebook; all three of them said that, or words to that effect.

25 A. Well, I don't know, sir, that's - I can't answer that.

Q. No, I'm just telling you the facts; that's the fact. You don't - I'm not--

A. Yes.

30 Q. --asking you whether you knew it at the time, I'm telling you now and now you know it. I'm just wondering what explanation there might be for that. I'm thinking it could be a coincidence; just that, just coincidence, yes, would you accept that?

A. Yes, I would.

35 Q. Can you think of any other explanation for it; aside from coincidence?

A. No.

40 Q. Could it be, perhaps, that police have made up the evidence about these suspects not wanting a typed interview because they feared the others would see what they've said, but were happy to have a handwritten record in a notebook, and the police were just careless enough to each give a similar account and a similar reason advanced by the suspect for that; could that be an explanation?

45 A. Well, I could only speak of the person that I interviewed. I don't know how the police approached it; other police approached their interviews.

Q. So you can't assist me with how that might have occurred with all three?

A. (No verbal reply)

50 Q. Is that right; you cannot assist me?

A. I can't speak for other police, sir, no.

Q. You can speak for yourself.

A. I can.

5

Q. Is the explanation that it is a concoction or is it coincidence?

A. Well, from my point of view it certainly wasn't concoction. It's what occurred.

10 HIS HONOUR: All right. Thank you. Does anyone before Dr Woods wish to ask any questions?

NEEDHAM: Your Honour, for the Commissioner, with your leave, Mr Short has a couple of questions.

15

HIS HONOUR: Yes. Certainly.

<EXAMINATION BY MR SHORT

20 Q. Mr Counsel, can I check, can you hear me? Mr Counsel, can you hear me?

A. With some difficulty, yes.

Q. Is that better, Mr Counsel?

25

A. Yes.

Q. Thank you. My name is Short; I appear for the Commissioner of Police. I just have a few minor questions. You were asked some questions yesterday by Senior Counsel Assisting about evidence you gave at the committal hearing?

30

A. Yes.

Q. That included evidence you gave that there was one commissioned officer present at the CIB offices on the night of the raids?

35

A. Yes.

Q. Are you able to assist the Inquiry as to what the term commissioned officer meant as at 1979?

A. Well, anyone of or above the rank of inspector.

40

NO EXAMINATION BY MR BROWN, MR MACKEY AND MS BASHIR

<EXAMINATION BY DR WOODS

45 Q. Mr Counsel, my name is Woods; I appear for you, instructed by Mr Madden with my other colleagues. So I'm here representing your interests; do you understand that?

A. Yes.

50 Q. I don't think we've actually spoken before, but of course you've spoken with

Mr Madden?

A. Correct.

5 Q. Very well. I won't take terribly long but there are a few matters I want to ask you about. His Honour asked you a moment ago about whether a possible explanation of the three different scenarios he put to you was that there was a concoction and that you were involved in that. Now, what do you say about the suggestion that the evidence you've given about the interviews was a stitch-up, as Mr De Brennan put it, or a concoction; what do you say
10 about that?

HIS HONOUR: Hasn't he already answered these questions, Dr Woods? He denied stitch-up to Mr De Brennan; he denied concoction to me.

15 WOODS: Your Honour, I just want to emphasise it, briefly.

HIS HONOUR: I heard it once, it doesn't need to be emphasised.

20 WOODS: Very well. Thank you.

Q. During the time since you were operative as a police officer, there's been a number of changes. In the course of the evidence you gave in the trial, you said that you learned your evidence from the statement, you learned your statement before giving evidence?

25 A. Yes.

Q. Now, of course, since then, that's no longer the practice, that police learn their evidence off by heart so to speak, but to your recollection was that the standard practice in 1979?

30 A. Yes, it was.

Q. You were asked some questions by Counsel Assisting about the spelling of the word scissors in--

35 A. Yes.

Q. --your statement and Mr Grady's statement; do you remember those questions?

A. I do.

40 Q. The evidence you've given at the trial was that you and Mr Grady were together in making up and preparing your statements, do you remember that?

A. I do.

45 Q. I think you said at one point Mr Grady - he's referring to your statement, you said, "Grady typed it at my dictation"?

A. I - I remember that, yes.

Q. So that when the word "scissors" is spelt with two Zs in both your statement and Mr Grady's statement, that's because he was typing it, is that
50 correct?

A. I presume so, yes.

Q. You were asked some questions about the two notebooks, your notebook and Mr Grady's notebook?

5 A. Yes.

Q. The evidence you gave was that he started off taking notes in his notebook, then got to the end of it and he used your notebook to continue; is that your--

10 A. That's correct.

Q. --recollection of what happened?

A. Yes.

15 Q. That notebook had page numbers on it, did it not--

A. It has. Yes.

Q. --it was an official police notebook?

20 A. Yes.

Q. Do you recall from that time, 1979-1980 that there was quite some formality about a police officer obtaining a notebook, an official notebook?

A. Yes.

25 Q. That you weren't allowed to have a number of them, you had to hand in your notebook and then get a new one?

A. That's correct.

30 Q. I think you told Counsel Assisting that you didn't think that would be possible at two or 3 o'clock in the morning?

A. Well, there'd be no staff in the area where the notebooks and diaries are kept.

<EXAMINATION BY MS MCDONALD

35

Q. Mr Counsel, you were asked some questions about the briefing at the CIB before you went to Burwood?

A. Yes.

40 Q. You were asked about things that Inspector Morey said to you or said to the police officers there. Do you remember those questions?

A. Yes.

45 Q. It was put to you that Inspector Morey said things like, "We need to get this right". Do you remember that?

A. I remember that being asked, yes.

Q. You denied that that was said by Inspector Morey?

50 A. I certainly do.

Q. Then it was put to you that this was a significant matter. So, the raids that night were a significant matter and your answer was, "Yes, because they could have had bad ramifications"?

A. Correct.

5

Q. Do you remember that answer you gave?

A. Sorry?

10 Q. Do you remember that answer you gave, do you remember saying that this morning that they could have bad ramifications?

A. Yes.

Q. What were the bad ramifications that you were referring to?

A. Well, that people could be killed or injured.

15

Q. How could people be killed or injured?

A. Well, they were going to place bombs in certain areas where they were members of the public.

20 Q. So, when you spoke about "bad ramifications", you were referring to if there were explosives and we didn't stop them being planted, for example in a theatre or in water pipes, people could be killed or injured?

A. Yes.

25 Q. Now, you were also asked a question about the gelignite that you and Detective Grady seized and why you didn't arrange for it to be fingerprinted?

A. To be?

30 Q. Fingerprinted, do you remember being asked that, why didn't you arrange for the fingerprinting of the gelignite?

A. Yes, yes, I remember that.

Q. You answered, "I don't know"?

A. No, well I don't know.

35

Q. Within the ongoing investigation into the Croatian Six, was it your role or somebody else's role to organise for items to be fingerprinted?

A. Well it could be either. But I suppose in fairness, probably me, yes.

40 Q. So you could have organised that?

A. Well it may have been difficult but at that time of the night because people are not always available from those areas.

45 Q. Now, can I take you to some questions that were asked about the record of interview that you conducted with Joseph Kokotovic on 8 February, early morning of 9 February, you said it was conducted in an interview room?

A. Yes.

50 Q. Is the interview room a room which is designated for interviews and that's all that it's used for?

A. As far as I'm aware, yes.

Q. What was in the interview room?

5 A. Well, there was a table, a cupboard, chairs of course, but I can't recall, a typewriter possibly.

10 Q. You were asked some questions about the coincidence that three of the interviews that occurred that night, so for Mr Nekic, Mr Joseph Kokotovic and Mr Zvirotic, all seemed to have a similarity in how they were conducted and the circumstances in which they were conducted. Do you remember his Honour just asked you some questions about that?

A. Yes.

15 Q. Now, in a lead up to those questions, I just want to take you to some evidence that Detective Grady gave at trial. It's Exhibit 2.1-39 and red page 1155. Now Mr Counsel, this isn't your evidence, it's the evidence of Detective Grady, but if I can take you to, at about point 4 on the page, can you see Detective Grady was asked, "Did you come back to the CIB?", "I did, yes". "Were you with Detective Counsel?", "Yes". Can you see that, it's where
20 the hand is going up and down towards the top of the screen?

A. Yes.

Q. Then you were asked, "Roughly what time"?

25 A. Yes.

Q. Then you say - sorry, Detective Grady, thank you, said, "Can't recall exactly, but we concluded our duties around 3 or 3.30". "Then did you and Detective Counsel confer together after your return to the CIB?", "Yes". "What, about this case?", "Yes, yes". Then Detective Grady(as said) asked, "What did
30 you confer about?", and he said, "The notes in the notebook, certain times in which occurrence had taken place the previous night and that morning". Then he says, "And possibly a general discussion with other police in relation to what they had found out from the persons that they had arrested". Do you see that?

35 A. Yes.

Q. Then Detective Grady goes on and he's asked whether he took any notes of that?

40 A. Yes.

Q. Hold on. Then he said that he made some rough notes up from, "Both from what Detective Counsel and other police told me in relation to times - sorry, if we can scroll down. There's a question, "Were you asking about the times that you have referred to?", and then there was a question,
45 "Do you recall which police you conferred with to get those times?", "Well, I know who these police would be, I can't actually physically remember speaking to them". "Do you know who they would have been?", "Well, it would have been some police out of the group that went to 9 Livingston Street with us". Now can I just ask you about that evidence that Detective Grady
50 gave. Now, do you recall after you went to Central Police Station, you've given

evidence that you came back with Detective Grady and I think you were going through his notebook and you were typing up, or typing a version of the questions and answers given by Joseph Kokotovic during the record of interview, do you remember that?

5 A. I remember being asked that, yes.

Q. Do you recall that while you were doing that, as Detective Grady said, there were a number of other police officers around the area where you were working?

10 A. Yes.

Q. Do you recall that, sitting there today--

A. I recall that, yes.

15 Q. Were some of the officers where he said, "A general discussion with other police in relation to what they had found out from the persons they had arrested", do you recall having discussions with, for example, Officers McHugh and Godden about what Mr Nekić had said in his record of interview?

20 A. I don't recall it, no. I may have had a conversation, but I can't recall it.

Q. And Mr Zvirotic, Detectives Jameson and Carroll, do you recall having a discussion with them?

A. No, I can't.

25 Q. So, you've got no recollection of, in a sense, comparing notes with these officers and discovering that their suspects also didn't want a typed record of interview but demanded it to be written in a notebook?

A. No, I can't. I have no recollection of that.

30 Q. If there was such a discussion, that would be something that, I think as his Honour put to you, quite notable, isn't it, that those three suspects all seem to have the same concern about participating in a record of interview for the same reason?

A. Yes.

35 Q. Doesn't come back to you at all?
A. It doesn't, no.

<THE WITNESS WITHDREW

40 AUDIO VISUAL LINK CONCLUDED AT 12.21PM

<RICHARD JOHN GRADY, SWORN(12.22PM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name.
A. Richard John Grady, G-R-A-D-Y.

Q. Mr Grady, you're now retired?
A. Yes.

10 Q. You were a police officer who attended a raid at 9 Livingstone Road,
Burwood, on 8 February 1979?
A. Yes.

15 Q. Located at that premises were Joseph and Ilija Kokotovic?
A. Yes.

Q. And Mile Nekić?
A. Yes.

20 Q. At the time was your rank Detective Senior Constable?
A. Yes.

25 Q. Were you attached to the Breaking Squad?
A. Yes.

30 Q. I want to ask you some questions about your career as a member of the
New South Wales Police Force. Can I first take you to your career before
joining the Special Breaking Squad. When did you join the New South Wales
Police Force?
A. 1968.

35 Q. How did you join? Were you a cadet?
A. No, no, no. I - I did an apprenticeship prior to joining the Police Force.

Q. What was your apprenticeship?
A. I was a motor mechanic.

40 Q. Motor mechanic?
A. Motor mechanic.

Q. You then joined the Police Force?
A. Yes.

45 Q. Which station were you assigned to first?
A. Darlinghurst.

Q. Roughly how long were you there?
A. Twelve or 15 months.

50

Q. Where did you move to from Darlinghurst?

A. I was transferred to Glen Innes in the Northern Tablelands.

Q. How long were you there?

5 A. Two years, I think I started in plainclothes duties after the first year I was there, on they called the A-list.

Q. The A?

10 A. A, A as in capital A. A-list, yes.

Q. From Glen Innes where did you go?

A. Back to Sydney. I was transferred back to 13 Division, Campsie.

Q. To Campsie?

15 A. Campsie. A substation of Campsie was Kingsgrove. I was there for a few weeks, and then I was seconded to a, what would you call it, a special operation, I suppose, they were running number 10 Division, Waverley, which was the whole of basically the eastern suburbs. Yes, and from there I went to 21 Division, or 21 Special Squad, or whatever they called it in those days,
20 so - and from there to - back to Darlinghurst Detectives.

Q. From Darlinghurst?

A. From Darlinghurst in 1975 I was transferred to the Breaking Squad.

25 Q. Can I stop you there. You gave evidence that your rank in 1979 was Detective Senior Constable.

A. Yes.

Q. When did you become a senior constable? Again, just roughly.

30 A. Nine years. Nine years' service, so 77.

Q. That occurred while you were a member of the Breaking Squad?

A. Yes. I think I went there as a Detective Constable First Class, yes.

35 Q. How did you become transferred to the Breaking Squad? Is it a matter of making application, or you?

A. Recollection, I was told about - the orders used to come out fortnightly every Thursday, and I think I was told on about the Thursday prior that the orders coming out that I was going to Breaking Squad. I can't remember who
40 told me. I remember I was told that I was going there.

Q. So not a question of making an application?

A. No. I didn't make an application.

45 Q. So 1975 you joined the Breaking Squad?

A. Yes.

Q. How long were you at the Breaking Squad?

50 A. Well, I was at the Breaking Squad until they decentralised the CIB, which was about 1983, and I was sent down in charge of the Breaking Unit at the

Regional Crime Squad South, which was stationed at Miranda, or based at Miranda. I suppose I was still in the Breaking Squad, but it was split into different units, so they went to different regional crime squads, yeah.

5 Q. How long were you at Miranda?

A. Well, until I - until I retired - sorry, until I was discharged medically unfit. I had an accident in 1985, a SWOS - during SWOS training.

Q. During SWOS training?

10 A. Yes, yeah. I'm sorry, it's a shortcut to Special Weapons and Operations Squad, that's SWOS, yeah.

Q. Yes. We've heard some evidence about that.

A. Sorry?

15

Q. We've heard some evidence about the SWOS Squad. At the time of your discharge was your rank Detective Senior Constable?

A. No, Detective Sergeant, when I was.

20 Q. You've raised the SWOS Squad.

A. Sorry, what?

Q. You've raised the SWOS Squad.

A. Yes.

25

Q. When did you become a member of it?

A. 1975, when I was at the Breaking Squad.

30 Q. To join the Breaking Squad, did you have to undertake training and then become a member of the SWOS Squad as well?

A. It wasn't a requirement. Basically the rule was if you medically fit enough you should - you should apply to go on the SWOS.

35 Q. To become a member of SWOS, did you have to undertake training?

A. Yes.

Q. What was the training?

40 A. There were - excuse me. One or two days a year out at the rifle range, the Anzac Rifle Range at Malabar, and a one week live-in course at the - originally the two - Second Cavalry division at Holsworthy Army Base, and then it swapped over to the School of Military Engineering, at - that's where - that's where we were housed.

Q. As part of that training, did it involve training about explosives?

45 A. No. Well, not that I was involved in any training of explosives. Not in - not in respect to SWOS, no.

Q. But after you joined the Special Breaking Squad did you receive any training in explosives?

50 A. Yes.

Q. Was that training provided shortly after you joined the Breaking Squad?

5 A. First day of training, yes. Very shortly after I joined. It was arranged, I believe, by my first workmate, Detective Sergeant Ken Sellwood. Organised for a group, I can't remember how many of us, to go out to - to the School of Engineering, Ordinance Division there. Army ordinance, and they conducted a - a one-day, I suppose you'd call it a familiarisation with explosives.

Q. While you were at Special Branch(as said) was that the only training you received in explosives?

10 A. Sorry?

Q. While you were a member of Special Breaking Squad, was that the only training that you received in explosives?

15 A. No, that - there were about two or three of those days. It ranged over a - I can't remember now, over a period, of a few years. As new members came along they'd get introduced to it, some of them. It depends on who was available on the day that the army could - could put on a, you know, a familiarisation-type course.

20 Q. Is your recollection that you attended this course on explosives on about two or three occasions?

A. Yes. I'm sorry, maybe four, because we asked for a special demonstration in respect of a - a specific explosive on one occasion, and they combined that, I think, with a familiarisation day as well.

25 Q. The fourth occurrence that you've just referred to where part of it was a demonstration on a specific explosive, roughly when was that? I suppose what I'm interested in, was it after 8 February 1979?

30 A. I can't recall it. I can only put it down to a time around - there were two police officers shot dead at Toronto in Newcastle, attending a golf club, or some alarm, and I know that I was tied up in the investigation running from that, and it had to do with type of explosive, and I just can't remember when that was.

35 Q. The incident at Toronto involved this particular type of explosive?

40 A. Well, I was investigating a number of safe-blowing offences around Newcastle and the Hunter Valley at that time, using a specific type of explosive that had been stolen from an army base, and that's what the demonstration was over, and the police investigating the Toronto murders asked me to come on to see what information I had, any suspects and the like, to do with the - with the safe, yeah. That's how I became involved in it.

45 Q. The training that you received over those four different occasions, you said it was training about explosives. When you use the word explosive, what are you referring to?

50 A. Probably mainly gelignite, but they did - they did explode other ordinance there as well, but it was to demonstrate the effectiveness, what could happen. Different types of explosives. Detonators, detonating devices, and the display of explosives and associated devices, just to recognise, you know, so the police would be able to recognise them, it was, as I recall it.

Q. As part of this training, did you receive training in safe possession and transportation of explosives?

5 A. Not that I recall. It was more an identification of the, photographic demonstration of degraded explosives and the like, to look out for. That type of - that type of thing, because they become dangerous when they degrade, and they weep. They weep glycerine, nitro-glycerine, yeah.

Q. So with something like gelignite, as you said, if it became degraded--

10 A. Yes.

Q. --you were trained that it would become in a dangerous state?

A. Yes.

15 Q. What were you taught about gelignite sticks in a sense, not degraded, but just being in possession of those alone?

A. Nothing really, other than to identify them and to see them exploded under the various demonstrations.

20 Q. You refer under the umbrella of explosives that you also received training about detonators and I think detonator devices?

A. Yes, yeah.

Q. With detonators, you've identified gelignite, if it degraded, could become dangerous?

25 A. Yes.

Q. What were you taught about detonators, were they dangerous in a sense not connected with anything but being by themselves?

30 A. They could be. If they explode they're like an aluminium casing and I think there've been episodes where if they do explode, they could get your eye, you know, the - but shown certain safety precautions with respect to them, that's what we were, yeah. The main thing was just very simple; just twist the wires together, there's two wires coming out of the detonator, perhaps different lengths but there may be wires from you to I in length, you just twist the end of
35 them together; they can't do anything. You can't form an electric current between the two.

Q. That was one of the safety precautions that--

40 A. Yes.

Q. --you were taught during one of these courses?

A. Yes.

45 Q. Can I just go briefly to another topic? You provided as part of the investigation into the Croatian Six, and when I say the Croatian Six, you know that includes Mr Joseph Kokotovic?

A. Yeah, yes.

Q. You provided a statement as part of the investigation?

50 A. Yes.

Q. You gave evidence at a committal hearing?

A. I did.

Q. And you gave evidence at the trial?

5 A. Yes, yeah.

Q. Have you been provided recently with a copy of your statement?

A. Yes, I've had a copy of my statement since some time last year; but I received a whole batch of material last Friday night, yeah.

10

Q. Another batch of material?

A. Yes, yeah.

Q. So you received a copy of your statement--

15 A. Yes.

Q. --have you had a chance to read through that?

A. Yes, I have.

20 Q. Reading through it, is there anything you wish to change or upon reflection you don't think is correct?

A. No.

Q. Reading the evidence that you give in your statement, is it true and correct to the best of your knowledge and belief?

25

A. Yes.

Q. You gave evidence at the committal?

A. Yes.

30

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

A. Yes, it was one of the arrivals on Friday, and I - yes. Yes, I have, I've seen it.

35

Q. Over the weekend did you have a chance to read through it?

A. Yes.

Q. Again, anything you wish to change?

40

A. No. I think at one stage I said between the - the committal and the trial it was brought to my notice at the committal, I gave evidence that I was present during a photographing of the explosives and the detonators in the Breaking Squad office on I think it was the morning of the - forgot the date, the eighth or ninth--

45

Q. Ninth of--

A. --the ninth, and it wasn't, that wasn't a fact. I was not present during that - when the photograph was taken.

50 Q. I might take you to that evidence. Your evidence, I think, at trial was that

the photograph was taken at Dangerous Goods section?

A. I can't - I thought that I had, just reading through it, I thought that my evidence was that I was present while it was taken to the Breaking Squad office; I could be wrong, that's.

5

Q. Your recollection now is that you weren't present when a photo was taken?

A. I have no recollection of - I'm just going from what I read in the transcripts, the different transcripts, but I explained, I think in the trial, or in the voir dire that that wasn't right; it was.

10

Q. Subject to, if I can put it that particular topic at the committal, your evidence at the committal is true and correct to the best of your knowledge and belief?

A. Yes.

15

Q. Then at trial, you've received the transcript of your evidence at trial both on a voir dire and before the jury?

A. Yes.

20

Q. Have you had a chance to read through that?

A. Yes, yeah.

Q. Anything to change?

A. No.

25

Q. And true and correct to the best of your knowledge and belief?

A. Yes.

Q. Focussing on 8 February, did you have a particular partner or work mate at that occasion?

30

A. On 8 February?

Q. Yes.

A. Yes. Jim Counsel; Detective Counsel, yes.

35

Q. To your recollection he was a member of the Breaking Squad?

A. A very new member of the Breaking Squad, yes.

Q. That was going to be my next question. Is your recollection that he'd joined relatively earlier?

40

A. Yes, my - my recollection is that was our first job; that that was his first week, I think, at the Breaking Squad.

Q. You were allocated to be his partner when he arrived there?

A. Yes, yeah.

45

Q. In terms of seniority, you both had the same rank; how did you determine which one was the more senior?

A. Detective Counsel was about four years senior to me, I think; or - maybe more, I can't remember now.

50

Q. Questions of seniority, did that have any effect on the type of work or the allocation of work that you did as a team?

5 A. Not - there might have been some enquiries where they really wanted a detective sergeant in charge, but - but normally the - the ranking senior of a pair was senior enough to undertake any, you know, any enquiry really.

Q. When you worked together, how did you allocate, for example, who did what?

10 A. Well, the joking term for the junior partner was driver-typist; that was the - so the senior man would usually take the front, and if in situations where you go to speak to someone, he would do the speaking--

Q. And you would be typing or taking notes or something like that?

15 A. I'm just talking about if you went to an enquiry where people are being spoken to, you don't jump in and overtake the senior man, what he's doing, but yes, normally in interview situations, yes, the senior man would ask the questions and the junior man would do the typing, yeah.

Q. Did you work as a team?

20 A. As a team?

Q. That's probably a vague question. What I am asking you is, was it a team effort; so if something arose that you were concerned about or you think there'd be an appropriate step or procedure to follow, would you be able to suggest that to Detective Counsel?

25 A. Yes. He wasn't ferocious. No, the - he - no, you could make suggestions to him. Sure.

Q. Just going back to the Breaking Squad, who did you report to?

30 A. Well, the officer-in-charge was at different times; I think at that stage it was Detective Sergeant Angus McDonald, so he was the boss. But there were a number of officers-in-charge before that. I don't think he'd been there all that long; actually I could be wrong.

35 Q. Was Inspector Morey in charge of the whole branch?

40 A. No. He ended up in charge of the Criminal Investigation Branch, the - he was a superintendent, Noel Morey, then, but I - looking at my transcripts and what have you, I know he was there on that night but I think he was then the detective inspector in charge of the - although it surprised me - was I charge of the Armed Hold Up Squad, but I thought the Armed Hold Up Squad only carried a first class sergeant in charge, but they're speaking about him being the officer-in-charge. At some stage it did turn over to being a detective inspector's job; maybe that was before that, but that was in my memory at that stage.

45

Q. Can it take you to 8 February? Prior to the raid that you participated in at Burwood, you attended a conference or a pre-raid briefing at Burwood Police Station?

50 A. Well, yes; that's in my statement and in my - I can't recall going to Burwood Police Station. I can recall standing with a group of men, obviously detectives,

near a police car somewhere where it was fairly dark, talking. I can't remember what we were speaking about but I can remember that. That's a vague memory. Whether that was at Burwood, outside the police station, or in Lansdowne Street, I don't know.

5

Q. When I ask questions, if you actually - and this sometimes happens, memories come back - if you actually have a recollection of what occurred that night, or a particular incident or whether you're relying on what you've read in your transcript or your statement, but if you actually do have a recollection, could you indicate that?

10

A. Yes.

Q. For example, your recollection of standing with some men, you think detectives, round a car, which could've been either outside the house at Burwood?

15

A. Well, in the street at Burwood or at Burwood Police Station. I just have that recollection. I can recall that but I can't recall where it was.

Q. The pre-raid briefing at CIB, do you recall that Inspector Morey was there?

20

A. I can't - look, I can't recall that at all. I really can't recall going to a briefing; I can't recall typing the document that I know I typed; I just can't recall.

Q. I was going to ask you about the document that you typed. Before doing that, did you know a Detective Jefferies from Special Branch?

25

A. No - sort of - not that I recall. Like, I can't recall him at all, Jefferies, no.

EXHIBIT 4.2-86, PAGE 647, SHOWN TO WITNESS

Q. Mr Grady, this will come up on the screen--

30

A. Okay.

Q. --but if you wish to have a look at a paper copy of the document, we can organise that. Mr Grady, will you have a look at that document; can you see it's headed "Information supplied by Detective Sergeant McDonald re Operation at Lithgow"?

35

A. Yes.

Q. Then in handwriting, which I think might have been added by somebody else, it's got - unless it's your - is that your handwriting type?

40

A. I don't think so. I can read it, though.

MCDONALD: Maybe if we can expand it please.

WITNESS: No, that's not my writing.

45

MCDONALD

Q. Would you just have a very quick - re-familiarise yourself with the document. If we can keep on going down?

50

A. Yes.

Q. Now, do you have a recollection of typing that document--

A. No, I don't.

Q. --at CIB on 8 February?

5 A. No.

Q. Excuse me for a minute. If I can take you to some of your committal evidence. In Exhibit 2.3-39, red page 8033. Now, if that can be expanded, please. This is at the committal, you're being cross-examined by one of the

10 counsel for the defendants?

A. Yes.

Q. But you were taken to some documents and then you say, can you see, "Which one had you seen at the time", and you answer, "Well, I was the typist that brought one of the documents into being"?

15

A. Yes.

Q. Which you then repeat, then if you continue down the page, there's a question:

20

"Q. I see you type that document out, did you?

A. Yes.

Q. Where did you type the document out from, in the office of the Breaking Squad?"

25

A. No, in the Armed Hold Up Squad office.

Q. Who instructed you to type this document out?

A. Detective Inspector Morey.

30

Q. What time?

A. Shortly after 8.30pm, I can't recall exactly."

Then you're taken back to what happened that afternoon. Then a question, the second last question:

35

"Q. When were you first informed by Morey that you'd be required to type out some of this material?

A. Very shortly before I typed that document out."

40

Then it was put to you that you actually typed that out much earlier. But just pausing there, does that refresh your memory about at least some of this document, how it came to be that you typed it out?

A. No, I don't resile from what I said, but I've no memory of it.

45

Q. Was that an unusual procedure that you would, an inspector would, in a sense, grab you and say, "I've got to type up - something needs to be typed up. I'll dictate it", or something along those lines.

A. No, I mean anyone who's trying to put together a document such as this probably - who seemed to be doing nothing at the time, and perhaps that was

50

me. I don't know.

5 Q. The document which was up on the screen has been described as a screed. Do you recall that term being used within or by police officers back in February 1979?

A. Yes, but not widely, yes, yes.

Q. What was the idea of a screed, what was its purpose?

10 A. Usually to bring people up to date with something that was going to happen. If you're going to call a group of police out the following morning, for example, to go on an operation, then you would let them know what information you had by typing up such a document, so they had no idea what was going on. Whether there'd be firearms there, what type of people they were. That's common practice, yes.

15

Q. Then the document would be copied via a photostat, I think it's described in the evidence?

A. A photo.

20 Q. A photostat?

A. A photostat copy, yeah, through a photocopier, yes, there were, I think back in those days there wasn't one in every office, but yes, the photocopier, yes.

25 Q. Before I take you back to the document, could we just, within this exhibit, go to page 8035. Now, I'll just take you to this question and answer. Right at the top of the page, you're asked:

30 "Q. Did he, Inspector Morey, also dictate to you the words that came below the list of names starting with this man, Tony Zvirotic, allegedly lives at Ashfield, et cetera. Did he dictate that at the time?

A. Yes, he dictated the whole document down until where there is a fresh heading, something to do with Special Branch."

35 Now, if we could then jump back to Exhibit 4.2-86. If we can expand that. Can I first draw your attention to the document in a sense, you have the top section, and then it's divided, so you've got information supplied by Detective Sergeant McDonald, re operation at Lithgow, and there's some information of what has occurred at Lithgow, two men arrested, what was found there, then other men
40 alleged to be involved in Sydney area in a list of names. If we keep on progressing down, just stop there. Further information about, which would appear to be information coming from Lithgow, that Bebic and Virkez were allegedly going to meet all the above listed persons in Sydney, et cetera?

A. Yes.

45

Q. Then you've got the heading, "Members of the Special Branch have identified the above suspects as being", and then you've got information like of a name, address, and indeed a date of birth?

A. Yes.

50

Q. Now, I can take you to this if you want to, but you were asked questions about that bottom section, and you said, "The other information was supplied by members of the Special Branch straight away after that, and I typed them down"?

5 A. Yes.

Q. Now, do you recall when you typed this document, in a sense it being in two parts. You've got Inspector Morey probably standing over you dictating the information he's received from Lithgow, and then it would appear that
10 you've got a member or members from Special Branch who arrive and provide you with other information to include?

A. Well, that's what I've said, but I can't recall, I can't recall typing the document at all.

Q. Looking at the document, is it fair to say that it does have the appearance - sorry, I withdraw that, I'll put this proposition to you and if you don't agree please say, but looking at the document as a whole, does it give the appearance that in a sense it's being typed at the one sitting, like, at no time has the piece of paper been taken out of the typewriter or put back in, in
20 that it seems kind of aligned appropriately?

A. Well, the part that I'm looking at here appears to be very straight. I'm looking at the bottom half of the document, it seems to be all in one line. Nothing to suggest that's been removed and replaced. It'd be very hard to replace it in precisely the same position. It looks square to me.

Q. Again, just as a matter of trying to refresh your memory, I took you to the information that was received by Detective Sergeant McDonald from Lithgow and there are names referred to, Virkez and Bebic, they've been arrested, explosives were found in a vehicle at the premises and it stipulates four
30 bombs, time clocks, detonators, et cetera?

A. Yes.

Q. Does that assist you in remembering what was discussed at the pre-raid briefing at the CIB?

35 A. No, I can't remember it being at the briefing at the CIB at all, I can't.

MCDONALD: Your Honour, if that's an appropriate time?

HIS HONOUR: Yes.

40 You can step down Mr Grady, we're going to take the lunch break at this point.

<THE WITNESS WITHDREW

45 All right, 2 o'clock.

LUNCHEON ADJOURNMENT

Yes. Ms Epstein.

50

EPSTEIN: With your Honour's leave, I seek to interpose a witness, Clive Silvester, due to availability issues in the next hearing block.

HIS HONOUR: That's fine.

5

EPSTEIN: I call Clive Silvester.

<CLIVE ALEXANDER SILVESTER, INTERPOSED, SWORN(2.02PM)

<EXAMINATION BY MS EPSTEIN

5 Q. Please state your full name?

A. Clive Alexander Silvester.

Q. Mr Silvester, my name is Epstein; I am Counsel Assisting and I will be asking you some questions to begin.

10 A. Yes.

Q. As at February 1979 was it the case that you were a Constable of Police with the New South Wales Police Force?

15 A. I was.

Q. And are you retired now?

A. Yes.

Q. As at February 1979 were you attached to Central Police Station?

20 A. I was.

Q. How long had you been with Central Police Station?

A. I'd joined the station there in I think June 1978.

25 Q. When did you join the New South Wales Police Force?

A. I started initial training in April 1978.

Q. You moved straight away to Central Police Station?

30 A. That's correct, yes.

Q. How long were you attached to Central Police Station?

A. I think until about 1981, then I went to Mona Vale.

Q. What rank did you hold at Mona Vale?

35 A. Constable all the way through to Sergeant, many years there.

Q. How long did you stay at Mona Vale Police Station?

A. Eight, nine years.

40 Q. Where did you move to after that?

A. Then to Dee Why.

Q. How long were you at Dee Why for, approximately?

45 A. Another ten, 12 years.

Q. Did you move anywhere else after that?

A. Yes, I'm sorry, before that, yeah, I was at North Sydney doing licensing for about a year and then Highway Patrol for five, six years too, so.

50 Q. Sequentially, was that after Dee Why?

A. That was before going - Mona Vale, then to Highway Patrol at Frenchs Forest, and then to North Sydney for a year, back to Frenchs Forest, then Mona Vale, and then Dee Why.

5 Q. Did you move anywhere else after Dee Why?

A. No.

Q. You retired?

A. Retired in 2008.

10

Q. Thank you. You gave evidence at the committal hearing of the Croatian Six in August 1979?

A. Yes.

15 Q. You also gave evidence at trial?

A. Yes.

Q. Have you been provided with a copy of your transcript of evidence of both of those proceedings?

20 A. Yes, I have.

Q. Have you had a chance to review them?

A. I have looked through it, yes.

25 Q. Did you make a statement at the trial; in relation to the trial?

A. A statement?

Q. Are you aware whether you made a statement in relation to this matter?

A. I - yeah, I would've done, yeah, before to, yeah, give evidence, yes.

30

Q. That statement is not before this Inquiry, but having reviewed your evidence at committal trial, is there anything in either of those transcripts that you wish to change?

35 A. I can't - yeah, I wouldn't have the - the memory to change anything, so what I said then and what I've written, I do stand by it; I have to stand by it, I can't have any new memory to, you know, change it.

Q. On 8 February 1979, is it the case that you were rostered on to perform cell duty from between about 11pm and 7.30am on 9 February 1979?

40 A. Yes, that is correct.

Q. You were working with Mr Alexander Booth on that night?

A. That's right.

45 Q. Was part of your duties to fingerprint prisoners after they had been charged?

A. That's right.

Q. You took the fingerprints of Mr Brajkovic?

50 A. Yes.

Q. Mr Zvirotic was also a prison whose fingerprints had to be taken that night. Do you recall having any interaction with him?

A. I can't recall, no.

5 Q. Mr Brajkovic also completed certain forms in your presence; do you recall that?

A. Yeah. I think we had a P - P-51 handwriting form, I think, with - we had a - write their details and their own - own handwriting, of course, and sign off. Yes.

10

EXHIBIT 4.2-72 SHOWN TO WITNESS

Q. We'll bring up a document on the screen. We've got a hard copy of that also if you prefer to see it in hard copy?

15

A. No, that's fine, yeah.

Q. Take a moment to familiarise yourself with that and please let me know when you've done so?

A. Yeah.

20

Q. Do you recognise that form?

A. I know the form, I remember that from years, but not that particular form obviously, but yeah.

25

Q. What was the general nature of that form; what was it used for?

A. Writing I think, just to, you know, for to keep a record of their style of writing.

Q. I see.

30

A. I presume.

Q. You presume, do you have actual knowledge?

A. No, I think remember, like, sort of remember. I can't - it was a long time ago. I don't think we use those forms, you know, last time I was in the police, so.

35

Q. If I was to tell you that the form was called a P-59B form, would that assist?

A. Yeah, that'd be it, yeah.

40

Q. Knowing that that's the name of the form, is the evidence you just gave correct, that it was for the purposes of handwriting?

A. Yes, that's my memory. That was always for the, you know, for the person being fingerprinted to fill it out to, you know, probably record of their handwriting.

45

EPSTEIN: That document can be taken down.

Q. Do recall how long the process, your interactions with Mr Brajkovic lasted before he was returned to the cells?

50

A. I don't recall specifically, so, like 10 minutes would be a reasonable time to,

you know, from memory, for any prisoner, any person charged who's fingerprinted.

Q. You're basing that answer on your general recollection--

5 A. General recollection. I have no - I can't be specific about how much time I spent with that gentleman obtaining fingerprints.

Q. Were you able to get a look at Mr Brajkovic and see his face, for example?

10 A. I would have, I suppose, to, yeah, when I fingerprinted him, yes.

Q. Do you recall whether you observed any injury on him?

A. Again, no, I don't recall now, but obviously, but looking at the notes, I think I said no, I didn't recall anything, anything that grabbed me as far as an injury.

15 Q. If you did see injuries on a prisoner's face, for example bruises or cuts, abrasions when you were going through the process of booking him up, is that something that would stick in your memory, do you think?

A. For sure, I assume so at the time, yeah.

20 Q. What about now, is it something that you're likely--

A. No, no, I read over a number of times and tried to refresh myself and I don't, you know, recall the incident or, you know, the time I spent with the gentleman.

25 Q. Did you know anything - beyond your specific involvement with Mr Brajkovic - did you know anything about the nature of the Croatian Six trial and the allegations?

A. No, no, I was just working in the cells, that's it.

30 Q. What about during the course of the committal proceedings and the trial, did you come to learn anything about the trial?

A. I presume I would have, but I can't, you know, recall. I would have found, you know, basically what it was about.

35 Q. Now, do you recall if Mr Brajkovic complained of any mistreatment by police during the course of your interactions?

A. I, as we speak now, I don't recall that. I can't remember what I wrote in the - I put in the transcripts from the earlier court matters.

40 Q. Again, if you were booking up a prisoner who did complain of mistreatment by police, is that something that would stick in your memory, do you think?

A. Now, no, but, you know, at the time, I don't know, yeah.

45 Q. During the course of the trial, it was suggested to you that you said words to the effect, "The police have given you a hard time, haven't they", to Mr Brajkovic?

A. Yeah, I read over that again, and I still don't think at my stage of career and age and at the time, that's my - would it be my style of conversation or that wouldn't have been a statement I would use. That's - that did stick in my mind
50 after looking at the, at the transcripts.

Q. Can you just help us understand that a bit more. Why do you say your stage of--

5 A. Well, I don't think I would have said it. That's not my language. I don't think that's my turn of phrase. It didn't refresh anything with me. I don't think that's my turn of phrase.

Q. Was it something about the particular stage you were at in your policing career that you think--

10 A. Probably, yes. Yeah, I, yeah, but even, even now, I don't think I'd say that. That's not my turn of phrase.

Q. After the time that you were involved in fingerprinting Mr Brajkovic and having him fill out the forms in February 1979, did you see him again at any time?

15 A. I've just refreshed myself with the notes. Yes, he was brought in for a committal matter or, you know, to lower court again. Again, I was at the time at the cells, and he did approach me or did say something to me.

20 Q. Do you recall the evidence from committal was that Mr Brajkovic said to you, "Do you remember me", this was, I'm sorry, your evidence at committal. He said to you, "Do you remember me?", and you said, "Yes, I do". He said words to the effect, "Remember my face?". Do you recall having that interaction with Mr Brajkovic?

25 A. After only by looking - I don't recall it now, but, you know, I stand by the, you know, evidence I gave in the, you know, in the transcripts, yes.

Q. I'll just bring that up on the screen so that you're able to see that.

30 EPSTEIN: Could the witness please be shown Exhibit 2.3-22, page 7033. Scroll down to the bottom of the page, please, and enlarge that. Just scroll down a little bit further. I'm sorry, could we go back to the previous page, 7032, to begin with? Right down the bottom there.

Q. If you just read the last entry against the prosecutor?

35 A. Question--

Q. Just to yourself, so you can familiarise yourself with the evidence?

40 A. Yes. Prosecutor, yes, counsel, "What did he say?", I said, "He said to me, 'Do you remember me', and I said, 'Yes, I do', and he said, pointing to his face, he said"--

Q. Just scroll over, if you just read the first few lines to yourself, Mr Silvester, so you're familiar with them?

45 A. Sorry, yep.

Q. Having read that, does that refresh your recollection at all about the nature of your interactions with Mr Brajkovic at that time?

50 A. As I said, no, I don't remember, but I agree that would have happened and, you know, that would have been the conversation I recalled at the time.

EPSTEIN: That can be taken down.

5 Q. Now, other than giving evidence at committal and trial did you have any interactions with the other police officers involved in the investigation and prosecution of the Croatian Six?

A. Not after the - all the trials, no.

10 Q. But before the trial, after the arrest and in the lead up to committal and trial?

A. I remember reading - refreshing myself with the transcript that had - that one of the detectives rang me up, to - to do a statement.

15 Q. Did you ever have any discussions with any of your fellow officers about what had occurred during the raids?

A. No, I can't recall that. No.

20 Q. Do you recall any discussion, ever hearing any discussion or otherwise learning about anything that had happened during the interview of the suspects?

A. No. No.

25 Q. At any stage did you hear about Mr Brajkovic having been assaulted by police when he was interviewed?

A. No. I don't recall any of that, no.

Q. Did you hear of any talk of fabrication of evidence?

A. No.

30 Q. Specifically, fabrication of admissions in relation to the Croatian Six?

A. No. No. No, I would have said something, but no. It's - it hasn't, yeah. Like, they wouldn't talk to me about that, I'm sure, if that did occur.

35 Q. When you say you would have said something, who would you have said something to?

A. I don't know. As I said, it's just it comes out of the blue. I don't - I don't recall that at all.

40 Q. If you had heard something of that nature, are you suggesting--

A. I don't know, I suppose I'd be alarmed, but I don't know--

HIS HONOUR

45 Q. Mr Silvester, could you just wait until the question finishes?

A. Sorry, sir?

Q. Could you wait until the question finishes--

A. Sorry, yeah.

50 Q. --before you start to answer.

A. Fair enough, sorry.

HIS HONOUR: Listen to the whole question.

EPSTEIN

5 Q. When you say you would have said something, I believe your evidence was just now, if you had heard something said of the nature of what I've just suggested to you, would you have reported it to someone?

10 A. I don't know. Yeah, I presume so. I - yeah, but I - yeah, didn't hear, didn't hear any of that. I didn't, yeah, it would have stuck in the mind, but I didn't hear anything like that.

Q. During your police career have you ever heard of police officers involved in loading up or planting of evidence?

15 A. I have heard that. I've read that in newspapers, and that type of thing, yeah.

Q. Have you ever come across other police officers talking about having engaged in that practice, or do you have--

20 A. No, no.

Q. --any knowledge of it?

A. No, not that I recall, no.

Q. What about fabrication of admissions?

25 A. No. I have heard that it's been recorded in, you know, media, or whatever has happened, but not that I know of anything that's been - goes in my mind, no.

Q. What about assaulting of suspects with a view to obtaining admissions?

30 A. I haven't - I've heard that has allegedly occurred, but I don't recall any specific cases.

Q. Have you ever yourself heard speak amongst other police officers speak of such events occurring?

35 A. No, not that I recall. No.

BUCHANAN: I might take this witness, your Honour.

HIS HONOUR: Alright. Yes.

40

<EXAMINATION BY MR BUCHANAN

45 Q. You told Counsel Assisting that it was suggested to you at the trial, thinking back to the trial, that you said to Mr Brajkovic that evening words to the effect that, "Oh, it looks as if the police have giving you a hard time."

A. That was, yeah, put in the --

Q. Your response today was that that was not your style of conversation, not your turn of phrase?

50 A. Yes.

Q. Hypothetically, if a prisoner had presented himself to you, in 1979 at Central Police Station cells, all cut up in his face, what would you have said?

5 A. I would have remembered something, for sure. I would have remembered something for sure. I would have, you know, I would have alerted someone, I'm sure, you know, to - inspectors used to come into the cells, and - and check, you know, how the prisoners looked, or how they were, their welfare, so I'm sure that would have come out then.

Q. You mean to tell us that you wouldn't have said anything?

10 A. I presume I would have, yes.

Q. What would you have said?

15 A. Well, I've alerted it to a supervisor, saying that, you know, this person's got, you know, injuries, so. I'm pretty sure.

HIS HONOUR: I don't think that's the question that you were asked.

WITNESS: What would I have said?

20 HIS HONOUR: Just wait--

WITNESS: Sorry, sir.

25 HIS HONOUR: Mr Silvester, it's important that you just take your time. There's no rush. Just wait until the question has been asked and finished, and then give your response.

BUCHANAN

30 Q. The allegation to you at trial was that you had said to Mr Brajkovic upon seeing him, "Oh, it looks as if the police have given you a hard time", or words to that effect. You've told the Inquiry today--

A. Yes.

35 Q. --that that's not your turn of phrase.

A. That's correct.

Q. In effect, you don't believe that you said it because it's not the type of thing that you would say, or not said in a way you would say.

40 A. Yeah.

Q. That's your evidence now, is it?

A. Yes.

45 Q. Hypothetically, had you been confronted by a prisoner in the cells at Central police station in 1979 with his face all cut up, that's to say, recently injured, what would you have said to that man?

50 A. I would have - that - raised to a - a supervisor, I'm sure. I would have offered him assistance. It would have - would have caused the alarm bells if he, hypothetically he came in looking like that, that would have, you know,

really alerted.

Q. There wouldn't have been some colloquial turn of phrase or expression that you might have used to him to indicate that you'd noticed his condition?

5 A. No. As I said, that - that's not my turn of phrase, that's what I, you know, I stand by that.

Q. It wasn't every day in the cells that you saw prisoners come up to you to fingerprint, with their--

10

WOODS: Your Honour, I object to this. This is so hypothetical it's unrealistic, and it's unfair to the witness.

HIS HONOUR: I think the evidence he gave in explanation in his
15 evidence-in-chief that it was not his turn of phrase invites us to think what would his turn of phrase then be. I think that's what Mr Buchanan's getting at.

WOODS: Well yes, your Honour, but it is so extraordinarily hypothetical, he said he didn't see it; how can we speculate about what he would've said
20 45 years ago?

HIS HONOUR: Mr Buchanan's entitled to explore his explanation. You can continue, Mr Buchanan.

25

BUCHANAN

Q. In response to my learned friend, the question that I'm trying to focus in on is, what is the turn of phrase that you would use in what I would suggest to you would be an unusual situation of having a prisoner that you've got to fingerprint
30 who looks as if they'd been recently injured around the face; what would you say to that such a person?

A. Well, I don't know what I would've said in - sorry.

BASHIR: Sorry. I do object because the - and I understand it's been put as a
35 hypothetical - but in the trial what was put to the officer was that it is said he was "all cut up". Now, Mr Buchanan's putting something quite different and it may be that he means to, but it's confusing the concepts, in my submission.

HIS HONOUR: Yes. It should be consistent with whatever the description was
40 given at the trial--

BASHIR: In the trial--

HIS HONOUR: --of the alleged appearance of Mr Brajkovic, yes.

45

BASHIR: And what Mr Brajkovic is said to have said to him, that is, "all cut up". They were the words used.

BUCHANAN: I'm sorry, your Honour, I think my learned friend is confusing the
50 two different events. The witness has been asked, was asked by Counsel

Assisting, first of all, about what it was that he had said to Mr Brajkovic at the time of fingerprinting him on the early hours of 9 February.

HIS HONOUR: Yes.

5

BUCHANAN: This second incident, as I understand Counsel Assisting's questions, was about an exchange that was said to have occurred between Mr Brajkovic and the witness at the time of the committal hearing.

10

HIS HONOUR: Yes. That's a completely different thing.

BUCHANAN: That's exactly my submission.

15

HIS HONOUR: What evidence was given by Mr Brajkovic at the trial as to the way he did appear at the time he was in the Central Police cells?

BUCHANAN: His evidence, your Honour, was that he was visibly injured around the face--

20

HIS HONOUR: Well, that's as much as can be put as a description, isn't it?

25

BUCHANAN: --and Mr Brajkovic's case was that the injuries were visible in the photograph that was subsequently taken within the same sort of half-hour at Central cells. What I'm trying to focus on, your Honour, is nothing that Mr Brajkovic said, but rather the reaction of this witness on seeing Mr Brajkovic's apparently injured face early in the hours of 9 February.

30

HIS HONOUR: That's the extent of the description that Mr Brajkovic gave in evidence.

BUCHANAN: Yes. Yes.

HIS HONOUR: That's sufficient for you to put.

35

BUCHANAN: In my submission, your Honour.

HIS HONOUR: Yes. Let's proceed.

40

BUCHANAN: I'll just repeat.

Q. We're trying ascertain, I'm trying to ascertain, what would be the turn of phrase that you would use if confronted by a prisoner with apparent recent injuries to his face at the time you're fingerprinting him?

45

A. I don't know my turn of phrase back in 1979, at that particular age. Yeah, I would've alerted someone, you know, I would've, yeah, been quite shocked to see if someone had the injuries you're saying that he did have.

Q. Are you trying to say that you wouldn't say anything at all?

50

A. No, I would say something; I'm sure I would.

Q. What would you say?

A. To him?

Q. I'm sorry?

5 A. To the - the person?

Q. To the prisoner?

A. I don't know what I would say; I don't know.

10 Q. The detectives from CIB were up there in the hierarchy of the Police Force, way above your station in February 1979; weren't they?

A. Yeah, yep.

15 Q. There's no way that you're going to dob in a detective, even implicitly, to say "I've had a prisoner that appears to have been injured by police who've just brought this man in from CIB"; there's no way in the world that you are going to dob in a CIB detective for assaulting a prisoner, was there?

A. No. I didn't think of it that way. I had no interaction with any of the detectives, that, you know, dealt with this matter.

20

Q. Your life wouldn't be worth living if you'd dobbed in a CIB detective; would it?

A. No, I - no, I would never think that either.

25 NO EXAMINATION BY MS NEEDHAM, MR BROWN, MR MACKEY AND MS BASHIR

<EXAMINATION BY DR WOODS

30 Q. Mr Silvester, your last response, I wouldn't think that either; what did you mean by that?

A. To - that in regards to the CIB detective?

Q. Yes.

35 A. Well, I have - had no interaction with them, I knew nothing about them and, yeah, it's - I wouldn't think of it.

Q. Did you feel, as it were, intimidated that you couldn't do your duty and report something if it happened?

40 A. No way. No. I had no interaction with those detectives. The gentleman was brought into the cells and that's it, there's no interaction at all with detectives, with the charging process.

<EXAMINATION BY MS EPSTEIN

45

Q. Mr Silvester, when Mr Brajkovic was brought into the cells, were you aware who had arrested him?

A. No.

50 Q. Was it normal course when a prisoner came into cells for you to be made

aware of who had arrested them?

5 A. No. I - recall they'd have an assist station, they would always bring the, you know, you had the station sergeant, a reserve constable, an assist station and the assist station officer, that was the standard procedure, you used to bring them through the locked gates of the doors and into the cell area.

EPSTEIN: Nothing further, your Honour.

10 HIS HONOUR: All right. Mr Silvester, thank you very much, that's the end of your evidence and you're free to go. You are not formally excused. If you are required to return, you will be notified.

WITNESS: Thank you, sir.

15 <THE WITNESS WITHDREW

<RICHARD JOHN GRADY, RECALLED(2.28PM)

<EXAMINATION BY MS MCDONALD

5 Q. Mr Grady, I'm asking you some questions about 8 February 1979, and before the lunch break, I asked you about being at CIB around about after 8.30pm and typing that, if we can describe it as the first screed, where information was provided to you by Inspector Morey and then officers from the, or an officers or officer from Special Branch?

10 A. Yes.

Q. Now, earlier today you said you do have a recollection of being with some detectives standing round a car, and your recollection is it was at Burwood?

15 A. I think so, standing around the vicinity of a car, talking to a number of people, number of detectives, yes.

Q. Does the recollection extend to, was this at Burwood Police Station or was it near Livingston Street?

20 A. I don't know, it was - my recollection is it was reasonably dark. I can't remember the lighting in front of Burwood Police Station but if there are lights there, it probably leans more towards -

Q. Livingstone Street?

25 A. The street, yes.

Q. Now, the officers who attended with you on the raid at Livingston Street, who were they, you've got your partner, Mr Counsel?

A. Are you asking who I remember or who was actually there?

30 Q. Let's start, who can you remember?

A. I remember Counsel. Godden, Allan, and Parsons.

Q. Who was the officer-in-charge of the raid at Livingston Street?

35 A. Well, I know there was Detective Sergeant Rogerson.

Q. Sitting here today, do you have a recollection of him being there?

A. I don't. I don't remember him being there at all.

40 Q. What were your dealings with Roger Rogerson up until 8 February, had you worked with him?

45 A. No, I've never worked with him. I'd never been on the same squad or police station with him. Perhaps, and it's only perhaps, I mean, because we're members of the Special Weapons Operations Squad, sometimes the Armed Hold Up Squad might ask for some help doing an early morning operation if they're looking to arrest someone. Sometimes, members of the Breaking Squad would assist in that, whether I did jobs like that with Rogerson, I can't recall, but I can't recall ever being involved in any brief or operation with Rogerson ever other than this matter.

50 Q. What about afterwards, did you ever work with him or be involved in an

operation with him?

A. No, not that I recall, no. Other than, as I just explained, maybe in some sort of a combined operation where it was just to go out and make numbers to, for an arrest or something like that, but no.

5

Q. Now, you were part of the police officers who entered the house at Livingston Street, Burwood?

A. Yes.

10

Q. Did you enter through the front or the back?

A. Well, I know I entered through the back, but I have no recollection of where I went in.

15

Q. This is reading your statement?

A. Yes.

20

Q. Do you recall outside the premises seeing if there were any lights on or if there was any movement within the house?

A. No, I can't.

25

Q. What is your recollection when you enter the house, where do you go?

A. I don't know. My first recollection is reaching up and taking scissors off the man who I know to be Mr Kokotovic. I can't remember if that was upstairs. I don't know. I can't remember.

30

Q. When you describe Mr Kokotovic, is that Joseph Kokotovic?

A. Yes, well I know that through my statement, but I can't remember even what he looked like, to be quite honest. It was just a man.

35

Q. Before you went there, according to the first screed that I showed you, Joseph Kokotovic had been identified as a person who may be involved in this activity and then you had his date of birth and his address. Were you given any other description before entering the house?

A. I can't recall, but I think I said earlier that we weren't, I don't think, but I can't recall.

40

Q. Had you had many dealings with Special Branch?

A. No.

45

Q. Did you know that Special Branch held dossiers on people of interest or, which often included photographs of the people, for example, participating in demonstrations?

A. I don't know if it went quite that far. I think we received some short instruction from or by Special Branch when I first joined the police and perhaps in the detectives training course as to what they did. I certainly had an idea of what they did. They looked at people who they suspected of being in groups or whatever it might be, but I had no interaction with Special Branch at all.

50

Q. In typing the screed you've obviously had some dealings or spoken to somebody at least from Special Branch?

A. It obviously looks that way, yes. Yeah.

5 Q. You don't have any recollection that they brought, to assist the officers who were going to these different premises, any photographs from their file of the different people who were named on the first screed?

A. No, I couldn't say that. I can't even remember doing that, typing the screed out, or speaking to people. No, I can't remember any photographs.

10 Q. You do have a recollection of taking scissors from Joseph Kokotovic?
A. Yes.

Q. Do you recall where that occurred in the house?

15 A. No. My impression was that he was above me, but that's - no, I don't. I don't know.

Q. Do you recall who was with you?

A. No.

20 Q. In the house some explosives were found?
A. Yes.

Q. What's your recollection of where they were found?

25 A. I can't really remember where they were. I can remember the explosive being the gelignite. I must - sitting here today, I can't recall the other items, but the gelignite I definitely - I definitely recall.

Q. When you say gelignite, what's your recollection of how many pieces, or?

30 A. There were - there were two part sticks of what's known as, I believe, industrial gelignite. It's much larger than the normal commercial gelignite, and that's the first time I'd ever seen it.

Q. The industrial gelignite?

A. Industrial gelignite. I'd never seen it before, or.

35 Q. When you attended the premises and saw the explosives, were you able to identify immediately that it was industrial gelignite?

40 A. Once - I'm only going from once I looked at it closely. Probably, I'd realised it was gelignite, but probably without getting close to it I doubt that I would have known until I had a closer inspection of it, yeah.

Q. Are you able to identify that it's industrial gelignite because of its size?

45 A. Yes. It's perhaps twice the diameter or more of normal commercial gelignite, and that much - even the part sticks were longer than normal sticks of commercial gelignite.

Q. To your knowledge in February 1979 how readily available was industrial gelignite?

50 A. I'd only be guessing because it was - it would be used by mining companies and the like, but I don't know.

Q. Then just asking you about your recollection as you sit here today.

A. Sorry?

5 Q. Asking you based on your recollection today, you remember taking the scissors?

A. Yes.

Q. Do you remember what you did with the scissors?

10 A. No.

Q. You can recall the explosives, but the two sticks of industrial gelignite--

A. Yes.

Q. --do you recall what happened after you discovered the explosives?

15 A. No, I - I can't. My next memory is of being back in the interview at the CIB. I can't - I can't remember what - what took place.

MCDONALD: Can Mr Grady's statement, the first statement of 19 February 1979 at Exhibit 4.2-81, commencing red page 630 be brought up?

20

HIS HONOUR: Dated 9 February? I think you said 19th.

MCDONALD: 9 February, yes, thank you, your Honour.

25 EXHIBIT 4.2-81, RED PAGE 630, SHOWN TO WITNESS

Q. Mr Grady, this is a copy of the statement you made. You made two statements, the second one was rather brief.

A. Yes.

30

Q. This is the statement which primarily deals with what occurred on 8 February and 9 February.

A. Yes.

35 Q. On the first page, if we can expand it down at paragraph 3.

A. I--

Q. Are you right?

A. Yes.

40

Q. Can you see, you say, "A short time later with the abovementioned police" you entered the premises.

A. Yes.

45 Q. I'll just pause there. I'm sorry, can we go up to paragraph 1? It commences with you not at CIB but being at the Burwood Police Station, and you've got Detective Sergeants Rogerson and Crothers, and then Detectives Howard, Parsons, Godden, Allan, and McHugh.

A. Yes, I--

50

Q. Detective Sergeant Crothers, had you come across him before?

A. No.

Q. Do you recall which branch or squad he was with?

5 A. I think from - from transcript, he's from the Special Branch. I think. I - I can't recall him, Crothers.

Q. Do you remember him being from Special Branch?

10 A. Well, I think it's somewhere in the transcript, that came up. Whether - I probably knew it then, I just don't know it now, where he's from.

Q. If we can then go down the bottom of the page to paragraph 3 again. At about the fourth line:

15 "With these police I then went up the stairs, I think, to the doorway of a small attic-type, from which I judged the light to be coming from earlier, and at the doorway of the room we met the three defendants, Joseph Kokotovic, Ilija Kokotovic and Mile Nekić, who were commencing to leave the room and move downstairs."

20 And that then you saw "the defendant, Joseph Kokotovic, was holding a pair of scissors in his right hand and said, 'We are from the police give me the scissors'"?

A. Yes.

25 Q. Then "He made no move to hand me the scissors and so I pulled them from his grasp"?

A. Yes.

30 Q. Can I just ask you, the spelling of scissors, is that how you usually spell scissors?

A. I thought S-C-I-S-S-O-R-S. I don't know, it's obviously how I spell it there.

Q. You don't recall whether you had a special way of spelling scissors?

35 A. No, I don't. No.

Q. When you say you saw the defendant Joseph Kokotovic holding a pair of scissors, was he holding them in a threatening manner, or possibly had you disturbed him mid-cutting a document or something like that?

40 A. No, from recollection he was holding them - he was grasping them in a fist.

Q. In either a defensive or an aggressive fashion?

A. Yes, yeah, sure, you could describe as that, yes.

45 HIS HONOUR

Q. What part of the scissors was he grasping in a fist?

A. I think the blades were protruding from the front of his hand, your Honour, from - that's the best I can do. It's --

50

MCDONALD

Q. Then, you pulled them from his grasp. Did he in a sense hand them over willingly?

5 A. I can only say, I don't think so. I think I twisted them out of his hand; I couldn't be sure. Couldn't be sure.

Q. You then record, "The three defendants moved back in to the attic room and we followed", and if we could go to the next page, red 631 please, up the top you've got, "On a small table inside the room I observed two half-sticks of industrial gelignite, four electric detonators and five relay delay connectors"?

10 A. Yes.

Q. That's a very, quite particular way of describing the explosives that you observed on the small table?

15 A. Yes.

Q. The ability to identify that the detonators were electric detonators and that there were five relay delay connectors there, what allowed you to identify them with that, in a sense, level of precision?

20 A. The industrial gelignite, I don't know if I - this is when the statement is typed out it's described in this way - I don't know that I would've described it immediately upon seeing it's industrial gelignite, but that is what it was, and between then and typing out the statement that was the description
25 used. Four electric detonators; I'd seen many electric detonators. Fuse detonators don't have wires coming out of them, they are just a detonator on their own, the fuse goes into the back and the fuse is lit and it explodes. Electric detonators have two wires, usually a red and a green, coming out of it with bare ends. Sometimes they have a covering on them,
30 sometimes not. They're easy to identify. Relay delay connectors, I'd only ever seen before at the Army demonstration, but I didn't really know until I had a good look a bit closer that what they were. Therefore, as I understand it, putting in a fuse line to delay the next fuse or an explosive, or to delay before the next fuse lights, that's what they are.

35 Q. The evidence you've just given was based on the training that you had received on those three or four training courses that you had attended?

40 A. Yes, yeah. I don't know about the industrial gelignite. That was what it was. We - how I found out that it was industrial as opposed to commercial, I can't remember.

Q. Then if you look at paragraph 4 you say, "The defendant, Joseph Kokotovic, then attempted to move quickly past me towards the door". You "took hold of his arm and he commenced to struggle violently". Do you recall
45 how he commenced to struggle violently?"

A. No. I can't really recall that at all. If you'd asked me earlier, I would've thought that when I took the scissors from him he was handcuffed then, but obviously not. I can't really recall that.

50 Q. When you took the scissors, what did you do with them?

A. I don't know. I obviously had them in my hand somewhere, but.

Q. Do you recall giving evidence that you put them in your pocket?

A. I saw that. Yeah, I - I've no recollection of it.

5

Q. Then you've got, "With Detective Counsel's assistance it then placed the handcuffs on the defendants wrists". Now, when you say defendants plural wrists, there's no apostrophe there.

A. Sorry, I've just - yes, I see, yeah. No, there's supposed to be, yeah.

10

Q. Yes. Who was handcuffed at that stage?

A. Joseph Kokotovic.

15

Q. He was the only one, because you've also said Ilija Kokotovic and Mile Nekic were in the room, but you only arrested one person at that stage?

A. Well, I only arrested one person in any event. I didn't arrest the other two.

Q. I'm sorry, that was a poor question. At that stage, did you witness any of the other detectives arrest any of the other men in the room?

20

A. Not that I recall.

25

Q. Now, can I just pause there. You were given in the first screed, names, addresses, so you know at least two of the people live here, but your recollection is you weren't given photographs or a description of anybody. In your statement, you've identified that it was Joseph Kokotovic with the scissors, the one who tried to, you know, leave the room that you grabbed, et cetera. The identification of him as Joseph Kokotovic, when did you determine that?

30

A. Well, I can't remember, but I know, I think when we were downstairs, I asked him his name, and well, maybe upstairs, I can't - but I asked him his name and date of birth and what have you. That would have been the first I'd have known that that was Joseph Kokotovic.

35

Q. Then just, if we just look at this relatively quickly, you - sorry, Detective Counsel - I do apologise - says, "You're under arrest", and you say he put his head down, did not answer, and then, "I then left the defendant with Detective Counsel, walked over the table and picked up the explosives"?

A. Yep.

40

Q. Now, at that time, it sounds as if rather casual that you went over and picked up the explosives. Did you ascertain what state they were in at that stage, if they were in a dangerous state, whether you could just pick them up?

45

A. All I can say is I would have, I can't recall, but I wouldn't just go over there and pick them up in case there were detonators in them, I must have looked at them and satisfied myself that I could handle them before I picked them up.

50

Q. Then if you look, if we can just go to paragraph 5, you and Detective Counsel escorted the defendant down the stairs to a small room adjoining the kitchen, and you put the explosives on a table, and then you search the room?

A. Yes.

Q. Now, did you have your notebook with you at the time?

A. Well, I can't remember. Yes, I did because I wrote in it, yes, so.

MCDONALD: Could the witness be shown Exhibit 4.2-85, red page 643.

5

Q. Mr Grady, see, we have page 59 of a notebook. The copy we have, and it's only a photocopy, goes through to - opposite page 2, it would have been 62. Looking at the handwriting, do you recognise that as your handwriting?

A. Yes.

10

Q. Do you recall these as some of the notes that you made on the night of 8 February and then into 9 February, I can show you the other pages if you want to have a look?

A. Yeah, I agree that that's what I did. I can't remember physically writing it, but yes.

15

Q. Just have a look at page 59 to begin with, and can you see it's got "10.30, 8/2/79"?

A. Yes.

20

Q. Then "Joseph Kokotovic"?

A. Yes.

Q. It would appear, "26 old", I think?

25

A. "26 old", yes.

Q. Could we then go to the next page, red 644. Can you see that on the left-hand page there continues to be some observations and then you've got what appears to be a tick, and then we've got 12.20 on 9 February 79?

30

A. Yes.

Q. Now, when you start making a new entry, was it your habit to kind of put such a tick in between entries?

A. I don't know if it's a tick or just the pen, just a slash mark, probably. I don't think it was meant to be a tick.

35

Q. Could we go back to page 643 and page 59 of the book, please. Now, this entry, which is 10.30, you've got the address and then you've got, "No phone"?

A. Yes.

40

Q. Can you decipher the rest of your writing, please?

A. I think it's, "Dressed, dark blue shirt, blue jeans and shoes". Shoes. It'd be funny just for me to say, "shoes". That's what it looks like, "shoes". "The explosives located".

45

Q. Then if we can go to the next page. Up the top?

A. "In attic-type room at the top of stairs. Two by half six industrial geli". It might be a plus sign, "04"--

50

Q. I'm sorry, what's?

A. After "geli", it might be.

Q. Plus or and?

5 A. It might be, yeah. Yes. Or "Elec dets and five relay delay connectors on table."

Q. On that page you can see we then go to 12.20 on 9 February.

A. Yes.

10 Q. The notes that you've taken there of details about Mr Kokotovic and also the explosives that you located in the attic-type room at the top of the stairs. When were those notes made?

A. That's above what you called the tick?

15 Q. Yes, above the tick or the slash.

A. Well, it's 10.30. I can't remember making that, but 10.30 is recorded. We would have had to have been at the house, so I don't know, it would have been made in the house.

20 Q. Then do you have a recollection of--

A. No.

Q. --filling out your notebook?

A. No.

25

Q. What was your general procedure that if you were on a raid, and for example, it would appear at sometime during the raid Mr Joseph Kokotovic has been arrested, and you've identified these explosives; was your practice to try and make the note of what happened or what you saw either at the time or immediately afterwards?

30

A. Yes, reasonably so, so, yeah, the record of where things were found, yes, or who was there. Yeah.

35 Q. If we could go back to the statement, please of 9 February, is it 4.2-81, and this time red page 631.

A. So what did you want me to read?

Q. If we go back up to paragraph 5.

A. Yes, I have that.

40

Q. I took you to "Carry out a search of the room", and then you say, "Sometime later I placed the explosives in the boot of our police vehicle and the defendant was placed in the rear seat", and then you went back to the Special Breaking Squad at the CIB where he was seated in an interview room.

45

A. Yes.

Q. I just want to ask you some questions about the explosives. When I use the term "explosives" it's to include the gelignite, the detonators and the connectors.

50

A. Yes.

Q. You say that you placed those in the boot of a police vehicle. How were they placed in the boot?

A. Well, if you're asking for my memory, I don't recall, but I know how I did on many occasions place explosives in the boot of a police vehicle.

5

Q. You have done that on a number of occasions?

A. Yes.

Q. Before 8 February 1979, had you done that?

10

A. Yes.

Q. Did this arise during your duties as a member of the Breaking Squad?

A. Yes.

15

Q. In what circumstances did you come across explosives that you had to transport?

A. Well, searches of various premises. At the scenes of attempted safe robberies. The large quantity - or that wasn't placed in a police vehicle, sorry, no. You're talking about take possession of and place in a police vehicle?

20

Q. Yes.

A. That would be about it. It would be recovered by police or myself or other police from premises, you know. Usually, yes. No, I'm sorry, also there's at least one occasion I recall when a car was searched and there was quite a reasonable amount of gelignite found stored in the - in behind the - the doors. We had to pull off the inside covers of the doors. There were over a dozen or more sticks of gelignite and detonators and what have you within the car. That's about all I can think of at this stage, yeah.

25

Q. Were you trained in the safe transportation of such explosives?

A. I don't know that you'd say trained. I was certainly shown by the first two workmates I had at the Breaking Squad what to do, and how to safely convey explosives, mainly gelignite. I mean, nearly 100% of the time that was the explosive of choice by safe breakers and what have you, was gelignite, so we dealt with it not infrequently.

30

Q. Can you recall how did you ensure that the explosives were in a safe condition, or safely secured or placed in the boot of the car to allow to get them plus you, Detective Counsel and Mr Kokotovic safely back to CIB?

40

A. I can only tell you what I always did. I've got no recollection of - of that night in particular.

Q. Let's start with what your usual procedure would be in those circumstances.

45

A. All right, well, in the boot of all the - the GT Falcons that were the Breaking Squad, and I take it other police vehicles, and certainly those, there was a welded - I described it, I think, before as a box area, but it's an open box. It's a rectangular area on the right-hand side of the boot of the vehicle, probably 5 centimetres, 4 centimetres high and square. I placed the gelignite in that area so that it couldn't roll and move around the boot of the car. What I'll

50

usually do then with detonators, if I had them, the first thing you do is ensure that the wires are either together or apart in such a manner that they can't come together, and store them then on the far side of the boot where the petrol pipe, if you like, and the filler pipe, comes down through the boot and into the tank, there's an area there, it's a fairly small area, right in the back, put the detonators over in that area so they couldn't move. I probably would've put the relay delay connectors in the same area. I don't know.

Q. Can I just confirm, you said this in a sense open silver box, it was on the right-hand side?

A. Towards the right of centre. I suppose, if you're going to divide the - into quarters, it would be a quarter of the way across from the left-hand - from the right-hand side of the car.

Q. So from the driver's side?

A. From the driver's side, yes. It was - I believe, I could be wrong, that it was put there for some type of radio that went in the vehicles at an earlier time and they've kept on fitting whatever the fitting was and the radios changed, I don't know, but it was in all the cars. And, yeah. And, I might add, it was shown to all counsel in the trial.

Q. When you say counsel, as in the legal representatives?

A. Yeah, not - yeah, not Mr Counsel. No. There was a query made whether - I think through the Crown - where we would show that bringing a vehicle up and I took I think it was Mr Shillington at the time, and others out and showed them the boot of the vehicle.

Q. I don't know in your experience of giving evidence as a police officer that sometimes with a jury there's a thing called a view where you take the jury and show them a particular position or a--

A. No, I didn't show - not the jury we didn't show, no.

Q. It was just the legal representatives?

A. It - well, should've got - I don't know if the jury was shown it, but not by me. Yeah.

Q. All right. So this was in a sense outside the courtroom, it was something that was organised?

A. Outside the old Central Criminal Court in Darlinghurst, yes.

Q. Do you recall whether defence legal representatives were there?

A. Yes.

Q. Do you recall whether this was round the time of the committal or the trial proper?

A. No, the trial.

Q. The trial was--

A. The committal was--

Q. --held at Darlinghurst?

A. At Darlinghurst Court, yes.

5 Q. So your recollection is this in a sense demonstration occurred during the trial?

A. Yes. I don't know whether it was during the voir dire, but yes, the trial overall, it was - it was one or the other, yes.

10 Q. As you sit there today, you can't recall whether that procedure was followed on this occasion, but--

A. No.

Q. --that was the way that you had been trained in safely moving explosives?

15 A. Yes.

Q. I take it the car that you and Mr Counsel were travelling in was a car from the Special Breaking Squad?

A. Yes.

20 Q. This is jumping ahead a little bit, but your experience of attending raids or other operations where explosives are taken, and they're then transported in the police car to CIB, what happens to them when you get to CIB? Is there some kind of procedure whereby they're entered into like a book or a register, or something like that?

25 A. No, most times they'd be taken directly - well, maybe for a short time the CIB, if someone's being interviewed or whatever, but take them directly to the Dangerous Goods Branch, which was just virtually up the street; it was on the corner of Macquarie Street - Macquarie Street? Yeah, and Oxford Street. Which was just up the - not Macquarie, sorry--

30 Q. Not Macquarie.

A. --yeah.

Q. College?

35 A. The continuation of College Street; the street that runs down towards Central Railway.

Q. Wentworth Avenue?

40 A. Wentworth Avenue, yeah. It was on the corner. Yeah.

Q. All right. So you record in your notebook what was found at the house.

A. Yep.

45 Q. You then put it in the boot of the car and with Mr Kokotovic you then travel to CIB?

A. Yes.

Q. You gave evidence that your recollection was being at CIB and Joseph Kokotovic being in an interview room?

50 A. Yes. I remember being in an interview room. I - to be fair to him, I can't

remember what Mr Kokotovic even looks like but he was the one that was with us in the room, yes, yeah.

5 Q. Bringing him in, you're obviously aware that other raids were being conducted on that night?

A. Yes.

Q. Did you know those locations?

10 A. Not as I sit here now. If I typed a document, on the matter, I would've probably known the - I don't know.

Q. When you left Livingstone street, Burwood, did you know whether the other Mr Kokotovic or Mr Nekic had been arrested?

15 A. I don't know. I don't know.

Q. Did you anticipate that they would be arrested?

A. Well, I would imagine, I would certainly anticipate it now, but yeah, I would imagine so, yes.

20 Q. As you've said, in the screed, there were at least two other addresses. There was one at Ashfield and one at Bossley Park. When you got back to CIB, was it a little bit of like a hive of activity, were there a lot of officers running around or?

25 A. I can't remember, I really can't remember.

EXHIBIT 4.1-LLL, RED PAGE 128-1, SHOWN TO WITNESS

30 A. Well, while that's being done, do you want me to expand on an answer that I gave earlier about the incident at Toronto Golf Club, the date of that?

Q. Well, I'll quickly ask you while we're finding that. This led to the fourth training about a particular explosive?

35 A. Well, I don't know that it led to it, but it was around the time of April 1977 that that occurred, so it would be somewhere in that - excuse me - ambit.

Q. Your recollection was that was the fourth course you did?

40 A. Well, the fourth training day, or whatever you'd like to call it, was to do with an explosive called Metabel, a plastic explosive which was being used to blow safes around the Newcastle and Hunter area.

Q. Can I ask, did you Google--

A. Yeah, I did when I went outside, because I couldn't remember when it was, yes.

45 Q. So you Googled, and that's how you refreshed your memory?

A. Yes.

Q. Alright. Have a look at this. It's a floor plan. Maybe if we can expand it a little bit?

50 A. That's fine. Otherwise it gets a bit too big.

Q. Now, some initials have been added. Can you see up the top there is the blue initials, JK?

A. Yes.

5 Q. Then if you go along to the far right-hand side, there's MN?

A. Yes.

Q. In blue again. Following down from MN there's IK?

A. Yes.

10

Q. Then if you go down to the bottom left-hand corner, there is VB and AZ?

A. Yes.

15

Q. Looking at the floor plan, up where JK is, there's a reference to Special Breaking Squad?

A. Yes.

Q. Then there appears to be something that divides two areas, and then down towards the bottom of the page, we've got Armed Hold Up Squad?.

20

A. Yes.

Q. Now, does that accord with your recollection roughly of the set-up--

A. Yes--

25

Q. --of that floor of the CIB back in February 1979?

A. Yes.

Q. The division between the two areas, was that a series of lockers?

30

A. Yes, it's a series of, I think there are four or five door lockers up to about, between waist and shoulder height.

Q. Now, going back to where JK is, is that an interview room?

A. It is, yes.

35

Q. Is it your recollection of that was the interview room where you interviewed Joseph Kokotovic?

A. Look, I can't recall, but it would have to be, because it's the only actual interview room in the Breaking Squad area. The other two interview rooms were in the Armed Hold Up Squad area.

40

Q. The what, sorry?

A. The Armed Hold Up Squad area.

Q. Even the one at the top right-hand corner that's got MN?

45

A. No, that's the detective sergeant in charge who was McDonald, I think, at that stage. That's his office. That's along where the three black squares are, all of that area there is glass. You can see straight into that office. It's not an interview room as such. It was sometimes used that way, but it's--

50

Q. That's what I was going to come to. Just travelling down from MN where

you've got IK, that seems to be in the Armed Hold Up Squad area, is your recollection of the area where IK was, was that an interview room or something else?

5 A. I can't remember. I can't remember that. No, I can't remember what was there.

Q. If you travel then across to those two rooms where the initials VB and AZ appear, towards the left-hand bottom?

10 A. Yes, they were interview rooms.

Q. Right, and they're within the Armed Hold Up Squad area?

A. Yes.

15 Q. So jumping back to where JK is, that particular room was the designated interview room for the Special Breaking Squad?

A. Yes.

Q. Now, the use of the word, "Interview room", that means that that was its kind of dedicated purpose?

20 A. Yes, that's what it meant to be. I mean, we use it to lock ourselves away to do briefs and what have you, so you wouldn't - all that sort of thing. I mean, we used the Armed Hold Up Squad interview rooms if we had to, and they used ours. It was all interchangeable, if you know what I mean.

25 Q. What was in the interview room?

A. Some lockers, I think. Well, table, chairs, typewriter.

Q. You think there were lockers?

30 A. Yes, I think so.

Q. What were the lockers used?

A. When I say lockers, I can't remember the - brief cabinets. I can't--

Q. Or brief cabinets?

35 A. They could have been brief - I can't really recall. They might have been brief cabinets. More - more than lockers, because no-one had personal lockers, that I can - I might have to correct myself there, but I can't remember having a personal locker, as such, other than a lockable brief cabinet, you know.

40

Q. If a member of the Breaking Squad had a personal possession, say like a motorcycle helmet or something like that, so they drove their motorbike to work and wanted to keep the helmet upstairs in the office, where would it be kept?

45 A. No idea. I know where you're coming from, but there's no-one that I know that rode motorcycles in the - in the Breaking Squad.

Q. In the branch?

50 A. No. What, in the whole of CIB? I don't know about the whole CIB, but they wouldn't come to our floor. Unless they were the Breaking Squad. I'm not suggesting that no-one in the CIB which is ten or 15 squads or whatever, didn't

ride a motorbike. I don't know. Yeah.

5 Q. No, I shouldn't have suggested that, sorry. It was more on the Special Breaking Squad, but just out of interest, if you did have like a personal item, you said there weren't personal lockers?

10 A. Not personal, but how do I describe this? I'm not talking about personal stand-up lockers, you know, that you undo and you can hang clothes and what have you. I can't remember having one of those, but we had personal steel cabinet, like brief lockers. You'd fit a helmet in that if you wanted to, I mean, they were quite large, like normal steel lockers.

Q. When you used the words "brief cabinet" I assumed you were talking about brief of evidence.

15 A. Well, yes. Put briefs in there, or whatever you wanted to in there, I suppose. Yeah, but there was four, they were four or five drawers high. They'd lock, you had the key.

Q. Just out of interest, did you have assigned desks?

20 A. Yes.

Q. But it was an open plan?

A. Open plan, yes. Yeah.

Q. Jumping along to where MN appears, your evidence was--

25 A. Yeah.

Q. --that was Detective Sergeant McDonald's office?

A. Yes, that was his office in the corner, yes.

30 Q. It would appear that he was up at Lithgow--

A. Yes.

Q. --on the night of 8 February. Is it your recollection that that was used as like a de facto interview room?

35 A. Well, I don't know if - it's very difficult to remember once you've read transcripts and the like, and try to rely on your - I seem to remember Godden in the - in that room. It was like a goldfish bowl, I mean, that you can see straight through it. But I couldn't be sure.

40 Q. The interview room that you were in, was that like a goldfish bowl?

A. No, no, it's a closed-in room. The interview, the three main interview rooms on that floor were all enclosed with just a door. Sorry, the one with JK written on it had a window, and similarly, the one with VB written on it had a window, that the other one with AZ didn't, it was an enclosed, just an enclosed room.

45 Q. The windows on the JK and the VB room, did they look out into this open plan area?

50 A. No, no, no, no. They looked out - the one with VB looked out - looked out onto Hyde Park, and the one with JK looked - well, buildings, but down towards the direction of Central Railway.

Q. You have Joseph Kokotovic in the interview room. How was it decided that you and Mr Counsel would interview him, or offer to interview him?

5 A. It would be normal, you're following normal procedure. Following the fact that we arrested him, so it would be not impossible, but unlikely that you would then hand that person over to someone, unless you were there as some sort of backup for say a pair, or four detectives that might be running an operation, and even though you arrest someone, you - give them note of it. There was no-one, as I understood it there to be in charge of each individual, other than those that took custody of them. That's the - that's the best I can, yeah,
10 answer.

Q. What do you recall about conducting the interview with Joseph Kokotovic? Can I just pause there. When, February 1979, when you were interviewing a suspect or somebody you've arrested, did you have a way that
15 would be your kind of preference to how you proceed with interviewing somebody?

A. Well, you'd usually - are you talking about me personally, or on this night?

Q. I'll start with you personally.

20 A. Probably by way of record of interview. It would be--

Q. I'm sorry?

A. By way of formal record of interview. A typed, formal record of interview.

25 Q. At this stage you didn't have the facility like tapes or ability to record interviews?

A. No.

Q. So you're talking about a typed record of interview.

30 A. Use the old - the old - Olympia typewriter, yes, yeah.

Q. That would include the person asking the questions and then the person typing?

35 A. Yes.

Q. To proceed in that way, again the optimal way of proceeding, was it questions are asked, answers are given, and that's typed?

A. Yes.

40 Q. I'm sorry, there would also obviously be a caution given at the beginning?

A. Yes. That or very close to the beginning, yes. Yes.

Q. At the end of the interview, was it then a matter of giving it to the person being interviewed and asking them to read through it?

45 A. Yes, or read it over to them, one or the other, yes.

Q. Then getting them to sign it or in some way verify or authenticate it?

A. Yes.

50 Q. Was another optimal way of proceeding to bring in like an independent

officer or another senior officer?

A. Yes, supposed to be an independent officer, not involved with the.

5 Q. Who could then either read through it with the suspect or confirm with the suspect that they've read through it and that they adopt the questions and answers?

10 A. It's going back a long time now, but I - my recollection is they just came in to make sure that the person had no complaints, that they'd made the record of interview of their own free will, and no threats, coercions, et cetera, and if they had any complaints. I can't recall them reading it out or reading it over to them, no.

15 Q. If you were able to get that independent senior officer to come in and ask those series of questions that you have identified, is that incorporated in some way in the record of interview or recorded in some way?

A. Yes, well a senior officer might record it, or he might just sign and date it, but there'd be some indication on the formal document that he or she had undertaken that the phase of duty, yeah.

20 Q. In the questions I've been describing it as the optimal way of proceeding, and it was optimal because often in an interview you're giving the suspect an opportunity to give their account?

A. Yes.

25 Q. But as part of that you can often get very good or helpful admissions or other information that will be useful as evidence if you eventually go to trial?

A. Yes.

30 Q. Now, in your experience up to then in the Police Force, had you come across times where a suspect may have said something either in an interview or in other circumstances it wasn't recorded in the optimal fashion, and when you go to trial, they've suddenly denied that they said that?

A. Yes.

35 Q. So it's important to the best that you can to hopefully proceed along the lines of the optimal way?

A. Yes.

40 Q. Now, if the optimal way isn't available, what was the next best way of trying to record the suspect's account and often hopefully, from your perspective, admissions?

A. Well, to ask them questions and write out the questions and answers.

45 Q. Again, in doing that, you had that division of labour with one officer asking the questions and one officer writing them down?

A. Yes.

50 Q. Going through that procedure which would be very similar to the typing procedure except you're not typing, somebody's taking it down--

A. Yes.

Q. --again, ideally you're going to ask or seek the suspect to adopt or verify the answers taken?

A. Well, yes. Under certain circumstances.

5 Q. What are the circumstances?

A. The main reason that people didn't want to take part in a typed record of interview was because when it's completed it's booked into their property, and if they don't get bail and they go to the gaol, so does the document. And that's why many suspects, criminals, depending on what you want to call them, wouldn't take part in a formal record of interview. They don't want that in the gaol system. That was number one. Number two, the notebook was a, or a written record of interview if you like, was different in that it would not form part of their property. Some of them were alive to that and happy to go along with it, others weren't. I mean, a large percentage of them wouldn't tell you anything. You didn't have an interview at all. That's why on this occasion we endeavoured to have a record of interview with Mr Kokotovic and I think that's been verified by counsel appearing for him at the committal proceedings. That that was undertaken and he refused or didn't want to go along with it, yeah.

20 Q. Can I just ask you some questions; so if you had a typed record of interview, a copy of that actually became part of the property of the--

A. Yes. When you charge someone, you take them down to the police station and when they're charged, they're searched and all the property is entered up and goes into a property bag. If that person doesn't get bail and goes to Long Bay or somewhere else, the property goes with them. The trustees, as they call them--

Q. The what, sorry?

A. At the gaols, the trustees, the prisoners who work in the, in the receiving dock and whatever, they enter up all the property normally, so it became very quickly known that records of interview from their early inception started to spread around the gaol system, and so they didn't want to take part in records of interview.

35 HIS HONOUR

Q. I take this is something that, in your experience, applied to people who had the experience or the knowledge--

A. Of the gaols--

40

Q. --that that's what occurs?

A. Yes, your Honour.

MCDONALD

45

Q. Now, you just gave evidence that I think you offered a record of interview a typed record?

A. Well Counsel did.

50 Q. I'm sorry?

A. Detective Counsel did, yes.

Q. So, you're with Mr Joseph Kokotovic in the interview room. You're assigned the role of the typist?

5 A. I can't remember, but yes, I was, and I would have been. Yes, I was the junior man, yes.

Q. Do you recall actually starting to type anything?

10 A. No, I can't as I sit here now. No.

Q. Do you recall what Mr Kokotovic said to you which prevented or stopped the typed record of interview process continuing?

15 A. I can't remember, but I know what he said by what I've said it in my statement, what have you. That he didn't want to take part in it, yes.

Q. To your knowledge, had Mr Kokotovic been in gaol beforehand?

A. I couldn't answer you, I don't know.

20 Q. Or exposed to the thinking that you just explained to his Honour of people being adverse because they were going to be denied bail and didn't want it to get round the gaol that they participated in a record of interview - sorry, that was a very long question.

A. Sorry, I didn't realise, I thought you were stating something to me.

25 Q. Do you recall that, I suppose, with your understanding of Joseph Kokotovic's situation at the time of the record of interview, what I'm suggesting to you is that he wasn't a seasoned criminal who'd had that experience of being in gaol and the adverse consequences of having a typed record of interview?

30 A. No, I'm not suggesting that. I think I would have known that if he'd been certainly someone who had a number of convictions or something, I'd have known that. I don't know that about him.

Q. But he didn't want to participate in the typed record of interview here?

35 A. That's right.

Q. Do you recall his reason why?

40 A. Only from what I have in my statement, but I can't really recall what he said that night.

MCDONALD: Could we just bring up the statement again, please? 4.2-81 and page 631.

Q. If we can look at paragraph 6, is that--

45 A. Yes, I can see that now.

Q. Is that okay for you?

A. Yes.

50 Q. Now, this is after you've both entered the room where the defendant was

seated and Detective Counsel's doing the talking and he gets those details which have already reflected what you've recorded in your notebook from when you were out at Livingston Street?

A. Yes.

5

Q. After he confirms where he lives, you say, "I then place some paper in the typewriter and commence to type, and the defendant said, 'I'm not going to say anything at all if he types it down', indicated towards me. 'They will kill me if they know'?"

10

A. Yes.

Q. Now, where you say you commence to type, was that just typing some preliminary information like, name of person participating in a recorded interview, things like that?

15

A. I can't remember what I typed or how much I typed. I commenced to type - I don't know.

Q. Now, I want to ask you about what he said. "I'm not going to say anything at all if he types it down. They will kill me if they know". Now, from your notebook, which I can take you to, and also your statement, the statement that Joseph Kokotovic makes, that "They will kill me if they know", doesn't seem to have been explored at all?

20

A. Doesn't seem to be what, sorry?

25

Q. Doesn't seem to be explored by you or Mr Counsel at all, like a question about who?

A. I wouldn't have been exploring it.

Q. You don't have any record of Mr Counsel or Detective Counsel saying, "Who are you talking about? Who's 'they'? Why will they kill you"?

30

A. Well, I don't know what was his mind, but "they" would convey something to me, I would have thought.

Q. Sorry?

35

A. 'They' would convey something to me, 'they'.

Q. What did it convey to you?

A. I'd say it would now. I don't know what it conveyed to me at that time, but they being the other people who were arrested. I don't know, that's - that's the immediate thing I would think of.

40

Q. If it was the case that one or all of the other people arrested would kill him if they know, that would suggest them being prone to violence?

A. Yes.

45

Q. Isn't that important intel or information to gather about suspects in a bombing conspiracy?

A. Yes, it would be, yeah.

50

Q. But you have no recollection of Detective Counsel asking any follow-up

questions?

A. I don't know without reading it through. I don't know, but if he did, he did; if he didn't, he didn't. I don't know.

5 Q. I know you've given evidence that you were the junior officer in comparison to Detective Counsel.

A. Well, in comparison to everyone there that night, I think.

Q. Okay, When you say everybody, is that--

10 A. Everyone on our as you've described it, raid. I'm not sure about McHugh. He may have been junior, but I don't think so. I think I was the junior officer.

Q. Everybody who attended Livingstone Street, Burwood?

15 A. Yes.

Q. Is that also why you were chosen to type the first screed?

A. Probably. I was the young whelp that was there, that was put in the position to do it. I don't know.

20

Q. If something arises like that, and at that point you're not recording anything because the typing has stopped, and you haven't picked up your notebook yet; is there scope for you to suggest something, like ask a question at that point? Or are you very limited now to your designated roles of you're the scribe, and Detective Counsel is asking the questions.

25

A. No, not - I wouldn't see it as my place to come in particular, though nothing's really started. There's only been a comment made. There's no interview as such started. To jump in and suggest to a senior man why don't you ask him this or ask him that, before he's even really begun the interview; no, I don't think it would be proper at all to do that.

30

Q. If we just stay with your statement at the moment, and I'm not going to take you through this in detail, but you can see at the bottom of the page Detective Counsel suggests that you'll record the conversation in your notebook, and it would appear that that's agreed to by Mr Kokotovic.

35

A. Yes.

Q. Just to give you an example, go to the next page, starting at paragraph 7. The way the statement continues, it's very much Detective Counsel said, Joseph Kokotovic said.

40

A. Yes.

Q. In a way, it's recording questions and answers--

A. Yes.

45

Q. --but you were doing it in longhand in your notebook?

A. Yes. Longhand in a, what can I call it, a shortened form of longhand, in some instances, but yes. Yeah. I was recording it.

50 Q. Were you proficient in actual shorthand?

A. No, not Pitman shorthand, no.

Q. Some officers were?

5 A. Ex-cadets. Cadets had to do shorthand typing. They'd be much more proficient at typing and what have you than we mere mortals were at the time. It's, yeah.

Q. Can I take you back to your notebook, which is Exhibit 4.2-85, and if we can go to page red 644.

10

EXHIBIT 4.2-85, RED PAGE 644, SHOWN TO WITNESS

Q. On the page opposite page 60 we've got 12.20, 9 Feb, February 1979. You repeat Mr Kokotovic's details.

15

A. Name, date of birth, yes.

Q. Then you seem to start on question longhand, and then answer.

A. Yes.

20

Q. If we can just go through then page 645 it continues, and then page 646--

A. I'm sorry, I'm not following you. Down the bottom, yes.

Q. I'm sorry, they're the brief numbers. You've got an unnumbered page, and right down the bottom it appears to kind of stop mid-answer.

25

A. Yes.

Q. You may not recall this, but there was evidence at the trial that you actually continued writing on another page in this notebook. What's your recollection of the notebook or notebooks that you used to record the record of interview?

30

A. I can't really remember, to be quite honest. I can't. If you'd asked me prior to me reading any of these transcripts and what have you, I'd have said the interview was probably by way of record of interview. I can't remember, but that's my writing. I certainly wrote that, and I think in my evidence I said that on the other side of this page there's an arrow, and some further writing, or something. It's from reading the transcript.

35

Q. But do you recall it was the end of the book?

A. Sorry?

40

Q. It was the end of this notebook?

A. Yes. I think I said it was, well, it wasn't quite the end, but most detectives had a method of writing urgent messages and what have you, and starting at the back of the notebook. Things that were happening on a daily - the notice yard, this car was wanted for an armed hold up; this, you know, this person frequents this address or something. You'd put details like that starting from the back to the front, and I think I've, I've met up with the, the front's met up with the back, if I could describe it that way. Yeah.

45

Q. So with your notebook there was the commencement of the notebook which I take it was in chronological order?

50

A. Yeah, from the start, yes.

Q. And it would record, as we've seen here if you attended a location for a raid and a brief description of what you found there or who you arrested?

5 A. Yes.

Q. Now we've got this detailed account of a record of interview with somebody you've - or somebody that Detective Counsel arrested?

10 A. Yes.

Q. And you're saying that from the back of the book do you used to just jot down notes or things that were relevant for a particular day or information you got?

15 A. Yeah. Before you went out - if you're going out on a patrol or out to - there might be a message come over or something about the - or someone on the squad might say Joe Blow was seen in this sort of car around Sutherland, you're going out towards Sutherland, aren't you, you know, so you'd jot down; those types of things.

20 Q. Those notes that you'd jot down would not be in chronological order, with the--

A. Well, they would in terms of when you wrote them from back to front, which is going in reverse; that's all. That's the--

25 Q. Would they be in a chronological kind of jotting down note order?

A. Yes.

30 Q. Do I take it from that, after this page you get to page 62 and the chronological, if I can call it official notebook, meets with the jotting down note part of your notebook?

A. Yes.

Q. And you've run out of space?

35 A. Yes.

Q. All right.

A. I don't recall that, but that's - that's the thrust of what I've said in the transcripts and what have you, that's what happened, yeah.

40 Q. It seemed to be a very small notebook only being about 61 or 62 pages?

A. Yes, they were quite hopeless actually, they are very small, and very difficult to write in because they just fit in the palm of your hand; they're only the length of my - a bit wider than the palm of your hand, they're not - not a big book at all.

45

Q. In the middle of the interview you suddenly run out of pages?

A. Yeah.

Q. You then ask Detective Counsel for his notebook?

50 A. I'm - yeah, I would have. Yes, I can't remember how I ended up with it, yes,

but - I think so I ran out and go to his or I ask for his, I can't recall - I don't know.

5 Q. This is occurring in the very early hours of 9 February; you can't run and get a replacement notebook?

10 A. No. The inquiry office downstairs is locked at the - the notebooks, when you finish them you have to sign one in to sign another out. You can't have two at the one time of course, unless you sign the one out that you've just signed in so that you can complete a brief with it, but it has to be returned to the inquiry office.

Q. It wouldn't be open at one or two in the morning?

A. No. No. No.

15 Q. At the committal you were shown the entries that you made in Detective Counsel's notebook and your evidence was that you went to the page that he was up to and wrote in capitals "GRADY", and then continued making a note of the record of interview?

20 A. Yeah, that's right, I said in the transcript - I'll have to have a look at it, but I can't - I can't recall, yeah.

Q. We don't have a copy of Detective Counsel's notebook so we can only take you to yours. Just while it's up there, would you agree that your handwriting is rather difficult to read?

25 A. Yes, I'd have to agree with that.

Q. Were you known or notorious within the Breaking Squad to have, if I describe it as atrocious handwriting?

30 A. Yes.

Q. Did Detective Counsel know you had atrocious handwriting?

35 A. He probably wouldn't have at that stage. I'd - I think this is the first job I did with him. I might stand corrected, but I can't recall anything else we did before this.

Q. The proposal of Mr Kokotovic doesn't want it typed, so the next option is the handwriting, did you raise with Detective Counsel anything along the lines of 'I really shouldn't be the one taking it down, nobody's going to be able to read it'?

40 A. No, I didn't; perhaps should've but I didn't, no.

Q. Was it a matter that, as you've said you were the more junior officer and it was your role to be the scribe and you just did it?

45 A. Yes. That's the way that it was always conducted in my, you know, in my experience. You were the - as I said earlier, the driver-typist, yes.

EXHIBIT 4.2-81 RED PAGE 632 SHOWN TO WITNESS

50 Q. This is part of the record that you were creating, now typed up in your statement?

A. Yes.

5 Q. I want to take you to the top, paragraph 7, where Detective Counsel introduces himself, talks about the information from Lithgow and then I want to ask you, "I intend to ask you a number of questions about both this matter and your possession of these explosives we took from your home", and then in brackets, "Indicated explosives", "Do you understand that", do you see that?
A. Yes.

10 Q. So, the explosives were in the interview room with you?
A. Well, I know they were on the floor, but I can't recall.

Q. Why were they on the floor?
A. Probably because I put them there.

15 Q. There was no other, you couldn't put them on one of the brief cabinets or fit them - it just seems a little bit strange putting explosives on the floor?
A. No, not really - well, explosives or any other thing that you might have been speaking of, but the explosives were explosives, so that's probably why I put
20 them on the floor. Otherwise, you might bring items in, if you go interview someone about them, put them on the other end of the table. But more safe so people couldn't hit them or knock them or anything else, probably put on the floor. I can't even remember them being there, but that's the only explanation I can give you.

25 Q. Again, the explosives we're talking about, the gelignite, the detonators and the relay connectors?
A. Yes.

30 Q. Your evidence was that your procedure in transporting them would have been to ensure that they're in a safe state?
A. Yes.

35 Q. So, I take it from driving to CIB and parking the car, you then took them upstairs?
A. Yes.

Q. Then you've retained, in a sense, custody of them now being on the floor of this interview room?
40 A. Yes.

Q. At any stage when you got back to the Breaking Squad, did you make a record or any note that they had come back with you and currently were in the Breaking Squad area?
45 A. No, well, apart from the notebook, there's no real record as such to keep about that. There's no exhibit book or anything else in the Breaking Squad or the Armed Hold Up Squad office.

50 Q. Just on that, putting to one side explosives, but if you participated in a raid and you seized non-explosive items, for example, and you took, you arrested

somebody, you took them back to the Breaking Squad, the particular item wouldn't be entered in an exhibit book in the Breaking Squad?

5 A. No, but what would happen is, normally you would interview the person if they wanted to be interviewed. If there's enough evidence there, take them down to charge them, usually at Central from the CIB. You'd take the items with you. They would be there, cited by the station sergeant, and end up in the exhibit book and put in the exhibit room at Central Police Station, yes.

10 Q. Now, do you recall during this interview with Joseph Kokotovic being either interrupted at different times by other officers with information?

A. No, I don't recall. I know that I was according to my statement and my transcripts, but I can't recall.

15 Q. Do you recall leaving the interview room at times with the explosives and taking it to other interviews?

A. No, not particularly, but as I said earlier, I've got a recollection of seeing Bob Godden, Detective Godden, in the Breaking Squad boss' office, the glassed-in area. No, I can't recall beyond that.

20 Q. Do you recall before starting the interview being given further information, which I think has been described as the second screed?

A. No, I can't - I know that we were, but I can't recall.

EXHIBIT 4.2-83 SHOWN TO WITNESS

25 Q. Can you see that, Mr Grady?

A. Yes, I can.

30 Q. This is headed, "Further information received from Detective Sergeant Turner at Lithgow"?

A. Yes.

35 Q. You can see in the first paragraph there's another reference to the men that were referred to in what we've described as the first screed, Bebic and Virkez?

A. Yes.

40 Q. Then as you follow down the page, you've got, "The targets for the bombing were", and a number of different locations are identified commencing with a picture theatre at Newtown?

A. Yes.

45 Q. Then you've got some travel agencies, and point four is the water supply pipes at St Mary's?

A. Yes.

50 Q. If you need more time to have a read of the document, can you recall either being given a copy of that or being shown a copy of that document when you return to CIB?

A. No, I know that we were, but I can't recall.

Q. Were you given a copy of it or was only Detective Counsel given a copy of it?

A. I don't know.

5 MCDONALD: Excuse me for a minute, your Honour. Your Honour, I was about to go to a different topic. Is that an appropriate time?

HIS HONOUR: I suppose it'll have to be.

10 Q. Mr Grady, that's as far as we can take it today. We're going to have to continue your evidence on another day.

HIS HONOUR: I can't remember the day, can you?

15 MCDONALD: It's in July, if your Honour can excuse--

HIS HONOUR: First?

20 MCDONALD: First. 1 July, your Honour.

HIS HONOUR: 1 July, sir. So, you're free to go now, and we'll have you back then.

25 WITNESS: Thank you, your Honour.

<THE WITNESS WITHDREW

HIS HONOUR: Is there anything else? I'll adjourn.

30 ADJOURNED PART HEARD TO MONDAY 1 JULY 2024