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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 EIGHTEENTH DAY: TUESDAY 2 JULY 2024

**INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX**

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<KIMBAL MANNING COOK, SWORN(10.07AM)

<EXAMINATION BY MS MCDONALD

15

Q. Please state your name?

A. My name's Kimbal Manning Cook.

Q. Your current occupation?

A. I'm retired.

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Q. In February 1979, were you a Detective Senior Constable with the New South Wales Police Force?

A. I was.

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Q. I first want to ask you some questions about your career in the Police Force. Did you join the Police Force as a cadet?

A. I did.

Q. Was that in about 1966?

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A. It was.

Q. Were you then sworn in in about 1968?

A. I was.

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Q. Where did you grow up?

A. I grew up in the Snowy Mountains in Cooma.

Q. When you were sworn in as an officer, were you assigned to a particular station?

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A. When I was sworn in, I was first assigned to Burwood.

Q. What was your rank at Burwood?

A. Probationary Constable.

45

Q. After Burwood, where were you transferred to?

A. I believe Auburn Police Station.

Q. How long were you at Auburn?

A. I don't recall.

50

Q. Your rank there?

A. Probationary Constable.

5 Q. After working at Auburn Police Station, did you move to a different section of the Police Force?

A. Maybe while I was at Auburn or shortly after I applied to be a solo motorcyclist.

10 Q. Was that within a particular division or branch of the Police Force?

A. It was termed a clearway motorcyclist on traffic duty.

Q. How long did you work as a motorcyclist?

A. I don't recall.

15 Q. Can you give a rough indication?

A. One or two years.

Q. Then from working as a motorcyclist, where did you go then?

20 A. While I was a motorcyclist, I applied to go into plain clothes, detective work.

Q. That application was successful?

A. It was.

Q. Where were you first stationed as a Plain Clothes Detective?

25 A. 21 Division.

Q. What was 21 Division?

A. 21 Division was made up of aspiring detectives.

30 Q. The description of 21 Division, does that mean that you weren't assigned to a particular station?

35 A. No. 21 Division was the name of the station or the division and it was to patrol all areas of Sydney and also included illegal gaming and betting in hotels and the like. The trouble there is of Sydney, if there was trouble in say the northern beaches or the southern beaches or the western suburbs, we'd be - we'd go out and patrol those areas.

Q. You described it as consisting of aspiring detectives, so was it mainly young detectives?

40 A. It was.

Q. Who headed the 21 Division?

A. I don't recall.

45 Q. Before joining the 21 Division, did you work at Eastwood station?

A. Yes, I did for a short time, before I went - that's right, before I went to 21 Division, I believe I worked at Eastwood Detectives office.

Q. When you were at the 21 Division, what was your rank then?

50 A. I don't recall.

Q. Again, just roughly, how long were you at 21 Division?

A. I was only there a couple of months. From memory, before I was seconded to the - what they termed the 'Steal From Car' Squad.

5 Q. The Steal From Car Squad?

A. Steal From Car Squad. Didn't mean that the police stole from the cars, but we patrolled areas and we were a surveillance unit basically.

10 Q. Your secondment from the Steal From Car Section, was that your introduction to surveillance work?

A. Correct.

15 Q. From that introduction, were you then transferred to I think what was called the Observation Branch?

A. Correct.

Q. Again, roughly, which year was it that you were transferred to the Observation Branch?

20 A. I don't recall. Sorry.

Q. Do you recall what rank you were when you were transferred?

A. No, I don't, it's a long time ago.

Q. The Observation Branch, what type of work did it do?

25 A. Well, I remember my first night there, there was a criminal shot that we were observing these criminals that were wanted for armed hold-ups with machine guns in the eastern suburbs. We located them at an RSL Club at Mascot I - from memory, and we were following them and called in a uniform car to pull them over, and from memory the driver pulled a gun on the  
30 uniformed police as they were pulling them over and the sergeant in the truck shot the driver dead and I thought, "Wow, I think I'm in the action here". That was the first night on the Observation Squad. So that's the type of work we did.

35 Q. The work that you did, were you, in a sense, directed to perform different types of surveillance from other branches of the police, for example, Breaking Squad or Armed Hold Up Squad?

40 A. That's correct. We were - there was, only a, fairly sure, a small number of us. I'm guessing at around 20. And we were called upon from all areas of New South Wales, mainly from the CIB and the squads at the CIB, to perform surveillance. That was a matter of the most important crimes that were happening at the time. I recall one was a Mr Brown Qantas bomb hoax. So it was the major crimes that were going down at the time we went and did surveillance on. It could be from an hour to months.

45 Q. Within the Observation Branch around the time that you were transferred to it, did it have a link with a Police Integrity Unit?

A. No, the Police Integrity Unit came a lot later than those days. A lot later.

50 Q. Eventually were you transferred to some kind of surveillance group within the Police Integrity Unit?

A. No, I actually was seconded to the Police Integrity Unit as a Detective Sergeant. So it was a long time after my initial surveillance and whilst I was there, I believe it was Superintendent Shepherd, requested me to set up a surveillance unit, an undercover unit, to investigate corrupt police.

5

Q. Again, roughly what year was that?

A. That was in the early '80s. It was certainly after 1980.

HIS HONOUR

10

Q. What was the formal name for this unit?

A. Internal Police Security Unit, your Honour.

MCDONALD

15

Q. Sorry, Internal Police?

A. Security Unit.

Q. I did break in the chronology you were giving--

20

A. Yes.

Q. --and I apologise for that. You spoke about being transferred to the Observation Branch.

A. Yes.

25

Q. And the work that you were doing there--

A. Yes.

Q. --did you remain with the Observation Branch until being seconded to this Police Integrity Unit or did you work somewhere else in-between?

30

A. No, I've worked in many places prior to that.

Q. Can I take you back to your chronology of your work experience in the Force. You were in the Observation Squad.

35

A. I was in the Observation Squad. I worked undercover on the Drug Squad. Then not sure chronologically, exactly, but I can give you a brief rundown on places I went - if you - that's what you're after?

Q. Can I just confirm this is after you worked with the Observation Squad?

40

A. I had a couple of stints at the Observation Squad, but I kept upsetting the bosses and they transferred me out of there.

Q. Then you'd come back?

A. Another boss would come and he'd take me back.

45

Q. Maybe if you just give an outline of other areas or branches within the Police Force where you worked.

A. Okay. I worked at - one of my stints was at - Detectives in the eastern suburbs of Paddington and that - I can relate that to a time, because that was when Judge Opas was murdered and I was put on the Judge Opas murder

50

inquiry, but I was - that wasn't surveillance. That was as a Detective.

Q. That was part of the Family Court--

A. Yes.

5

Q. --bombings?

A. Yes, but I think prior to that - I said Observation, and I think I was at the Motor Squad for a while and I upset the Superintendent in charge of the CIB and he sent me back to Uniform at Petersham, and that's when I went to the Internal Police Security Unit and I was at the radio room for a while after the Internal Police Security Unit, because the boss of the Internal Police Security Unit, I believe, didn't want me to go any further on surveillance on politicians and police officers, because I was getting too close, so they transferred - they trumped up some charges - departmental charges and transferred me to the radio room, which was in those days called VKG.

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Q. And from the radio room?

A. I went to the Gaming Squad.

20

Q. From the Gaming Squad?

A. I sent two police officers to gaol - caused two police officers to go to gaol and the Commissioner and the police turned against me. There was a contract taken out on my life by the corrupt police and I ended up out of the police due to, they say, stress, but it was, really, because the police couldn't offer me a safe place and I went on out of the police and went on to have a sales career.

25

Q. The year that you left the Police Force, when was that?

A. Early 90s. That was as a result of an ICAC inquiry.

30

Q. We'll come back to that, but was that ICAC inquiry known as Operation Milloo?

A. That was part of the Milloo. Yes.

35

Q. Your evidence today, you'll be asked questions about your participation in a raid at premises at Bossley Park on 8 February 1979. At that point you were working with the Observation Squad?

A. I would've been, yes.

40

Q. At that point, February 1979, was that the first time that you had been transferred to the Observation Squad?

A. No, I don't think so. No, there'd been a break or too, but, look, there'd be records with the Police Department, but I just don't recall. Like, that's a long time ago.

45

Q. Again, with the rough chronology you've given, when Shepherd requested you to set up the undercover unit to investigate corrupt police, roughly in that chronology when did that occur?

A. When did he ask me to do that?

50

Q. Yes. You said that you were in the Integrity Unit and then you said that you were then moved to the radio room. Of course, you spoke about pressure to stop surveillance of politicians and police officers.

5 A. Yes. Okay. It's - I went to the Fraud Squad in 1980. I became a single parent of two children, so I needed a day-time job. I was there for roughly five years and I was - whilst there I was seconded to the Corporate Affairs Commission. So that had just come back to me, I'm sorry.

10 Q. Obviously, being in 1980, transferring to the Fraud Squad, what was after the events of 8 February --

A. Correct.

15 Q. --1979? Can I just ask you some more questions about the Observation Squad in February 1979. As you've given evidence, it substantially was undertaking surveillance work?

A. Correct.

20 Q. And instructions about surveillance work to be undertaken, that would come from other branches within the Police Force, such as Armed Hold Up, Break Up Squad, Drug Squad, Consorting, et cetera?

A. That's correct.

25 Q. Where were you physically located? Can you give, at least, an indication of a suburb?

A. At the police training centre or police academy in Redfern in some old buildings there that were, basically, abandoned. So the only other - it was a training centre for police recruits, but it - and it's where the police Mounted Section was. There was no detectives typically worked out of that location.

30 Q. When you were being assigned a surveillance job, how did you get the instructions or the directions on the work or the people of interest?

35 A. It'd be - it varied. You might meet someone - you might meet the detectives on the road somewhere, in an office. Rarely did we go to the CIB, but, yes, different locations. I don't recall any set practice for that.

Q. The practice in February 1979 when you're conducting surveillance, did you have access to cameras to take photos of people that you were observing or surveilling?

40 A. I don't recall, but possibly. Certainly not night cameras. They wouldn't have been sophisticated because we're always fighting to get equipment that wasn't readily available.

45 Q. To the best of your recollection, the cameras that possibly you had, was it a matter of you would keep them in the car that you were using for your observations?

A. I don't recall if each individual team had a camera. I think it ended up - well, no, I don't. I'm guessing, so I won't - I don't recall.

50 Q. When you spoke about you weren't sure whether each individual team had a camera, within the Observation Squad, how many officers consisted of a

team?

A. Usually two.

5 Q. Did you have a usual partner when you were working at the Observation Squad?

A. Yes.

Q. In February 1979, who was your usual partner?

10 A. I don't recall.

Q. Can I just go to another topic. In respect of your involvement in the raid on 8 February, you made a statement dated 12 February 1979.

A. I don't recall.

15 Q. Have you recently been provided with material?

A. I have.

EXHIBIT 11.90 SHOWN TO WITNESS

20 Q. Maybe if we can go right to the top, just to begin with. You can see, "Statement in the matter of Police v Brajkovic"?

A. Yes.

25 Q. "Place: Breaking Squad CIB". "Date: 12 February", and it's your name that appears, and, "Address: Observation Squad". Then you set out - it's a relatively short statement, only of about three paragraphs, commencing "on 8 February, 1979".

A. Yes.

30 Q. Have you recently had an opportunity to read through this statement?

A. I have.

Q. When you read through it, was there anything that you read and you thought, "Look, that should be changed", or, "It's not correct"?

35 A. Well, I don't recall making that statement, I'm sorry.

Q. Can we just go down to the bottom. It's not signed, though there's a place for a signature and witness. In February 1979, when you were making a statement like this, that would most probably end up in a brief of

40 evidence. Was it your practice to sign it when you were happy with it?

A. I'm sorry, I don't recall them. It's a long time ago. I don't remember what our practices were then.

Q. In an answer you just gave, you said that you don't recall making the

45 statement.

A. That's correct.

Q. Is it possible that you did and you can't recall, or is it a matter of somebody else might have prepared this. I just can't--

50 A. Well, I don't recall preparing it. I may have, but, you know, so could John

Travolta. I don't know who - who made that statement.

Q. But you have had an opportunity to read through it?

A. Yes, I have.

5

Q. When you read through it, your recollection of the events of 8 February, did anything strike you as being incorrect or not according with your recollection?

A. I'm sorry, but on my screen that's - I've only got half.

10

Q. Sorry. Can we go back, maybe to the start of - yes.

A. Okay. Do you want me to just go through this statement and explain or--

Q. Well, no.

15

A. I don't recall making it. There's things that pop out at me that - "Bossley Park". I know Detective Robinson, but I don't remember him being there. I don't remember Detective Wilson being there. I don't remember Harding. I certainly don't remember the address, but I remember Bossley Park.

Q. Detective Robinson, was he part of the Observation Squad?

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A. Yes. At one stage I did work with him, so that's possible.

Q. When you say you worked with him, was he your partner?

A. Yes. Correct.

25

Q. So you were one of the teams within the Observation Squad?

A. Correct. And - sorry.

Q. That's all right. At the committal hearing of the Croatian Six, you gave evidence on 29 August 1979, and a transcript of the evidence that you gave was made, and that's recently been provided to you.

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A. Yes.

Q. Have you had an opportunity to read through the transcript of the evidence that you gave at the committal?

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A. I've had an opportunity to read through it. I started to read through it, and I didn't want to go any further because I don't remember back that far. I didn't want my memory to be clouded by that, and to be honest, I'm not even sure if that's a true and correct record of the evidence I gave.

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Q. Can I just take it through in stages. You were provided with the transcript?

A. I was.

Q. You commenced reading it?

A. Yes.

45

Q. And then you stopped at a particular point.

A. Yes.

Q. You haven't gone back and completed reading the transcript of your evidence at the committal?

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A. I've had one or two attempts, but considering what I've been through in the past, emotionally it upset me. It caused me stress, and I wanted any evidence that I gave here today to be true and accurate, and not clouded by a document that I can't recall.

5

Q. You also gave evidence at the trial in May and June 1980, and you were provided with a transcript of your evidence at trial.

A. Yes. Correct. I - I don't remember the trial, dates or anything. I remember I did give evidence at a trial into this matter, and I did have the opportunity to read through it, but the same as the other transcript. I tried, but I wasn't - I decided I didn't want to cause myself, or my family, any further stress, so I didn't read through it. Plus, I didn't want to cloud my own memory, or invent things in my own mind that weren't true.

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Q. At trial and committal, you took an oath or an affirmation--

A. I would have.

Q. --that you would tell the truth?

A. I would have.

20

Q. Is your position that giving such an oath or an affirmation, any evidence that you gave at the committal or trial would have been truthful to the best of your knowledge and belief at the time?

A. That's correct.

25

Q. Putting to one side your concerns about stress and becoming upset, your position is also that you didn't create that transcript, so that if something is recorded in it, you can't confirm here that that is actually the evidence I gave at the time?

30

A. That's correct.

Q. Can I take you now to 8 February 1979. On that night, you attended with a number of other officers a raid at 16 Restwell Road, Bossley Park.

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A. Your Honour, I don't - I obviously don't remember the date or the time. I can tell the Inquiry that I remember going to Bossley Park. I remember - there's only two police that I remember, and that's John Krawczyk and Colin Helson, and the only other thing that I remember about that night is that I saw a pile of - what I remember to be superphosphate bags in a shed, and I believe that was an open shed. I don't remember exactly how many bags, your Honour, but it would be between - I'd say eight and 20. I thought it unusual at the time, because it didn't appear to me to be a property that used that type of fertiliser, and that is basically all I remember of that night.

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Q. Mr Cook, as you would agree, your recollection of events would have been better at the committal and the trial, because it's closer to February 1979.

45

A. I would agree with that.

Q. What I might do is just take you to some of your evidence at the trial to see if that refreshes your memory.

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## EXHIBIT 2.1-14, RED PAGE 446, SHOWN TO WITNESS

5 Q. Mr Cook, can you see - and if we can move it down further please - you were asked about the "8 February last year, you were working with Detective Robinson", and you answer, "That's correct". That's consistent with your evidence today, that at least at some point when you were with the Observation Squad, you and Detective Robinson were a team?  
A. That's correct.

10 Q. Now, you're then asked, "10pm on 8 February, did you go to Bossley Park?"; "Yes". You're first asked about meeting at the intersection of Prairie Vale Road and Polding Street, you agree with that, then, "Did you see Detective Sergeant Wilson and Detective Sergeant Harding there", and you say, "Yes". Then, "What happened then?"

15 "We were given certain instructions and at 10.15pm I went with Detective Robinson from my squad and some other police to 16 Restwell Road, Bossley Park and on arrival there I went with Detective Robinson to the left-hand side of that house."

20 Can I just pause there for a minute? Reading your evidence that you gave back at the trial, does that refresh your memory that at least two of the other officers who were there were Detective Sergeant Wilson and Detective Sergeant Harding?

25 A. I don't recall, I'm sorry.

Q. Did you know Detective Sergeant Wilson before 8 February 1979?

A. I did.

30 Q. Had you worked with him?

A. Yes, I had.

Q. In which particular branch or station had you worked with him?

35 A. My recollection is he was on the Breaking Squad and I would've done surveillance duties for him whilst I was on the Observation Squad.

Q. What about Detective Sergeant Harding?

A. The same.

40 Q. So it was a matter of because they were on the Breaking Squad, and as you've given evidence, the Observation Squad will do surveillance for those other squads--

A. Correct.

45 Q. --for particular operations?

A. Correct.

50 Q. Can I just give you a couple of other names of officers who were there; Detective Senior Constable Bennett? First question is, does that refresh your memory that he was there?

A. I don't recall Jim Bennett being there.

Q. Did you know - and I'm taking it from 8 February 1979 did you know Detective Senior Constable Bennett at that time?

5 A. Jim Bennett and myself joined the Police Cadets on the same day, 8 August 1966.

Q. After being cadets together, did you work with him at any other station or branch?

10 A. I don't recall working with him again.

Q. As at February 1979, did you know a Detective Senior Constable Morris?

A. I did.

15 Q. Do you recall that he was one of the officers?

A. No, I don't recall.

Q. How did you know Detective Senior Constable Morris?

20 A. He was on, I believe, the Breaking Squad also.

Q. Again, it's your work in the Observation Squad?

A. Through associate - yes, correct.

Q. You've referred to Detective Senior Constable Krawczyk and Helson?

25 A. Correct.

Q. You recall that they were both present on this raid?

A. Yes, I do.

30 Q. I'll start with Detective Senior Constable Krawczyk. Did you know him before 8 February?

A. Yes. John Krawczyk was in the same initial training class in 1968. That's - after I completed the cadets you go into what they call initial training, and John Krawczyk I believe was in that class, so I'd known him right  
35 from the beginning.

Q. As at 8 February, had you worked with him in any branch or station?

A. He was on what we termed the Special Branch and I may have done one or two surveillance jobs. We didn't do a lot of work for the Special Branch but I  
40 may have done one or two jobs with him; I don't recall.

Q. What about Detective Senior Constable Helson; you knew him before 8 February?

A. Then again, Colin Helson was in the same cadet intake as myself and Jim Bennett, so I'd known him a long time also.  
45

Q. Was it your understanding, as at 8 February, he was also a member of Special Branch?

A. Yes, that's correct.  
50

Q. Your dealings with him during your career in the Police Force up until that point, again was it providing observation services for some kind of Special Branch operation?

A. Yes.

5

Q. Did you know a Detective Senior Constable Cook; sorry, that's you, sorry, I'll start again.

A. I knew him quite well.

10

Q. Of course you knew him; sorry.

A. I'm not sure whether I liked him or not, but.

Q. I do apologise for that. Detective Senior Constable Robinson?

15

A. Yes. As I said before, Robinson and I were a team for some time; I don't recall for how long, but we were a team at the Observation Squad.

Q. And a Detective Senior Constable Pettiford?

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A. Yes. Laurie Pettiford I believe was also in the same initial intake class as John Krawczyk and myself.

Q. Had you either worked with him at a station or a branch before 8 February?

A. Similar to the Breaking Squad connection with the Observation Squad.

25

Q. I won't take you back to the transcript, but you can see that there was - you gave evidence that there was a meeting at the intersection of Prairie Vale Road and Polding Street before the police went on to Restwell Road?

A. I don't recall that meeting.

30

Q. How did you and Detective Senior Constable Robinson become involved in participating in this raid?

A. I don't recall.

Q. You're not doing surveillance work; your role was to go with the other officers and participate in the raid. Was that something that--

35

A. That's - that wouldn't be correct.

Q. Well, why did you attend--

40

A. I don't recall, but obviously we're on the Surveillance Squad, we would've been there for surveillance.

Q. Does surveillance include entering the premises--

A. No. Not on - not normally.

45

Q. Do you recall that you - and sorry, when I say the premises, what do you assume I'm referring to?

A. The house.

Q. What about the garden or surrounds of the house?

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A. Well, I don't remember on this night, other than I remember being in the - on the property, not inside the house, and that's when I saw the

superphosphate I referred to. I don't recall even why I was there. I mean, I can guess but that's not helpful for anyone. Our duty was purely as surveillance and we never participated in raids as far as knocking doors down, arresting, whatever. It was, we tried to maintain our anonymity as much as possible.

Q. Your participation was that you attended the premises but remained outside the actual house?

A. Well, I don't recall.

Q. From what you've said, is it correct that the deployment of surveillance officers at a raid like this, it was on the understanding that you, in a sense, wouldn't become integrally involved in the raid; and when I say that, going into the house, seizing items in the house and arresting suspects?

A. Correct. If - I can tell you in general if that helps. Quite often we'd go - in a similar situation, I'm not - you'd go, you'd take surveillance, see who's around, what cars are around, any movements around, number of people at the premises if you can, things like that. Then, when the police, the detectives were ready to go in to do a raid, you would stay back, in surveillance, they might ask you to cover areas in case someone escaped, and things like that but we wouldn't participate in the physical raid.

Q. With this particular raid, you and Detective Robinson didn't undertake that initial surveillance; did you?

A. I don't recall.

Q. Do you recall that the two detectives from the Special Squad, Krawczyk and Helson, had actually been present that afternoon in Restwell Road undertaking surveillance?

A. I remember seeing them there, but I don't remember what they did there.

#### EXHIBIT 4.1-OO SHOWN TO WITNESS

Q. That was an exhibit at trial; it's a photograph of number 16 Restwell Road. Just have a look at it for the minute. Does that jog your memory about the house?

A. Vaguely. I remember it being like an old fibro house and the other thing I remember is the condition of the yard and the property around it, which made me wonder why they had the superphosphate, because it obviously wasn't being cultivated in any way.

Q. When you speak about the yard and the surroundings, the yard is, what, a reference to the immediate yard round the house?

A. Well, even paddocks. If you go beyond, there's a - it looks like a dead tree over in the background and it looks typically unkempt. Even the house.

Q. In your evidence you said that you and Detective Robinson went to the left side of the house and started searching round there. Looking at the photograph, is the left of the house facing the house from the road?

BASHIR: Your Honour, if that could be clarified as to what - the question as asked was, looking at the photograph, is the left side of the house to the road, but is Counsel Assisting asking about the evidence that he gave or what he sees in the photograph. I just ask--

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MCDONALD: I'll confirm that.

Q. You gave evidence, and I can take you to the transcript, if it would assist you, that when the various officers arrived, you and Detective Robinson searched the left side of the house. Looking at--

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A. When you say searched the left side of the house, is it - are you referring to inside the house?

Q. No.

15

A. In the yard? The left--

Q. I'll start again. Your evidence was that you searched the left side of the house with Robinson, but you did not enter the house. So my question is we there have a photo of number 16, Restwell Road. When you gave evidence that you and Detective Robinson searched the left side of the house, can you indicate which side of the house you were referring to?

20

A. No. I don't remember giving that evidence.

Q. Could we take the witness to Exhibit 2.1-35, red page 999. This was part of your evidence at trial.

25

A. Well, I don't know if that is part of the evidence at trial or not.

Q. This is the transcript that's been provided of evidence that you gave at the trial. Can I take you to a question and answer to begin with, where you're asked:

30

"Q. What did you do then?

A. At 10.15 I went with Detective Robinson and other police to 16 Restwell Road, Bossley Park and there I went to the left-hand side of the house with Detective Robinson. After a short time I heard someone call out something. I then commenced a search of that area I was in with Detective Robinson."

35

This is the transcript that was recorded what--

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A. I don't want to be difficult.

Q. No, I understand your position, but this is the record that was maintained by the Court of the evidence you gave at trial. Can I ask you, do you recall, first, giving evidence along those lines at--

45

A. No, I don't.

Q. Reading that today, does that refresh your memory--

A. No, it doesn't. I'm sorry, but it would be easy for me to say yes, but I don't recall it.

50

Q. What do you recall when you went to the house? What happened?

A. I don't recall anything, as I've already said.

Q. Other than the finding the phosphate?

5 A. And the meeting John Krawczyk and Col Helson, I don't recall. I just don't recall it. I look around the Court, the Inquiry room today. Most of the lawyers here weren't even born then, you know. It's a long time ago, I'm sorry.

10 Q. But, Mr Cook, what often happens, and you've made the point that you never endorsed or adopted the trial transcript or the committal transcript. I take that point, but what we have found in this Inquiry, and what often happens is when a witness is given transcript of which purports to be their evidence at trial and committal they read it through and it jogs part of their memory. Memories come back. It appears that's the way how memory works, so what--

15 A. Okay. Let--

20 Q. --I'm hoping is that by taking you and showing you the photograph and showing you about what was recorded in the Court transcript of your evidence - this isn't transcript prepared by parties. It's the Court transcript of your evidence that the parties had at trial that went up to the Court of Criminal Appeal on a conviction appeal, et cetera. What we're hoping is by showing you photos, taking you to names of people who were there that it might jog a memory and a recollection of what occurred that night might come back to you.

25 A. All I can say to that is people that say they remember it by reading through a document, I would question. I remember - today, I remember being a great footballer, but back when I was 17, I probably wasn't as good as I remember today. You know, it's - your memory plays tricks with you. So I'm under oath here. I'm not about to remember things that I don't remember.

30 Q. I'm not asking you to do that, Mr Cook. I'm pointing out to you that what has been observed with a number of witnesses who, again, usually make the same complaint that you've made, this is about 40 years ago, but when they're asked questions, they look at photos, they look at transcript, often a recollection is triggered and something comes back to them. Often they will say, "Look, I don't have a recollection, but I see what I said in the transcript and if I said that in the transcript, it was under oath. It would be correct", but there are instances where it's, like, a little bit of a light bulb going over somebody's brain. That's what we're trying to generate with you.

40 A. Okay. I understand.

45 Q. You've seen the photo. We've shown you the Court transcript that you and Robinson didn't go into the house, but you went to the left-hand side of the house and with that photo I'm just asking you, do you recall now looking at that thinking, "Yes, the left-hand side of the house would've been X or Y"?

50 A. Okay. Unfortunately, I'm not as lucky as the others in remembering it by reading it. So it hasn't triggered my memory. What I can say is, though, if that is a true, correct version of my evidence, I've never told a lie under oath, so that would be correct. That's what I can say, but it doesn't trigger my memory.

Q. Mr Cook, one of the things that you have remembered today that you've given evidence about is that during your search around the house you did come across superphosphate?

A. Correct.

5

Q. Where did you find that?

A. It was in the shed.

Q. Could we bring up that photo again, please. 4.1-OO.

10

A. When I say it was in a shed. It was an open shed. It wasn't a closed shed at all. It was - I could liken it to an open garage on a property where you may park a tractor or something. I don't - yeah.

Q. There was, like, no door or roller door for it?

15

A. No door or anything on it, to my recollection.

Q. Again, this is the photo that I took you to. I should just establish, the handwriting. That's not your handwriting?

A. No.

20

Q. Accepting it's not your handwriting, but up the top there's the word "shed" with an arrow?

A. Yes.

25

Q. Looking at the photograph, can you recall where this open door shed was?

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

Q. Again, somebody else's representation that there was a shed with an arrow towards the right-hand back of the photo, does that jog your memory at all?

30

A. No.

Q. How many bags of superphosphate were there?

A. I'm only guessing, but in my memory it was, like, on a pallet. It may not have been on a pallet, but it was square and I'm guessing between eight and 20. There was a considerable amount there. It wasn't just one or two bags thrown on the floor.

35

Q. When you say eight to 20, eight to 20 bags?

A. Bags. Correct.

40

Q. At the time of your location of the superphosphate, did that immediately trigger in your mind the significance of that?

A. I don't recall.

45

Q. Had you in your career up to that point had any involvement in work that involved explosives or were you part of a SWOS team or anything like that?

A. Never.

Q. Superphosphate, is your understanding, is that the same as white phosphate?

50



A. I've never heard of white phosphate.

Q. I'll just take you to some other evidence that you gave at the trial, which is Exhibit 2.1-35, page 999.

5

EXHIBIT 2.1-35, RED PAGE 999, SHOWN TO WITNESS

Q. If we can go towards the bottom of the page. The question before, you confirm you didn't go into the house at any stage, but the question includes this, "You commenced this search on the left-hand side." Then you're asked:

10

"Q. What happened while you were in this area?

15

A. While I was in the area searching, I heard noises coming from the front of the house. I then walked to the front with Detective Robinson, and I saw Detective Harding and Detective Morris leading the accused Brajkovic towards the rear of the house.

20

Q. Where did you see them coming from, from what direction?

A. Coming from the street, from the driveway of the house.

Q. And where were you when you made these observations?

A. I was at the corner of the house.

25

Q. Which corner?

A. At the left-hand corner.

Q. This is as you look at the house, you mean from the street?

A. You look at the house, yes.

30

Q. Did you see where they Brajkovic, Harding and Morris went?

A. They walked towards the rear of the house.

Q. Was this still in your view?

35

A. No. When they went up to the side of the house, I lost view of them.

Q. Did you notice anything about them?

40

A. Detective Sergeant Harding was closest to me. I noticed he had a white bag in his left hand. The accused was in between Detective Sergeant Harding and Detective Morris. That is all I noticed."

Then if we can go to the next page. You're actually shown an exhibit, and you answer:

45

"A. That is similar to the bag that I saw Detective Sergeant Harding carrying.

Q. Did you at any time that night take the bag in your hands and examine it?

50

A. No, I did not."

Again, this is the Court transcript of what you said at the trial. Just reading your questions and answers there. The first point, it does appear to have been clarified of when you were referring to the left of the house, what side of the house you were actually referring to. Do you agree with that?

5 A. That's what it says, yes.

Q. Do you agree that reading that transcript, if we could just bring up that photo again, please.

10 EXHIBIT 4.1-OO SHOWN TO WITNESS

Q. When you described that you made the observation of Harding, and Wilson and Mr Brajkovic from the left-hand corner, you were asked:

15 "Q. This is as you look at the house, you mean from the street?  
A. As you look at the house, yes."

Relying on that transcript of your answer, does that assist you in which side of the house you were searching?

20 A. Well, we go back to what I was saying before, if that's an accurate record of my evidence, it's obvious that the left side would be the left side of the house.

Q. Just looking at the photograph, you can see that there appears to be a driveway with some cars and other vehicles parked?

25 A. It should be on the right side of the house.

Q. That's what I wanted to clarify. Again, hearing those answers and questions, where you said that you, "heard noises from the front of the house. I walked to the front, and I saw Detective Harding and Morris leading the accused towards the rear of the house", and that you saw them, "coming from the street, from the driveway of the house", does that jog your memory, or refresh your memory, using that photograph as a guide, where you saw them?

30 A. Look, I'm sorry, no, it doesn't.

35 Q. I think you then say that they walked towards the rear of house, and you lost vision of them?

A. That's - that's what it says in the deposition.

40 EXHIBIT 2.1-35, RED PAGE 1000, SHOWN TO WITNESS

Q. I want to take you to the fourth question and answer.

"Q. What did you do after you saw them going up the side of the house?

45 A. After a short period of time I walked around towards the side of the house. Detective Wilson came out and gave us certain instructions. I was with Detective Robinson. We then commenced a search of the outside area of the house. Then Detective Sergeant Wilson came out again later and gave us further instructions. Then  
50 all the police and the people from the house left. We remained

there, that is Detective Robinson and myself remained there for about an hour and a half until we were relieved by uniformed police. Then we returned to our office."

5 A. Yes. I see that.

Q. You speak about, after the second time "Detective Sergeant Wilson came out and gave us further instructions", "all the police and the people from the house left." The various names of those officers who were in attendance at the raid, did they all leave, leaving just you and Detective Robinson at the site?

10 A. I don't recall. It's - I only - I don't even recall what's written there, but I take that, if that's my deposition from the trial, that it will be true, but I don't recall any of it.

15 Q. This answer suggests you're on the outside of the house. Events occur, and Detective Harding and Morris come around with Mr Brajkovic, and they then go towards the rear of the house and you lose vision. Then Detective Wilson comes out, gives you instructions, and you start with Detective Robinson searching the outside of the house, and then he comes out and gives you some further instructions and people leave, and it seems from this answer that you and Detective Robinson remained there until you were relieved?

20 A. That's what it appears to be.

25 Q. The location of the superphosphate bags, when did that occur?

A. I don't recall.

Q. When you saw the superphosphate bags, did you immediately notify any of the other officers who may have been on the site at the time?

30 A. I don't recall.

Q. Who did you inform after you had finished attending the site on 8 February, early morning of 9 February, who did you tell about your observation of the bags of phosphate?

35 A. I don't recall. I don't recall if I told anyone to be - to be blunt. I mean, I remember seeing it, but I don't recall saying anything about it. That's not to mean I didn't say anything, I just don't recall what happened. This was about a four-hour period in a 28-year career. You know, I'm sorry, but it's just - there's certain things you - stay in your mind and certain things that don't.

40

Q. Was there a procedure at the time when you were undertaking surveillance duties, or other duties, in conjunction with another branch, that if you did make an observation of something of significance, that you would inform the main operational branch of it?

45 A. I don't recall a procedure, but obviously you would tell them. I believe I would have told someone, but I can't say that I did. You know, I - I believe I would have, but I don't recall doing it.

Q. Why do you say you would have?

50 A. Because to me it was something of some significance.

5 Q. Again, in February 1979, that reporting of something of significance, was it usually an informal reporting? That you would either ring up or somehow contact the officer-in-charge, or another officer involved in the main operation, or were you supposed to record it in a statement, or a note or something like that?

A. It could have just been something over the radio. Over the police radio. It was - I don't recall any set procedure of doing that.

10 Q. The statement we showed you at the beginning of your evidence, and you said that you had no recollection of drafting that, there's no reference in it to the location of the superphosphate.

A. That's correct. There's no evidence in that statement.

15 Q. A matter of that significance, is it the type of thing that you would include in your statement?

A. I don't recall what it would be there for, or why it wouldn't be there, or why it would be there. I would've reported it. I believe, but I'm not even sure that at that stage I have the knowledge of what could be done with that type of product that I have today.

20 Q. Your evidence of the significance of locating the superphosphate, did you realise the significance at the time, or is that something that in your mind has become significant as you have--

25 A. I'm not sure that I understood the significance of it back then as I do today. The significance of it, to me it seemed out of place, so that would've been one reason I could've reported it and I don't even know why I remember it today; as why I remember John Krawczyk and Col Helson. I don't remember - I don't recall why I remember them, but I do, where I don't remember the other detectives; to me that's a bit strange.

30 Q. The extract from the transcript that I just took you to suggests or says that you and Detective Robinson remained there and then you were relieved by other uniformed police. Upon being relieved by those other police, where did you go?

35 A. I don't recall.

Q. Did you go back to CIB Headquarters?

A. I don't recall. Sorry.

40 Q. After participating in an operation such as this, what would have been your procedure? Was it expected that you would return to CIB and go to the area of the branch that engaged you in the operation?

A. No set procedure that I recall, I'm sorry.

45 Q. You've got no recollection of returning to CIB or the--

A. No, I don't.

50 Q. --Breaking Squad, et cetera, that night? Your observation of Mr Brajkovic being accompanied by, I think it was Harding and Morris, round the house, is that the last time on the night that you saw Mr Brajkovic?

A. I don't recall.

Q. The white bag that you gave evidence about, did you ever examine it or look at--

5 A. I don't recall.

Q. --what it may have contained?

A. I don't recall. It would be unusual for me to have any role in examining that bag, but I don't recall it, seeing it.

10

#### SHORT ADJOURNMENT

Q. Mr Cook, immediately before the break, I took you to that extract of the transcript of your evidence at trial where you referred to being at the premises, but not inside the house, outside the house, and that on two occasions you received instructions from Detective Sergeant Wilson. Included in that answer was that you and Detective Robinson started searching the outside of the house. At any time when you were at the premises, were you informed that gelignite and detonators had been found in the house?

15

20

A. I don't recall.

Q. The instructions that Detective Sergeant Wilson told you, or gave you, did they include searching, but looking out for something like gelignite or other items associated with bombs or explosives?

25

A. I don't recall.

Q. Can I just take you back to your statement, again, which is Exhibit 11.90.

#### EXHIBIT 11.90 SHOWN TO WITNESS

30

Q. When you were in the Observation Squad, and a matter where you had been undertaking surveillance went to trial, was it usual that you would be required to provide a statement to be included in the brief of evidence?

A. Quite often we never gave evidence. It's just depending on the - on the circumstances of the investigation.

35

Q. When you were required to provide a statement for inclusion in a brief of evidence, what was the procedure back in February 1979? Did you do it in conjunction with your partner or team member?

40

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

Q. If we just have a look at this document, which purports to be your statement, can you see at the top it's got, "Place: Breaking Squad CIB"?

A. I do.

45

Q. Do you recall around 12 February, after your attendance at Bossley Park, attending the CIB?

A. I don't recall.

50

Q. If you, looking again at your procedure back then, if you were required to

provide a statement for a matter, is that something you would draft at the Observation Squad premises, or were you required to go to the premises of the main investigating squad?

A. I don't recall any set procedure, so, I can't help you with that, I'm sorry.

5

Q. During both the committal and the trial of the Croatian Six, there were allegations made by the various accused, or defendants, and I'm putting it generally to begin with, that evidence had been planted at premises where the raids were undertaken, and the evidence that was planted were things like gelignite, detonators. Your attendance at Bossley Park, did you make any observations on the night of police planting gelignite or detonators?

10

A. I don't recall, but if I'd seen someone planting evidence, that's a very serious matter. I've - I would have reported it. There's no doubt about that in my mind.

15

Q. When you say, "I would have reported it", in February 1979, who would have you reported it to?

A. That's a good question. Probably to someone from the - I don't recall the name of the section. It was Internal Affairs. Police Internal Affairs. No, that's - yeah, I would have definitely reported it, had I seen anything like that happen.

20

Q. Police Internal Affairs at that time, was it like a precursor to the Integrity Unit that you refer to?

25

A. Police Internal Affairs wasn't a - that was the only internal investigation team, or division, or section. The Internal Police Security Unit was developed separately to Internal Affairs. So there was - when the Police Internal Security Unit was born, Internal Affairs remained and they mainly did the softer-type complaints, where the Internal Police Security Unit did the more criminal type.

30

Q. Your recollection in February 1979, the particular section that you would have reported something as serious as planting of evidence, was Police Internal Affairs?

A. Yes.

35

Q. A variant of that evidence fabrication, so subsequently with the preparation of the brief, there is a fabrication of, "Yes, we did find at the premises gelignite or detonators", or something like that. Again, in respect of the raid that you were part of at Bossley Park, did you ever have any evidence that that occurred?

40

A. No. I don't believe anyone would put that to me anyway.

Q. You gave evidence at the committal and at the trial, and often that involves some sitting around at court complexes waiting to be called to give evidence, during that time, did you have any conversations with other officers involved in the Croatian Six matter, or overhear any conversations which would suggest, and I'll put it broadly, evidence being planted, or evidence being fabricated?

45

A. No. I never - the first time I heard of evidence being planted - well, I don't even recall hearing it. Maybe at trial there was allegations, but I certainly never overheard police officers talking about it.

50

Q. Again, I'm putting it broadly, there were allegations at committal and trial that confessions were obtained from certain members of the Croatian Six by duress, including assaults. In respect of your involvement in the Croatian Six matter, did you ever see, or see any evidence, of confessions being obtained by duress of any of the Croatian Six?

A. No. Under no circumstances do I recall hearing any of that. If - if I did hear of that, then, again, I would have reported it.

HIS HONOUR

Q. That was directed to confessions being obtained by duress. What about confessions being fabricated?

A. So--

Q. Does the same answer apply, or--

A. The same answer, your Honour. I - I actually have a record of reporting corruption anyway, so I'm not just sitting here saying that. I have a demonstrated record of bringing corruption, or bad practices, to notice. So, no, I wouldn't have--

Q. Did you ever have any uneasy feeling about how the police had conducted themselves in any respect in relation to this matter?

A. No, your Honour. My recollection is this happened so quickly, I don't think Cecil B. DeMills could have orchestrated it. I - I believe everything that happened happened.

MCDONALD

Q. I'm sorry, I missed the first part of your answer there, Mr Cook.

A. I apologise.

Q. No. No. That's fine.

A. I said, I believe that all this happened so quickly that Cecil B. DeMills couldn't have orchestrated it. There was a lot of people involved, from my understanding, and--

Q. When you said this all happened so quickly, you're referring there to the raid on Mr Brajkovic's house?

A. I'm referring to the whole lot. It's my understanding that it all happened in the one day. I could be wrong, but that's my recollection.

Q. When you're talking about it "all happened", are you referring to other raids that occurred either on that night or earlier in the afternoon?

A. I don't know about any other raids, I'm sorry. I don't recall any other raids.

Q. I'm just trying to work out when you say it, "All happened so quickly", what you're actually referring to?

A. Well, the whole - the whole brief. My understanding is that this all happened in one day. Now, I wasn't at any other - I understand there were other possible raids, but where they were, and who were on them, and what

they found, I've got no idea of what that was.

5 Q. The allegations that evidence was planted, in your experience within the Police Force, did you ever come across anything like a ready availability of, for example, gelignite, that could then be planted at a location during a raid?

A. I don't recall ever seeing gelignite. To this day, I don't think I've ever seen gelignite.

10 Q. My question was more about, which I think arises from your answer that it all happened so quickly, to plant evidence, for example, gelignite, you would need access to a supply or a source?

A. Of course, yeah.

15 Q. In your experience as a police officer, was that something that you had come across at police stations, or other branches of the police, that there would be explosives like gelignite being readily available?

A. I wouldn't imagine so. I mean, to my knowledge, and I have a very limited understanding of explosives, but to my mind, there - they can be quite unstable, so, yeah, I - I'd doubt whether they'd be held anywhere.

20

Q. Can I ask you some similar questions, but moving away from the Croatian Six operations or investigation. During your career in the Police Force, did you come across other police officers planting evidence?

25 A. Your Honour, we're talking 40 odd years ago. The New South Wales Police Force, they used to say, was the best money could buy, and what happened back in those days is lots of rumours went down. I certainly wasn't part of it. That was one reason why I was on the Observation Squad so I didn't get involved in arrests or in any of those shenanigans that went on in the Police Force. There's a lot of rumours; I didn't want to be involved in it, and I always made a statement when I went to work at a section that I'm honest and I don't want to get involved in any of the crap that goes on, and I'd tell the people I worked with that and basically they left me alone. And you'd hear rumours, but I never got involved in it.

30

35 HIS HONOUR

Q. I don't think you were asked directly about you being involved in this sort of conduct; it was about your awareness.

40 A. I've never seen it. No - I'd never seen it. Obviously you hear rumours because I enjoyed a drink myself in those days at the pub with the boys, and you'd hear talk, but, you know, there's lots of talk, but some of it would've been true, some of it would've been blasé; just bluff or boasting I think is probably a better word.

45 MCDONALD

Q. Your evidence that when you would go to a station or a new section you would say immediately "I'm not going to become involved in any of the crap that goes on". Your reference to the "crap that goes on", is there something in particular that you were referring to?

50



A. Well, any of the corruption or load-ups, or. I used to say I'm honest and I'll - I want to keep my nose clean.

5 Q. When you say corruption, what were you referring to; because there's different types of corruption?

A. Well, not to me there's not. Corruption's corruption; there's varying degrees but I just didn't want to get involved in anything that was illegal, and there's - I'm on record as saying that. It's not something I'm inventing.

10 Q. In your experience in the Police Force, were you ever involved in an interview with a suspect which involved duress, including violence where admissions were sought to be obtained?

A. I was never involved in any. No.

15 Q. What about just making up or fabricating confessions?

A. No, definitely not.

Q. On those two topics, during your experience in the Police Force, did you ever witness other officers engaging in that conduct?

20 A. I never witnessed any, no.

Q. Did you ever hear rumours or accounts of that?

25 A. Yes, I heard rumours but don't ask me what they were, because I certainly don't recall, but I do recall the talk of rumours of load-ups, of bashings, of criminals being held out the window of the CIB in Campbell Street I think it was. You hear all those stories. I'm guessing some of them were true and some of them were just bravado.

30 Q. You gave evidence that you have a record of either reporting, corruption or bad practices. You gave evidence earlier today about your involvement in an ICAC investigation which was known as Operation Milloo?

A. Yes.

35 Q. Part of Operation Milloo looked at particular - I think it had a case study of an operation that you were involved in when you were with, was it the Gaming Squad?

A. That's correct.

40 Q. In Operation Milloo, that was an examination of the role of and treatment of whistle blowers within the Police Force?

A. Yes. I'm not sure what you understand. There was one part of that was a direct investigation into my participation with two other police officers from the Gaming Squad.

45 Q. Was this where you learnt that two other police involved, officers, were intending to engage in corrupt conduct in respect of, I think it might've been an SP bookie who had been arrested?

A. I can - it's probably best if I explain it from the beginning without - keeping it brief. I was away on an operation--

50

Q. Just pausing, this is when you were a member of the Gaming Squad?

5 A. Gaming Squad. I was away on an operation leading the Surveillance Team of the Gaming Squad which consisted of about four or five, in Albury, on a bookmaker, and it was that this guy was supposedly untouchable and we found where he was operating from. We called the what we used to call the Bust Team in to do the bust and arrest him and gather the evidence.

Q. That was, again, another part of the Gaming Squad?

10 A. That was a part of the Gaming Squad, and they arrested him and later that night the police officers, two of the - one of the bust team and one of my team came to me and suggested that there was \$70,000 available if we gave him back his - his ledger, because he needed his ledger, bookmakers, SP bookmakers in those days, your Honour, needed their ledgers to settle their bets, and this guy was a huge bookmaker.

15

HIS HONOUR

Q. To obtain money owing to him, he needed that ledger?

20 A. He needed that ledger to recover his money and those ledgers were worth a lot of money to the bookmaker, and he'd offered the police \$70,000 just to get the ledger back - get his ledger back. He'd still be charged, it wasn't to be let off the charge, it was just to get his ledger back. So they came to me and asked me, hey, will you be in this, and I'm thinking, bloody hell, what are these guys up to. I said, yes. I immediately, when I got the chance, rang Sydney and said we've got guys trying to rip a bookmaker off for 70 grand, we need to get them.

25

Q. Was this for the Internal Police Security Unit?

30 A. It was the Internal Police Security - no, it was the Gaming Squad, sorry, the Gaming Squad. I rang the Gaming Squad, the Chief of the Gaming Squad, and Internal Police Security Unit, from memory, got involved too, and they said, no, just come back to Sydney and we'll, you know, just call the jam off and come back to Sydney. And I knew what would happen if I did that, it'd be swept under the carpet, and I said, no, that's not happening. This went up as high as, I think it could've gone to the Commissioner, and I refused to come back to Sydney because I knew these police would be let off. I said, no, I'm not coming back to Sydney, we've got to get these blokes because they're criminals, worse than the bloke that they're trying to rip off 70 grand. So reluctantly they sent some police down and we ended up getting both of them; it was a big operation. We end up arresting both the police and the short story is they - they got 12 months in gaol, both of them. And my police career was over, because the Commissioner of Police turned against me and the Police Force turned against me, there was a contract on my life taken out by the corrupt police, so, that's why I've ended up my police career because they couldn't give me a safe place to work. The attitude was you don't do that to your mates; you don't give up your mates. My attitude was, they're criminals, they're not my mates. So.

40

45

MCDONALD

50

5 Q. Mr Cook, you gave evidence earlier today about one of the reasons you hadn't gone through and read the transcript from the trial and the committal was that it did bring back a lot of stress, you also referred to stress to your family. The aftermath of your involvement with that operation on the corrupt officers within the Gaming Squad, your treatment that you've referred to, did that lead to your own stress?

10 A. Well, it very much did. The treatment from the entire Police Force - when I say the entire Police Force, I'm talking about the majority of CIB guys and detectives, I'm not talking about young or uniformed police, but the senior police, whatever, they - and the Commissioner of Police - it was so bad, that's how the Milloo Inquiry got under way. I didn't go - they call me a whistle blower, but I'm not a whistle blower; what happened was Milloo - ICAC rang me up and said, "We hear you're getting a very rough time", and I said, "Yes, I am", and they said, "We want to do an inquiry into it". I said, "Yes, I will assist but on one condition", I said that "No New South Wales Police are involved, and that you listen to everything that I've got, not just what you want"; and that was probably a bad decision on my part because I was treated quite badly by ICAC.

20 Q. You spoke about poor treatment by CIB and detectives after you were involved in the Internal Police Security Unit operation in Albury. Was that only members of the Gaming Squad or did it also apply to detectives from other squads or branches?

25 A. No. One night I was bashed by a senior member of the homicide squad.

Q. And the--

30 A. When I say, "bashed", I mean coward punched by two members of the - one was a senior member of the Homicide Squad, one was a junior member of the Homicide Squad. There was a - that was at a farewell to my - to a friend of mine who I'd worked with on the Surveillance Squad and I was just at the bar and these two guys came up and just coward punched me and I just got up off the floor and said, "If that's the best you can do, go again". I didn't touch them. I didn't throw a punch, because I knew there was a heap of CIB guys there. I knew I was well outnumbered and they would've told lies about who started it.

35 Q. Because of the harassment and also threats and treatment that you received, it necessitated you moving your family at one point?

40 A. It did. I had to move houses.

Q. Eventually it led to you ending your career with the Police Force?

A. Totally.

<EXAMINATION BY MR BUCHANAN

45 Q. Can I take you back, please, to the evening of 8 and 9 February 1979. Do you have a memory of being at 16 Restwell Street, Bossley Park?

A. No.

50 Q. Do you have a memory of seeing--

A. I have a memory of being at Bossley Park, but that's it.

Q. You had a memory of seeing Detectives Krawczyk and Helson; is that right?

5 A. Correct.

Q. In connection with your memory of being at Bossley Park?

A. Correct.

10 Q. Do you remember the vehicle, or a vehicle, with which they were associated? Either they were driving or they appeared to have been in or go to?

A. No, I do not.

15 Q. If I can take you to the transcript at Exhibit 2.1-35, page 999 towards the bottom of the page. Can you see there towards the top of the screen a question commencing, "What happened while you were in this area?"

A. Yes.

20 Q. The answer recorded is:

25 "While I was in the area searching, I heard noises coming from the front of the house. I then walked to the front with Detective Robinson and I saw Detective Harding and Detective Morris leading the accused Brajkovic towards the rear of the house."

A. I see that.

30 Q. Are you able to assist us as to how you were able to give a name to the person you saw Harding and Morris with as the accused Brajkovic?

A. No.

Q. Did you meet a man called Brajkovic that night?

35 A. No.

Q. You were introduced--

A. Not to my recollection.

40 Q. --to such a man? Did you know a Mr Brajkovic before this night?

A. Not to my recollection.

Q. So someone must have told you that you were to use the words "the accused Brajkovic" to denote a person accompanying Detectives Harding and Morris?

45 A. I don't recall.

Q. Can you think of any other explanation? Someone must have told you to use that name, mustn't they?

50 A. I don't recall.

Q. Can you think of any theoretical example as to how you could've, on the occasion you're giving that evidence there, used the words "the accused Brajkovic" if you had never met the man before?

A. What are you asking me to do? To make up a reason why I had the name?

5

Q. Where would you have got the name from?

A. I said I don't recall.

Q. I understand you say you don't recall, but, surely, someone told you to say that?

10

A. I don't recall.

Q. Do you see towards the bottom of the page, second last question:

15

"Q. Was this in your view still?

A. No. When they went up the side of the house, I lost view of them.

Q. Did you notice anything about them?

20

A. Detective Sergeant Harding was closest to me. I noticed he had a white bag in his left hand. The accused was in between Detective Sergeant Harding and Detective Morris. That is all I noticed."

Do you remember that?

A. No, I don't.

25

Q. Do you know where the notion that you saw a white bag in the left hand of Detective Sergeant Harding on that occasion would have come from?

A. No, I don't.

30

Q. Is it possible that someone told you to say that?

A. Totally impossible that someone would've told me to say that.

EXHIBIT 11.90 SHOWN TO WITNESS

35

Q. This is the statement in your name that purports to have been made at the Breaking Squad office. You see that?

A. I do see it.

BASHIR: Your Honour, I just object to the comment that it purports to be made at the Breaking Squad office. That's not what it says, your Honour

40

BUCHANAN: Sorry. I'm--

HIS HONOUR: It says, "place"--

45

BUCHANAN: Sorry. My friend is referring to address. Is that what--

BASHIR: Yes.

BUCHANAN: I'm asking the witness about the words that are typed in the top right-hand corner.

HIS HONOUR: That's the place and date of the statement, isn't it?

BUCHANAN: Yes.

WITNESS: What are you asking me, I'm sorry?

BUCHANAN

Q. Looking at that document, there isn't anything there which indicates that you saw the man, Brajkovic, at all, is there? Sorry. I'm being directed to--

A. I don't see any name "Brajkovic" on that.

Q. But you do see the words - Counsel Assisting is directing me to the words "walking towards the house with the defendant" at the bottom of the second paragraph. Can you see that?

A. I do see that.

Q. Up at the top of the statement it says, "Statement in the matter of Police v Brajkovic"?

A. I see that.

Q. Is there anything in that document about seeing a white plastic bag being held by Detective Sergeant Harding, whether it's in his left hand or not?

A. I don't see anything in that document that mentions that.

Q. Is there anything in the document to indicate to you whether it's likely or unlikely that you typed it or that it was typed at your dictation?

A. I don't recall seeing that document.

Q. Is there anything about the way it's formatted, for example--

A. Nothing jogs my memory.

NO EXAMINATION BY MS GLEESON AND MR BROWN

<EXAMINATION BY MS BASHIR

Q. Mr Cook, I'm appearing for James Bennett, who was a detective at the time.

A. Yes.

Q. Could I take the witness to his trial evidence, Exhibit 2.1-35 and at the transcript red page 1001. Could I just ask you to have a look at the third question and answer. Do you see it says there, "You see, in point of fact there was no bag in the hand of Harding at all, was there?" and your response is, "There was". Do you see that?

A. I do see that.

Q. You're then asked how far away you were when you claim you saw the bag. Do you see that?

A. Yes.

5 Q. And you give responses in relation to those questions--

A. Yes.

Q. --and answers. You've given on oath evidence earlier today that you never told a lie on oath.

10 A. Correct.

Q. You were including in that your evidence in this trial; correct?

A. Correct.

15 Q. Could the witness please be taken now to Tab 2.3. That is evidence at the committal hearing. Could we have red page 6995. Could I first go to 6985.

HIS HONOUR: This is in 2.3-21, is it?

20 BASHIR: Thank you, your Honour.

Q. 6985. Do you see about four questions down, you were asked this question and answer:

25 "Q. When you saw Detectives Harding and Morris and Mr Brajkovic walking towards the front of the house, what totally did you observe?"

A. Yes, I see it.

30

Q. You there answered:

35 "A. Well I saw Detective Harding was closest to me, there was the defendant then Detective Morris on the other side. Detective Harding was carrying a white bag in his left hand. That's all I remember."

Do you see that?

A. Yes. I see that.

40

Q. That evidence given on oath in the committal is consistent with your evidence in the trial?

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

45 Q. That I've just taken you to? Carrying the white - that you saw Detective Harding--

A. Right.

Q. --and Detective Morris, and Detective Harding was carrying a white bag?

50 A. I don't remember it, but if that's what it says, I--

Q. Again, your evidence given at the committal under oath was the truth. Do you agree with that?

A. I do.

5 Q. There's just another part back at 6982 at the bottom of the page. The second question in cross-examination.

A. From Mr McCrudden?

Q. Exactly.

10 A. Yes. Yes.

Q. Do you see the second question? You were asked, "Where is your station?"

A. Yes.

15

Q. Your response is, "At the CIB in town."

A. Yes.

20

Q. Did the Observation Squad officers move to the CIB in town prior to 29 August 1979 when you were giving this evidence?

A. The Observation Squad was part of the CIB.

Q. So the station was the CIB in town?

A. Well, I'm not sure what you're getting at there.

25

Q. Let me just put this in context with you. Just above the words "CROSS-EXAMINATION", do you see about two lines above, where you say you, "were relieved by uniformed police at about 12.30am"--

A. Yep.

30

Q. -you say, "I then went back to our office with Detective Robinson."

A. Right.

Q. Do you see that written there?

35

A. Yes. Well, I don't see it, but, yeah, I accept that.

Q. It's just above the word "PROSECUTOR".

A. Yes. "Then I went back to our office with" - yes, I see it.

40

Q. It's in that context that Mr McCrudden asks you, "Where is your station?"

A. Yes.

Q. And you say, "At the CIB in town."

A. Correct.

45

Q. Is that where you returned to at 12.30 in the morning? Do you have any memory?

A. I don't, no. I certainly don't.

50

Q. But do you agree that that's consistent with what we've seen on the



statement? Would you like to see the statement again?

A. No. No. I agree that--

Q. Where it says, "Observation Squad" at the CIB.

5 A. Yes.

Q. You spoke about, when you were at the Gaming Squad, there was an operation in Albury. Do you remember giving that evidence?

A. Yes, I do.

10

Q. Are you able to remember what year that was in?

A. I should remember it clearly, but I don't. I think it was late 80s.

NO EXAMINATION BY MR SILOVE AND DR WOODS

15

<EXAMINATION BY MS MCDONALD

EXHIBIT 13.42, RED PAGE 1033, SHOWN TO WITNESS

20 Q. You've given evidence of an ICAC inquiry which, as part of that inquiry, looked at your involvement with, if I can call it, "The Albury Operation"?

A. That's correct.

Q. The ICAC produced a report as part of their inquiry?

25

A. They did.

Q. You can see this is chapter "24, Sergeant Kim Cook's Treatment"?

A. That's correct.

30 Q. If we go under the heading, "Tripp, Deak and Zubrecky"?

A. Yes.

Q. Can you see there's a reference to 13 June 1988--

A. Yes.

35

Q. --where a man, Allan Tripp, was arrested and charged with SP betting offences?

A. I do.

40 Q. Then if you follow it down, you've got, "Deak pleaded guilty to the charge on 24 April 1991."

A. Yes. I do see that.

Q. Just looking at those dates on that page, does that remind you when your operation actually occurred? Was it shortly after Mr Tripp was arrested?

45

A. Which operation?

Q. Sorry, your operation where you were working with the Police Integrity?

A. It all happened at that day. It would have been 13 June 1988 that the Police put the corrupt proposal to me. Is that what

50

you're asking?

Q. Yes.

A. That's it. I mean, I don't remember it. If that's a true document.

5

Q. You were asked some questions by Mr Buchanan about the creation of your statement.

A. Yes.

10

Q. Can I take you back to some transcript, which is Exhibit 2.1-35 at page 1001.

EXHIBIT 2.1-35, RED PAGE 1001, SHOWN TO WITNESS

15

Q. If we can go towards the bottom of the page, about five questions up. You were asked:

"Q. You made a statement of the evidence you were going to give, didn't you, in the usual way?

20

A. Yes, I did.

Q. In order to compile that statement, you had the benefit of some notes?

A. I did.

25

Q. Typed notes that were provided to you?

A. That is correct.

30

Q. And your understanding is that those notes were compiled at the CIB at about 2.30 in the morning?

A. I wouldn't know the time, but I understand they were compiled that night.

35

Q. And what time did you get these types notes to assist you in compiling your statement?

A. I'm not sure exactly how many days but it was some two or three days later I think, when I made my statement."

40

In those answers, it's recorded that you agreed that some typed notes were provided to you?

A. According to that document, yes.

Q. I'll take you to another Exhibit.

45

EXHIBIT 11.89, RED PAGE 1287, SHOWN TO WITNESS

Q. If I can take you to the top of this document. Can you see it's entitled, "9 February 1979, Armed Hold Up Squad, CIB. Timetable of events and notes in relation to the arrest of Brajkovic"?

50

A. Yes.

Q. As it says, it's a timetable. I'll just draw your attention to "9pm". Can you see the last entry? "Our instructions were to meet with Special Branch and Observation Squad Police en route to Brajkovic's home."

A. Yes, I do see that.

5

Q. Then, "10.5pm". Again, five lines down there's a reference to, "Detectives Cook and Robinson of the Observation Squad"?

A. Correct.

10

Q. Then at "10.15pm", four lines down, there's a reference to, "Cook and Robinson to front Western side."

A. Yes. I see that.

15

Q. Just to orientate you to the rest of the document, if we can - if you want to read it in detail, we can obviously allow that, but--

A. No.

20

Q. --you can see the chronology continues on to the next page, 1288, and then 1299.

A. Yes.

25

Q. With 1299, if you look at the third paragraph, if we can expand it, we've got, "Wilson spoke with Detectives Cook and Robinson." Then in the next paragraph, "Cook and Robinson remained at the house."

A. Yes, I see that.

30

Q. Then, again, page 1290, the timetable continues. I think dealing mainly with events at the CIB. If you go to the final page, 1291, you can see at "2.30am" certain officers were present when the notes were typed?

A. Yes, I see that.

35

Q. Then at "8.30am", "notes re-commenced and completed." And then the notes were signed by Detective Sergeant Wilson and Detective Senior Constable Harding.

A. That's what appears, yes.

40

Q. The recording of your answers where you refer at trial to preparing a statement, but having the assistance of some notes that were compiled, looking at that document, does that jog your memory as to being provided--

A. It doesn't jog my memory, but it could well be. I - but I - I don't recall, though.

45

Q. Your experience in the Police Force up until 1979, this recording of a timeline, or a joint account of what occurred during an operation, was that something that was usually undertaken?

A. My recollection is all detectives, and different detectives, different squads had different procedures of how they recorded the - their investigation. So I - I don't recall any one specific procedure. There was nothing set down to my recollection.

50

MCDONALD: Your Honour, I have another question which I should've asked in-chief. If I can just have leave to ask that?

HIS HONOUR: Yes. That's all right.

5

MCDONALD

Q. You gave evidence - I asked you about whether surveillance vehicles and surveillance officers in 1979 would have a camera with them when you were undertaking--

10

A. Yeah, you did.

Q. --surveillance, and my recollection of your answer was that you couldn't really recall but thought something like you might have?

15

A. It's quite possible I did. I was - I did a lot of photography, surveillance photography, but whether I had a camera at my disposal that time I don't recall.

20

Q. Can I ask you specifically about the raid at Bossley Park; was there any approach from any of the other officers, for example, Detective Sergeant Wilson, along the lines of, look, we've found some gelignite, have you got a camera with you in the surveillance car, could you come and just take some photographs of it, or photographs of it in situ?

A. I don't recall that.

25

Q. Moving away from whether you could remember that, a proposal or a suggestion by another officer that you use your camera for that purpose, you know, we're at a site, we want to capture what we actually found here and how we found it; was such a request made on occasions?

30

A. I don't recall, but it's possible that it was, but it's more likely that the Scientific Branch in those days would be called to photograph everything in situ.

35

Q. In circumstances where the Scientific Branch hadn't been called beforehand and the investigating officers come across something and it would be important to capture it in situ, I'm just wondering, can you recall such a request ever being made of you?

A. I certainly don't recall any request of me being requested to photograph evidence; I don't recall that. But that's not to say it didn't happen; I just don't recall them doing it.

40

<THE WITNESS WITHDREW

LUNCHEON ADJOURNMENT

45

<JOHN FRANCIS WILSON, SWORN(2.03PM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name?

A. My name is John Francis Wilson.

Q. You're currently retired?

A. (No verbal reply)

10

Q. Before your retirement, you were a police officer in the New South Wales Police Force?

A. I was.

15

Q. When did you leave the Police Force?

A. In September 1996.

Q. Can I take you back to the beginning of your career in the Police Force.

A. Yes.

20

Q. When did you join the Police Force?

A. I joined as a police cadet in July 1957.

Q. 1957?

25

A. (No verbal reply)

Q. If I can take you through your career. You were a cadet, and then did you become a sworn officer?

30

A. I was sworn in on approximately my 19th birthday in 1961, which is in February. 1960, I believe. 1960.

Q. At that point, were you appointed to a particular station?

A. I was. I was attached to 24 Division, which was Sutherland, as head station.

35

Q. Sorry, 24 Division at Sutherland?

A. Yes.

Q. Was that as a Probationary Constable?

40

A. Yes.

Q. How long were you there?

45

A. I did the 12-month probationary period, and approximately eight months later I was transferred to North Sydney, where I was engaged in traffic law enforcement.

Q. Traffic?

A. Law enforcement.

50

Q. How long were you at North Sydney? Look, I know it's a number of years

ago. If you don't have a precise recollection, if you could give an indication?

A. I think I was there for about 18 months. 15 to 18 months, perhaps.

Q. From North Sydney, where did you go?

5 A. For the next five or so years, six years, I was between 12 Division, which was St George area, and then back to 24 Division, which was the Sutherland Shire on solo motorcycle duties.

Q. Sorry?

10 A. Solo motorcycle duty.

Q. Were the five to six years, was that all the time as the solo motorcycle duty?

15 A. Certainly closer to seven years.

Q. Where did you go after the solo motorcycle--

20 A. Well, I wanted to pursue a career in plain clothes, so I applied for plain clothes. So I was transferred from 24 Division to general duties at Kogarah, and then Hurstville for a while. I was on general duties there for some time.

Q. At that point, what was your rank?

A. I'm not sure if I was a First Class Constable or a Senior Constable. I think I was a First Class Constable.

25 Q. From Hurstville where were you transferred to?

A. From there, I was transferred to 21 Division and I was actually attached to that division probably for nine, 12 months perhaps, but after only about a period of three weeks I was seconded to Cronulla to assist in enquiries with the Wanda Beach Murders.

30 Q. Roughly which year was that?

A. Perhaps 1971; perhaps, but I'm not certain about that.

Q. Your rank when you were assisting with the Wanda Beach Murders?

35 A. I was a Senior Constable, I think.

Q. Where were you transferred after that assignment?

40 A. I remained there, on those duties I can't remember for how long, that's between six and 12 months, and then I was transferred full-time to 24 Division, at CIGs and sent to Cronulla.

Q. Roughly how long were you at 24 Division at that point?

A. Perhaps four years, about four years, five years.

45 Q. Were you promoted?

A. I was. I was promoted to Sergeant whilst at Cronulla, so from there I was transferred to Phillip Street detective.

Q. Philip Street detective. Roughly when was that?

50 A. 76 I think.

Q. From Phillip Street detectives, where were you transferred?

A. I was there for probably, I can't - maybe 12 to 18 months. I was transferred to the - pardon me - Special Breaking Squad at the CIB.

5 Q. That was roughly some time in maybe towards the end of 1977, maybe beginning of 78?

A. I think it was the beginning of the - towards the end of 77, going maybe early 78, in 78.

10 Q. Your rank there was Detective Sergeant?

A. I was Detective Sergeant.

Q. How long did you remain at the Breaking Squad?

15 A. I think I was there four years. Four to - before four and five years?

Q. Where were you transferred from there?

A. I transferred back to 12 Division and worked from there at Rockdale, which was a part of 12 Division.

20 Q. How long were you there?

A. That's very difficult to remember the precise times, because in the ensuing years I had a couple of transfers. I don't know, 12 months maybe.

Q. The other transfers during this period?

25 A. Yeah, then I went to - I think I went to the Major Crime Squad South, at Miranda, as a Supervising Sergeant then, I was a Detective Sergeant Second Class. Then in 1984 I got promoted to Sergeant First Class. I was transferred to the Homicide Squad.

30 Q. Homicide Squad. In 1984, were they still part of CIB?

A. Yes.

Q. How long were you at Homicide Squad?

35 A. About four years.

Q. So up to about 1988 roughly?

A. Yes.

Q. Where were you transferred from there?

40 A. Well, just prior to being transferred from the Homicide Squad I was seconded to a Task Force, Lotus, for - I don't know, three to six months.

Q. What did Task Force Lotus look at?

45 A. That was investigating misconduct at RPA Hospital.

Q. From the Task Force, where did you go?

A. I went back to the Regional Crime Squad South. No, I beg your pardon, prior to that I was seconded to another task force, Task Force Snowy.

50 Q. Snowy; and what was that investigating?

A. That was investigating murders committed by Arthur Stanley Smith.

Q. Then you went to Regional Crime?

A. Then I went to Regional Crime Squad South at Surry Hills, yes.

5

Q. When was that? I think we had 1988 you were at Task Force Lotus?

A. Yeah, that was the year that I entered Homicide Squad, between there I had a - I was in charge of - when - about the time of regionalisation, which I think that was the late 80s or early 90s, and the CIB went into four districts, I was in charge of the south region Homicide Squad for a period of time.

10

BASHIR: Sorry, your Honour, we're finding it very difficult to hear. I wonder if the witness could keep his voice up; we just can't hear.

15

WITNESS: Yeah. I'm a little bit husky too, I'm sorry.

HIS HONOUR: We'll just get that microphone directed more towards you.

WITNESS: Yes. Sorry about that.

20

BASHIR: I only heard at the time of regionalisation and then it was--

MCDONALD: We'll revisit that.

25

BASHIR: Thank you.

MCDONALD

Q. If you need - have you got a glass of water?

30

A. Yes, I do. Excuse me one moment, thanks. Yep.

Q. Can I ask you to repeat your answer where you started at the time of regionalisation?

A. Yes, that's at one point I was - shortly after regionalisation I was posted to in charge, officer-in-charge of the Homicide Squad South Region.

35

Q. Your rank at that point?

A. Detective Sergeant First Class.

40

Q. From the Homicide Squad South Region?

A. That's when I continued - I decided to retire, so it would've been '96. I can't remember what year I went to - it was in the early '90s, I think. My last posting was as an inspector, at - which I'd applied for right at retirement at Communications Branch. Communications branch as a Duty Operations Officer.

45

Q. That was your posting at around the time of your retirement?

A. That's where I retired from, yes.

50

Q. I want to ask you a series of questions about, in particular, February 1979



when you were a detective sergeant attached to the Special Breaking Squad.  
A. Yes.

5 Q. And in particular focusing on your involvement in a raid on Mr Brajkovic's  
home in Bossley Park on the night of 8 February 1979.  
A. Yes.

10 Q. Through your involvement you provided a statement, which was included in  
the brief of evidence?  
A. I did.

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

15 Q. Have you had an opportunity to read through it?  
A. Yes.

20 Q. Reading through your statement, is there anything you wish to change or  
anything that you've read and think, "Look, that doesn't accord with my current  
recollection"?  
A. No.

25 Q. You gave evidence at the committal.  
A. I did.

30 Q. I'm going to put it broadly, the committal of the Croatian Six. There was a  
transcript taken of your evidence at the committal. You've been provided with  
a copy of that?  
A. No.

Q. You gave evidence at the trial of the Croatian Six?  
A. Yes.

35 Q. Were you given a copy of that transcript?  
A. Yes, I was.

Q. Have you had an opportunity to read through it?  
A. I have.

40 Q. Again, reading through it is there anything you wish to change or you don't  
think is correct or that doesn't accord with your current recollection?  
A. No.

45 Q. I'll take you first just to a copy of your statement, which is  
Exhibit 4.2-31. Mr Wilson, a copy of your statement will come up on the  
screen and including the screen immediately in front of you.  
A. Yes. Okay.

50 Q. If you would prefer to have a paper copy--  
A. No, that's fine there.

Q. --that can be provided to you.

A. That's fine. Thank you.

Q. This is the first page of your statement.

5 A. Yes.

Q. You can see it commences paragraph 1 where you start giving an account of the evening of Thursday 8 February.

10 A. Yes.

Q. You gave evidence that you've recently had a chance to read through this.

A. Yes.

Q. The statement goes through to, I think, page 6, which appears on page 371.

15 A. Yes.

Q. If you want to look at anything in particular, please let me know, but just one observation from your statement. The first thing is it's not dated.

20 A. Yes, I noticed that myself. I can't explain that. I might offer an explanation that I would've started after the operation went down, but then I did other inquiries which were included in the statement, so, obviously, I finished the statement at that time and forgot the date at the beginning. It's the only explanation I can put.

25

Q. The other observation that I'd raise with you is that it's not signed.

A. I can't explain that, either, and I'm surprised that it got through the person responsible for checking the brief.

30 Q. That was going to be my next question. We are talking about February 1979.

A. Yes.

35 Q. At that point, is your recollection the procedure was that a statement, when the statement maker was content with its contents, should have been signed by the statement maker?

A. Yes.

Q. And witnessed by somebody?

40 A. Yes.

Q. Following on from your last answer, was your expectation that if a signature was missing, that should've been picked up by the officers preparing the brief of evidence?

45 A. I hate to be critical, but, yes, I'd have to agree with that.

Q. As you said, the statement covers not only events of 8 or 9 February, but finishes with some particular matter that happened on 22 March 1979. Can you recall how you drafted the statement? Was it, in a sense, a work in progress that you added to when you conducted new work or found out new

50

information?

A. I don't know.

5 Q. Do you have a recollection of being at CIB in the morning of 9 February, and when I say, "morning", the early hours of the night for February--

A. Yes.

Q. --and some compilation with other officers of notes of what had occurred during the raid?

10 A. Yes. That did occur.

EXHIBIT 11.89 SHOWN TO WITNESS

15 Q. This is a document which consists of five pages. Can you see at the top it's got, "9 February 1979, Armed Hold Up Squad Office, CIB. Timetable of events and notes in relation to the arrest of Brajkovic"?

A. Yes.

Q. Then it commences with the first entry of "9pm".

20 A. Yes.

Q. If we can just scroll through the document, so, Mr Wilson, if you can see if you can recognise the document?

A. I can't recall seeing this document.

25

Q. Maybe if we can just scroll through. You can see that there's, I think, we're now on the third page, where down the bottom there's a date of "11.35pm"?

A. Yes. Yes.

30 Q. If we go to the next page, we've got, "11.55pm. Record of interview commenced".

A. Yes.

Q. "1.46am. Interview concluded."

35 A. Yes.

Q. Then if we go to the last page, which is 1291.

A. Yes.

40 Q. We've got, "Notes continued. 2am. Charged at Central Police Station".

A. Yes.

Q. "2.30. Returned to this Branch and commenced these notes." And I'll come back to those entries.

45 A. Yes.

Q. Can you see under the signature block there is a signature block of, "J. F. Wilson, Detective Sergeant 3rd Class" and a signature?

A. Yes.

50

Q. That's your signature?

A. It is.

Q. I know that was going through a five-page document very quickly--

5 A. Yes, it was.

Q. --but looking at it, and if you want to look at it in more detail, please let us know. Does that jog your memory that they were notes that were compiled by some of the officers who attended the raid at Bossley Park?

10 A. It does, but I can't remember taking part in it.

Q. Going to that last page, which has, first, the entry at 2.30.

A. Yes.

15 Q. You've got, "Returned to this Branch and commenced these notes. Notes completed up end of first paragraph on page 2." And "present when the notes were typed" and a number of names?

A. Yes.

20 Q. Then, "3am. Off duty. 8.30am. Notes re-commenced and completed." And then, again, another notation of certain officers who were present.

A. I - I don't follow you.

25 Q. I'm sorry. I was just taking you to the entry at 8.30am.

A. Yeah. I just acknowledged that.

Q. I thought you acknowledged 2.30am.

A. Yes. And I acknowledge the signatures.

30 Q. What I want to ask you about are the entries which record in summary that these notes were being written. You can see that it records other officers who were present.

A. Yes.

35 Q. There are some similarity, or some same names appear at both 2.30 and 8.30, but other officers aren't recorded at 8.30.

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

40 Q. Can you see that Detective Krawczyk was present at 2.30am?

A. Yes. Yes. Yes. Yes, of course. Yeah.

Q. Also, Detective Helson--

A. Yes.

45 Q. --was present at 2.30 and not at 8.30.

A. Yes.

50 Q. What was the procedure in compiling such a timetable, or record, of the events of 8 and 9 February?

A. I think we just sat around and discussed it from my recollection of what happened.

5 Q. There was a person who typed this, who was Detective Senior Constable Harding?

A. Yes.

10 Q. What was the procedure? Was it a matter of, for example, if we can go back to page 1287, the beginning. If we can expand the "9pm". You can see there the first entry is, "9pm. Conference takes place in Armed Hold Up Squad Office. Instructions given by Detective Morey." You were present at that conference when instructions were given?

A. I was.

15 Q. Was it a matter of, because you were present at that time, you would dictate what should be included, or how did - I'm just interested in the process?

A. I think we just had a general discussion. I - I probably led the charge, because I was the senior man, so I probably led it, but that's all I can recall.

20 Q. Was it a matter, and I'm just using this as, in a sense, as a hypothetical example, but would you say, "Look, the first entry was when we had the conference, and Detective Inspector Morey gave instructions." And if another officer said, "No. That's not correct. It wasn't at 9.00pm. It was 8.30pm." If there was a dispute about a fact, how was that resolved?

25 A. I don't remember. There possibly wouldn't have been too many disputes anyway. I don't - I can't recall if there were.

30 Q. Because this appears to have been typed without really - or doesn't appear that there's really any amendments or changes, so that would suggest that there's kind of agreement as to a particular event or a particular occurrence before Detective Senior Constable Harding started typing?

A. Yes.

35 Q. Was this a usual procedure when you were part of a raid on premises or part of some kind of operation?

A. I wouldn't say it was a regular thing that was done, but it was done occasionally.

40 Q. What dictated whether it would be done?

A. Probably general discussion between myself and Mr Harding.

Q. Why Mr Harding?

A. Well, I think he was the next senior man.

45 Q. Was it a matter - do you have a recollection of how this came to be completed?

A. No. No.

50 Q. Is your evidence that if you had a discussion with the next senior person at the raid and it was determined that it would be a good idea to do such a

timeline, you would then put that into place.

A. I would think so.

5 Q. What governed whether you thought it was a good idea to get officers who were involved together to create such a timeline?

A. Well, so that we - do our statements in accordance with this document.

10 Q. At the time in February 1979, was there any concern within the Force about contamination of evidence between officers?

A. No - not to--

Q. For example, if you got together and created a timeline, it would - it could influence statements made by other officers.

15 A. I don't know about that.

Q. Can you see an issue with in a sense a group recollection of what occurred?

A. Not really.

20 Q. No concern that in a sense you're creating one account of what happened on that night?

25 A. Well, I think everyone would've been in agreeance of what went in that document. Had there been any disputes, it would've been sorted out; but I shouldn't imagine if we stuck to the truth of what had happened, there wouldn't be any disputes.

Q. If there was a dispute about a particular occurrence, how was that resolved?

30 A. Well, there wasn't any.

Q. I'm sorry, is your evidence that there wasn't any - that there wasn't any dispute in respect of the creation of this time?

A. I don't recall any disputes while these notes were being prepared, no.

35 Q. Your evidence that there was no dispute, is that in respect of any such document that you created when you were a police officer?

A. Would you say that again?

Q. Your answer that there was no dispute--

40 A. No, not to my recollection.

Q. I'm trying to determine, your recollection that there was no dispute, that's only in respect of the document that was in front of you, the timeline for the Bossley Park?

45 A. Yes.

Q. I'm interested more generally that when creating such a document in other operations how you would deal with different recollections or disputes over facts?

50 A. Well, I've never had any disputes; I haven't adopted this - this sort of

arrangement before very often, it's usually just yourself and one other person involved, you'd sort it out between yourselves and make statements.

5 Q. Even in that smaller version of this procedure where you're with your partner--

A. Yes.

Q. --what was your procedure if there was different recollections about facts?

10 A. Well, it never happened.

Q. So your career in the police service, you never came across different recollections by officers who were attending the same raid or event?

A. Not that I can recall, ma'am, no.

15 Q. I took you to a copy of your statement.

A. Yes.

#### EXHIBIT 11.150 SHOWN TO WITNESS

20 Q. Can I take you to another copy which is Exhibit 11.150, and what I want to draw your attention to there are some handwritten notes in the document. If you look at the first page, you can see some kind of doodle in the middle?

A. I can.

25 Q. The if we go to page 1413, there is some handwriting--

A. Yes, I can see that.

Q. I should just pause there. The doodle on page 1412, do you recognise that?

30 A. No, I don't.

Q. That's not you?

A. It's not me, no.

35 Q. If we look at the handwriting on page 1413, can you identify that handwriting?

A. No. No.

40 Q. If we go to page 1414, there are some amendments, paragraph 5 in handwriting. You can see, "I saw that there were two sticks of gelignite", and then there's an entry "taped together"?

A. Yes.

Q. Is that your handwriting?

45 A. No.

Q. Do you recognise the handwriting?

A. No, I don't.

50 Q. Then a couple of lines down there seems to be some parentheses added?

A. I'm not aware of how they were created, either.

5 Q. Then if we can go to page 1416, and this is in respect of where you talk about the record of interview with the defendant, they were shown the following items, and then there seems to be some exhibit numbers or other identification of those items. Is that your handwriting?

A. No.

10 Q. Page 1417. You can see the handwriting up towards the left-hand corner?  
A. Yes.

Q. Is that your handwriting?

A. No, it's not.

15 Q. Can you identify it?  
A. No.

20 Q. Right down the bottom of page 1417, is that your handwriting?  
A. No.

Q. Again, can you identify it?  
A. No.

25 Q. Then, finally, on the last page, can you see next to paragraph 17 there's some handwriting, then after 18, "16/3-". Can you see--  
A. I can see the writing. I'm not familiar with it.

30 Q. Any of the handwriting on 1418, not yours?  
A. No.

Q. And you can't identify it?  
A. No.

35 Q. You've got no recollection of speaking with somebody and they would be making such notes on their copy of your statement?  
A. No.

40 Q. On 8 February 1979, I just took you to a section where you spoke about attending some kind of conference at CIB.  
A. Yes.

Q. In which Inspector Morey gave instructions.  
A. Yes.

45 Q. On 8 February 1979, why were you at CIB headquarters on that night? Were you on duty or were you called in?  
A. I was on duty during the day and I believe that we were told at some time during the afternoon that we'd be required to work back that night. That was at the Breaking Squad office.

50



Q. Who told you that you should expect to work back that night?

A. I can't remember.

Q. Within the Breaking Squad, who did you report to?

5 A. The OIC, that was Detective Sergeant McDonald.

Q. Were you aware that Detective McDonald had gone to Lithgow that afternoon?

A. I can't recall.

10

Q. At the time that you were told to expect to work back that night, were you given any details at that point as to what type of operation it would be?

A. I don't remember.

15

Q. The conference that was held at, I'll put it CIB, at around 9pm, which particular part of CIB was it held?

A. In the Armed Hold Up Squad room.

Q. It was Detective Inspector Morey who conducted the conference?

20

A. Yes.

Q. From that conference, what was your understanding of what was going to occur that night?

A. Well, I don't know. I can't remember. I don't even remember being at the conference.

25

Q. At the conference – whereabouts was the conference? You've said it was in the Armed Hold Up, but was it in a room at Armed Hold Up Squad or which part of--

30

A. It was in the general office, which is a fairly large area.

Q. Like an open plan office?

A. Yes.

35

Q. Did you understand at the time that there were going to be a number of raids occurring that night?

A. Well, I only realise that now after reading my statement. I'd forgotten all about it.

40

Q. Were there other officers who were going to attend other raids present at this conference?

A. Yes.

Q. During the conference, how was, in a sense, work allocated?

45

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

Q. At some stage during that conference, were you allocated the raid at Bossley Park?

A. Yes, I was put in charge of the operation at Bossley Park, yes.

50

Q. Was that done by Inspector Morey?

A. I would assume so, with the aid of some other senior sergeants.

5 Q. At the conference, were you told about what had been occurring at Lithgow that evening?

A. Well, I know now we were, yes, but at the - as I said, I don't remember what took place at the office.

10 Q. Can I just ask you, the conference that you attended at the Armed Hold Up Squad, do you have a recollection of any of it?

A. No. I know there was a conference there that night, but I have no recollection of it at all now.

15 Q. It's only through reading your statement and your trial transcript that you read that and you can see what evidence you gave at trial or in your statement about the events?

A. Yes.

20 Q. I can take you to your committal transcript - you haven't seen that. I'm sorry - but at committal you said that during the conference, you were told persons had been detained at Lithgow, and a number of explosives and associated items had been located.

A. Yes.

25 Q. Does that, again, ring a bell now or--

A. No.

Q. --jog your memory?

A. No.

30 Q. At least in Lithgow, explosives had been found?

A. Yes.

35 Q. During this conference, you were provided with what's been described as a "screed"?

A. Yes.

#### EXHIBIT 4.2-86 SHOWN TO WITNESS

40 Q. Just while that's coming up, there's something I forgot to ask you. Were you a member of SWOS?

A. I was, but not at the time of this operation. I was only a newcomer to the CIB, so I had applied to be on SWOS, but at that stage I hadn't been approved.

45 Q. This document, if we can expand it and go to the top, can you see we've got, "INFORMATION SUPPLIED BY DETECTIVE SERGEANT MCDONALD RE OPERATION AT LITHGOW"?

A. Yes.

50

Q. There's a reference to Detective Sergeants McDonald and Turner, and a number of other police went to premises at Lithgow.

A. Yes.

5 Q. The reference to "Detective Sergeant McDonald", is that to your superior within Breaking Squad?

A. He was OIC of the Breaking Squad.

Q. What about Turner? Where was he from?

10 A. He was attached to the Breaking Squad as well.

Q. Were you of a same rank, or different--

A. He was a Detective Sergeant as well, but he was slightly senior to me.

15 Q. More senior?

A. Slightly senior to me, yes.

Q. I'm just showing you this document. We've got this initial information where, "a vehicle at the premises were located four bombs", and some other items.

20 A. Yes.

Q. In that first paragraph, there's a reference to two men named "Vico VIRKEZ" and "Maksim BEBIC".

25 A. Yes.

Q. Then you've got a heading, "OTHER MEN ALLEGED TO BE INVOLVED IN THE SYDNEY AREA", and a--

A. "SYDNEY ARE".

30 Q. "SYDNEY ARE", is it? "IN SYDNEY ARE", right.

A. "IN SYDNEY ARE", yes.

Q. Five names?

35 A. Five names.

Q. Then we've got some further information, which includes, "BEBIC and VIRKEZ are allegedly going to meet all the above listed persons in Sydney, and all are alleged to have explosives."

40 A. Yes.

Q. Then it continues down, and we have a new heading, "Members of the Special Branch have identified the above"--

A. "Suspects".

45 Q. --"suspects as being", and can you see there's now names, addresses and dates of birth?

A. Yes.

50 Q. Looking at that document, is that the screed that you were provided with

during this conference?

A. I believe so, yes.

5 Q. You said there were a number of officers at this meeting because there were going to be a number of raids.

A. Yes.

10 Q. Do you recall officers from Special Branch being there?

A. I don't know.

10 Q. Did you know officers from Special Branch at that point?

A. I don't think so.

15 Q. Had you ever come across at that point a Detective Jefferies?

A. No. Not that I recall.

20 Q. What I want to ask you about, from this document, it states that four bombs, and also detonators and large sticks of gelignite were found at Lithgow. Sorry, that's from the first paragraph.

A. Yes.

25 Q. Then I took you to the paragraph down where it talks about there's going to be a meeting of everybody, "and all are alleged to have explosives." Then, "The man ZVIROTIC is alleged to have in the vicinity of 30-50 kgs of same in undisclosed location."

A. Yes.

30 Q. "All persons may have firearms and bombs, or explosives in their homes."

A. Yes. I've read that.

35 Q. You're clearly being told at this conference that the raids that you're going to undertake, and the premises where you're going, there is a likelihood that the people there may have bombs or explosives.

A. Yes.

40 Q. And you agree with that?

A. Yes.

45 Q. When you were informed of that, this is a very contemporary term that may not have been in operation in 1979, but was any kind of risk assessment undertaken? That is, you're going to premises where there may be bombs or explosives. That would suggest some kind of assessment of how we can implement the raid safely?

A. No.

50 Q. So no consideration of that whatsoever?

A. Well, no, there wasn't.

Q. Did you turn your mind to the prospect or potential that I may be going to a house with officers where there are going to be bombs present?

A. Just about every operation I went out, and I always had a fear of what might be ahead of us, but the fact explosives, we were told explosives may be there, I don't know if the level of concern increased at all. As I said, fearful of every operation we went out on.

5

Q. Here it would - what I'm saying to you is the intel is strong--

A. Yes, indeed. Indeed.

Q. --that the bombs were found in Lithgow--

10

A. Yes.

Q. --with, and I'll put it broadly, potential co-conspirators?

A. Yes.

15

Q. And the intel they have is that the five people in Sydney, there are going to be either bombs or explosives at their premises?

A. Yes.

20

Q. Did you turn your mind to well, number one, how am I doing to ensure my safety and my other officers' safety?

A. I'd probably thought of that at the time. Yes.

Q. What would have you put in place to ensure the safety?

A. I don't know. Just prepared, be ready, in case it did happen.

25

Q. What about, did you understand when you were assigned the Bossley Park raid that you were going to a house?

A. No, I just assumed we were going to a house, but--

30

Q. Did you turn your mind to there may be neighbours, other members of the public?

A. No, I didn't consider, didn't think of that, no.

35

Q. Was that something that you were required to think about or turn your mind to under procedures at the time?

A. I can't recall. As I said, I can't recall going to this conference, but I'm quite certain, and had we been told about that at the conference by Mr Morey, we would've considered that, but no, it didn't enter my mind at all. Had we been told, I'm sure it would've, but I don't recall being told that.

40

Q. Other than thinking we'll have to do this safely or something like that, did you turn your mind to, you know, for example, should the Army be contacted about the potential that there might be bombs on this premises?

45

A. No, I didn't consider that and once again, I think if that had been required, if the Army had been required, I'm sure Mr Morey would've thought of that, but that wasn't for us to consider. We weren't - we were just the troops.

Q. Within the Police Force at that time you had a Ballistics Unit?

A. We did.

50

Q. Did they have any, I'll put it broadly, oversight on explosives that might have been seized during a raid?

A. I don't know what their role was, but I just think it's just they were - we'd have them - get them involved in something like this, yes, eventually.

5

Q. What about Dangerous Goods Branch?

A. No, I don't think so.

Q. Can I take you back to the SWOS? You weren't a member at the time?

10

A. That's right.

Q. Was it a requirement of being a member to continue with your engagement within Special Branch?

15

A. In that there was a permanent team attached to SWOS; I can't remember how many there were, but we were sort of in reserve, so through the various squads we had SWOS members, but not full-time, just to be called upon when required.

20

Q. At the time of the raid, the 8 February 1979, had you undergone, as part of your police training at any time, any training on explosives, how to deal with explosives, how to transport them, what do you do if you're suddenly confronted with explosives?

A. No, no training.

25

Q. Now, again, going back to you were at the conference, you've been given this information about explosives and gelignite at Lithgow, and that it is likely that at these premises you're going to that there will be either bombs or explosives, I've raised with you concerns about safety, what about questions of if we find something and we want to seize it, how are we going to transport it safely, how are we going to, in a sense, make sure we have the best evidence to put before a Court about what we have found during this raid? There's probably two aspects to that, can I go back?

30

A. Yes.

35

Q. You've got obviously a number of suspects?

A. With what, ma'am, sorry?

Q. You have a number of suspects as demonstrated by the screed?

A. Yes.

40

Q. It must have been in the back of your mind that if you go to a raid and you find something like explosives, a person can be charged and ultimately stand trial for offences arising from or using material that you found at the raid?

A. Yes.

45

Q. If that's in your contemplation, one important thing is making sure that you had the best evidence you have to present to a Court during the trial of the person?

A. Yes.

50

Q. As part of this idea of best evidence, if you find something at a premises, did that involve, number one, confronting the suspect with, look what we've just found?

A. Yes.

5

Q. And getting their immediate reaction?

A. Yes.

Q. I dare say after you've given them a caution or something along those lines?

10

A. Yes.

Q. Another way of presenting the best evidence would be to take a photograph of the particular items in situ at the premises?

15

A. Yes.

Q. In February 1979, were there ways that you could take photos of items in situ found during a raid?

A. No, not really.

20

Q. Had you heard of trying to involve, I think it was, people from the Scientific Branch?

A. Yes, the Scientific Branch used to do all the photographing, but this particular occasion at this time of the night, I would doubt very much if there would be many scientific men on duty or women on duty and it would've been almost impossible to arrange a Scientific person to go to each and every premises. Almost an impossible task.

25

Q. At that time did you or anybody in the Breaking Squad, et cetera, did you have access to cameras?

30

A. No.

Q. The second aspect that I asked you about, which, again, is part of the putting forward the best evidence, is that establishing continuity of the particular items that you've seized.

35

A. Yes.

Q. That is, "We found it here and we keep a record of who has it in their possession", so there can be no argument that it was planted at any point along the way to the actual trial?

40

A. If possible, yes.

Q. In February 1979, how would you ensure continuity?

A. We would just take possession of it and book it up where appropriate or leave it in a safe place 'til it could be booked up, make sure it was under lock and key, if possible, 'til you get it to an exhibit room or otherwise.

45

Q. This booking up, is that, as you said, putting it in an exhibit room? Is that what you're referring to?

50

A. When possible, yes.

Q. Was there an exhibit room as part of the Breaking Squad offices at CIB?

A. No.

Q. Where would you book up if you seize something during a raid?

5 A. Well, wherever the person was charged, I suppose.

Q. Was anything different put in place with booking up for explosives or a dangerous item?

10 A. Well, yes, they wouldn't be booked up at a police station, I wouldn't think, for obvious reasons. I think - I can't remember what would happen with them, but I think they'd eventually finish up at Dangerous Goods Branch.

Q. Is your evidence that immediately upon seizure of the item you would take it back to CIB Special Breaking Squad?

15 A. Well, that's what we did on this occasion.

Q. Then as soon as you could, get it booked up, which would be entering it in an exhibit book at a police station?

20 A. Well, as soon as you could when opportunity arose, yes. It may not be done immediately, but when you could.

Q. Then from the police station, if it was something like gelignite or that it should be taken eventually to Dangerous Goods?

25 A. Well, gelignite wouldn't go to the police station.

Q. I'm sorry?

A. The gelignite wouldn't go to a police station, I wouldn't think.

Q. Where would the gelignite go?

30 A. It'd - it would eventually finish up at Dangerous Goods Branch, I would expect.

Q. But, again, it may not be done immediately--

35 A. That's right.

Q. --but it would be done as soon as possible afterwards?

A. Well, as possibly could be, I would expect, yes.

Q. Sorry?

40 A. According to circumstances, whenever possible, yes.

Q. Mr Wilson, just on this issue of you're at the conference and the prospect of bombs and explosives are being raised.

45 A. Yes.

Q. At this time of your career in the Police Force, had you come across an emergency manual from the New South Wales Police?

50 A. I knew there was one in existence, but I don't know if I ever read and I don't know - I don't - I think they may have been located at every police station, but I - there would've been one at the CIB, but I'm not sure if there's one in our



office.

Q. You're not sure whether there was one in CIB?

5 A. No, there would've been one at the CIB, possibly at the inquiry office, but then, again, the squads may have had them, but I don't know.

EXHIBIT 14.8 SHOWN TO WITNESS

Q. That's the cover page?

10 A. Yes.

Q. Then if we go to page 100, there's contents. You might be able to see "Chapter 19. Bombs, grenades, shells and ammunition"?

15 A. Yes.

Q. If we go to page 102, under "Introduction", it commences, "This manual replaces all previous general instructions to police in connection with emergency disaster procedures".

20 A. Yes, I do.

Q. The term "Emergency Disaster Procedure" as at February 1979, did that have a particular meaning for you?

A. No. Just an emergency or a disaster. Either one or both.

25 Q. What would be an example of such an emergency, disaster?

A. Well, a bombing, a siege. That'd be about it. A bombing or a siege, I expect, or a severe main major motorcar accident. That sort of stuff, yeah.

Q. Then if we can go to Exhibit 14.9 commencing at page 119.

30

EXHIBIT 14.9, RED PAGE 119, SHOWN TO WITNESS

Q. This is part of chapter 19--

35 A. Yes.

Q. --and it commences with, "BOMB INCIDENTS".

A. Yes.

Q. If we can go through to page 124, section 19.11, dealing with, "Commercial Demolition Explosives and Detonators located or received".

40 A. Yes.

Q. I'll take you back to this, but there's several provisions there about what should happen if "commercial demolition explosives and/or detonators are located or received".

45 A. Yes.

Q. Do you recall in February 1979 actually knowing of the existence of these provisions?

50 A. No.

Q. Can you recall whether at the conference with Inspector Morey, before all the different officers were dispatched to these various raids, were any of these matters raised?

A. I don't remember.

5

Q. Can I take you back to the conference. There were a number of officers who ultimately attended the raid at Bossley Park.

A. Yes.

10

Q. You gave evidence that a number of those officers were also present at the conference, but not all of them.

A. I - I don't know about the Special Branch. I don't know if they were there or not. Did I say that?

15

Q. There were two from Special Branch, Krawczyk and Helson.

A. Yes.

Q. Is it your recollection they were at the conference, or did you meet up with them later?

20

A. I think they may have been at the conference. I'm not sure.

Q. Do you recall that two officers from the Observation Squad--

A. Yes. I recall, yes.

25

Q. --were present at the raid?

A. They were there, yes.

Q. Is it your recollection that they were also at the conference?

30

A. No. But I don't think they would have been at the conference. I think they would have been surveilling the premises.

Q. How was it determined which officers would attend Bossley Park?

A. I'd say Mr Morey would have arranged the teams, with the assistance of some of the other sergeants.

35

Q. He determined, "You'll be in charge. You're going to take Harding", I think Morris. Was it Pettiford?

A. Yes.

40

Q. Then also included either Special Branch and some Observation Branch officers?

A. From my recollection, there was two from the Special Branch, and then some from the Armed Hold Up Squad, but - and some from the Breaking Squad, yes.

45

Q. If I can take you some of the evidence at the committal, which is Exhibit 2.3-17, page 6667.

EXHIBIT 2.3-17, RED PAGE 6667, SHOWN TO WITNESS

50

Q. This was evidence you gave on 14 August 1979.

A. Yes.

5 Q. If we just commence at the top. You're being cross-examined by counsel, and you're asked about the conference, what time it commenced, and you give an answer of, "probably about half past 8, quarter to nine." Then--

A. Where does that appear, ma'am?

Q. Sorry, it's--

10 A. I see. I see, yes.

Q. --about the third question.

A. Yes, I see that. Yes, I'm with you now.

15 Q. Then I want to draw your attention to the question:

"Q. Well, which other officers were directed to go out to Restwell Road, Bossley Park?

20 A. Myself, Detective Bennett, Detective Harding, Detective Morris."

Now, that says, "Hederford". I think that's--

A. It's Pettiford, yeah.

25 Q. Yes. I think that's just a typo. "And McKenzie and we met four others out there."

A. Yes.

Q. I want to suggest the "four others" are the two from Special Branch and the two from Operations?

30 A. Yes.

Q. Not operations, I'm sorry. Observations.

A. Surveillance. Surveillance.

35 Q. Surveillance. Thank you. The detectives that are listed there, were they all Special Breaking Squad?

A. Myself, Detective Bennett. That's all.

Q. Where were the others from?

40 A. They're the four from the Armed Hold Up Squad.

Q. When you were performing other duties as part of the Breaking Squad, at that point did you have a usual partner?

A. I did.

45

Q. Who was that?

A. I think I was still working with the first partner I got when I got there, and I think that was Detective Senior Constable Alastair Milroy.

50 Q. Did you recall that Detective Milroy was actually at Lithgow that afternoon?

A. Yes.

Q. Before he left, did you have a discussion with him about him going to Lithgow?

5 A. No.

Q. Can you recall why in a sense he was separated on that occasion, with Detective Milroy going to Lithgow but you remained and eventually were in charge of this raid?

10 A. That decision would possibly be made by Detective Sergeant McDonald, and perhaps that he was a SWOS member at that time and I wasn't.

Q. The combination of having you and some Breaking Squad members, some Armed Hold Up, two Special Branch, two Surveillance Squad or Observation Squad, do you know where that arose from?

15 A. No.

Q. From the conference, do you remember travelling to a particular location not at Restwell Road but at another location nearby?

20 A. No.

Q. Do you remember who you travelled with?

A. Yes.

25 Q. Who was that?

A. Detective Bennett was the driver.

Q. Was it only two of you in the car?

30 A. From my recollection, yes.

Q. The other officers you've just - I drew your attention to, they were driving in other cars from CIB?

A. Yes.

35 EXHIBIT 2.3-16, RED PAGE 6558, SHOWN TO WITNESS

Q. This was evidence you gave at the committal, but can I take you to the third question which is, "Later the same night, did you go with Detective Bennett to the intersection of Prairie Vale Road and Polding Street, Bossley Park", and you answered, "I did"?

40 A. Yes.

Q. Does that jog your memory that there was in a sense another meeting just with nearly all of the officers who were going to be involved in the raid?

45 A. Well, it would appear that way, yes.

Q. You don't have any recollection of it?

A. No.

50 Q. Can you see there that - no, it doesn't record - it just then says, "after a

short conversation with those officers", you went "with Detective Bennett and Krawczyk to the premises at 16 Restwell Road"?

A. Yes.

5 Q. Does that suggest that - I'm sorry, Detective Krawczyk was in the car with you and Detective Bennett?

A. I don't know. He may have still travelled in his own car, I don't know.

10 Q. When you got to the premises at 16 Restwell Road, do you recall that there was one car with another Special Branch officer there who was keeping the premises under surveillance?

A. No, I don't remember that.

Q. Sorry?

15 A. I don't remember that.

Q. Do you recall that Detectives Krawczyk and Helson had been out to the premises that afternoon and had spoken with Mr Brajkovic at one stage, and then had been keeping the premises under observation?

20 A. I know that now, been reminded of that after reading my statement and the like in the depositions, yes.

25 Q. Do you recall whether at this meeting at Prairie Vale Road that at least Detective Krawczyk attended whether there was any discussion about what was observed, any dealings with Mr Brajkovic?

A. I should imagine there would've been, but I've got no recollection of what that conversation was.

30 Q. Can I take you to what occurred when you arrived at the premises?

A. Yes.

#### EXHIBIT 4.1-OO SHOWN TO WITNESS

35 Q. If you have a look at that photograph--

A. I can see that, ma'am, yes.

Q. Does that jog your memory that that was the premises at 16 Restwell Road, Bossley Park?

40 A. Well, we got there, it was dark, at - I can't remember that - I don't know if we went back in daylight hours or not, I don't think so, but no, not really.

Q. There's some handwriting on the photograph with "Shed" and "Number 16", is that your handwriting?

45 A. No.

Q. You gave evidence that the cars that the various officers were in - drove into the driveway, or at least your car and at least another car drove into the driveway?

50 A. I don't recall that, but if that's how it was, yes.

Q. Officers went to different locations. When were they assigned which locations they would go to?

A. I can only assume that was decided when we met at the intersection at Prairie Vale Road and the other road that you mentioned.

5

Q. That's something that you would usually do?

A. I would expect that, yes.

Q. What can you recall about where you immediately went on the night?

10 A. I went to the rear door, because you couldn't get in through the front door. I remember that.

Q. Did you try and get through the front door?

A. No.

15

Q. How did you know you couldn't get through?

A. Well, it just looked - there was stuff in front of it. There was--

Q. Sorry?

20 A. There was property in front of it and there was a bit of a step-up, as I can see now, so it would've been a bit of an effort to get up there and I found out later on that it was - it appeared to be inaccessible, anyway.

Q. You went around the back with whom?

25 A. With Krawczyk and Bennett.

Q. What happened there?

A. We went inside.

30 Q. Who did you see?

A. Saw a lady who identified herself at Mrs Brajkovic.

Q. Was there another person?

35 A. Yes, there was a person in a bed, I think it was, or a divan of some sort. Yes. Male person.

Q. Did you know whether that person was Mr Brajkovic?

A. Well, no, it wasn't Mr Brajkovic.

40 Q. How did you know that?

A. Because the lady told us it wasn't him.

Q. Before you went out there, were you given anything like a photograph or any indication of what Mr Brajkovic looked like?

45 A. I don't remember if we did.

Q. Is that something that if a photograph was available would usually have been provided?

A. If they were available, I suppose they would, yes.

50

Q. Did you realise at the time that Special Branch had had an interest in a number of the people who were listed on the screed?

A. I found that out that night.

5 Q. At what point during the night?

A. I don't remember that.

Q. At the conference or--

A. I don't remember when I was told that.

10

Q. Were you told anything like, Special Branch have got photographs of some of these people when they've attended demonstrations?

A. If we were, I've forgotten it.

15 Q. So there's a person sleeping and you're told by the woman who's identified herself as Mrs Brajkovic that that's not her husband?

A. Yes.

Q. You asked where he was?

20

A. Yes, I think I did.

Q. What did she say?

A. "He's not here". Something like that.

25 Q. With that information, what did you then do?

A. I think I asked if we could look around and she said, "He's not here", I think, again. Didn't know where he was. "He was here a short time ago", or something like that and then not long after that Mr Harding and Mr Morris walked in with Mr Brajkovic.

30

Q. When you were told by Mrs Brajkovic that he wasn't there, there were other officers outside the house, weren't there?

A. At that stage there was, yes.

35 Q. Did you hear any other officer alert them to the fact that it appeared that Mr Brajkovic wasn't in the house?

A. No.

Q. The next thing you observe is, I think it was, Detective Harding and Morris?

40

A. Detective Morris, yes.

Q. Bringing Mr Brajkovic into the house from the back door?

A. Yes.

45 Q. Was he handcuffed?

A. He was.

Q. Did Detective Harding or Morris have anything else with them?

50

A. Well, apparently Mr Harding was carrying a bag. I don't recall that, but apparently Mr Harding was carrying a plastic bag at the time.

Q. You just said you don't recall that?

A. I don't recall a bag at that time, no, but it must've happened, because I've stated it in my evidence and it's in my statement.

5 Q. Do you have any recollection before going back to CIB of looking at this bag or seeing this bag?

A. Yes.

Q. It's been described, I think, as a white bag. What kind of bag was it?

10 A. Well, all I can recall is a white plastic bag. I think it might have had some country signs, like--

Q. Some what?

15 A. Countries on it. Names of countries, I think. It had some sort of - I'm only reminded of this by looking at my statement, but it had some markings on it, I can't remember what they were, though.

Q. When they walked in with Mr Brajkovic and the bag, what was said to you?

20 A. Mr Harding mentioned that it was Mr Brajkovic that he had in his custody and he put up a bit of a struggle outside, but he'd calmed down, apparently, and he said, "Can I speak?" So we went into a room and that's when I recall the plastic bag.

Q. When Detective Harding said there'd been a bit of a struggle--

25 A. Yes.

Q. --did you get any more detail at that time what the struggle was?

A. No.

30 Q. Did you see any evidence of any injury to Mr Brajkovic at that stage?

A. No.

Q. Did you look to see if there was any injuries?

35 A. Not particularly, no.

Q. You then said that you went with Detective Harding into another room?

A. Yes.

Q. Which other room did you go to?

40 A. It was a room - I can't remember where it was now, but it looked like a bit of a workshop, because there was all tables set up with components on it and Mr Brajkovic said it was a workshop.

Q. Detective Harding has the plastic bag?

45 A. Yes.

Q. Do you look in the plastic bag?

A. Yes.

50 Q. When you look into it what do you see?



A. What do you mean before I looked into it?

Q. No, when you looked into it?

5 A. I saw the gelignite and some - the word escapes me. Gelignite, flares and detonators. Yeah, detonators.

Q. Were they just loose in the bag?

10 A. I can't remember. I don't think so. I think there was some brown paper - some newspaper or brown paper - brown paper wrapped around something. I can't remember, but I know there was some paper in there separating them, I think.

Q. Before 8 February, had you had many dealings with the Observation Squad?

15 A. Yes.

Q. Was that in the context of an investigation, or an operation, that you were either leading, or part of, and you required surveillance work in conjunction with the operation?

20 A. Yes.

Q. Had you come across surveillance officers having access to cameras to take evidence when they were conducting surveillance?

25 A. I think they did have cameras, yes.

Q. You had two surveillance observation officers at this raid, didn't you?

A. Yes.

Q. You had Detective Cook and Detective Robinson?

30 A. Yes.

Q. Did you make any enquiries of them whether they had a camera available to take evidence of this gelignite and flares and detonators?

35 A. No. I didn't.

Q. Did it cross your mind to do that?

A. No. I didn't think of it.

40 Q. Is that something you'd come across of utilising a surveillance officer's camera in circumstances where you've come across something, and it was important to capture it in situ?

A. I've never used an Observation Squad officer's camera, and I never thought it was in any operation I've been involved in.

45 Q. You've never heard of that being done?

A. No.

Q. You look in the bag, and the items that were in the bag, what happened to them then?

50 A. I took them out.

Q. Where did you place them?

A. I placed them on the table.

Q. There was gelignite, flares and--

5 A. Detonators.

Q. And detonators.

A. Yes.

10 Q. At that point, were you able to recognise that yes they are detonators and--

A. I think so.

Q. You said they were in the bag. I know you referred to some brown paper, or something like that?

15 A. It was either newspaper or brown paper. I can't remember. There was a bit of paper in - there was some paper in there. I think it might have been separating the items. I'm not - I'm only guessing, really.

Q. Were they just all kind of loose in the bag, or was there--

20 A. I can't - I honestly can't remember.

Q. You took them out of the bag and put them on a table?

A. Yes.

25 Q. What did you do then?

A. I asked Mr Brajkovic. I spoke to him. I asked him some questions about it.

Q. Mr Brajkovic was brought into this workshop room?

30 A. Yeah. Mr Harding went outside. No, he wasn't. Mr Harding came into the room with just the two of us, and then when Detective Harding showed me the - the plastic bag and its contents - I think we spoke about it. I don't know what was said, and then he went outside and got Mr Brajkovic and brought him into the room.

35 Q. Mr Brajkovic was brought in, and did you point him to the items that you'd taken out of the white plastic bag?

A. Yes. Yes.

Q. Were you able to identify what type of gelignite it was?

40 A. No.

Q. Or what type of detonators they were?

A. No.

45 Q. Did any of the other officers who were present, had they received any training in explosives?

A. I don't know.

50 Q. Did you make any enquiries whether any of them had any expertise or training?

A. No. No. I knew that Mr Harding had worked in the Breaking Squad for some time before going to the Armed Hold Up Squad, and I considered he had some experience in the handling of explosives. I just assumed that.

5 Q. At trial, Mr Brajkovic maintained that he was never shown a white bag or its contents at the premises. In proving, or giving evidence, about the bag and the contents, that you gave evidence that - were provided to you by Harding and Morris and then shown to Mr Brajkovic, was there any contemporaneous note or corroboration of your account?

10 A. No.

Q. Did you have a notebook with you, or were you taking notes?

A. I would have had a notebook with me, but I don't recall taking any notes.

15 Q. There was no photograph taken of, again, the items in situ, or being taken out of the bag?

A. Well, we didn't have any facilities to take photographs.

20 Q. In your statement, you give an account of a conversation you have with Mr Brajkovic when you bring him into the room.

A. Yes.

Q. You ask him questions such as:

25 "Q. Who owns all of this?

A. They belong to me.

Q. Do you realise these are explosives and can quite easily be used as a bomb?

30 A. Yes. I make a bomb."

The account of what was asked, and said, and comments by Mr Brajkovic, was anybody making a record of that at the time?

35 A. No.

Q. Your recollection and account of what was said relied upon that timeline account--

A. Yes.

40 Q. --that was created? Mr Brajkovic also maintained that during this period, he was asking for a solicitor to be able to contact a solicitor; do you recall him asking for that?

A. No, he didn't ask for a solicitor.

45 Q. If he had asked for a solicitor, what would've you done?

A. I'd allowed him to take the opportunity of getting a solicitor.

Q. You would've allowed him to make some kind of--

50 A. Make a phone call, yes.

Q. --phone call at the premises?

A. Yeah.

5 Q. Also, during the time that you were at the house, other items were discovered?

A. Yes.

Q. Do you recall that the gelignite was taped together or something like that?

10 A. I can't remember. I think it was but I can't be definite about that.

Q. Do you recall that there were some other items like a small clock?

A. Yes.

Q. With a hole drilled in its face and the large hand missing?

15 A. Yes.

Q. Two small batteries taped together?

A. Taped together and soldered together.

20 Q. They were just found in the workshop, were they?

A. Yeah. Having read the statement which reminded me they were found on a table in the workshop.

25 Q. When you were confronted with the white plastic bag with markings on it, containing gelignite, flares and detonators, what information did you provide to the other officers at the location upon finding that?

A. I don't remember.

30 Q. If two sticks of gelignite had been found, there was the possibility that there might be other explosives on the site?

A. Yes.

Q. Were you concerned about safety with those?

35 A. I didn't consider it, no, not at that time.

Q. Do you recall informing or asking any other officer like Harding to inform the officers who were outside that gelignite has been found, be careful, you might come across some other sticks, or anything like that?

40 A. I have no recollection of that happening, but I would expect it to have been done, yes.

Q. Why would you expect it to be done?

A. Because it's explosives, as you just said. Put them on the alert.

45 Q. You're the officer-in-charge for this particular raid?

A. Yes.

50 Q. Your involvement continued while the other officers are still at the premises, so while you're still there, you're directing people, making suggestions, et cetera?

A. No. They knew what to do. They're experienced police, they knew what to do.

5 Q. Was there any recording of what was found and what was seized at the premises?

A. Eventually.

Q. When was it eventually?

10 A. I can't remember, but it was done - I think I prepared the list myself some time later.

Q. Where did you prepare the list?

A. Back at our office.

15 Q. At what time after?

A. I don't remember.

Q. Nothing was prepared at the site about what was found and seized?

20 A. No.

Q. Was that usual practice at the time, that such a list would be prepared on-site?

A. I don't think so.

25 Q. Your involvement also included, and I'm putting it broadly, transporting back to CIB Mr Brajkovic?

A. Yes.

Q. Seeing if he would participate in some kind of interview with you?

30 A. Yes.

Q. And ultimately charging Mr Brajkovic?

A. Yes.

35 Q. Did you take him to Central?

A. I did.

Q. In addition to the tasks that you were undertaking on that night, did you also undertake the transportation of the gelignite, flares and detonators back to CIB?

40 A. Yes.

Q. Were they transported back in the car that you were in with Mr Brajkovic?

45 A. Yes.

Q. I'm just putting this broadly without going into detail, so back at CIB there's an offer of a record of interview and conducting of a record of interview?

A. Yes.

50 Q. Then the charging of Mr Brajkovic?

A. Yes.

Q. The possession of the gelignite flares and detonators, who had possession of it when you got back to CIB?

5 A. I did.

Q. Did you retain possession of it?

A. Yes.

10 Q. In addition, there were other items seized, for example, the clock and the batteries soldered together?

A. Yes.

15 Q. Did you make a determination about whether these items should be sent for fingerprinting?

A. The only things I arranged to be fingerprinted was the clock and the batteries.

Q. When did you do that?

20 A. I don't remember.

Q. Why did you restrict yourself to the clock and batteries?

25 A. I don't know. I didn't think that the gelignite would hold fingerprint, latent fingerprints, but I don't know why I didn't have the other items done; I can't - offer an explanation for that.

Q. Did you actually turn your mind to whether the gelignite should be sent for fingerprinting?

30 A. Not for very long. If I did, not for very long, no.

Q. Who undertook the fingerprinting?

A. Who?

Q. Did you have, like, a specialist scientific section or--

35 A. Well, it was a Fingerprint Section.

Q. The what, sorry?

40 A. A Fingerprint Section and I don't know if we took it to the section for it to be done or they came to our office and did it. I can't remember.

Q. Your query about whether the gelignite would contain a latent fingerprint, your answer suggested that you weren't sure about that?

A. I wasn't sure, yes.

45 Q. Would it have been quite easy to ask one of the fingerprint specialists whether it was possible?

A. Yeah, it would've been. I just - it was an oversight.

Q. You?

50 A. I would say it was an oversight.

Q. I'm just interested in responsibility for the fingerprints, or the pursuing whether fingerprints should be seen to - for the examination. Ultimately, you weren't one of the officers who was in charge of compiling the brief of evidence?

5 A. No, I wasn't. No.

Q. That was Detective Sergeant Turner, was it?

10 A. Detective Sergeant Turner was assisted by Detective Milroy and at that time Mr Turner was working with a Detective Jameson. He may have been used to assist preparing the brief, as well.

Q. Was it the case that because you were the officer-in-charge with the raid that seized these items that the initial decision about fingerprinting was yours?

15 A. Yes, it was. Yeah.

Q. But I take it the material and statements and other material, for example, the timeline, that's eventually handed over to the officers-in-charge of compiling the brief of evidence?

20 A. How do you mean?

Q. I'm sorry?

A. How do you mean? Explain?

25 Q. At some time, statements that had been written, items seized and other documents, for example, the timeline, would have been handed over to the officers compiling the brief of evidence?

A. Yes.

30 Q. Was it open to them to consider whether fingerprints should be obtained?

A. Well, they could've made that suggestion, yes.

Q. Can I ask you about travelling back to the CIB. You arrived with, I think, Detective Bennett?

35 A. Yes, and Detective Krawczyk was with us, as well.

Q. Who you picked up at Prairie Vale Road?

A. No, at Restwell Road?

Q. Sorry?

40 A. Restwell Road or Prairie. One or the other, yes.

Q. Travelling back into the CIB, who was in the car with you?

A. Those three detectives, myself included, and Mr Brajkovic.

45 Q. The gelignite and detonators and flares that were in the plastic bag, you've given evidence that you were in the workroom, you took them out, Mr Brajkovic came in and you showed them to him. Did you then put the items back in the plastic bag?

50 A. I think I did.

Q. How was the plastic bag with the items transported back to CIB?

A. In the police car.

Q. Where in the police car?

5 A. In the boot.

Q. Just in the plastic bag?

A. From recollection, yes.

10 Q. Nothing was separated?

A. I don't remember if they were, but I don't recall that.

Q. Were you, in a sense, in charge of taking the plastic bag from the house and putting it in the boot of the car or--

15 A. Well--

Q. --did one of the other officers do it?

A. I accepted that responsibility, yes.

20 Q. You did?

A. Yes.

Q. Did you turn your mind to, "We're now travelling from Bossley Park back into the city. How can I ensure these items classified as explosives can be safely transported"?

25 A. Well, I considered that it would be safe to transport it back and I made the decision.

Q. In the plastic bag?

30 A. Well, I don't know if I separated them or not. I'm sure it - I may have got some instruction from Mr Harding. I don't know, but I know they were placed in the back of the car - or the boot of the car, but I don't know in what formation.

Q. You at this time hadn't received any training--

35 A. No.

Q. --in explosives?

A. No.

40 Q. So you would've been reliant on other officers?

A. In the main, Detective Harding, yes.

Q. Do you have an actual recollection of making enquiry with Detective Harding?

45 A. No.

Q. You spoke about other items that were found, for example, the clock--

A. Yes.

50 Q. --and the batteries. For the purpose of transporting items back to the CIB,



were they all put in the plastic bag?

A. I think we might have kept the clock and - I'd assume - I'm only - I assume that I would've kept them separate, because I determined they'd be fingerprinted. So I don't know. I think I would've kept them separate. I should've kept them separate, if I--

Q. That was the clock and the battery?

A. The clock and the battery. I think. I don't - I'm not sure.

Q. Could the witness be shown Exhibit 4.1-MM, please, page 71.

EXHIBIT 4.1-MM, RED PAGE 71, SHOWN TO WITNESS

Q. Mr Wilson, do you remember that photograph?

A. No. I don't, no.

Q. Looking at the items, can you see there's some newspaper. There's two cylinders, which appear to be masking tape combining them together. There appears to be a clock, and some other items.

A. Yes.

Q. Does that ring a bell with this?

A. They're the items that we found at the premises - I found in Mr Brajkovic's possession. I'm certain of that.

Q. Do you recall where this photograph was taken?

A. No.

Q. Did you cause the photograph to be taken?

A. I'm not certain of that either.

Q. Just looking at the photograph, can you see towards the back of the photograph there appears to be a white, plastic item?

A. Yes.

Q. Can you identify it?

A. No.

Q. It seems to have the white with - there it looks like a globe or something on it?

A. A what, I'm sorry?

Q. It looks like some kind of circle, or maybe a globe?

A. I see, yes.

Q. Does that jog your memory? Was that the bag that Harding and Morris brought in with them?

A. I'm only assuming this, but the fact it's included in the photograph would indicate to me that it is possibly the bag that the property was found in.

Q. It's hard to see, but there appears to be either the flares or the detonators, and there's a clock, some masking tape, and it appears to be some binoculars?

A. I can't see the binoculars.

5

Q. Do you see the clock, and then immediately to the right of the clock there's a space and there's the masking tape?

A. Yes. Yes.

10

Q. Then immediately in front of the masking tape?

A. Yes. I can see the - no, they're the batteries, aren't they?

Q. Are they batteries?

A. They're the batteries, yeah.

15

Q. Sorry, that's my mistake.

A. That's why I couldn't work them out as binoculars.

20

Q. They're the batteries that were soldered?

A. Yes.

Q. Can you see that the cylinders are placed on some kind of newspaper?

A. Yes.

25

Q. Looking at these various items, and putting to one side the clock, the battery and the masking tape, the cylinders and what appears to be detonators and flares, were they the items that were in the white bag?

A. From my recollection, yes.

30

Q. Then going back to the CIB, you also brought the batteries, clock and masking tape, but your recollection is they were put separately?

A. I'm only assuming that, ma'am.

35

Q. You're assuming that because you did send those for fingerprinting?

A. Yes.

Q. And it would make sense to keep them separated for that purpose.

A. Yes.

40

Q. When you were at the premises, were other officers shown the contents of the white plastic bag?

A. I don't recall that happening. I don't think so. They would have been told about it, but I don't think they saw them, unless they walked into the room and saw them.

45

Q. You spoke about not having any training in explosives, but you assumed Detective Harding did.

A. Yes.

50

Q. Was there any discussion about the safety of including in a bag - gelignite,

detonators and flares in the one bag, in the boot, potentially being jostled as you travelled towards the CIB?

A. I don't think so.

5 Q. Was that something that came into your mind?

A. No.

Q. Is that because you assumed it would be safe?

10 A. Well, I'm sure if it hadn't have been safe, Mr Harding would have told me, but with my limited knowledge of gelignite, it's not dangerous unless it's attached to a detonator, or it might be weeping, or deteriorating, and I'm sure if it had have been, I'm sure it would have been - if that had been the case, I would have been told.

15 Q. Did you make an observation of whether it was weeping or deteriorating?

A. Well, you can tell by this photograph that it's not.

Q. I can't really tell by the photograph--

20 A. Well, I--

Q. --but did you turn your mind to it?

A. I think so. It looks to me that it's not weeping.

HIS HONOUR

25

Q. Even the parts that were obscured by the masking tape?

A. I beg your pardon, your Honour?

Q. Even the parts of the gelignite that were obscured by the masking tape--

30 A. Well, I could only--

Q. --joining the two together, you could tell that it was not weeping underneath that masking tape?

35 A. No. No. I'm not suggesting that at all, sir. I'm just suggesting the ends. No. I can't see what's under the masking tape obviously.

MCDONALD

Q. When you say, "the ends", you're talking about the two circles--

40 A. At the bottom of the photograph, yeah.

Q. Which had the two holes?

A. Yes.

45 Q. The deterioration of gelignite, where on a piece of gelignite is it evidenced?

A. What do you mean?

Q. If you're presented with a piece of gelignite, which area would you look at to determine whether it's deteriorating?

50 A. As I said, with limited knowledge, just from the ends of it where it's been

cut.

Q. How did you know that?

5 A. I just learnt that from the short time I'd been at the Breaking Squad. Just general discussions around the office.

Q. Can I take you back to the Emergency Manual and the particular extract which is Exhibit 14.9, page 124? I asked you about this previously.

10 A. Yes.

Q. And in particular whether in the lead-up to leaving CIB whether any attention or there was any reference to these requirements where commercial demolition explosives and/or detonators are located. Having a look at this provision the first subsection says, "members of the Force will not interfere with them but will initiate safety measures"?

15 A. Whereabouts is that, ma'am?

Q. Sorry, 19.11.1?

20 A. Yes, I see that, yes.

Q. As at 8 February did you know about this provision?

A. No, I don't. As I said, I don't think I'd ever read this, the manual.

25 Q. Can you help us whether this manual would actually apply to the circumstances of your raid?

A. I would have to say so, yes.

Q. Where it says, "but initiate safety measures", again, do you have any understanding of what those safety measures would be?

30 A. Not really, no. Just common sense would prevail I would think, just don't touch and move away I suppose.

Q. All right, but you did touch them, you took them out of the bag?

35 A. I did. Yes. Yeah, I did, yeah.

Q. Then you took them in the boot--

A. I did.

Q. --back to Sydney?

40 A. Absolutely.

Q. Then in 19.11.2 there's a reference to relying upon explosive experts attached to the Department of Army?

45 A. Yes.

Q. Again, going back to the conference at CIB, was there any reference or mention of, look, if you come across a bomb or anything at the particular site, don't touch it, we should contact the Army?

50 A. I - as I said, I don't recollect the conference at all, so I don't know if that was said at all, but - I don't know.

Q. Then the final one is when unattached detonators and explosives are received together, they should be stored separately pending removal?

A. Yes.

5 Q. Putting them in a white bag in the boot and back to the CIB, that wasn't complied with?

A. Well, we didn't comply with these directions obviously, but I don't know if the flares were in the same - if the detonators were in the same bag when we went to the CIB; I'm not certain about that. Not - I don't recall, but I can't get away from the fact that we didn't abide by these instructions.

10

Q. When you went back to the CIB, and you have Detective Bennett in the car, Detective Krawczyk and also Mr Brajkovic?

A. Yes.

15

Q. Where did you go when you arrived back at the CIB?

A. To the offices of the Breaking Squad and Armed Hold Up Squad.

Q. They're on the same floor?

20 A. Yes.

Q. Really demarcated just by a--

A. Row of lockers.

25 Q. Yes?

A. Yes.

Q. When you parked the car, you've got the gelignite and detonators in the boot. Who took custody of those?

30 A. I did.

Q. You took them from the boot upstairs?

A. Yes.

35 Q. Where did you put them when you got upstairs?

A. Into one of the rooms at the Armed Hold Up Squad office.

Q. When you say one of the rooms, is this like one of the interview rooms?

A. An interview room, yes.

40

Q. Where did Mr Brajkovic go?

A. He came in there with us.

Q. You go into the room with the white plastic bag--

45 A. Yes.

Q. --with the gelignite, et cetera, and Mr Brajkovic is taken into the room?

A. Yes.

50 Q. Was this an interview room?

A. Yes.

Q. Who else was with you?

A. Well, I assume Detectives Bennett and Krawczyk.

5

HIS HONOUR

Q. Were all the items in the plastic bag when you took them from the car up into the office?

10

A. I don't remember, sir.

Q. Do you remember having any other means of carrying items apart from the white plastic bag?

A. I don't remember that either, sir. I don't think so.

15

MCDONALD

Q. You spoke that you thought you might've separated the clock and the battery--

20

A. Yes.

Q. --and the masking tape in the boot?

A. Not the masking tape, I don't think.

25

Q. The masking tape was in the plastic bag?

A. I think so.

Q. When you went up to CIB, in addition to the white plastic bag, did you take the clock and the battery with you?

30

A. We would've but I don't - I suggest that it would've been taken up there because we showed it to Mr Brajkovic.

Q. What, during the interview?

A. Yes. I'm certain of that.

35

MCDONALD: Your Honour, I'm about to turn to the interview. Would that be an appropriate time?

HIS HONOUR: It sounds like a good point to stop at. Thank you.

40

MCDONALD: Your Honour, I'm sorry to interrupt. Tomorrow, we are interposing a witness.

HIS HONOUR: Yes, that's right.

45

MCDONALD: Mr Bennett. We anticipate --

HIS HONOUR: And we won't need Mr Wilson tomorrow?

50

MCDONALD: Yes. I had a discussion with my learned friend. Based on that we

thought that Mr Bennett would probably take all day.

HIS HONOUR: All right. So we can not concern Mr Wilson to attend tomorrow?

5 MCDONALD: Until Thursday, your Honour.

HIS HONOUR: Do you see it differently Mr Buchanan?

10 BUCHANAN: No, your Honour, I don't.

HIS HONOUR: All right. Mr Wilson, we'll have to continue your evidence on Thursday for the reasons that you've just heard, but you are free to go and you can step down now.

15 WITNESS: Thank you, your Honour.

HIS HONOUR: All right, I'll adjourn.

20 <THE WITNESS WITHDREW

ADJOURNED PART HEARD TO WEDNESDAY 3 JULY 2024