

Epiq:DAT

D17

SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 SEVENTEENTH DAY: MONDAY 1 JULY 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

HIS HONOUR: Yes.

MCDONALD: Your Honour, there's some administrative matters to begin with.

15

GLEESON: Your Honour, can I announce my appearance for the Commissioner of Police, New South Wales Police Force? I am replacing Ms Needham following her appointment.

HIS HONOUR: Yes. Welcome.

20

MELIS: Your Honour, I propose to tender documents which have been circulated to the parties since the hearing that was held in May 2024. To assist with the tender of these documents, I have for your Honour an updated copy of the tender bundle index which I will hand up and ask your Honour to mark MFI 10.

25

HIS HONOUR: All right.

MFI #10 REVISED TENDER BUNDLE

30

MELIS: As your Honour will see, the index includes the exhibits which have already been tendered in black and new documents are marked in red text. I'll provide a brief overview of what those new documents are. Tab 9.3-1 and 9.3-2 contain ASIO documents relating to Maksimilian Bebic. Tab 10.5-1 to 10.5-7 comprise selected records produced by the National Archives of Australia. Tab 11.70 is a letter from New South Wales Police Force dated 31 May 2024 regarding searches conducted in respect of the notebooks and/or duty books of former police officers. Tabs 11.71 to 11.75 are various duty books and notebooks produced by the New South Wales Commissioner of Police which were issued to and maintained by certain former New South Wales police officers during relevant time periods in 1979 and 1980. The notebook at Tab 11.74 also includes a transcription of that document that has been prepared by the Team Assisting.

35

40

45

Tabs 11.76 and 11.77 are documents forming Bundle A and Bundle B, respectively, which were produced to the Supreme Court of New South Wales on 24 June 1980 in response to a subpoena to the New South Wales Commissioner of Police issued on 15 May 1980. Tab 11.78 to Tab 11.150 comprise various other documents produced by the New South Wales Commissioner of Police. Tabs 13.43 to 13.51 contain various historical media

50

articles relating to the Croatian Six. Tab 15.15 is a report prepared by Dr Joanne Sherry, Neuropsychologist, concerning Maksimilian Bebic. This report is subject to a non-publication order, your Honour, which was made on 21 May 2024. Tab 15.16 is a statement of Paul McNamara dated 7 May 2024.

5

Tabs 19.1 to 19.28 contain selected documents produced by the Department of Prime Minister and Cabinet. Tab 20.1 to Tab 20.76 comprise selected documents produced by the Australian Federal Police. Your Honour, further to those documents, Tab 11.50, which includes a handwritten letter from Mr Bebic to Mr Brajkovic dated 7 March 1979 has been supplemented with an additional, certified translation of the letter.

10

Finally, I seek your Honour's leave to uplift the following exhibits and replace them with better quality versions that have been received by the Inquiry. They are Exhibits 4.2-36, 4.2-77, 11.46 and 11.66. If your Honour pleases.

15

HIS HONOUR: All right. Thank you. The inclusion of those additional items and the substitution of the items referred to will be received and marked as indicated.

20

MELIS: Thank you, your Honour.

MCDONALD: Yes. If we can resume the evidence of Richard Grady.

25

<RICHARD JOHN GRADY, ON FORMER OATH(10.08AM)

WOODS: Your Honour, may I just indicate that Mr Grady has an oxygen concentrator with him in the witness box, which he's unlikely to need to use, but that's what it is, and it's there. Thank you, your Honour.

HIS HONOUR: All right. Thank you, Mr Woods.

<EXAMINATION BY MS MCDONALD

10

Q. Mr Grady, on the last occasion I was asking you some questions about the interview that you conducted with Joseph Kokotovic with Detective Counsel at the CIB commencing on 9 February?

A. Yes, well, Detective Counsel actually conducted the interview.

15

Q. Your role was more as a witness and a scribe?

A. Yes.

20

Q. You gave evidence that you were the more junior of Detective Counsel and yourself, so your role was not to ask the questions; that was Detective Counsel's role?

A. That's correct.

25

Q. You gave evidence that you commenced - there was a typewriter in the room--

A. Yes.

30

Q. --and that preliminary questions were asked, like name, et cetera, that Mr Kokotovic answered and you started typing, and then he indicated that he didn't want questions and answers typed?

A. Yes.

35

Q. Do you remember the reason he put forward for that?

A. Not sitting here now, no. I might say I - yesterday, to endeavour to refresh my memory but the material that you sent has disappeared from the - it's gone past the use by date I think, so it's not available. So I couldn't refresh my memory from any of the material.

40

Q. Were you accessing material through some kind of internet link?

A. Yes.

Q. All right. Well, we'll have a look into that, Mr Grady. Without bringing it up, if I can just quote from your statement. You said at paragraph 6:

45

"I placed some paper in the typewriter and commenced to type and the defendant said, 'I'm not going to say anything at all if he types it down', indicating towards me, 'they will kill me if they know'."

A. Yes, that sounds right, yes.

50

Q. Then you say:

5 "I then had a conversation with Detective Counsel, I removed the paper from the typewriter, took out my official notebook and Detective Counsel said, 'We will not type any more, Joe, but Detective Grady will record our conversation in his notebook', and he said, 'That is better; I feel better if you do that'."

10 A. Yes.

Q. I think I asked you on the last occasion, did you make any enquiries about who the "they" were that would kill Mr Kokotovic?

A. No, I don't believe so.

15 Q. Did you think that was relevant to your enquiries?

A. It is difficult, thinking back, what I was thinking at the time, but I thought that "they" was referring to those others who'd been arrested.

20 Q. If he's going to participate in an interview his answers have to be recorded.
A. Yes.

Q. One way of doing that is typing?

A. Yes.

25 Q. Another way that you adopted, you and Detective Counsel adopted on this night was for you to, in a sense, write it up in your notebook in longhand?
A. Yes.

30 Q. In either case there's going to be a record of what is said?
A. Yes.

Q. That record of what Mr Kokotovic said, ultimately, could be used against him at a trial if admissible?
35 A. Yes.

Q. That's one of the reasons that you conduct or seek to conduct an interview with somebody who's either a suspect or who has been arrested?
A. Well, yes.

40 Q. The fear that "they will kill me if they know", that would've been revealed whether or not the answers were typed or were in a notebook. If Mr Kokotovic was concerned about it becoming known that he had participated in an interview, that would become known whether his answers were typed or handwritten?

45 A. Yes, perhaps at different times, but, yes, it would become known eventually, if he was charged. Yes.

Q. Why do you say at different times?

50 A. I think I said on the last occasion if it was by way of record of interview and he was charged and received no bail, then that record of interview would travel

with him to the place at which he was incarcerated, but if it was recorded in a notebook, then it wouldn't be revealed until either his lawyers asked for a copy of it or at the first hearing of the matter.

5 Q. Where a person expresses fear that "they will kill me if they know", was there any ability at that stage to keep the record of interview, the typed, I'm sorry, record of interview confidential until a later time?

10 A. Not that I know of. Well, our instructions were, as I recall at the time, that the record of interview, or a copy of it, had to be given to an accused or a charged person.

Q. If it was typed?

15 A. If it was typed, yes, and that being the case, then, it would travel with him or her wherever they went.

Q. You spoke on the last occasion, I think, of it travelling with them and would be given to, I think you describe them as, the trustees.

20 A. Well, the trustees were prisoners at a - well, say - if I can say, the closest, was Malabar at Long Bay. The other prisoners within the system who were trusted, nicknamed trustees, used to work in the - and I have personal knowledge, work in the reception area of the gaol and they ended up prisoners' property and details of prisoners as they came into custody of the gaol.

25 Q. Did that procedure apply if the record of interview was typed, but the interviewee didn't sign it or adopt it?

A. Yes.

Q. So even if they didn't sign it, the typed interview would still travel with them when they were taken to a gaol on remand?

30 A. Yes.

Q. I asked you questions about there were two notebooks, you'll recall that, that this interview was recorded in. It was your notebook, which then you ran out of papers and--

35 A. Yes, and Detective Counsel's. Yes.

Q. You continue writing it there.

A. Yes.

40 Q. From your evidence at the committal and trial, at no point did you or Detective Counsel during the interview seek for Mr Kokotovic to adopt or verify his answers that you recorded?

A. That's probably correct, yeah.

45 Q. Why didn't you do that?

A. Well, it wasn't up to me, firstly. Secondly, it was my personal point of view he would not have been able to read or agree with what was written in the notebook, I wouldn't have thought.

50 Q. I missed that, I'm terribly sorry.

A. He would not have been able - Mr Kokotovic would not have been able to read or, therefore, agree with what was written in my notebook, I wouldn't have thought.

5 Q. Why was that?

A. I think you'll see in the notebook it's pretty reasonably difficult to decipher. Yes.

10 Q. You're referring to, and I think you agreed on the last occasion, your handwriting is very difficult to read?

A. Yes.

15 Q. Did you have a discussion with Detective Counsel about, "How can we get him? Is there some other way that we can get some form of verification from this man that he's participated willingly in this interview and accepts his answers as recorded?"

A. Well, it was a short - I don't recall, but, well, looking at the evidence I've given before in the trial in the committal proceedings, no, I didn't.

20 Q. You don't recall Detective Counsel raising this issue with you?

A. No.

25 Q. What was the procedure, just assuming it was typed, what was the procedure at that time ending at the completion of the record of interview where it's typed? Was the interviewee asked to read through it and sign it?

A. Yes.

30 Q. What was the role of the more senior independent officer at the particular place where you were conducting the interview?

A. Well, you'd seek the attendance of a senior independent officer to speak with the person who had been interviewed and he'd ask certain questions to satisfy him or herself that the interview had been properly undertaken and there was no coercion, et cetera, and he would then--

35 Q. I'm sorry.

A. No, he would then usually sign that record of interview, make some notation of it. On some occasions, the officer would sit down and continue him or herself with the interview and type out the questions and answers. That would usually be done in the absence of the original interviewing police.

40

Q. These questions that this senior independent officer were asked, as you described them, would go to ensure that the interview was properly conducted?

A. Yes.

45

Q. No duress, for example?

A. Yes.

50 Q. Willing to participate, et cetera?

A. Yeah.

Q. You or Detective Counsel didn't seek a senior independent officer on that night to come in and ask those questions?

5 A. No, well, I can't recall, but my evidence earlier, no, and I don't think there was a - what you refer to as an independent officer - in the building at that time of the night. They were all - the people who were there were all involved in the inquiry, if I can call it that.

Q. You were in the CIB headquarters, weren't you?

10 A. Well, the CIB. Yes. As in - yes.

Q. There were a number of raids that night?

A. Yes.

Q. A number of people arrested and brought back to CIB?

15 A. Yes.

Q. To your knowledge, was any thought given about bringing in an independent senior officer just to perform this verification role?

20 A. I wouldn't know.

Q. Because even though your handwriting is difficult to understand and you've - did you put it to Mr Kokotovic or did Detective Counsel, "Look. This is my handwriting. Can you understand it? Can you read it?"

25 A. No, not that I recall and not that I've given any evidence concerning that.

Q. At a minimum, if you had used a senior independent officer, at least there could have been some independent verification that the interview was conducted properly?

30 A. Yes.

Q. Subsequently, Detective Counsel went through the entries in the two notebooks?

35 A. I don't recall that, but his signature is, I think, in my notebook, so, yes, he must have gone through them, yes.

Q. His signature, was that an indication that, in a sense, he was verifying, "These were the questions I asked and answers were given"?

A. I would assume so. I can't recall why he signed it.

40 Q. I just want to take you to some evidence that you gave at the trial and this is 144.

EXHIBIT 2.1-39, PAGE 1144, SHOWN TO WITNESS

45 Q. I think to be fair if we go back to the page before, 1143, right down the bottom. In the third-last question you were asked:

"Q. There were a number of other more senior police officers in the vicinity of the interview room where you were, were there not?

50 A. I would imagine so, I couldn't really say.

Q. You were out on at least a couple of occasions in the rest of the Breaking Squad area?

A. I was, yes.

5 Q. And you saw other sergeants of police and so on around the place?

A. To explain, I cannot really recollect who was in the vicinity of that interview room or in fact in either office when I went out and I was not taking any particular notice."

10

MCDONALD: If we can then go to the beginning of p 1144, the next page.

15 Q. Up the top, you were asked about Inspector Morey, and you say, "I don't recall seeing him." If Inspector Morey was around at the time, is he an officer who you could have called in, just to verify that the interview had been conducted properly?

A. Well, he was in charge of, if I could call it, the investigation. He'd hardly be an independent officer.

20 Q. You're emphasising the aspect of being independent from the investigation?

A. Well, really it defeats the purpose, if the person is not independent, I would have thought. Yeah.

25 Q. If I can take you to the fourth question. This is in the context of Mr Kokotovic not signing it, or being asked to verify it, and you were asked:

30 "Q. And you are familiar with the usual established practice of seeking the assistance of a senior officer to read the confessional material back to the offender?

A. I do not wholly agree with that.

Q. You say there is no such usual and established practice?

35 A. No, I didn't say that.

Q. What do you say about that?

A. I say that in these circumstances it would have been extremely hard to ask anyone to read things which I had written down."

40 When you say, "In these circumstances it would have been extremely hard to ask anyone to read things which I had written down", what are the circumstances you were referring to?

A. I'm sorry, I don't completely understand what you mean.

45 Q. Well, I'm looking at your answer where you say, "I say that in these circumstances". Do you see that?

"Q. What do you see about that?

50 A. I say that in these circumstances it would have been extremely hard to ask anyone to read things which I had written down."

A. Well, in the way they'd been recorded in the notebook.

Q. Does that get back to your handwriting?

5 A. It's my handwriting, and to rudimentary shorthand in places that I'd used, yes.

Q. Then if we continue down that page--

10 A. I must say, I'm surmising that's what I meant by the - it's a long time ago that I gave that answer. I can't really recall, no.

Q. You were asked a question, "It didn't occur to you that in common justice it would have been a proper thing to read it back to him?", and "him" being Mr Kokotovic, and you said, "No."

15 "Q. It didn't occur to you?

A. It didn't, no."

20 Why, in the circumstances where you're interviewing somebody, they're making admissions, and you've given evidence that admissions in an interview are a very probative piece of evidence, if there's eventually going to be a trial, did it go through your mind at all that night about some kind of verification or adoption by Mr Kokotovic of his answers?

25 A. God, I really - I - I couldn't surmise what went through my mind that night at this stage. I relied on the answers I gave, and the fact that I was the - the junior man sitting there doing the recording. I can't take it much further than that.

Q. I asked you some questions on the last occasion. You weren't junior by that much.

30 A. I guess I was, with respect.

Q. Were you?

A. Years and years of--

35 Q. You'd been in the Breaking Squad longer, hadn't you?

A. That's nothing to do with seniority. Yes, I had. Counsel had only been there - I think that was his first week at the Breaking Squad, yes.

40 Q. You're talking about how long he'd been of a particular rank compared to you?

A. Yes. Yeah. Yes.

Q. But you were of the same rank, but he'd been of that rank for a longer period?

45 A. Yes. Considerably longer, yes.

Q. I want to ask you some questions now about the explosives?

A. Yes.

50 Q. You may recall I asked you some questions on the last occasion, and just

summarising it very briefly, the raid at the house, there were, I think, two half-sticks of, you described them as, "industrial gelignite"?

A. Yes.

5 Q. Some detonators?

A. Yes. Well, I said I can't recall now, but, yes. I gave evidence about them. They were there, yes.

10 Q. And you also gave evidence on the last occasion that you put them in the boot of the car, and that there was a particular like open steel box in the boot of the car?

A. Yes. "Box" is probably a misdescription. It's a raised, rectangular, steel portion in the boot of the vehicle. Perhaps, I don't know, five centimetres or so in height on the - to the right of the centre of the boot.

15 Q. You also gave evidence that in the boot you placed the detonators separately?

20 A. Well, I think I said that was my normal course of what I would do, yes. Over behind - jammed in behind where the - the petrol filler pipe that comes down to the boot. That's on the opposite side of the - of the vehicle, yeah.

25 Q. You then travelled to CIB, and you took, if I call them collectively, the explosives, out of the boot, and then up to the floor where the Breaking Squad and Armed Hold Up Squad was?

A. That's so, yeah.

30 Q. Then you gave evidence that Mr Kokotovic had been placed in a particular interview room, and that you had the explosives, and you placed them on the floor there.

A. Yes.

35 Q. Do you recall during the interview that was being conducted of Mr Kokotovic, that at times the explosives were taken out of that room and taken elsewhere?

A. Well, I can't really recall, but I know I gave evidence of what I did. Yes, they were taken to - to Detective Godden. He was interviewing one of the persons, and to - Detective Howard was interviewing the other.

40 Q. How did you know that you had to take the explosives out of the interview room where Mr Joseph Kokotovic was and take them to these other rooms?

45 A. I don't know. I can't remember if it was discussed between Counsel and myself, but it would have been usual if you are interviewing two or three or more people about the one item, whether it be stolen, or explosives, or what it be, that you would need to show it to them during the interview. So they can't all be interviewed at the one place at the one time, so it would obviously be taken from one to the other.

50 Q. You had been notified at some time that from the premises of the raid that you attended, two other people had been taken back to CIB?

A. I can only say it would have been. I can't remember.

Q. How did you transport, or carry, the explosives to the other rooms?

A. I would have carried them. I can't recall.

5

Q. What? Just carried them in your arms or?

A. Probably. But I - I really - I have no recollection.

10 Q. Was there any concern that you're now in a building with two half-sticks of industrial gelignite, and a number of detonators, how they should be appropriately stored, or carried, if you are taking them around the floor?

A. No. There was no concern on my part, no.

15 Q. You didn't turn your mind to that at all?

A. I would have. As far as I was concerned, they were in a safe condition.

Q. In a safe condition, just to carry them around in your arms, or your hands?

20 A. Well, the gelignite in - if I could call it the "fresh condition", as this was, is no danger to anyone on its own. It - it can be handled roughly, if I could put it that way. The danger is it coming in contact with something that could cause it to explode, such as the detonators, or relay delay connectors. As long as they are kept apart and kept safe, there's no danger in the gelignite itself.

Q. Weren't you carrying gelignite and detonators around--

25 A. Yes.

Q. -to different rooms?

A. Yes.

30 Q. But you weren't concerned about them being in close proximity?

A. Well, I couldn't be carrying them one on top of the other like a bundle of firewood. They would have been separated, but I can't recall how I actually transported them from one place to the other, but I know they wouldn't have been touching one another. You know, they wouldn't have been near the - the
35 detonators wouldn't have been near or on the gelignite.

Q. After you had taken the explosives to the two other interviews rooms, did you then return with the explosives back to the interview room where Joseph Kokotovic was?

40 A. Well, yes. From my earlier evidence, yes, I did. I can't recall that, but I would have obviously, yes.

Q. After the interview with Mr Kokotovic had been completed, did you take him to Central for charging?

45 A. Well, again, I can't recall but I know that I did, yes.

Q. With Detective Counsel?

A. Yes.

50 Q. Where were the explosives at that point?

A. I can't remember, as I've given evidence that they were in my - locked in my locker, and that's where they would've been. I wouldn't have left them out sitting around the office.

5 Q. There was no facility within Breaking Squad and Armed Hold Up Squad for exhibits to be recorded or stored?

A. No. Well, I don't know about the Armed Hold Up Squad, but certainly not in the Breaking Squad office. There was an exhibit facility in normal, if I could call it normal office hours downstairs; they had an officer down there, who would enter up exhibits, if you forced his arm up his back. Otherwise if you asked to take them to Central Police Station and enter them up there, but not overnight, and certainly not explosives.

15 Q. Did you consider whether it would've been more appropriate to take the explosives with you to Central Station where there would've been facilities for the recording of exhibits open?

A. No, certainly not.

Q. Why not?

20 A. I had instructions from very early in the piece that, being attached to the Breaking Squad, we were to take explosives nowhere near exhibit rooms or to police stations. You kept them away. You took them - as soon as you were finished with them interview-wise, et cetera, you took them to the Dangerous Goods Branch. The only reason that wasn't done on this night, immediately, is because that's also a nine til five operation.

25 Q. From your answer, that was a general direction given to Breaking Squad officers?

30 A. Well, it was certainly given to me; as far as I know, it was given to others. It was either by Detective Sergeant Talerico who was the officer-in-charge of the Breaking Squad, or by my first workmate there, a Detective Sergeant Sellwood was one of them told me, never, ever take explosives near an exhibit room. That's - the danger is the two coming together. Or the degradation of the explosives. It becomes dangerous.

35 Q. I was just trying to clarify, it wasn't an instruction specifically for the raids that occurred on that night, it was a general instruction or direction that you got when you started at the Breaking Squad?

A. Yes.

40 Q. I think implicit in the answer that you just gave, was your understanding for the reason for the direction that they may become dangerous and hence should be stored for a longer period of time with somebody like the Dangerous Goods Branch?

45 A. That's so. Because if you put - you take them to the police station, you might have somebody who knows absolutely nothing about explosives, puts the detonators and the gelignite together, there's only one more thing needed to create and that's a battery, and you just don't run the risk of having them together and having them in the exhibit room.

50

HIS HONOUR

5 Q. Mr Grady, you mentioned the name a short time ago of a person who you said was in charge of the Breaking Squad, a detective, and the name started with T but I didn't catch it?

A. Talerico, T-A-L-E-R-I-C-O.

Q. Thank you.

10 A. Right then.

MCDONALD

15 Q. The next morning, do you recall that at some point after the interview was finished that you and Detective Counsel actually sat down and started typing out the questions and answers that you recorded in the two notebooks?

A. I don't recall, but I imagine that that that would have happened, yes.

Q. Why was that procedure adopted here?

20 A. Well, I can't recall specifically that it was but it would've been because I doubt that he'd have been able to read precisely what was said by way of my record.

Q. With the explosives, you've given evidence that they were in your locker. What did you do with the explosives after you returned to duty?

25 A. Sorry, that's later the same day?

Q. Yes?

30 A. I took them to the Dangerous Goods Branch, I think with Detective Counsel, I can't recall. I took them to a Mr Butt at the Dangerous Goods Branch.

Q. In taking them to the Dangerous Goods Branch, were you given any kind of receipt or record of what was lodged there?

35 A. I can't recall but there would've been an entry made at the Dangerous Goods Branch, into their records, into their custody.

40 Q. You may recall, when you were here on the last occasion and I asked you about evidence you gave and you did say, look, there was something that I got a bit confused about, this was whether you were present at a photograph being taken of the explosives; do you remember that?

45 A. Yes. I think from my evidence at trial or in the committal I said that I was and I corrected that evidence that I in fact wasn't, it was taken by a member of the Scientific Section, I could be wrong, I think at the Dangerous Goods Branch.

EXHIBIT 4.1-XX SHOWN TO WITNESS

Q. Looking at that photograph, there was evidence at the trial about the envelope and your handwriting being on the envelope; do you recall that?

50 A. I don't recall - but I recall reading something about it in the transcripts, but I

can't recall what it was.

Q. It was identified that in the photograph there was an envelope with your handwriting on it.

5 A. Yes. I - I think that what I did by reference to the transcript, if I'm correct, was that I also took other explosives found in another location to the Dangerous Goods Branch at the same time, and I put the different explosives into different envelopes and marked them somehow so they couldn't be mixed up, so that they would refer to the explosives were found at Livingstone Street
10 and refer to where the other explosives were found. That's - I can't really remember but I think that's right.

Q. The other explosives that you took to the Dangerous Goods Branch at the same time, were they explosives that were found at another premises that was
15 part of the Croatian Six raids?

A. Yes, but I can't recall which premises.

Q. Do you recall who asked you or directed you to take these other explosives?

20 A. No.

Q. And you've got no recollection of which particular raid these explosives were found at?

25 A. No.

Q. Again, was there any recording within either the Breaking Squad or the Armed Hold Up Squad of what you took to Dangerous Goods Branch?

30 A. Well, I don't know what was in the Armed Hold Up Squad, but no, there was nothing in the Breaking Squad. Other than my - I was attached to the Breaking Squad - other than my notebook if that was; I can't recall if Phil Butt, Mr Butt, gave some sort of a written recognition of the - I can't recall.

Q. Your way of distinguishing the source of both sets of explosives was to write, what, the address or something on it, or some kind of indication on an
35 envelope?

A. Well, I must have, I can't recall. I'm only going by what I read in the transcripts at some time back now and I can't even recall precisely what I read in the transcript to be quite honest.

40 Q. In comparison to where the Breaking Squad was, where was the Dangerous Goods Branch?

A. 300 metres away, up on the corner of Oxford Street and Wentworth Avenue; I think they called it Brashs corner or the old Brashs building or, I think it's long gone from there but that's where it was at that time.
45

Q. Can I just take you back to the interview with Joseph Kokotovic? In that interview you showed him a document - or Detective Counsel showed him a document with some names on it?

50 A. Yes.

Q. Do you recall what that document was?

5 A. No. I'm only going by what I've read in the transcripts myself. There was a document I think that I had earlier prepared; is that what you're talking about? I'm sorry, when I said prepared, I mean that I had brought into existence. I didn't provide the information that was contained in the document.

Q. We asked you some questions last time about a document that you appeared to have typed with either dictation or information at least from Inspector Morey--

10 A. Yes.

Q. --and then maybe somebody from Special Branch?

A. Yes.

15 EXHIBIT 4.2-82 SHOWN TO WITNESS

Q. Looking at that document, which is Exhibit 4.2-82, does that refresh your memory?

20 A. Not really. I thought the document that you showed me on the last occasion had more typing - more information on it than that document.

Q. I'll just pause there.

25 A. That does look like my - excuse me, your Honour. That does look like my writing.

Q. I'll just pause there, Mr Grady. Could we go to Exhibit 4.2-86. If you look at that document, and if we can expand it, that was the document you were shown on the last occasion and even though it's got "typed Grady", you said that wasn't your handwriting?

30 A. No, that's not my handwriting.

Q. But your evidence was that you could recall typing a document before you went--

35 A. I don't think I said that.

Q. --to the raids?

40 A. I don't think I said that. I cannot recall typing the document. I can't remember being at that, if we can call it, initial conference or meeting at the CIB at all.

Q. But reading this document, can you see it starts off with, "Information supplied by Detective Sergeant McDonald re operation at Lithgow"?

A. Yes.

45 Q. There's some text and then there are some names?

A. Yes.

50 Q. Then it continues with some other details and then you've got another heading, "Members of the Special Branch have identified the above mentioned as being", and there's some more details?

A. Yeah.

Q. If you have a quick look at the top of the page until "five dot – Mile Nekic"?

A. Yes.

5

Q. Then if we can go back to Exhibit 4.2-82.

A. Yes, I'm just surmising, but if that was shown to the accused and that's my writing, there may have been a decision to cover up the bottom half of the document with information on it than to just record the other two names there. I've written those. That's my writing.

10

Q. Where it says, "Bebic" and "Virkez", that's your handwriting?

A. Yes.

15

Q. Do you recall a discussion with Detective Constable (as said) about, in a sense, covering up or redacting the bottom of the page?

A. No, I just said - I'm surmising that that's what - to keep that information at that stage private.

20

Q. During the interview, the answers that you recorded, recorded a number of admissions being made by Mr Kokotovic. For example, your answers record that he knew about the plan to blow up the Elizabethan Theatre at Newtown?

A. Yes.

25

Q. That he was involved in a group that were going to put this plan into action and they were going to meet that night and discuss other possible locations?

A. Yes, I think that's right.

30

Q. And that he also admitted to having received explosives from Zvirotic a couple of weeks prior?

A. Well, if that's what's in my statement, yes. I can't recall the actual conversation.

35

Q. You'll recall that at trial, both committal and trial, Mr Kokotovic denied that he made any of those admissions?

A. Yes, certainly at trial. I can't remember what was said in the committal, but I would imagine so.

40

Q. He wouldn't have given evidence at the committal, I'm sorry. He also gave evidence at trial that when he was put into the interview room at CIB that you assaulted him?

A. Yes, he said that.

45

Q. Those matters were subject to a voir dire at the trial as to their admissibility?

A. Yes.

50

Q. They were ultimately allowed to be admissible, but given - and this is probably, really, a question in retrospect, but given that they were contested and allegations were made of misconduct against you, in retrospect, it would

have been sensible to have got, at least, verification by an independent senior officer that there was no duress in conducting the interview?

A. I suppose so, if one was available. Yes.

5 Q. Also some way of facilitating his verification or adoption of the answers that you had recorded in the notebook?

A. Yes, although that would've been difficult--

10 Q. You've given evidence, and you gave evidence at trial, that at some point - and my recollection it was during that night - you and Detective Counsel did start typing out the questions and answers?

A. Yes, well, I don't think that's in dispute. Yes.

15 Q. Why didn't you do that immediately at the conclusion of the interview so that you could've shown those to Mr Kokotovic and at least got some kind of adoption or verification that he agreed with those answers?

A. I don't think any answers were given.

Q. Sorry?

20 A. I don't think any answers were given at that stage, whether - with typing - from reading the committal and trial transcript. I think I commenced typing, got down to the stage where questions were about to be asked and he said that he wouldn't take part in it.

25 Q. I'm talking about it at a different time. After you completed the handwriting of the questions and answers.

A. Yes.

30 Q. At some point you and Detective Counsel started typing out from the two notebooks the questions and answers?

A. That wasn't while the - while Mr Kokotovic was present.

Q. No. Listen to my question.

A. Yes.

35 Q. We're looking at that conduct by you and Detective Counsel after the interview.

A. Yes.

40 Q. Why couldn't have you done that immediately at the conclusion of the interview, delaying taking him to Central, so that you could've shown them to him and got him to agree that they were his answers?

45 A. I don't know. It was the middle of the night. I really don't know. It was after the interview he was taken to Central. Like, I can't recall any discussion about typing that out. That was done some time later - much later in the day.

Q. Did you turn your mind at any time during that night, "How can we make sure that there is not going to be any dispute at a trial that these answers that he's given were given freely and not subject to any duress"?

50 A. I can't recall, really, if I turned my mind to it or not.

Q. The statement that you prepared for the brief of evidence, what was your procedure in preparing it?

A. I can't recall. I don't know whether I typed it or had it typed for me. It would be usual to prepare one statement first. I think - no, I can't - I just can't recall.

5

Q. You just said, "I can't recall whether I typed it or it was typed for me".

A. Yeah.

Q. Who would've typed it for you?

10

A. We had a female receptionist typist at the Breaking Squad for some years. If one statement is prepared and you agree with it, what I would do, or could do, was hand that to - I can't recall the lady's name - and ask her just to, with any differences that I might have to the other statement, to include that in the statement and I'd come back and see if it was correct or have it re-typed or whatever. Yeah.

15

Q. Was the procedure at that time that you would generally prepare your statement in conjunction with your partner on that particular matter?

A. Well, sometimes, but, yes. Generally, I would say yes.

20

Q. That would have been Detective Counsel--

A. Yes.

Q. --in respect of this raid? What about other officers who may have been at the raid, but were dealing with other suspects?

25

A. No, not really. No.

Q. No discussion with them?

30

A. Well, I can't recall if I had any discussion with them or not, to be quite - I can't recall after all these years, but, no, that wouldn't be a general procedure. No. It would usually be a debriefing, a matter like this, when everyone's sat down and just so you would know what everyone else did, I'm talking about, mainly, on different raids as they're being referred to, so you're up-to-date with what occurred that evening. I can't recall what, or when, or if that happened, but that's - that would be usual, but not to go to other officers who had arrested another person and get copies of their statement. No. That would be done by whoever was putting the brief together.

35

Q. In the debriefing that you've just referred to, that would involve all officers who attended this particular raid?

40

A. Yeah, generally. Yes.

Q. Do you recall whether there was such a general debriefing with other officers--

45

A. I--

Q. --who attended that?

A. In this matter?

50

Q. Yes.

A. I can't recall, but it - it wouldn't surprise me. It would be quite normal for there to be a debriefing as to what occurred, yeah.

5 Q. Was there usually one person at such a debriefing who would be keeping a record, or a rough chronology, of what happened?

A. No. Not really.

Q. Was it just a general discussion?

10 A. Yes. Yeah. Just to bring everyone up to date as to what had occurred at other premises, or with other persons who were arrested.

Q. After your interview with Mr Kokotovic at CIB, then taking the explosives to Mr Butt at the Dangerous Goods Branch, did you have any ongoing involvement in the investigation of the Croatian Six?

15 A. I might have been asked to - I can't remember if it was the same enquiry. I might have been asked to take a statement from someone connected with the Croatian Club. I remember I went out there one day, I can't recall what the outcome of it was, but apart from that, I don't recall any involvement after that day at all, until the trial.

20

Q. I was going to put to one side--

A. I'm sorry, until the committal proceedings.

Q. Yes.

25

A. Yes.

Q. So other than writing your statement, giving evidence at the committal and at trial, other than this statement from somebody at the Croatian Club--

30 A. I'm not sure that that was to do with this matter, but it sounds like it could have. I just - I can't - I don't recall.

Q. I don't know if you recall this, but there were some other charges brought about against the Croatian Six to do with an attempted murder, where they were acquitted.

35 A. Yes. I - I - I don't - I don't recall the acquittal or the - no.

Q. Excuse me for a minute.

40 A. I'm sorry, are you asking a question beyond what the - the interview that Counsel had with - where Mr Kokotovic is concerned, there was charges about some other people?

45 Q. Yes. It's raised during the interview, and what I was suggesting, or maybe not really suggesting, but just asking whether the statement from the person from the Croatian Club, was to do with other charges where the Croatian Six were acquitted.

A. I don't know.

EXHIBIT 4.2-82 SHOWN TO WITNESS

50 Q. Can you see there in your handwriting under the name "Bebic", there's the

name "Virkez"?

A. Yes.

5 Q. It's referred to, in the typed part, about what had occurred at Lithgow. Do you see that?

A. Yes.

Q. What were you told about Mr Virkez's involvement in the various conspiracies that were being alleged against the Croatian Six?

10 A. I'm sorry, I don't know the - follow your question. What was I told about?

Q. Virkez? Where he was? Where he arose from? What his role was?

15 A. I can only answer it this way: I can't recall what I was told. My understanding was that - that he was an informant, and had gone to police at Lithgow with certain information. That's--

Q. And--

A. I had no dealings with Virkez or whatever.

20 Q. The information that he was an informant, that was given to you on the night?

25 A. I can't recall that. I would imagine whatever is in this document is what I knew on the night. Obviously as I typed it, I must have known what was in it, but I - I can't recall, yeah.

Q. Were you ever told, so not just restricting you to 8 and 9 February, but at any time during your involvement leading up to giving evidence, et cetera, were you informed about any connection between Virkez and the Yugoslav Consulate?

30 A. Not that I recall, no.

Q. Were you ever told that Virkez had contacted the Yugoslav Consulate prior to attending Lithgow Police Station when he informed the police officers of the bomb plot?

35 A. No. Not that I recall.

Q. Again, going back to 1979. As a police officer, on occasions did you make visits to inmates at prisons?

40 A. Yes.

Q. For what purpose would you do that?

45 A. Numerous. I mean, on occasions we might be contacted via the authorities to say that - the prison authorities, to say that someone wants to speak to us. People who might have pleaded not guilty, when a change of others, who feared that they might be in a little trouble, might want to give some information about - about things. Many reasons why. I might've needed to have something identified, see if a prisoner would identify a certain item. That type of thing.

Q. Do you recall visiting Parramatta Gaol?

50 A. I visited Parramatta Gaol probably on a number of occasions.

EXHIBIT 12.6, PAGE 80-1, SHOWN TO WITNESS

5 MCDONALD: Your Honour, I understand that this is one of the documents which isn't allowed to be part of the live streaming. Could I just ask, can we facilitate putting it up in the courtroom, or do we need to show Mr Grady the paper copy?

HIS HONOUR: I can't remember what we've done before.

10 MCDONALD: We'll just facilitate it with a paper copy.

HIS HONOUR: A hardcopy, yes.

MCDONALD

15

Q. Mr Grady, they are records from Parramatta Gaol which record people who have attended the gaol to visit inmates. Can you see at the top of red page 80-1 on the date of 1 September 1979, the third and fourth entries. The third entry is, "R J Grady"--

20

A. Yes.

Q. "Police", and then immediately underneath, "J J Counsel, police".

A. Yes.

25

Q. As at 1 September 1979, Vico Virkez was at Parramatta Gaol.

A. I don't know.

Q. No. I'm telling you that.

A. Okay. Yes. Yep.

30

Q. On 1 September 1979, did you and Detective Counsel visit Mr Virkez at Parramatta Gaol?

A. No. Well, I certainly didn't. I've never spoken to Virkez.

35

Q. This is a long shot, but do you remember why you and Detective Counsel were at Parramatta Gaol on 1 September?

A. No. As I said, I've been there on numerous occasions for various reasons, but certainly not to visit Virkez. If you have access to our old duty books, it will certainly tell you--

40

Q. The majority of the duty books aren't available anymore. If I used the surname "Misimovic", do you recall coming across that name as part of the Croatian Six Inquiry?

A. Only in respect of what I've read. That was Virkez, was it?

45

Q. Yes.

A. Yes.

50

Q. So that, again, in September 1979, you weren't visiting a Mr Misimovic?

A. No. No. I was not.

SHORT ADJOURNMENT

MCDONALD

5 Q. Mr Grady, I just wanted to revisit some evidence you gave earlier this morning, and that was about the typing of your statement.

A. Yes.

10 Q. You referred to a procedure that sometimes you used where if there had been a statement drafted, that you would make some amendments to it and then provide it to a receptionist or a typist, who would then type it up again with your amendments?

A. Yes.

15 Q. When you spoke about a statement being prepared that you would make amendments to, who would've prepared that statement?

A. Well, whoever I was working with at the time, probably.

20 Q. For example, if this procedure was adopted with the Croatian Six, Detective Counsel would draft a statement, you would read it and if there were parts of it you disagreed with, you would amend it and then hand the typed version with the handwritten amendments to the typist?

25 A. Yes. It may not have been I disagreed with. There might have been things that I did differently to Detective Counsel or whoever I - the statement was - and add something along those lines, which would then be corrected by the typist. Yes.

30 Q. Do you recall if that was the procedure you adopted with the generation of your statement in this matter?

A. There's something that indicates that it could be, because you asked me about the - on the last occasion, a spelling of "scissors". It's not the way I would usually spell "scissors" and I think it's mentioned twice in the statement.

35 Q. That's "scissors" with, I think, double-Z?

A. Double-Z, yes, not double-S. Yes. Apart from that, I just - I can't really recall, to be quite honest.

40 Q. Was it a procedure that you often adopted in other matters?

A. Yes, I've adopted that before. Yes. It's - the typist was a much quicker typist than I was and much more accurate, usually, yes.

45 Q. That procedure that you've described, was that unique to you or, to your knowledge, did other officers adopt that procedure?

A. I can only say that the lady did a lot of typing, so I would imagine it was adopted by others, as well as myself. Yeah.

50 Q. I asked you before the break about your further involvement in the investigation of the Croatian Six. Do you recall that you went back to Livingstone Street, Burwood in April?

A. Yes, I did. We collected some items from there. I think that was in respect

of a search warrant. I could be wrong.

Q. It was or wasn't, sorry?

5 A. I think it was. And Detective Allan had raised something about items he'd observed in the garage or the shed at the property and I remember going down to the garage with him looking for items there.

Q. The matter that Detective Allan raised with you of items observed at the garage, were they items that had been observed on the night of the raid?

10 A. Yes.

Q. What did Detective Allan say to you?

15 A. I can't recall the exact conversation, but that he had observed bags of fertiliser in the garage and my concern was that fertiliser mixed with dieselene can produce an explosive, and we went there to look for that, but they weren't there. Only empty bags.

Q. On the night you didn't participate in any search of a garage or this area?

20 A. No.

Q. I'll show you, you made a second statement about this. Can we get Exhibit 4.2-81, page 639 up, please. If we can just go to the top of the page, you'll see that the date of the statement is 19 April?

25 A. Yes.

Q. At paragraph 1, it records an execution of a search warrant on 17 April?

A. Yes.

30 Q. And records that you and Detective Counsel, Lawson, Allan and a Detective Sergeant Waddell attended the premises?

A. Yes.

35 Q. Just going very quickly through the statement, you went upstairs to the attic-type room and there was some two duplicating machines that were seized?

A. Yes.

Q. Then downstairs, an electric typewriter?

40 A. Yes.

Q. Then if I can draw your attention to paragraph four, this is where you record going with Detective Allan to a shed at the rear of the premises?

A. Yes.

45 Q. In an answer just shortly before, I think you mentioned a garage.

A. Or the--

Q. The garage/shed is the same place?

50 A. Yes. Well, obviously it wasn't a garage, it was a shed. I was mistaken, yeah.

Q. There you recall, "Detective Allan told me something and indicated a position towards the end (as said) of the shed. I saw that the position indicated to me by Detective Allan was vacant."

A. Yes.

5

Q. Can I just pause there. When you record, "Detective Allan told me something and indicated a position towards the rear of the shed.", what did Detective Allan tell you?

A. Well, I can't remember now, but it - it would have been to do with the fertiliser, I would imagine. The fertiliser and where it was on the night that he saw it.

10

Q. You're assuming that it's referring to Detective Allan on the night of the raid observing some items in the garage?

15

A. Yes.

Q. That area was vacant, but, "On a bench near the doorway to the shed I observed a number of bags, which appeared to be similar to fertiliser bags."

A. Yes.

20

Q. They were empty, and they were taken possession of.

A. Yes.

25

Q. The raids were in the beginning of February. You're now attending the premises on 17 April, and it would appear part of the reason for the execution of the search warrant was the observations made by Detective Allan back in February.

A. Yes.

30

Q. Why has it taken you so long to go out there?

A. I think in respect of the fertiliser that Allan - Detective Allan had heard from someone that fertiliser could be made into an explosive, and he then raised the alarm that he had seen fertiliser bags out there on the night. I think that's what - what occurred. I - I can't - why we went there looking for duplicating machines and the like, I - I don't know.

35

Q. Do you have a recollection of Detective Allan not realising the significance of his observation on the night of fertiliser bags being in the shed?

A. No. I can't, no.

40

Q. Do you recall after the raids any discussion with any other officers who attended other raids of fertiliser being found at other raids?

A. No. Not as I sit here. I can't recall, no.

45

Q. Before attending Livingstone Street on 17 April, did you have a discussion with Detective Allan about his observation on the night?

A. Look, I - I can only surmise I would have, but I - I can't recall really.

50

Q. Attending the premises, the fact that the fertiliser bags were empty, just as a general observation, looking around the yard, or the outside of the premises,

was it possible that they had been used for the garden, or for other work around the premises?

A. I would say most probably, because, yes, they were empty, and it was a normal - there were garden - there were shrubs and garden there at the premises, as I recall.

Q. Where fertiliser could have been used?

A. Yes. And there was no indication that fertiliser had been used in explosives anywhere at that stage, so that's- yeah.

<EXAMINATION BY MR DE BRENNAN

Q. Mr Grady, I wanted to start by asking you some questions about your career.

A. Yes.

Q. You gave some evidence that at some stage you were posted at Kingsgrove; is that correct?

A. Yes.

Q. When was that?

A. Perhaps 1971 - late 1971. Somewhere in that vicinity.

Q. From there, as I understand it, you were seconded to 21 division or--

A. No. No. I was actually seconded first to Number 10 Division. There were - there was an operation in place there, which utilised just about every A-list trainee in Sydney, plus some undesignated detectives in that area, as a saturation operation for some months, and I - I went out there before I went to 21 Division.

Q. What was 21 Division then?

A. 21 Special Squad was a, if you like, like a stepping stone between uniform and plain clothes. It was utilised as a - back in the early days as a flying squad. If they needed extra junior plain clothes detectives on certain inquiries, or that type of thing. They might need four or five people for - for a short time. They'd take them from 21 Division. It was a stepping stone, if you like, into plain clothes.

Q. The evidence thus far would suggest that a few of your contemporaries were recruited from Kingsgrove to the CIB. To your knowledge, was there any special relationship between CIB and Kingsgrove Police Station?

A. No. Certainly as I knew it. I was only there for a few weeks.

Q. Then, I think, you were, at some point before, you were recruited to the Breaking Squad at Darlinghurst?

A. Yes. I was there for some years, yes.

Q. Until about 1975?

A. That's right.

Q. When you were at Darlington, was that at the same time that Roger Rogerson was at Darlington?

A. No.

5 Q. He was there later on?

A. Later, yes.

Q. You knew Roger Rogerson from your work at the Breaking Squad?

10 A. I knew him, yes. He was in the Armed Hold Up Squad, and we - when we moved from the old CIB over at Smith and Campbell Street to the Remington Building, which is where we're speaking of now, the CIB, they were across the lockers from us, if you like. The Armed Hold Up Squad and the Breaking Squad shared a floor.

15 Q. Yes.

A. So to that degree, I knew him, yes. But I never worked with him.

Q. You said in your evidence on the last occasion, and this is at transcript 21 May 2024, page 1165 at line 40, you said this, Mr Grady:

20

"Perhaps, and it's only perhaps - I mean - because where 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."

25

A. That's correct.

30

Q. But it was the case, wasn't it, that your squad; that is, the Breaking Squad and Rogerson's squad, would quite regularly work together?

35 A. No. I wouldn't put it as "quite regularly". I mean, we would assist the Armed Hold Up Squad more so than the - they would assist us, because they were looking for offenders, or alleged offenders, that were probably armed or what have you. So most of the members of the Breaking Squad were also members of the Special Weapons and Operations Squad. So for that reason, we would assist, if asked.

40 Q. I'll come to SWOS in a moment, but just concentrating on the relationship between the Breaking Squad and the Armed Hold Up Squad. As of 1979, there was a lot of what might be described as "ATM" jobs; is that correct?

A. If that's what you say. I - I - I can't recall.

45 Q. ATM and bank robbery jobs, where both your divisions would work together?

A. I wouldn't have thought so.

Q. If--

50 A. I mean, if there were - the Breaking Squad is - the Breaking Squad is what

5 looked after it, if I could call it, the large thefts, or large break and enters, that would include thefts from banks, if that's what you're referring to as "ATMs", or safe - safe blowing or drillings, or cuttings on banks, that would fall to the Breaking Squad. But armed hold ups and what have you, were looked after by the - by the Armed Hold Up Squad.

Q. Those safe blowing jobs, as you describe them--
A. Yes.

10 Q. -you would often work together--
A. No.

Q. -in the context of those jobs?
A. No. Never. That I can recall, never.

15 Q. As of 1979, however, you knew Roger Rogerson by reputation?
A. By reputation? I - I knew him. I - I know that certain people held him in very - very high regard as an investigator, though I had nothing to suggest otherwise. I didn't have much to do with him.

20 Q. But you were on the same floor as him?
A. Yes. But the same squad.

Q. You would see him around fairly regularly?
25 A. Yes. Yeah.

Q. I think there was a couple of cafés at the CIB.
A. No. Not really.

30 Q. You shared meeting rooms on the same floor?
A. No. No.

Q. You shared interrogation rooms?
A. Yes. But not at the same time.

35 Q. You were recruited for the Breaking Squad, I think your evidence was?
A. No. I was recruited - no I - I just came out on orders to go there. I was told very shortly before - the orders came out that I was going to the Breaking Squad.

40 Q. Do you recall from whom that order came?
A. Look, it comes out of the Commissioner's - the Commissioner stamps the orders. I have no idea how or why I was transferred to the Breaking Squad. It was 1975.

45 Q. Just in terms of taking statements from witnesses, as a junior police officer in particular, it would often be the case, would it not, that you would be sent out to a job, and you would take a notebook statement from a witness, or prospective witness?

50 A. Yes. Yes.

Q. You would write that up in your notebook?

A. Yes.

5 Q. Notwithstanding any difficulties that you might have in terms of the neatness or not of your writing, you would get that witness out in the field to adopt, or sign, that notebook?

10 A. Well, depending on the circumstances, yes. I mean, usually if you're taking a statement, you would get the particulars for the body of the statement. You would then type out a statement and take it back to the witness and have them read it and sign it.

15 Q. Certainly. But there would have been countless occasions where, for example, you're sent out, say, to a neighbourhood dispute. You take a statement from a witness in your notebook. You would read the content of what you'd recorded in your notebook to the witness and then ask them to sign it?

A. Yes.

20 Q. You would do that routinely?

A. I don't know about routinely but I've done it, particularly as a younger officer or constable going out to traffic accidents and the like, yes.

25 Q. In those instances you never had occasion, did you, to say, look, my writing's so terrible I'm not going to afford you that opportunity?

30 A. That was totally different. I mean in those circumstances you were writing down what the person's saying and you're asking a question, writing down slowly. I'm not trying to keep up with a conversation, an interview, between another officer and a suspect, which is happening much more rapidly. So therefore your writing, you do - well, mine certainly does, deteriorates, and becomes shorthand. There's no need for shorthand or for quick writing if you're taking a statement from someone, it's a totally different proposition.

35 Q. Even with that, Mr Grady, no doubt there would've been occasions where you took down something in your notebook, even in shorthand, and you said to the person in the field, look, this is a summary of what I've said, sign here, and we will do a typed up interview down the track; you would do that routinely, wouldn't you?

40 A. No, not if I'm going to get them to sign it. That wouldn't be in shorthand, and it's taking a statement from someone is totally different to interviewing them. An interview's happening in real time. A statement is slowed down to your speed of what you're recording. You ask another and you just fill in the particulars as you go. There's no rush or urgency about it.

45 Q. I don't want to go on and on about it, but you can get the gravamen or the tenor of what someone is saying, can't you, and get them to adopt that with a view to reducing that to a statement down the track?

A. Well, I wouldn't do it that way, no.

50 Q. You were a member of SWOS?

A. Yes.

Q. You've given some evidence that as part of being a member of SWOS you would have training days?

A. Yes.

5 Q. Those training days would often be with other members of specialist divisions from the CIB, wouldn't they?

A. No, they'd be from - with other members of SWOS not with--

Q. Yes, but that that would bring--

10 A. If they weren't members of SWOS, they wouldn't be at the SWOS training day.

Q. SWOS was made up of specialists from different CIB divisions?

A. Yeah, different squads, yes.

15

Q. As part of those training days, you would do scenario based training?

A. Yes, on occasions, yes, yeah.

Q. Things like siege situations you'd have multi-disciplinary teams who were also members of SWOS responding to say a case study of that kind?

20

A. Yes, yeah.

Q. High risk search warrants and those sorts of things?

A. Not that I ever attended, no, but whether it's a search warrant or not, if you're talking about house entries and things like that, yes.

25

Q. Some of these training days, they'd be live-in training days?

A. Yes. Once a year there was a one-week live-in course, yes.

30 Q. There were rifle courses at Malabar?

A. Yes, sniper, yes.

Q. There were courses at the School of Military Engineering?

A. Yes.

35

Q. You and other specialist personnel who were also members of SWOS would be spending time together in training?

A. Yes, yes.

40 Q. Also you were deployed to jobs in the field, actual jobs?

A. Yes.

Q. Was it the case that you and other members of SWOS, because you had spent time doing in-house training, and also being deployed in the field, there was a considerable sense of camaraderie between you?

45

A. With some, yes, yes.

Q. How long were you a member of SWOS prior to becoming injured and being discharged?

50 A. Well, 1975 until about 1985, so that was ten years.

Q. Did you not come across Senior Sergeant Rogerson in those training days and those sorts of things?

5 A. Probably. I really don't recall. I mean, there were about 80 to 100 members of SWOS, split into three different camps once a year and training days out at the rifle range at Malabar and the like, so – he would've been there in some of them, obviously; I just can't recall.

Q. Who was your boss when you were at the Breaking Squad as of 1979?

10 A. Angus McDonald. Detective Sergeant First Class.

Q. Is that the same Detective Sergeant McDonald that had been in Lithgow the day before your raid?

A. Yes.

15 Q. He was the one that had communicated information to you which you had reduced to writing on that screed; is that correct?

A. No. Not to me.

Q. In any event, your boss had been at Lithgow the day before?

20 A. Apparently yes. Yes.

Q. You knew that he had some involvement in the apprehension of a Mr Virkez and a Mr Bebic?

25 A. Looking back now, I would assume so; I can't recall what I actually knew at that stage.

EXHIBIT 4.2-86 SHOWN TO WITNESS

30 Q. At page 647, Mr Grady, can you see up the top of that document it says, "Information supplied by Detective Sergeant McDonald re Operation at Lithgow"?

A. Yes.

Q. That's the Sergeant McDonald that was also your boss?

35 A. Yes.

Q. Do we take it, just from looking at that document, that he supplied you with that information?

40 A. No. Well I know that not to be the case from the evidence I've given before. I was – I in fact typed at least the first half of that document out at the dictation of Detective Inspector Morey, so it would've been Morey – that McDonald provided the information to Morey I take it.

45 Q. Was there any discussion with you and Mr Morey about the genesis of this information?

A. I really have no recollection at all; I can't remember typing the document.

Q. Did you know an Assistant Commissioner Whitelaw?

50 A. Know of him or know him?

Q. Know of him?

A. I knew of him; I'd never met the man I don't think.

Q. As of 1979, 9 February, did you have—

5 A. I can't recall if I knew of him at that time or not to be quite honest; I don't know.

Q. Did I understand your evidence to be that you couldn't recall a Sergeant Jefferies in the context of this raid?

10 A. No.

Q. You don't remember having some kind of briefing from a Sergeant Jefferies prior to the raid in Burwood?

15 A. No.

Q. You didn't know him to be a subject matter expert on the Balkans or Yugoslavia?

20 A. I didn't know the man at all. I'm only going from what this document that I typed that I spoke to obviously someone from the Special Branch or someone had given me information from the Special Branch that I typed on the bottom of the document; I don't know Jefferies at all and I don't know that I ever knew him.

25 Q. This incident alleged that some Croatian men would be carrying out what might be described as terrorism-style offences. Are you saying that you have no recollection of anyone prior to the raid talking about the background of these men, and in particular their political associations or anything at all to do with ethnic considerations?

30 A. But that's what I'm saying, at this stage I can't recall what I was told or what information I had before we went out there that night. I can't recall.

Q. You've had occasion to review your statement and the transcripts. Just concentrating on that, does that ring any bells in terms of whether you received information about the background of these Croatian men?

35 A. Yes, that's what I'm saying, we obviously received information about the background of the men, but you're asking me if I recall it now, no, I don't. I don't recall.

EXHIBIT 2.1-39 SHOWN TO WITNESS

40

Q. At red page 1164, could I ask that it be brought down to the bottom of the page? Mr Grady, if you go up from the bottom, five questions from the bottom, you're asked there at trial whether you were given any information by members of the Special Branch prior to going there, that is Burwood, and you go on to say, that I believe that it was from Detective Jefferies?

45

A. Yes.

Q. Also that he provided some names and addresses. Does that ring any bells in terms of a briefing or whether you received any information as to the background of these men prior to?

50

A. No. Other than to say that at the time that I must've known or thought that it was Jefferies that I received some information from. But I have no recollection now of who Jefferies is to be quite honest, or what the information was.

5

Q. You might not be able to answer this given what you've said, but do you remember whether Sergeant Jefferies said anything about false flag operations in the context of the Yugoslav Intelligence Service?

A. No.

10

Q. Did you ever hear anything in 1979 or onwards about the Yugoslav Intelligence Service employing people to act as agent provocateurs or setting up false flag operations?

A. False flag? No, not that I recall, no.

15

EXHIBIT 2.1-39 SHOWN TO WITNESS

Q. At red page 1180, if you go down six questions or so, you say there that you saw a Detective Sergeant Jefferies a number of times on the night?

20

A. Just wait a minute. Where are you? I'm sorry.

Q. Six questions down?

A. Yes, I see that.

25

Q. Again, that doesn't jog any memories about—

A. No, I honestly can't remember Jefferies at all.

Q. Do you remember whether Sergeant Roger Rogerson was calling a lot of the shots on this night or?

30

A. I don't remember Rogerson even being there that night.

Q. From your perspective, who was—

A. I know that he was there. I'm not saying he wasn't there, if you understand me. I'm just — I don't recall him being there at all on that night.

35

Q. Just from your perspective, before you go in the back door of this premises at Burwood, who was running the operation?

A. If you asked me who was actually running it, Rogerson was. What I recall — I don't recall even going in the back door. I can't remember how I got into the place. I can remember very little about the premises at all.

40

Q. What about Mr Morey, did he provide you with any instruction on the night?

A. Not that I recall. Other than the screed that I typed out, in transcripts and questions from earlier, the trial, there was obviously a conference at the CIB which I didn't attend or attended very late in the piece, and it was actually Rogerson who told me to go to Burwood Police Station. I'm only going from the transcripts of the trial or the committal that I read, but I can't remember any conference at the CIB at all.

45

50

Q. I might have this incorrect, so please correct me if I do, but was it your

evidence that Morey just sort of called you randomly and said you're going to be the scribe?

5 A. I don't know, but that would probably be the way it would go. They would take some relatively junior member and say, "Right sit down and type this", but I can't recall.

Q. Mr Grady, this was quite a significant operation, I would suggest, in the course of your career?

10 A. Depends what you mean significant. I mean I've been to numerous murders, kidnappings at Darlinghurst, knifings. Really this was a – the outcome might have been serious had it happened, but realistically it was to go out and search a premises. We found something, charged the person and I had very little to do with it after that. It wasn't some inquiry that I'd been working on for months, where things might stay in your mind for a little longer, but–

Q. I accept that you've been involved in some very serious jobs, but the allegations in connection with this matter was that, amongst other things, Sydney water supply was a target?

20 A. Yep.

Q. Are you saying that you simply have no recollection of any briefing prior to being deployed to the raid at Burwood?

25 A. I most certainly have no recollection of any briefing, either at the CIB or at Burwood, unless it took place in the street. I can recall standing around in a street in fairly dim light with other detectives discussing something prior to going to Livingstone Street or to the house at Livingstone Street.

Q. When you went to Burwood, you attended in your normal suit attire?

30 A. I can't recall what I was dressed in. I would imagine so.

Q. You didn't have any personal protective clothing on?

A. No.

35 Q. You didn't have any of your SWOS accoutrements on?

A. No, it wasn't a SWOS operation. We wouldn't have had access to the SWOS.

40 Q. What do you mean, you're going to a potential house where there was explosives?

A. Well, the SWOS operation is either called on or it isn't, and whoever the powers that be were, decided it wasn't or it never crossed their minds, one or the other. It was just a normal operation. It wasn't a SWOS operation.

45 Q. But I'm going to suggest to you that as of 1979, members of SWOS would get all geared up to even go and execute a high – what would be described as a high-risk search warrant?

A. No, no, no.

50 Q. There was no suggestion by anyone that perhaps you should wear some

vests or anything like that?

A. I wouldn't have a recollection now of what was said, but obviously had we been told to kit up, we would have done so, and no one, as I recall, was in SWOS attire at all.

5

Q. You didn't find that strange?

A. No.

Q. Given the context of the job?

10

A. No.

Q. You just took your normal revolver?

A. I would have had my revolver. I can't recall those – most certainly would have had, yes.

15

Q. But your information was that these men were potentially very dangerous, wasn't it?

A. Yes, yes.

20

Q. It was night time when you executed the raid?

A. Certainly was.

Q. None of you took a torch?

A. I don't know.

25

Q. You didn't, did you?

A. No, I didn't, no.

30

Q. I think you said at trial that you couldn't recall any of your colleagues having a torch?

A. That's probably so if that's what I said.

Q. You gave evidence at trial that you remember seeing some placards and other things when you went up to the top room?

35

A. I can't remember now. If that's what I said at trial, that's what I would have seen.

Q. You didn't show your CIB card to anyone on the night during the raid?

A. I – from reading the transcripts, I didn't know.

40

Q. You didn't document in any way seeing fertiliser on the night?

A. I don't think I've ever said that I saw any fertiliser at all.

45

Q. You went in through the backyard didn't you, to get in the back of the house?

A. I – I know that I went in through the back of the house. I can't recall how I got into the house.

50

Q. Given your training, had fertiliser been seen on the night, that would have been something of interest wouldn't it?

A. Well, had it been seen by me, yes.

Q. But you would also accept any of your colleagues, would likely to have thought that fertiliser, in the context of an explosives job, was a matter of some import?

A. Well, perhaps any of my colleagues from the Breaking Squad, that would have alerted them. But I don't know about the members of the – the fellow who saw the fertiliser was from the – Allan from the Armed Hold Up Squad, and it wasn't at the back door.

Q. Mr Grady, what I'm suggesting to you is that you didn't have any concerns about your attire or protective clothing, or needing a torch, or needing any particular weapons on the night, because you knew that there were no prohibited items there?

A. No, that's totally incorrect. I did on the night what I was told. I wasn't told to be part of the SWOS operation, or to go and get any particular equipment. We were told to go and do a job and we went and did it.

Q. Did you hear during the – hear about this matter, that during the course of the trial of the Croatian Six, and when it was the presentation of the defence case in particular, that the trial judge's house had been shot at, did you ever hear anything about that?

A. No, I don't recall.

Q. You don't recall–

A. You're talking about Justice Maxwell's house?

Q. Yes.

A. No.

Q. You didn't have occasion to discuss that with your colleagues at all?

A. Not that I recall. I can't recall that it happened.

Q. You didn't hear that when this happened, that police responded within minutes?

A. No, I can't recall the incident at all.

Q. You didn't see it reported in the media?

A. No, not that I recall.

Q. None of your colleagues, you're saying, had occasion to tell you that the trial judge's house had been shot up?

A. I'm not saying that. I'm saying I can't recall it. That's news to me as of today.

Q. In the context of this case, did you ever hear discussions or anything from your superiors that they were concerned about police being embarrassed in the context of this case?

A. No.

Q. Concerns about police blundering the case?

A. No.

5 Q. Did you ever hear anything about one of the principal Crown witnesses, a Mr Virkez, being Serbian?

A. Being – sorry?

Q. Serbian?

10 A. I've certainly heard that, but as to when I heard it, I don't know.

Q. Did you hear that he had associations with the Yugoslavian Intelligence Service?

A. I heard that later. I can't recall when.

15 Q. What about the Serbian Black Hand?

A. No, not that I recall.

Q. I want to ask you some questions, if I could, about your decision to put explosives in the boot of the car on the night.

20 A. Yes.

Q. Before I delve into that, I just wanted to check this. As of 9 February 1979, you weren't a member of the Bomb Appraisal Squad were you?

25 A. No.

Q. Is the Bomb Appraisal Squad of New South Wales Police, that's – they are officers with additional training in bomb and explosive style jobs?

30 A. Yes, to a degree. Back in that time, there were about, I think, one or two members of the Ballistics Unit had been trained as bomb appraisal people by the Army.

Q. You took no steps to getting anyone from the bomb appraisal squad did you?

35 A. I did?

Q. Yeah.

A. No, I didn't, no.

40 Q. You didn't contact anyone from the Bomb Appraisal Squad to transport these alleged items?

A. No.

Q. Why not?

45 A. Because there was no need to.

Q. Why do you say there was no need to?

A. Well, I had had certain training in the handling of explosives, and there was no danger in the explosives in the way that they were located or transported.

50 Q. Mr Grady, can you point to a single document or source of reference which

supported the idea of transporting explosives in the boot of a car as of 1979?

A. Sorry, can I point to any document that supports it?

5 Q. Any standard operating procedure, any instruction, any document, any internal circular, any source of information at all which would support the idea that it was appropriate to put explosive items in the boot of a car?

A. No, not that I can think of, no.

10 Q. You would accept that as a general proposition, that it is dangerous?

A. No, it's not.

Q. Why do you say it's not dangerous?

15 A. Because it's not dangerous. As long as the explosive is in, what I said, a fresh condition, in other words, it's not deteriorating at all, and as long as the detonators are kept away from the explosive, there's no danger of it at all.

Q. What if you had a car accident on the way to the station?

A. Well, that's not going to blow up the gelignite.

20 Q. What if the back of the boot collapses?

A. It's still not going to blow up the gelignite. The gelignite needs a small explosion to set it off. Not a car accident.

25 Q. On the last occasion you were before this Inquiry, Counsel Assisting asked you this:

"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.

30 A. Yes.

Q. You say that you placed those in the boot of a police vehicle. How were they placed in the boot?

35 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.

Q. Have you done that on a number of occasions?

40 A. Yes.

Q. Before 8 February 1979, had you done that?

A. Yes.

45 Q. Did this arise during your duties as a member of the Breaking Squad?

A. Yes."

HIS HONOUR: This is p 1172 and 3; is that right?

50 DE BRENNAN: Yes, your Honour.

Q. Is that correct that evidence?

A. Yes.

Q. That you did engage in that practice on a number of occasions?

5 A. Yes.

Q. Your training was, in these sorts of situations--

A. I'm sorry, what?

10 Q. Your training in these sorts of situations was to get in someone from the Bomb Appraisal Squad, wasn't it?

A. No.

15 Q. Assuming that's correct for the moment, your training was to contact the Army in the context of a job of this kind, wasn't it?

A. No.

Q. What was your understanding of when you should get the Army involved?

20 A. Well, if you come across a situation where, for example, if you find an explosive with a detonator inserted into the gelignite, or if you come across gelignite, or similar explosives, that are deteriorating. In other words, the nitro-glycerine is starting to exude from the - from the explosives and crystallise and what have you, you wouldn't touch it. Then you would bypass the Bomb Appraisal and you would get the Army there.

25

Q. I'm not meaning to be disrespectful here, but you're speaking as though you're somewhat of a subject matter expert on these things, but these sort of judgment calls were made by members of the Bomb Appraisal Squad, weren't they?

30 A. No.

Q. Well, they should have been, should they not?

35 A. No. No. I mean, you call the Bomb Appraisal, or the Army bomb experts, out if you think you've got a bomb. Explosives, per se, you - you look at the explosives, you see the condition that they're in, consider there's no danger. If you had some sort of training at all in the background of explosives, then you don't call out the Bomb Appraisal people. It - it's just a simple matter of common sense.

40 Q. Your evidence, as I understand it, is that you have no specific recollection of putting anything in the boot on that night, but you were, I guess, drawing on what you described as your usual practice?

A. That's so.

45 Q. And your usual practice was to separate items; is that correct?

A. Was to what?

Q. Was to separate items?

50 A. Well, render the detonators safe, and then separate the items, yes.

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

Q. Mr Grady, could I just ask you to have a look at the bottom-quarter of that page. Read that to yourself.

5 A. Beginning where, I'm sorry.

Q. Commencing with, "You have told us about the explosives in the boot..."

A. Yes.

10 Q. In fairness to you, this is the transcript of your off-sider on the night, Detective Counsel.

A. Sorry, this is Counsel's--

15 Q. Yes. You'll see at the bottom it says, "Detective Counsel". I'd ask you to have a look at the penultimate question, in particular.

A. Sorry, I'm just reading it.

Q. Sorry.

A. Yes.

20

Q. That's Detective Counsel's evidence, and you'll see there in the penultimate question that he couldn't recall whether there was anything restraining the items in the boot from movement.

A. Yes.

25

Q. Is it still the case that you just can't recall how you placed them on the night?

A. Well, I can't recall how I placed them on the night, but I know what I would do with them, yes.

30

EXHIBIT 2.1-39, RED PAGE 1170, SHOWN TO WITNESS

35 Q. About halfway down the page, you should see this question, "Now, on the day you put the explosives in the boot of the vehicle, did you take any precautions against the two wires being placed together?"

A. Yes. I see that. I think, with respect, that was clarified somewhere later in the transcript by your Senior Counsel at trial, or at the committal, wherever it was, that that was not the correct recording of what had taken place.

40 Q. Right.

A. Of what was said.

HIS HONOUR

45 Q. Do you say the transcript was incorrect?

A. The transcript was incorrect, I think, your Honour. I think it was later on during a break somewhere I was reading it, but I haven't seen that for some time now, the transcript, but there was a clarification of that specific question and answer, I thought, by Mr Buchanan. I could be wrong.

50

DE BRENNAN

5 Q. Respectfully, Mr Grady, I haven't seen that. 1173, I'm told. But in any event, as far as you could tell, there was no clarification as to Mr Counsel's evidence of what he saw, or didn't see, in the boot?

A. Well, no. Not as far as - not as far as I know there wasn't, no.

10 Q. Do you recall, as you were placing these items in the boot of the car on your version, that a Lydia Kokotovic, a lady was there and very distressed at the back of the car?

A. As - as I was placing the items in the boot? Well, I can't recall placing the items in the boot. I can't recall her being there, no.

15 Q. You don't remember, as Mr Joseph Kokotovic was being placed in a car, her remonstrating with police?

A. No. I think my evidence was that I don't recall her being there until we were about to drive off.

20 Q. Yes. So you do accept that she was there as you drove off?

A. Well, yes. That's what I said. I - I recall her at that stage. I can't recall it now, but I recall her at that stage being there as we was driving off. She said something, or I said something to her.

25 Q. You didn't take a statement from Lydia Kokotovic on the night in question, did you?

A. I didn't take a statement from her? No, I did not.

30 Q. And you said at trial, as far as you could recall, none of your colleagues took a statement from her.

A. If that's what I said, that's - I - I can't recall really much about what happened at the house at all. I can't remember speaking to Mrs Kokotovic, or certainly taking a statement from her.

35 Q. Are you aware that she says that she saw no such items being placed in the boot of the vehicle?

A. Well, I'm aware from questions that were put to me that that's what the allegation was, yes.

40 Q. Mr Grady, what I'm putting to you is that it wasn't usual practice at all for you to transport explosives of this kind in the boot of your vehicle?

A. Yes, it was.

45 Q. That it wasn't consistent with your training?

A. With my training?

50 Q. Yes.

A. Well, my training in respect of that was only when I was shown by my senior working partners when I first went to the Breaking Squad, and I think it was Detective Sergeant Sellwood, and that's what I did.

Q. What I'm also putting to you is that you would never, as a responsible police officer, put not only a suspect in danger by placing these items in the boot of a car, but potentially yourself and your police colleague, in the form of Mr Counsel?

5 A. Well, there was no danger, if that's the point you're getting at, and I wouldn't have placed them in danger if I thought there was any danger at all.

Q. What I'm suggesting to you is that, by definition, these sorts of items were seen as dangerous. Would you agree with that?

10 A. Well, under certain circumstances. I mean, a stick of gelignite in good condition is probably no more dangerous than a piece of wood on its own. It's only when you put other items with it, such as detonators, or some method of causing the item to explode that it becomes dangerous.

15 Q. Is that why you didn't involve the Army in this instance?

A. Yes. There was no need to involve the Army.

EXHIBIT 14.8, RED PAGE 99, SHOWN TO WITNESS

20 Q. Mr Grady, you'd accept from me that this is the New South Wales Police Emergency Manual, which was published in 1974. As you can see from the logo, applied to members of the New South Wales Police Force?

A. Yes.

25 Q. You can also assume from me that this document was current as of 1979?

A. Yes.

Q. You'd agree that a careful officer in 1979 would've been aware of this document?

30 A. I would've been aware of it, yes.

Q. It was your duty, wasn't it, to comply with the provisions of this document?

A. Well, within reason, yes.

35 Q. Might the witness be taken to page 119? Mr Grady, you'll see at the top of this document that this is Chapter 19 and it's entitled "Bomb Incidents"?

A. Yes.

Q. I'd ask that you read 19.11 in particular? You should see--

40 A. 19.11's not on my--

HIS HONOUR: Is this on red page 124?

DE BRENNAN: Yes, your Honour.

45 Q. Mr Grady, if I could just ask you to have a look at 19.11 there?

A. Yes.

Q. Let the Inquiry know once you've read that?

50 A. Yes, I've read that.

Q. You'd agree that it says there:

5 "19.11.1 When commercial demolition explosives and/or detonators are located or received, members of the Force will not interfere with them but initiate safety measures."

A. Yes.

10 Q. You'll also agree that 19.11.2 says:

"This Department relies upon explosive experts attached to the Department of the Army for the removal and disposal of the abovementioned articles. Their attendance may be initiated directly through Victoria Barracks Police extension 3234 or through the Communications Branch."

15

A. Yes.

20 Q. On your evidence at trial you saw the following on a table in the attic: two half-sticks of industrial gelignite?

A. Yes.

Q. Four electric detonators?

25 A. Yes.

Q. Five relay delay connectors?

A. Yes.

30 Q. On your evidence you took those explosives to the CIB?

A. Yes.

Q. What I am going to suggest to you is that you didn't comply with this policy or standing instruction.

35 A. Well, not as it's written, no.

Q. Nowhere in there does it say anything about putting these explosives in the back of the vehicle?

A. No.

40 Q. Nowhere there does it say anything about putting these sorts of items in a locker at a busy police station?

A. No. It's not a busy police station if I might correct it. It's not a--

Q. The CIB wasn't a busy police station?

45 A. --police station, well it's not a police station as such.

Q. Right. But you're not taking issue with the fact that there were a number of people--

50 A. A number of police there, yes. Yeah.

Q. The certificate from Mr Butt, who I think you ultimately gave custody and control of these items to, he examined these sticks of gelignite and certified that the cartridge casing was marked with the words, letters, figures as follows: "AN gelignite 60, danger explosive" and with the ICI logo?

5 A. That would probably be correct.

Q. What does ICI mean?

A. That's the manufacturer, ICI.

10 Q. You don't take issue with the proposition that these items had on them "danger explosive"?

A. No. No.

15 Q. You would accept that the items that you say you discovered were synonymous with the sorts of items that you might see in commercial demolition?

A. No, I don't say that at all.

20 Q. You don't say that these items were commercial-style explosives?

A. Well, without splitting hairs, the commercial gelignite that's usually sold is much smaller. It's about under half the diameter, under half the length of this, this is industrial gelignite used mainly for, as I understand it, blasting. Much larger, much - yes.

25 Q. Yes, indeed, this was larger than the usual?

A. Yes.

Q. Therefore the potential risk to public safety was even greater?

30 A. Well, so you say. I - there was no risk of the - to the sticks or half-sticks of gelignite themselves.

Q. In relation to the sticks, did you ever have occasion to chop them in half, or do you know if anyone did?

35 A. No. I've seen it often with the smaller gelignite being cut into smaller pieces.

Q. Your colleagues, as far as you know or yourself, didn't chop them in half to show various people in the witness rooms--

40 A. No.

Q. --the items?

A. Are you talking about the gelignite that I took possession of?

Q. Yes?

45 A. No. It was in that statement that was found.

HIS HONOUR: Did you mean witness rooms or did you mean interview rooms?

50 DE BRENNAN: Interview rooms. I apologise, yes.

Q. Interview rooms?

A. No.

5 Q. Can I ask you why you didn't, in view of this policy, arrange for explosive experts attached to the Department of Army to remove and dispose of these items?

A. It's only what I had been told and shown via the Army Ordinance people when I attended certain days of training with them.

10 Q. Mr Grady, on your own evidence there was always going to be problems getting this material safely stored at the branch 300 metres down the road.

A. Sorry, in my evidence?

Q. Yes, on your own evidence--

15 A. There was a danger getting them - getting it stored?

Q. Wasn't it your evidence that the Dangerous Goods Branch was generally only a nine to five operation?

A. Yes.

20

Q. You would've known that by virtue of your experience?

A. Yes.

25 Q. So you were always going to have a problem, weren't you, with the storage of this material until that facility was open at 9am?

A. Well, I don't know if there was a problem with it. They were locked away.

Q. In a locker?

A. Locker. Yes.

30

Q. You would agree with the proposition that the Army would've been in a position to provide better storage than putting it in a locker at a police station until 9am?

35 A. Well, better. They would've put it into a storage bunker out at the - somewhere near Penrith, I can't remember the exact suburb, they had their storage bunker.

Q. Away from people?

A. Well, it was on the Army - on an Army facility out there.

40

LUNCHEON ADJOURNMENT

Q. Mr Grady, you're aware, aren't you, that in respect of the explosive items located in Lithgow that the Army was called in in connection with those?

45 A. Yes.

Q. Firstly, were you aware of that as of 9 February 1979?

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

50 Q. But as you sit here now, can you proffer any reason why it was seen as

appropriate to get the Army in in the context of the Lithgow explosives and not the explosives that were found at Burwood?

5 A. Well, I could be wrong, I thought the - the - some of the Lithgow explosives had been made into explosive devices, hadn't they? What was found at Burwood were explosives, not bombs, not explosive devices; it was purely gelignite and detonators, not fitted together in any way whatsoever.

10 Q. But you would accept that the standing instruction that I've taken you to a moment ago doesn't make that distinction; it speaks about items including detonators?

A. Yes, but under the heading, the whole heading that you took me to was under bombs and bomb devices.

15 Q. Yes, and you would accept that it lists as a bomb device as an example a detonator?

A. No, it's not a bomb - if I could just explain it. Bomb device is something that's been put together, not the individual components apart, as I understand it, in any case.

20 Q. Had you called in the Army at Burwood, you would have had another organisation or entity to corroborate the items that you say you located, wouldn't you?

A. I suppose so, yeah.

25 Q. Had the armed forces, with expertise in explosive devices, been called in, they could have provided an independent account of the items that you say you found?

A. Yes.

30 Q. And in an operation of this magnitude, that could have provided police with an important forensic advantage to insulate police against challenges to the evidence that you say you found?

A. I'm sorry, are you suggesting that you call out the Army to corroborate the police? That - that's not what they're there for, as bomb experts.

35 Q. But that would be one additional benefit of informing the Army, or getting them in to a job of this kind, wouldn't it?

A. Yes, I just don't follow you, I'm sorry.

40 EXHIBIT 2.1-39 RED PAGE 1179 SHOWN TO WITNESS

Q. Just before I take you to that, Mr Grady, you didn't get the Army out to the Burwood job because you knew that if the Army came, there wouldn't be any explosives to find. That's the case, isn't it?

45 A. No, that's not correct. No-one else called the Army out of that job either.

HIS HONOUR

50 Q. Mr Grady, I was going to ask you, was it your role to make decisions about whether or not Army would be called out?

A. No, your Honour, I might have some input into it, but no, it wasn't my decision to make.

DE BRENNAN

5

Q. Do you recall whether you spoke to Mr Rogerson or raised with him about whether the Army should be called out?

A. I have no recollection - no recollection of Rogerson, so--

10

Q. Could I ask you please to have a look at the bottom of page 1179, about five questions up?

A. Yes, I've got the exhibit book, yes.

15

Q. It says there, "The explosives that you say you conveyed to CIB were never booked up in an exhibit book, were they?", and your answer was "no". Can I ask you why they weren't?

A. Well, there was no exhibit book at the Breaking Squad, and they weren't taken to - the nearest police station there would have been Central Police Station to the CIB. They weren't taken there.

20

Q. Just on that, was it your evidence that you could sometimes twist somebody's arm to enter things up at the station (as said)?

25

A. That was - at the CIB, there was an officer attached to the enquiry office at the CIB whose job, in part, it was to enter exhibits coming to the CIB. He was there between about 7.30 and 4.30pm of a day, but he was very reluctant, if I could put it that way, to accept any exhibits, let alone explosives, but any exhibits, if they could be taken to some police station.

30

Q. In a job of this magnitude, did you give consideration to prevailing upon that officer to perhaps make an exception to his normal practice?

A. This was late at night, he wasn't there.

35

Q. Just in relation to facilities being open or closed, surely police could have arranged for someone to attend these facilities after hours?

A. For the purpose of placing the explosives into an exhibit room?

Q. Yes.

40

A. No It would never enter my mind, at least, to do that. It would have been against instructions that I'd been given.

45

Q. I understand that, but just say for present purposes, police found half a tonne of explosives somewhere. You're not suggesting, are you, that they'd have to be stuffed into lockers or anything like that until the following day?

A. No, that's ridiculous. If we found half a tonne of explosives, we would then call the Army up because it would have to go into a bunker somewhere. You couldn't even convey that amount of explosive to the Dangerous Goods Branch. They were an office with some holding facilities, and a bunker somewhere down near where the old morgue was in George Street north, somewhere in that vicinity.

50

Q. I guess what I'm asking, even accepting that generally, these facilities weren't open until day time, could you have taken any steps to see whether someone might be able to take receipt of these items?

5 A. They wouldn't have been taken to an exhibit room or an exhibits office. They'd be taken to the Dangerous Goods Branch.

10 Q. But that's what I mean. The Dangerous Goods Branch seems to be hampered by this potential issue, that it's only open during police working hours, daily hours, but what happens, at least in your experience, if something was found outside of hours?

15 A. Well, in all my experience at the Breaking Squad, I could only recall one other instance when we came back from the Blue Mountains with some explosives that had been located, but they were kept overnight. Usually, any operation or raid, as it's been called here, would be carried out in early morning. Therefore, when the explosives were finished after an interview, they'd be taken directly to the Dangerous Goods Branch. Well, as I recall, only one other in my 10 or 14 years, or whatever it was, at the Breaking Squad that I can recall having taken possession of explosives, again, of a night, when they had to be safeguarded overnight until they could be taken to the Dangerous
20 Goods Branch.

Q. What did you do, where were they kept in that instance?

25 A. Well, the occasion I can recall was when we were at the old CIB at the corner of Smith and Campbell Street at Surry Hills. They went into, again, either mine or my senior workmate's locker and were locked away until the following morning, and then taken to the Dangerous Goods Branch, which, I think in those days, was in a different location.

30 Q. Just returning to this document on the screen, there was a further question, "And you took no precautions to preserve any latent fingerprints on the sticks of gelignite, did you"?

A. No. No, I did not.

Q. Can I ask you why you didn't take such steps?

35 A. Well, from recollection, the - the casing of the gelignite was a cardboard, if I could call it, furry covering. It's not like the commercial gelignite, which was a shiny type of a covering enclosure. I can't - I can't recall, other than to say that, in my opinion at least, there would be no chance of getting fingerprints from it.

40 Q. Just reading on there, you were asked there whether you're aware of, "...at least two methods of determining whether or not there are latent fingerprints on paper or porous substances", and you indicate that you were at least notionally aware of these methods?

45 A. Yes.

Q. Then you were asked, "...is there no reason why those tests cannot be used in respect of paper surrounding gelignite?", and you say you, "wouldn't know". That was at the time of trial. You didn't say there that, for example,
50 you thought that paper was of such a porous kind that it would be impervious

to testing, or anything like that?

A. Well, I thought I'd said that before when we were - I was certainly asked at one stage during the trial or the committal proceedings about the porous nature of the gelignite.

5

Q. Even if it--

A. The covering, I'm sorry.

Q. That was at least something that was open to you to at least make inquiries about? That testing?

10

A. Well, it was open to someone to make inquiries about it, yes. Me, in particular, yes, it would have been open, but - no, I'll probably withdraw that. No, not really. I mean, with a type of - with a type of covering, the casing of the gelignite, I mean, after some years of experience, you know immediately by looking at a surface whether or not it will hold a latent fingerprint.

15

Q. You didn't say at trial, at least here, anything along those lines?

A. Well, I certainly didn't there. I don't know if I was asked other questions about it. But that's a fact. The matter is that a surface has to be able to hold a latent fingerprint to be worth fingerprinting.

20

Q. You've given some evidence about these items, the gelignite and other things, being placed on the floor in an interview room back at CIB.

A. Yes.

25

Q. With respect to the decision to put them on the floor, did you have any concerns about the safety of doing that?

A. No.

30

Q. Your evidence at trial was that when you had arrived at the home at Burwood, Mr Joseph Kokotovic had been violently resisting?

A. I don't know if I'd put it that way. He presented a pair of scissors to me, and he had - not with the scissors, after they'd been taken from him, he'd attempted to run from the room. I don't know about, particularly with violence, he didn't try to thrust the scissors at me, as I recall, or to stab me with them. Nor did he attempt to hit me or push me out of the way when he ran from the room.

35

Q. You don't remember describing him as violently resisting after he was wielding scissors?

40

A. He might have resisted when we were trying to handcuff him, but I - I can't recall now, looking back, did he - what I would describe as "violent behaviour", no.

45

Q. Given the allegations that you had been confronted with here, was there any concern about laying these items down on the floor next to a suspect in the same interview room?

A. No.

50

Q. But it was important on your evidence to at all times ensure that these respective items were separated?

A. Yes. This wasn't like a loaded gun or something we're putting on the floor. It's items apart, that can't explode unless they're put together, and a battery is put into play.

5 Q. I'm not suggesting anything like this necessarily happened, but just hypothetically, what if someone got out of their interview desk and put them together?

A. Got out of their what, sorry?

10 Q. Got out of their chair in the interview room and put the detonators and the gelignite together?

A. Well, unless he amazingly produced a battery from somewhere, there's still nothing that could happen. But, yes, it would certainly up the danger content, if he put the detonators into the gelignite, but there were two police officers in
15 the room.

Q. I'm just wondering, in terms of that practice, whether, for example, any consideration was given to taking a photo of the items, and then showing a photograph of those items to the respective suspects at the CIB, rather than
20 taking the actual items in and putting them on the floor?

A. No. There was no camera there to take a photograph with it, and there was no need to do it.

Q. Did you and your colleagues not discuss, as a matter of public safety, that it might be better to maybe get some photos and show the suspects
25 photographs of the alleged items?

A. No. Not that I recall.

Q. And you didn't have to, did you, because there was no items?

30 A. Yes, there were.

Q. You put those items on the floor in the interview room?

A. I - I don't know. Probably. I don't know if it was myself or Counsel, but one of us certainly did.
35

Q. Your evidence is that you would put stored explosives in the boot of a police vehicle on many occasions--

A. I didn't get the first part of your question.

40 Q. Your evidence was that you stored explosives in the boot of a vehicle on "many occasions"--

A. Yes, on a number of occasions, yes.

Q. In relation to this practice of putting items such as gelignite and detonators on the floor of an interview room, how often would you do that sort of thing?
45

A. I don't know. If it was in other circumstances, another table in the room, maybe you'd put it on the table, but I wouldn't think it was the first time or anything like it, but they've been placed on the floor, there was nowhere else in that room to put it. There were lockers in there but if you put them in lockers,
50 then they can't be seen from a seated position. They're placed on the

floor. Not at Mr Kokotovic's feet, they were placed on the floor of the reasonable sized interview room.

5 Q. You at some point picked these items up and gave them to your colleagues who took them into other interview rooms; is that your evidence?

A. Yes.

10 Q. Did you say anything to them along the lines of "you need to be careful when or keep these separate when taking them down the hallway" or anything like that?

A. Look, I can't remember; I can't remember vividly picking them up and giving them to other - I know that I did, I know that that's my evidence that I did that, but I can't recall specifically picking up the items and taking them and giving them to other police.

15

Q. That's because it didn't happen; did it?

A. It happened all right.

20 Q. On the last occasion you were before the Inquiry, you were asked some questions about lockers at the CIB?

A. Yes.

25 Q. This is at transcript page 1179, line 35, dated 21 May 2024 - you said this, "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"?

A. Yes.

30 Q. Just so I understand, is it your evidence that you had a locker or you didn't have a locker?

A. You had a brief locker, yes, but not a personal - a stand-up locker where you could hang clothes in, et cetera, et cetera; that's what I was referring to.

35 Q. What's the difference?

A. Well a brief locker is four drawers high and a stand-up locker is about probably 182 or - high, it's a different, a narrower locker.

40 Q. I'm not meaning to split hairs here, but is it your evidence that the brief locker was your personal locker?

A. Yes, I had the only key to it, yes.

Q. You had the key?

A. Yes.

45 Q. That is where you say you kept these explosive items?

A. Yes.

Q. They were there for some hours?

A. Yes, it would've been, yes.

50

Q. Until you could take them to Mr Butt at the Scientific Section at the Dangerous Goods Branch?

A. Sorry, what was it, the Dangerous Goods Branch?

5 Q. Until you took them to Mr Butt?

A. Yes, not the Scientific Section. No.

Q. What's the Scientific Section?

10 A. That's part of the police department, the Scientific Section of which the Ballistics Unit is a smaller section of the Scientific.

Q. Did you know Mr Butt?

A. I'd dealt with him on a number of occasions.

15 Q. Was he someone you could call after hours and say, look, we've got these items, can you come in and open up shop?

A. No.

Q. Can I ask you why not?

20 A. Well, I don't have his phone number other than the office to commence with. I didn't know him that well to ring him up after hours. That's - I can't approve his overtime or anything else, that's - he works for another department altogether.

25 Q. As of 1979, police did shifts in overtime all the time, didn't they?

A. He wasn't in the police. The Dangerous Goods Branch is a branch separate from the police department altogether; it's a part of - it was then a part of the Department of Labour and Industry I think.

30 Q. So completely separate?

A. Totally different from the police department.

Q. Who headed that up as far as you know?

35 A. I wouldn't have a clue; I don't know. He was a - I know there were at least two people, I can't remember the other chap's name that we used to deal with, but I don't think they were in charge of the Dangerous Goods Branch, I think there was someone above them but I don't know what their structure was.

40 Q. When you found items of this kind, was it ever the case that you took photos of these items before you logged them into the Dangerous Goods Branch?

45 A. Yes, on a number of occasions, yes. I'd say normally we would get or maybe even have to go via the Ballistics or Scientific to get photographs taken; that's how you had photographs taken. We didn't have a camera at the Breaking Squad or there was no photographer attached to the Breaking Squad, or at the CIB as far as I know.

50 Q. On the last occasion that you gave evidence before the Inquiry, you were asked some questions about Mr Kokotovic not wanting for his record of interview to be typed up; do you remember those questions?

A. Yeah. Well, I don't remember the questions; I remember the subject, yes.

5 Q. Yes, you said the main reason that people didn't want to take part in typed records of interview because when it's completed it was booked into their property.

A. Yes, well that was the - that was the main reason that it came back through people who were arrested from time to time. That's the - that's where that information came from.

10 Q. They reported that to you, did they?

A. Yes.

Q. You made up that answer, didn't you, to justify your practice of verballing suspects?

15 A. No, I didn't.

Q. Mr Joseph Kokotovic's Record of Interview didn't have to go into his property at all, did it?

20 A. Well, he didn't have one.

Q. But in the event that he had one--

A. Well--

25 Q. --it didn't have to, or a suspect, if they had a record of interview, you didn't have to make it travel with a suspect's property, did you?

A. Yes, you did, otherwise you would have to hold onto it. It's part of - it becomes part of his property. The police can't sign for it out of his property when he's charged. He's entered into the prisoner's - it's entered into the prisoner's property book.

30 Q. It was the case, wasn't it, that from time to time suspects would say to you - you'd have to give it to them, but then they'd look at it and say, "Well, don't put it in my property"?

35 A. Well, that hasn't happened to me. If it's happened to other police, I don't know, but that then opens up an avenue of saying, of course, it never existed on the day or the night.

40 Q. If a suspect told you that they had concerns about their safety, for example, about police putting their record of interview into their property and you believe those to be credible, you wouldn't put it in their property, surely?

A. Well, it becomes a matter for them. It's part of their property. To withhold it from them, that's something I've never been asked to do and I haven't done.

45 Q. Is there any, sort of, standing instruction or anything that you're aware of that says that a record of interview as at that time needed to go into someone's property?

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

50 Q. Could I ask that the witness be shown Exhibit 4.2-31, red page 370. At the top of the page there, Mr Grady, you'll see here - and in fairness to you, this

relates to another member of the alleged Croatian Six, Mr Brajkovic, who also expressed on police version some concerns about a record of interview travelling with him and it says here:

5 "Well, under the circumstances I will place it in an envelope and seal it. You can sign the seal if you want to and I'll have it placed into the safe kept at the CIB. It will be given to you or your solicitor on request. Is this suitable to you?"

10 A. Yes.

Q. That was an option that was available to you and one that police used in circumstances where there was concerns as to safety or a record of interview travelling with a person?

15 A. Well, I don't know. I've certainly never used it.

Q. You'd accept from that that one of your colleagues has availed themselves of a different--

20 A. Was this a signed record of interview or--

Q. Does it matter?

25 A. Well, a signed record of interview that's been duly tested by another senior police officer - individual police officer becomes the property of the accused person. I don't see that we have any right to withhold it, whether it's in a sealed envelope or not, to be later given to a legal advisor.

Q. Do you draw some distinction between a signed and non-signed record of interview or--

30 A. Well, a signed record of interview is fully acknowledged by the person who has signed it as to the truth of what is contained in it and it becomes his or her property.

Q. That doesn't change the storage arrangements, per se, does it, or--

35 A. I don't know. I've never undertaken this method of keeping back a record of interview, signed or unsigned, from any person I've interviewed.

Q. Again, if someone said to you, "Look, do not send that in my property. It could cause me serious problems", you wouldn't then send it?

40 A. Well, you can ask me that question as many times as you like, but I've - same answer. I wouldn't. It would go in the property.

45 Q. That notion of suspects being reluctant to have a typed record of interview because they didn't want it to go into their property, I mean, many suspects that you would attempt to interview would simply exercise their right to silence, wouldn't they?

A. Yes, very often. Yes.

Q. Particularly, sort of, seasoned criminals, as I think you referred to them in your evidence, that they would avail themselves of their right to silence?

50 A. Not necessarily. People who are - hadn't any criminal records would also

avail themselves of their right to silence. I don't know that I've noticed too much difference between one and the other, to be quite honest.

5 Q. Where someone had a solicitor, it wasn't atypical for the solicitor on advice for the client to exercise their right to silence and not participate in a record of interview at all?

A. Oh yes, it happened very often that they would provide, with a solicitor present, a version of events, or whatever.

10 Q. When Mr Kokotovic said that he had these concerns about what was being discussed being typed up, you didn't try and assuage his concerns in any way by saying "look, it's better that we proceed in this fashion, it protects you, it protects me if we type it up"?

A. I didn't talk to him at all.

15

Q. You didn't hear Detective Counsel say such things?

A. No, not - not along those lines, no.

20

Q. You've agreed that you didn't know Joseph Kokotovic as some seasoned criminal on this night; you didn't know him at all prior to this night, did you?

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

Q. When you went to Burwood, that was the first time you'd seen him ever?

A. As far as I know, yes.

25

Q. You weren't even provided with a description of him before you went to Burwood, were you?

A. I - I don't know. I don't think so, but I don't know.

30

Q. You didn't receive an intelligence pack, or anything like that, before you went on this raid about the six men?

A. Not that I recall.

35

Q. There would have been other jobs where prior to doing such a raid you would receive an intelligence pack or information?

A. No, other than the type of screed that I typed out. I mean, if you - if you're responsible for calling on an operation or an inquiry, then you usually provide, by way of a screed, or whatever, information that you know is relevant to the officers who have got to do whatever the task is. And we had that, although I

40

can't remember it, but we had that; it's the document that I typed out.

Q. Independently of that, though, sometimes you would get police warnings, and that sort of thing, before going to a raid?

A. I don't follow. Police warnings?

45

Q. Yeah, if someone on their system, on their occurrence running sheets, if they had a particular history, sometimes those things were flagged before you'd be sent to a job?

A. I don't know what you mean by on their running sheets. The only time that you would have warnings would be if you called up someone's record and

50

there might be warnings on that, "often armed", or whatever it might, but it wouldn't be anything to do with any occurrence entry.

5 Q. I'm just thinking obviously they are on COPS now, but prior to the advent of COPS, there were similar - police could be, as you say, be alerted to certain things prior to embarking upon a raid, if considered relevant?

10 A. You're going down to very wide trails. Occurrence pads were only used for inquiries, and what have you, that were being done, so that would inform the immediate police on the inquiry as to what had occurred up to date on that inquiry. A COPS entry is a different thing altogether; it goes on to assist them. The occurrence pads never went onto an electronic system, but they were just a running sheet of what was in that inquiry, and they would be filed away at some later time, some of them at the MO section, the modus operandi section, but they never went onto electric records.

15 Q. On your account, Joseph Kokotovic made some quite spectacular admissions when you spoke to him?

A. I don't know about quite spectacular; he made some admissions, yes.

20 Q. How forthcoming he was, did that take you by surprise?

A. Yes, really, yes.

Q. When he made these admissions, did you speak to your colleagues about the extent and breadth of the admissions that he made?

25 A. I can't remember.

Q. Do you recall having any discussions with Mr Counsel about the extent and breadth of the admissions made?

30 A. No, I can't.

Q. Could I ask you this way, were these some of the most striking admissions that you had ever heard in your course of--

A. No, no.

35 Q. You were told, amongst other things, about a hijacking of a plane?

A. Yes.

Q. Just out of interest, how would you spell hijack or hijacking as you sit here now?

40 A. H-I-J-A-C-K.

EXHIBIT 4.2-81, RED PAGE 637, SHOWN TO WITNESS

Q. This is your statement, Mr Grady?

45 A. Yes, page 8 of my statement is what I have here, yeah.

Q. Could I ask you to have a look at the penultimate - sorry, paragraph 13, fourth line down, you'd agree with me that you use a hyphen for "hi-jack" there?

50 A. Well, yes, I may have, or someone who typed it out may have.

Q. Could you go down to the penultimate question, again, there's a hyphen there for "hi-jacking"?

A. Yes, it's not the way that I would usually type "hijacking", which leads me to believe with the scissors, that this may have been typed out for me.

5

Q. I think you, in fairness to you, you were also taking dictation from Detective Counsel?

A. Sorry, when? During the interview?

10

Q. Yes. At some stage, didn't the--

A. I don't quite understand you.

Q. --notebook run out or something, and then he started dictating to you?

A. Yes, yes. Sorry, he started dictating to me?

15

Q. Yeah.

A. No, the notebook ran out, and then I continued in his notebook with the interview, not dictation.

20

Q. I thought he was telling you what to write, no?

A. Well, he was questioning Mr Kokotovic, and I was trying to keep up as best I could with the questions and answers. If you want to call that dictation, I suppose, it's not really what I--

25

Q. You don't recall him saying at any point, "Use a hyphen for 'hi-jacking'", or anything like that?

A. No, no. Is that in my notebook, I've used "hi-jacking" with a hyphen as well?

30

EXHIBIT 4.2-81, RED PAGE 628, SHOWN TO WITNESS

Q. At paragraph 14, just firstly, you agree with me that this is the statement of your colleague on the evening?

A. I don't know, it's down too far.

35

Q. Detective Counsel?

A. Yes.

40

Q. If you go down to paragraph 14, about four lines down, you'll see "hi-jack", again with a hyphen?

A. Yes.

45

Q. If you go a couple of extra lines down, you'll see it in quotes, "The plan was to hi-jack", again with a hyphen?

A. Yes.

50

Q. Then if you go to about squarely in the middle of the page, you said, "I said, 'Who had planned this hijacking'?"

A. Yes.

Q. Senior Constable Counsel was your partner on the night in question and in the same interview room as you?

A. Yes.

5 EXHIBIT 11.56, RED PAGE 245, SHOWN TO WITNESS

Q. In fairness to you, this is the statement of a Mr Howard, who was another one of the officers that was on the raid with you at Burwood. You remember Mr Howard being there on the night?

10 A. Yes, yes.

Q. Could I ask you to have a look at page three of that penultimate paragraph, page three?

A. Yes.

15

Q. I beg your pardon, even before that, if you just go to the second paragraph. It says, "Also, I asked the defendant questions in relation to an alleged hi-jacking", with a hyphen?

A. Yes.

20

Q. If we go to page three of this document, please?

A. That is page three.

Q. That is page three. If you look at the penultimate paragraph, you'll see in brackets, "Informed them of a hijacking statement made by Kokotovic", do you see that?

25

A. Yes.

EXHIBIT 4.2-89, RED PAGE 652, SHOWN TO WITNESS

30

Q. In fairness, this is the statement of a Mr Parsons, and you'd agree that he was another one of the raiding officers at Burwood?

A. Yes.

Q. If you look at the third line from the top, you'll see, "In relation to an alleged hi-jacking", again with a hyphen?

35

A. Yes.

EXHIBIT 4.2-90, RED PAGE 656, SHOWN TO WITNESS

40

Q. Do you agree with me that this is a statement of Mr McHugh, who is another police officer associated with the raid at Burwood?

A. Yes.

Q. If you look at the second paragraph, about line 10, you'll see that others were going to hi-jack an American plane?

45

A. Yes.

Q. With a dash?

50

A. Yes.

Q. Then if you go down a few lines, you'll see this, "What can you tell me about this hi-jacking?", again with a dash?

A. Yes.

5 EXHIBIT 4.2-94, RED PAGE 667, SHOWN TO WITNESS

Q. If you look at the second paragraph, and before I do take you there, you'd agree that this is a statement of a Mr Godden, who was another police officer associated with the raid at the Burwood premises?

10 A. Yes.

Q. If you go to the second paragraph, the fourth-last line, even before that, a couple above, I said, "Ilija Kokotovic has told Detective Howard that you and him and the others were going to hi-jack". Do you see that?

15 A. Yes.

Q. Then if you go down a couple of lines, you'll see, "He said, 'Yes.'" I said, "What can you tell me about this hi-jacking?", again with a hyphen. Do you see that?

20 A. Yes.

Q. Mr Grady, are you familiar with the concept that was highlighted in the Wood Royal Commission known as a "scrum down"?

A. No.

25

Q. A scrum down, as described in the Wood Royal Commission report, was this idea of police, including police from the various squads, or the very squad that you were part of, getting their heads together in order to collude and concoct charges against suspects. Are you familiar with that concept?

30 A. No. As I said before, police would get together in a debriefing, if that's what you're referring to, but, no, not this some sort of collusion to present false evidence, no.

Q. It's just a coincidence, is it, that, and I've just taken you to six, and I don't pretend that that's everyone, but just the six that I've taken you to all spell "hi-jack" with a hyphen. That's just coincidence, is it?

35

A. I wouldn't have a clue if it was coincidence or not. I don't see what it points to. It may have been typed up by the same typist. I - I have no idea.

Q. How do you explain the fact that your statement had a hyphen, when I asked you a question a moment ago how you would spell "hijack" or "hijacking", and you didn't include a hyphen?

40

A. Well, I don't include a hyphen. I said that my statement could well have been typed up by the reception typist.

45

Q. So is--

A. I - I don't know.

HIS HONOUR

50

Q. Mr Grady, why would that typist adopt different formatting styles?

A. I have no idea, your Honour. I don't know that she did. I'm just saying that the - in my case, I may have got her to type up the - type up the statement. I don't know.

5

Q. Did you tell her that you preferred a particular type of formatting? For example, you indent the quoted conversation between the police officer and the suspect.

A. Well, I probably--

10

Q. Did you tell her, "That's my preference. That's the way I want it done."

A. I - I probably did, your Honour. I can't remember now, it's so long ago.

DE BRENNAN

15

Q. How often were you prevailing upon this receptionist to type up your statements?

A. I can't - I can't recall. I know that it happened on a number of occasions. That's what she was there for. She was a typist.

20

Q. She was the receptionist, wasn't she?

A. Well, people didn't come in and out of the Breaking Squad office to - it wasn't - they had to first attend an inquiry office downstairs, who would ring through, if anyone was coming. The receptionist part was not really a job at all. She was - she was a typist.

25

Q. Mr Grady, you're not seriously suggesting that this receptionist was also acting as a makeshift typist for yourself and five of your colleagues when preparing the statements?

30

A. No. No. I'm not suggesting that. She was a - she was a typist. She wasn't a receptionist masquerading as a typist.

Q. I take it that you are also going to deny assaulting Mr Kokotovic on 9 February 1979?

35

A. Certainly.

Q. You don't recall, as you were assaulting him, saying words to the effect of, "What have we got here? Another Ananda Marga?"

A. No.

40

Q. Did you make any reference at all to Ananda Marga during the course of questioning Joseph Kokotovic?

A. I didn't question him, but no, I didn't.

45

Q. You deny assaulting Joseph Kokotovic?

A. Yes. I deny assaulting Joseph Kokotovic. Yes.

Q. Your memory's been a bit hazy as to what you recall of 9 February 1979. Is that something you categorically recall?

50

A. Put it this way, I have never assaulted anyone in my custody and I would

certainly remember it had I. I did not assault him.

Q. You were aware of other police officers during the period of 1979/1980 assaulting suspects?

5 A. I don't know about that period, I was aware that police had assaulted suspects, yes.

Q. You would have seen that in the course of your career?

10 A. No, I hadn't seen it at all.

HIS HONOUR

Q. Mr Grady, can you help me with something that I am struggling to understand?

15 A. I'm sorry, your Honour?

Q. I'm struggling to understand something in relation to a part of your evidence. You'd said that this approach that Mr Joseph Kokotovic took is something that's been encountered with other suspects who are being interviewed. They're first offered the opportunity to have a typed record of interview and they say something along the lines of what Mr Kokotovic said, refusing to have the typed--

A. Yeah.

25 Q. --interview and I think you've said in effect that seasoned criminals know that if you do a typed record of interview it ends up in your property and it can be seen by other people when they get to the gaol if they're refused bail.

A. Yes.

30 Q. Then, having said that, they go along and say when they're offered a notebook recording of the interview, they're happy to engage in the interview and they answer questions and sometimes make admissions. That's something you've encountered a number of times as you did with Mr Kokotovic?

35 A. Yes, because it doesn't go into their property, your Honour.

Q. Yes, and this is in the context of them having been told that they have a right to silence; they needn't answer police questions at all?

40 A. That's so.

Q. Why do people who are concerned about it being found out, either soon or later when the matter comes to Court; why do people decline the typed record of interview but happily engage in the - willingly engage in the recording in the notebook when they have the option and they've been told they have the option of saying nothing at all? I'm just struggling to find a rational explanation for people taking that approach; can you help me?

45 A. Well, there might be no rational explanation, your Honour, I don't know, but it's happened on numerous occasions.

50 Q. Why would numerous people adopt what, on one view, seems just simply a

nonsensical approach?

5 A. I don't know, your Honour, but often as well, they later adopt what they've said and plead guilty to the matters; it's - I don't know why they do it. It's just purely a matter the police offer them, a record of interview, some partake, some don't, and some refuse also that it be recorded in a notebook.

Q. So in your extensive experience, including some ten years at the Special Breaking Squad (as said), you've never come across a rational explanation for somebody adopting an approach like that?

10 A. No, I really haven't, your Honour, because many people, or many suspects, refuse to talk to you at all.

Q. Yes.

15 A. Some talk freely, some sign records of interview, most don't. It depends on how and when they're caught and I suppose what their background is, but, no, I can't explain it.

<EXAMINATION BY MS GLEESON

20 Q. Mr Grady, you were asked some questions by Mr De Brennan about the raid on 8 February 1979 and whether it was a Special Weapons and Operations Squad operation. Did you hear that or would you like me to repeat it?

25 A. No. Yes, I've got you so far I think, yeah.

Q. You said it wasn't and you said words to the effect of "It's a SWOS operation, a SWOS operation is either called on or it isn't. The powers that be either decided it wasn't or it didn't cross their minds". Could I ask you, when you speak of "the powers that be", do you recall at what level of authority within the New South Wales Police Force was required to call on a SWOS operation as at February 1979?

30 A. Well, I think it had to be any request, the SWOS attendance had to be put through the duty officer at the time. That's to the best of my recollection.

35 Q. You don't remember whether the approval had to be made by the duty officer or somewhere above that?

40 A. No, I think it was at duty officer level. I mean, if it, because that's usually who the requests would go to. If police went to the scene of, let's say a domestic or something that ended up being a siege, then would radio back to VKG. VKG would then get in touch with the duty officer, and the duty officer would call out SWOS.

45 Q. I take it from your evidence that you didn't have any memory on the occasion of this raid of there being any request put forward to the duty officer for it to be a SWOS operation?

A. No, not that I know of.

NO EXAMINATION BY MR WOODS, MR BROWN, MR SILOVE AND MS BASHIR

50

<EXAMINATION BY MS MCDONALD

Q. Mr Grady, you were asked some questions about your recollection of dealing with Detective Jefferies who was from Special Branch?

5 A. Yes.

Q. Can I take you to the transcript you were taken to. I think it's Exhibit 2.1-39, page 1164, and if I can take you to the bottom of the page, you were taken to this part of the transcript where you were asked about were you given any information by members of the Special Branch. Do you see that?

10 A. Yes.

Q. Then you believe it was Detective Jefferies, though you couldn't be positive?

15 A. Yes.

Q. Then you were asked what was it and you answered names and addresses of a number of people, "From memory, most of whom are the accused now before the Court", date of birth, "That's all I can recall". Do you see the answer there?

20 A. Yes, I do.

Q. Could the witness now be taken to Exhibit 4.2-86. You've been shown this before. This was the screed.

25 A. Yes.

Q. If I can take you to the bottom part of the screed, underneath the heading "Members of the Special Branch have identified the above as suspects as being", and then you can see the list of the names with addresses and dates of birth?

30 A. Yes.

Q. When you combine the answers that I've just taken you to in the transcript of the trial with the information received there, does that suggest that the information that was provided and typed up on this document was provided to you by Detective Jefferies?

35 A. Well, I think, as I said, most likely Jefferies, but I can't recall at this stage. I'd only be relying on what I said earlier. Yeah.

Q. Looking at your answers when you were giving evidence at the trial with the information that was typed on the bottom of Exhibit 4.2-86, you can see it lists names, addresses and dates of birth?

40 A. Yes.

Q. And at the top indicates that the source of the information was from Special Branch?

45 A. Yes.

Q. That would suggest that it did come from Detective Jefferies?

50 A. Well, that's what I was saying. I thought it was Detective Jefferies,

although I couldn't be sure. I think back when my memory was a lot better than it is now, yes.

Q. You've got no recollection as you sit here today of Detective Jefferies?

5 A. Not at all. I can't even remember the man, to be quite honest. No.

Q. You were asked some questions about Vico Virkez.

A. Yes.

10 Q. First, whether you knew he was Serbian and you said, "Look, I've heard that, but not sure when". Then you were asked about links with the Yugoslav Intelligence Service and my note of your answer was, "Look, I heard about that later". Do you recall that question and answer?

A. Yes.

15 Q. When you said that you heard about it later of his links with the Yugoslav Intelligence Service, when was that?

20 A. I can't recall. I mean, Detective Sergeant Turner, Detective Milroy, Detective Sergeant Wilson worked on the, if I could call it, the inquiry after I dropped out of it and, obviously, at some stage there must have been some discussion going on about what had happened or what they were up to and I probably would have got it from that source. I don't know.

25 Q. Do you actually recall getting that information from either Detective Sergeant Turner or Detective Milroy?

A. No, I don't.

30 Q. Have you based your answer of, "That's where I probably heard it", because they were the ones still involved in the investigation and preparing the brief of evidence?

A. Yes. In all fairness, I might have heard it sitting around waiting to give evidence in the committal or the trial. I really can't remember. I just know that there was some talk about Virkez. That's all.

35 HIS HONOUR

Q. Is this while the trial's running or before the trial, not after?

40 A. I - it more likely would have been the committal proceedings, I would've thought, your Honour, but I really can't remember. I can't - we sat around for some days at the boat waiting to get on. So there would've been witnesses who were yet to give evidence.

MCDONALD

45 Q. You were asked some questions about your transportation of the gelignite and the detonators to CIB.

A. Yes.

50 Q. And, in particular, you were taken to transcript Exhibit 2.1-39, page 1170. If we could just bring that up. It's five questions down

commencing, "Now on the day"?

A. "Now", sorry, what?

Q. Can you see, yes, where the cursor is? "Now on the day".

5 A. Yes. Okay. Yes.

Q. You were taken to this where the question was, "Now, on the day you put the explosives in the boot of the vehicle; did you take any precautions against the two wires being placed together?", and you said, "No"?

10 A. Yes, I disagree with that.

Q. I just ask this question, the reference to the two wires being placed together, is that referring to the wires on the detonators?

15 A. Well, that would have been my understanding of the question. Yes, each detonator has two wires protruding from it, and the idea was to twist them together so they couldn't form a circuit, yes.

EXHIBIT 2.1-40, PAGE 1173, SHOWN TO WITNESS

20 Q. This is still evidence that you gave at the trial. I want to take you to the last question and answer on that page. If you need to look at the previous questions to put it in context, but it's again looking at you transporting the gelignite and the detonators to CIB?

A. Yes.

25 Q. You answered, "Well, as I stated yesterday, I would have done one of two things, either turned the two bare wires together or tied one of the wires back in a knot around the bulk of the wire so that the two ends could not come in contact"?

30 A. Yes.

Q. When just answered something along the lines of, "No, that was corrected in the trial", is that the answer you were referring to, or the evidence that you were referring to?

35 A. Could I - could I just go to - I thought that what I was referring to, that's the context of what I was referring to, but I thought there was a matter raised with the bench by Mr Buchanan, or by one of the legal counsel, in respect of that very question and answer, and I thought when I was reading through the transcripts I came across that. But that's what I would have done is the

40 answer to that question.

Q. So your evidence here is what I would have done is the evidence that I've just referred you to at page 1173?

45 A. Yes. More than likely, it would have been by twisting the two wires together, more so than tying the other one back down along the - along the other wire, yes.

Q. Sitting here today, do you have a recollection of doing that when you took the detonators out to put them in the boot of the car?

50 A. No, no, no, I'm not saying that. I'm saying that was my normal practice to

do that. As I sit here, I have no recollection at all of putting the items in the boot of the car.

5 Q. You were also taken to the Emergency Manual from the New South Wales Police?

A. Yes.

10 Q. If we could go to the first page, which is Exhibit 14.8. You were taken to this cover page?

A. Yes.

Q. Do you recall receiving any training in this Emergency Manual?

A. Me?

15 Q. Yes.

A. No.

20 Q. Could we take the witness to page 102. I want to take you to the first paragraph in the introduction where it reads "this manual replaces all previous general instructions to police in connection with emergency disaster procedures"?

A. Yes.

25 Q. Then you can see it goes on and refers to instructions for particular locations like Lucas Heights are different?

A. Yes.

30 Q. I just want to ask you about emergency disaster procedures; what is your understanding of that term?

A. Well in respect of - in respect of, say, bombs, it would be discovery of - of bombs that were made up into explosive devices, or maybe situations where one had gone off and another was there. That type of - that would have been emergency disaster procedures, I would imagine.

35 Q. The raid that you participated in on 8 February, was that an emergency disaster?

A. No.

40 DE BRENNAN: Your Honour, I object.

HIS HONOUR: What's the objection?

45 DE BRENNAN: My understanding was that the witness had indicated he didn't have any training in this particular document. He is then being asked questions as to what might be described as terms of art within the document in circumstances where he says that he hasn't been trained in it.

50 HIS HONOUR: Well he might not have been trained in it, but that doesn't mean he wasn't aware of it. So his understanding of terms used in it is pertinent. I'll allow it.

MCDONALD

Q. The term "Emergency Disaster Procedure", you see that?

A. Yes.

5

Q. Your participation in the raid on 8 February, was that an emergency disaster?

A. No.

10

Q. In 1979 did you have a conception of what would be included under an emergency disaster?

A. Not that I can recall. It's really self-explanatory, it's an emergency disaster, it's not a - the location of gelignite or a firearm, or - so that - it's something beyond that.

15

EXHIBIT 14.9, PAGE 124, SHOWN TO WITNESS

Q. You were taken to section 19.11, which is entitled, "Commercial Demolition Explosives and Detonators Located or Received"?

20

A. Yes.

Q. Can I just pause there, when you gave evidence about attending the raid and seeing the gelignite, you described in your evidence that it was industrial gelignite?

25

A. Yes.

Q. What was your understanding of the distinction between industrial gelignite and a commercial gelignite or explosive gelignite?

30

A. Well, what I referred to and I believe is referred to as commercial gelignite is a smaller version, probably half the size all over of one of the half-sticks of the industrial gelignite. Its wrapping is in a grease-proof-type paper with "ICI" written on it, and "gelignite". It's what I'd describe as probably a - or used to, I don't know if it still is - a yellow-coloured covering. Whereas this is much larger, not in a pretty form, if I could call it that, of the covering. It's just a bare cardboard covering, a furry cardboard covering, and it's used for industrial purposes like blasting and what have you, more so than the commercial gelignite, which may be used for smaller - it's sold to, in the old days, farmers and what have you, to blow stumps, and it's the material of choice for safe blowers, the smaller type gelignite.

35

Q. The larger industrial, that would be used more in the mining industry?

A. Yes, as far as I know, yes, yes. This is the first time that I'd seen it actually, the industrial gelignite.

40

Q. When you attended the raid?

A. Yes.

45

Q. This is probably an obvious question, but the industrial gelignite is more powerful than the commercial?

50

A. Only - they're both AN60, so they would both be of the same grade, but of

course, the industrial gelignite's about three or four times the size, so therefore, the potency. It's like a, I suppose, like an atomic bomb. The bigger they get, the more destructive they are.

5 Q. Mr Grady, you've given evidence about a procedure that you would adopt of your partner typing out a statement then you would make handwritten amendments to it?

A. I might do that or even type up something that goes in after paragraph so and so, and hand that to the typist to, you know, type up--

10

Q. So, like, "Insert A", you would type up a couple of paragraphs that was "A" on a separate piece of paper?

A. Yes, or it might have been, for example, whoever I'm working with, goes outside and does something else. Well, I wasn't there, so that wouldn't be part of my statement, so I might cross that out and put down what I did, you know.

15

Q. You've spoken about, I think it was a receptionist or a typist?

A. Yes.

20 Q. For the Breaking Squad, was there only one such typist available?

A. Yes, she came into being, if I could put it that way, when we were at the Breaking Squad office at the old CIB. She had a little cubicle right at the front, and she then travelled across with us to the Remington building, the CIB in Liverpool Street, and I think she was then shared between us and the Armed Hold Up Squad, but that's the best of my - how long she was there for, I can't really remember. But this was very early days of coming across from the - 1979, it was time immediately after the Hilton bombing when we came across from one to the other. I think that was in late '78 or early '79, the Hilton bombing.

25

30

Q. If other officers wanted to adopt a similar procedure that you, on occasion, adopted, the only person who would be doing that retyping of a statement would have been this particular person?

A. Well, yes. Unless they did their own, or they - if they'd adopted what I have suggested may have occurred in my case, then, yes, she would have been the only - unless they went downstairs and found the - the Homicide Squad. I think they had a couple of ladies there doing typing, unless they weren't busy. But as a general proposition, yes. She was the only typist on our floor.

35

40 Q. Do you recall with the statement that you made for the Croatian Six matter, and I'm talking about your first statement of 9 February 1979--

A. Yes.

Q. -do you recall was that, in a sense, based on Mr Counsel's statement?

45

A. I could only say I would think so. I can't really remember.

Q. You gave evidence about that earlier. Is that because of that unusual spelling of "scissors"?

A. Yes. And - yeah. And the - the "hi-jacking" bit. I don't know. It was hard to remember. Maybe I - maybe I spelt it that way in those days. I really don't

50

know. But "scissors" I don't think I ever spelt with a--

Q. A "z" or two "zz"?

A. Yes. Yes.

5

EXHIBIT 4.2-81, PAGE 630, SHOWN TO WITNESS

Q. That's the first page, paragraphs one, two and three, where you're setting out a narrative of where you went, what time, et cetera.

10

A. Yes.

Q. If we can go to page two, page 631. Down at paragraph six, can you see that's the commencement of the interview with Mr Kokotovic?

A. Yes.

15

Q. And if we go across the page to page seven, you can see questions and answers continue?

A. Yes.

20

Q. It continues in that format, and if we just quickly go through. Let's just go up to page six. I can take you to this, but if you go to your notebook that's in evidence, I think to the best of my reading of your handwriting, it reflects your recording of questions and answers that you recorded.

A. Yes.

25

Q. Can I just then take you to Mr Counsel's statement, which is Exhibit 4.2-80.

EXHIBIT 4.2-80, PAGE 623, SHOWN TO WITNESS

30

Q. I'm just doing this very quickly, but the first couple of paragraphs are very similar to your paragraphs?

A. Yes.

35

Q. Then if we go to the next page, and probably if we go to page three, can you see there at paragraph eight, it's recording what was asked and what was said in the record of interview when you were writing it down?

A. Yes.

40

Q. But it's set out differently.

A. Yes.

45

Q. If your statement was based on Mr Counsel's statement, it's just unusual that there's such a different formatting involved?

A. No. I would have probably instructed the - the typist to do it in the format that I did it in. No, that's - it's only a matter of following the format, not the--

Q. That's something that you would do?

A. Well, I usually - I usually made my statements out in the same fashion, if I could it that way, yes.

50

Q. I don't know that--

A. Not in this. Mainly because this is all - we basically had to learn evidence back in those days, to give it verbatim in court, and it's very difficult to learn from a - from something that's just in one--

5

Q. That's set out like that?

A. Yes.

10 Q. You gave evidence at the trial that after Mr Kokotovic had been sent to Central and had been charged, that you and Detective Counsel did sit down and start typing out your questions and answers?

15 A. Well, I don't know if he did it - we did it that day. I don't know if we did it then. I can't remember all that. I - I really can't recall, but we would have done that, because he wouldn't have been able to understand what was in the notebooks if I hadn't. I may have - I may have done it on my own. I can't recall.

Q. That was to be used as like a translation of your handwriting?

20 A. Yes.

Q. Just finally, and-

25 MCDONALD: Your Honour, this may be with leave because it's not directly in reply, but it's something very short that I'd like to explore.

HIS HONOUR: That's all right.

MCDONALD

30 Q. You gave evidence, Mr Grady, about taking to Mr Butt at the Dangerous Goods Branch--

A. Branch, yes.

35 Q. -two lots of gelignite.

A. Yes.

Q. If we could go to Exhibit 4.2-98--

40 A. I'm only going to that from my earlier evidence at the trial. I can't recall anything there at all, but anyhow.

Q. My recollection of your evidence this morning is you thought the second lot of gelignite was seized as part of this Croatian Six inquiry, but at another raid?

A. Yeah. Yes.

45 EXHIBIT 4.2-98 SHOWN TO WITNESS

Q. If we could expand that towards the top, do you see that's from - it's headed "Police - the Kokotovics and Nekic"?

50 A. Excuse me - yes.

Q. I just want to take you to the third paragraph which says, "On 9 February 1979 at 10.50 in the morning I received from Detective Senior Constable R Grady of the Breaking Squad the following". If we follow down the page, you can see we've got the gelignite and there are other items?

5 A. Yes.

EXHIBIT 4.2-100 SHOWN TO WITNESS

10 Q. This again is one of these certifications or documents from Mr Butt. If we could expand it a little bit, you'll see there it records "On 9 February at 10.50 in the morning I received from Detective Counsel of the Breaking Squad"?

A. Well, we went there together. I mean, he - he may have been carrying--

15 Q. Sorry, can I just pause and if we go up towards the top, can you see there it's "Police v Zvirotic"?

A. Yes, yeah.

20 Q. It's not the matter that you and Detective Counsel were involved in, it's another Croatian Six matter?

A. Yeah.

25 Q. What I just wanted to raise with you, was it the position on 9 February that both you and Detective Counsel went to the Dangerous Goods Branch, you had the, can I describe it as the Kokotovic explosives, but Detective Counsel had the other ones from the other raid?

30 A. Well, we may have carried one up each, I don't know. They were just in the envelopes obviously. I may have taken Detective Counsel up there to show him where the Dangerous Goods Branch was, because he was only new to the squad. I might've taken him up there to show him, but I really can't remember why we both went; I don't know.

35 Q. No, that's all right, it's more that your evidence that you gave this morning about I took a second lot of explosives with me on that day, the reason for this is suggesting that what actually occurred is you went with Detective Counsel and you had the Kokotovic explosives and it was Detective Counsel who had the other ones?

A. Yeah, that's apparently - yeah.

40 Q. Is that possible?

A. Yes. Yes, yeah.

<THE WITNESS WITHDREW

45 SHORT ADJOURNMENT

AUDIO VISUAL LINK COMMENCED AT 3.39PM

<ALEXANDER GEORGE BOOTH, SWORN(3.59PM)

<EXAMINATION BY MS EPSTEIN

5 Q. Mr Booth, can you see and hear me?

A. Yes.

Q. My name is Epstein. I'm Counsel Assisting. I'll be asking you some questions to begin. If at any time you can't hear us, could you please say so.

10 A. Will do.

Q. Could you please state your full name?

A. Alexander George Booth.

15 Q. As at February 1979, you were a constable of police with the New South Wales Police Force?

A. I was. At Central Police Station.

Q. How long have you been attached to Central Police Station?

20 A. About two years. 18 months, two years.

Q. When did you begin your career in the police force?

A. I was sworn in 12 September 1977.

25 Q. You went straight to Central Police Station when you were sworn in?

A. Yes.

Q. How long did you remain at Central Police Station?

A. To about 1980/81.

30

Q. Where were you transferred to?

A. The Tactical Response Group.

Q. The Tactical Response Group, did you say?

35 A. Yes.

Q. How long did you remain with that group?

A. About nine years.

40 Q. Where did you transfer to after that?

A. Parramatta Police Station and I also did - whilst I was at Parramatta did a secondment to the AFP in East Timor. Police work.

Q. What was your rank while you were at Parramatta Police Station?

45 A. Sergeant.

Q. You said you did a secondment with the AFP to East Timor; is that correct?

A. That's correct, yes.

50 Q. When did that occur?

A. 2001.

Q. How long did you remain with Parramatta Police Station?

A. Over 20 years.

5

Q. Was that until your retirement?

A. Yes.

Q. When did you retire?

10 A. 2012.

Q. You gave evidence at the committal hearing in the case of the Croatian Six?

A. Yes.

15

Q. Also at trial?

A. Yes.

Q. Have you had a chance to review your evidence from committal and trial?

20 A. I have.

Q. Have you recently been provided with a copy of your statement, which is undated?

A. Yes, I have.

25

Q. Have you also had a chance to review that statement?

A. Yes.

Q. Having reviewed your committal evidence, your trial evidence and your statement, is there anything in any of those documents that you wish to change?

30 A. No.

Q. At the time, turning your mind back to 8 February 1979, did you work with Probationary Constable Clive Silvester?

35 A. I did.

Q. Do you recall that there were six accused persons brought into the station, being Mr Joseph and Ilija Kokotovic, Mr Nekic, Mr Zvirotic and Mr Brajkovic?

40 A. From my previous evidence, yes.

Q. Sorry, that was five people. I correct myself. Do you have any independent recollection of that at--

A. No.

45

Q. Do you recall whether anyone else was brought in with those five men?

A. I can't recall.

Q. From having reviewed your evidence, are you aware that you assisted in fingerprinting those men?

50

A. Some of them, yes.

Q. Do you recall whether any exhibits were brought in at the same time?

A. No exhibits were brought into the cells, no.

5

Q. Could I just clarify the situation. You were working in the cells only?

A. In the cells only. Not in the charge room.

Q. In the cells, you had no role in booking exhibits or anything of that nature?

10

A. None whatsoever.

Q. Who had that responsibility within the police station?

A. It would've been the station sergeant.

15

Q. Were they physically located in a different area to you within the police station?

A. Either in the charge room or in the inquiry counter.

20

Q. Turning your mind back to 8 February 1979, do you recall Mr Brajkovic in particular?

A. No, no recollection.

Q. Do you recall whether any of the five men who came in that evening who I've asked about complained of any injury?

25

A. I can't recall any complaint whatsoever.

Q. Do you recall having seen any of them with any visible injury, such as bruising or abrasions?

A. From my evidence previously given, no, I can't recall.

30

Q. Do you recall any of them complaining of any mistreatment by police?

A. No.

Q. Around this time did you hear anything about Mr Brajkovic having been assaulted by police while he was interviewed?

35

A. No, I didn't hear.

Q. What about any of the other five men?

A. No.

40

Q. Do you know when you came to learn of the allegations of Mr Brajkovic having been assaulted by police?

A. I think at the Court when they asked me to look for marks on a photograph for evidence.

45

Q. Did you in your role have any discussions or engagement with other police officers who were involved in the arrest and investigation of the Croatian Six?

A. None whatsoever.

50

Q. Do you recall prior to giving evidence, both at committal and trial, did you

have any discussions with any other police officers about the evidence you were to give at committal or trial?

A. I can't recall that at all.

5 Q. When you say you can't recall that at all, are you positively saying you don't think it occurred, or you just have no recollection one way or another?

A. I have no recollection one way or another, but I - yeah, no, I can't recall anyone suggesting anything to me.

10 Q. I'm not saying they necessarily suggested anything to you, but did you have discussions of any nature with any other police officers about your evidence?

A. I doubt it, because it was very cut and dried what happened in the cells.

15 HIS HONOUR

Q. I assume somebody told you that it was necessary for you to give evidence?

20 A. Oh yes. I was told about a week prior that I had to give evidence.
EPSTEIN

Q. Who was that; who told you that?

25 A. I do not remember.

Q. Do you recall whether it was a police officer, or someone involved in the prosecution of the case, a solicitor?

A. I cannot recall.

30 Q. During your time as a police officer in around 1979/1980, did you hear any discussion or talk about fabrication of evidence in relation to the Croatian Six men?

A. None. The only involvement I had was in the cells.

35 Q. What about in relation to planting of gelignite?

A. None. Didn't hear anything like that.

NO EXAMINATION BY MR BUCHANAN, MS GLEESON, MR WOODS, MR BROWN, MR SILOVE AND MS BASHIR

40 <THE WITNESS WITHDREW

AUDIO VISUAL LINK CONCLUDED AT 3.49PM

45 EPSTEIN: Your Honour, that concludes the evidence for today. We have Mr Cook tomorrow morning, but he's not here this afternoon.

ADJOURNED PART HEARD TO TUESDAY 2 JULY 2024