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## SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 TWENTIETH DAY: THURSDAY 4 JULY 2024

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

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10

HIS HONOUR: Thank you. Take a seat, Mr Bennett.

&lt;JAMES LEONARD ALEXANDER BENNETT, CONTINUING(10.07AM)

15

&lt;EXAMINATION BY MR BUCHANAN

Q. Mr Bennett, yesterday you were asked about or mentioned that you were aware that a suitcase had been brought from the Brajkovic house to CIB but you only were aware of that because you read it--

20

A. I think that's, yeah.

Q. --in the transcript?

A. Yeah, that's right.

25

Q. Can I put to you another scenario; a preliminary question? Thinking of you coming up in a lift to the third level, was that with Mr Brajkovic - sorry, I should be saying, this is on your return to CIB?

A. Yes.

30

Q. With Mr Brajkovic?

A. I think so.

Q. And maybe another detective?

A. Perhaps, yes.

35

Q. Were you carrying the heavy typewriter?

A. I don't remember.

Q. Mr Brajkovic was handcuffed at that time that he was in the lift?

40

A. He was.

Q. He came out of the lift lobby in to the open area holding a suitcase in his handcuffed hands; didn't he?

45

A. I can't remember, Mr Buchanan; I don't say that didn't happen, I just don't know, I can't remember.

Q. Did someone tell him to carry the suitcase?

A. I have no - no memory of that.

50

Q. What was in the suitcase?

A. I have no idea. I don't think I ever looked in the suitcase.

Q. From what you've read in the transcript, the references to a suitcase, did it contain the white plastic bag?

5 A. No, there's no - I don't think a transcript that I have has made any reference to the contents of the suitcase.

Q. No, I'm not suggesting it did.

A. No.

10

Q. I'm asking.

A. No. I haven't got - I - I'm - the white plastic bag, the white plastic bag was as I've described with Wilson that I don't know what was in the suitcase.

15

Q. Was Detective Sergeant Wilson in the lift with you and Mr Brajkovic?

A. I don't remember.

Q. Do you remember seeing the white plastic bag while you were in the lift going from the ground floor to the third floor?

20 A. I have no memory of that movement. I'm assuming that we've travelled up in the lift, we could have travelled all together, we might have been broken into smaller groups, but I just don't remember.

Q. Mr Brajkovic wouldn't have been travelling in the lift by himself, would he?

25 A. I wouldn't want - no, I'd confidently say no.

Q. The suitcase came back as the result of a police officer making a decision that it should come to CIB, would you say--

A. I'd expect that.

30

Q. --that'd be fair?

A. I'd accept that.

Q. It wasn't an exhibit in and of itself, was it?

35 A. Not that I know of.

Q. The likelihood is that it was requisitioned from the Brajkovic household to carry items that police had seized and wanted to take back to CIB; isn't it?

A. It's possible.

40

Q. There's evidence that a quantity of documents were brought back to CIB from the house?

A. I think I've read in the transcript that I do have that there were some documents brought back, but I don't know what they were.

45

Q. Is it possible they were in the suitcase?

A. Possible.

Q. Do you know who made the decision that the suitcase should be requisitioned?

50

A. No.

Q. It wasn't you?

A. It wasn't me.

5

Q. Can I return to the vicinity of the lift lobby on the third level of the Remington building? You noticed Mr Brajkovic leaving?

A. Yes.

10

Q. He had two detectives with him, one on either side?

A. I can't remember, Mr Buchanan. I remember glimpsing, or a glimpse of him, that's the vision I have, of him coming across toward the lift area, but that's - I can't add anything to that.

15

Q. Did you see Mr Brajkovic moving with assistance from two detectives?

A. No.

Q. Holding him up under--

A. No.

20

Q. --his arms or armpits?

A. No. I would've remembered that if it had occurred.

25

Q. You'd probably remember it if Mr Brajkovic appeared to be injured to his face, if it occurred; wouldn't you?

A. If - if - if. I'd - well, if I'd been able to see it, but I didn't see that he had any injury to his face; but if he had an injury, that's something I would've noted.

30

Q. That is something?

A. I would've noted.

Q. You didn't notice it?

A. Didn't notice.

35

Q. You're not able to account for the apparent injuries that appeared in the police photograph taken at Central Police Station--

A. No.

40

Q. --five hours or so later?

A. No.

Q. Or the injuries that were observed by medical staff later that day at Long Bay?

45

A. I don't know what those injuries were and I have no idea how he suffered them.

Q. He didn't have them when he arrived at CIB?

A. No.

50

Q. So if he had injuries, as described by the medical staff at Long Bay, for

example, let alone hospital later, he could only have received them at CIB; couldn't he?

5 A. Well, I don't know what happened to him after he left the building. You said the five-hour time difference between when he left and when he was photographed, I don't know. I can't say that he suffered those injuries at the CIB.

10 Q. The really only logical inference to explain the medical evidence of his injuries observed at Long Bay later in the day is that he was beaten up at CIB; isn't it?

A. I don't accept that.

Q. If he was beaten up in one of those interview rooms, you would've known about that, wouldn't you?

15 A. I would expect that I would, depending upon what was involved.

Q. Screams and thuds?

A. If there were screams and thuds, I would expect I would've heard them.

20 Q. Can I change the subject, please. You mentioned yesterday - transcript 1395 line 42 - that at one stage Detective Harding used a telephone at 16 Restwell Road?

A. I don't remember whether I mentioned that yesterday, but there was a reference to it in the material.

25

Q. I see, yes. Do you have a memory of a landline telephone at the premises?

A. No, I don't.

30 Q. I want to suggest to you that you would've been well-aware that the telephone operated whilst you were at the house?

A. I don't remember, no.

Q. I want to suggest to you that on one occasion it rang--

35 A. If it rang while we - I was in that room, I would've been aware of it.

Q. Yes, and Mr Brajkovic got up to answer it?

A. Mr Brajkovic?

40 Q. Yes?

A. I don't remember that.

Q. A detective pushed him back into the chair and said words to the effect of "Sit down and shut up"?

45 A. I didn't see or hear that.

Q. That happened more than once to Mr Brajkovic while you were there; didn't it?

A. Not that I saw.

50

Q. Mr Brajkovic complained in your presence, didn't he, about why it was that he and his family had been arrested?

A. No.

5 Q. Trying to find out what was going on?

A. I didn't hear him say any such thing.

Q. He was just silent, was he, for all of this time?

10 A. In the time that I was present with him in that room, there was--

Q. That was most of the time, wasn't it?

A. No, I don't believe so.

Q. The police were at the house. After he came in.

15 A. They went into the front room. There was--

Q. How long was that?

20 HIS HONOUR: Just a minute.

BUCHANAN: I do apologise, your Honour.

HIS HONOUR: There's a bit of talking over each other here.

25 BUCHANAN: I am.

HIS HONOUR

30 Q. Mr Bennett, you need to keep your voice up, as well.

BUCHANAN

Q. I apologise. What was the length of time that you were in the front room that was described as a workshop?

35 A. I can't remember. When I was in - sorry. In the workshop when I was--

Q. Yes.

A. Yeah, I was - momentary. Not long at all.

40 Q. For the rest of the time that you were in the house, you were in the kitchen living area?

A. Yes.

45 Q. At one stage Mr Brajkovic asked to use the telephone to call a solicitor, didn't he?

A. I didn't hear that.

Q. Did Mr Brajkovic say anything at all whilst in the kitchen living area of the house while you were there?

50 A. I have no memory of him saying anything in that period at all.

Q. You accept that that's highly improbable?

A. He might have spoken, but I--

Q. Not plausible?

5 A. Well, I don't - that's your proposition, but I don't accept it. I - all I can say is I have no memory of him having spoken about those matters that you've nominated or at all.

10 Q. Is it possible that he asked to call a solicitor and you've forgotten it or overlooked it?

A. No, if somebody asked to call a - Mr Buchanan, if somebody asked to call a solicitor in those circumstances, to me it would have been a question why wouldn't you allow them to do so.

15 Q. Solicitors can be inconvenient to investigating detectives, can't they?

A. Not to my mind. Some might take that view, but I don't agree with it.

HIS HONOUR

20 Q. Is this your state of mind at the time, that is 8 February 1979?

A. I think so, your Honour. I - my attitude has not changed to such matters in my whole career path. If somebody wanted a lawyer, I would think it appropriate that they be allowed to have one.

25 BUCHANAN

Q. Nevertheless, focusing on what I've asked you.

A. Yes.

30 Q. Solicitors can be inconvenient to an investigation, can't they?

A. Well, they can slow things down if they're - if it's outside of normal business hours or if they cannot be contacted. That involves inconvenience, I'd accept, but overall, I don't see how it can be inconvenient not to allow the person to have a solicitor or lawyer, counsel, whatever the choice might be to speak to them to give advice.

35 Q. It was not unusual, was it, in your experience as a police officer, for solicitors to come to police establishments at night time looking for their client?

40 A. I've never had that happen. I've had counsel or solicitors present at night time when I've had someone in custody, but I haven't had - I've not experienced lawyers - the implication, as I understand it in your question, is that lawyers came looking for their client. I've not had that experience.

Q. You would accept that it's the sort of thing that could happen?

45 A. If, if, if - yeah, I would think so.

Q. If the suspect's family, once the police have departed--

A. Yes, I'd see that as a possibility.

50 Q. Of course, that wasn't going to happen in this case, because the family was

taken back with police.

A. Well, their opportunity to do so would have been obviated, I accept that.

5 Q. Is it possible that the reason that Mrs Brajkovic and Mr Hudlin and Mrs Brajkovic's daughter, perforce, because of her age, were taken from the house by CIB detectives on the night of 8 February 1979 was to ensure that Mr Brajkovic, having indicated he wanted legal advice, couldn't be accessed?

10 A. Well, the first proposition is one thing, the second proposition I don't accept. I don't have any memory of him having asked for a lawyer, but the first proposition, that the fact that they were brought back to the CIB by others at the scene would obviate the opportunity for them to make contact with a solicitor. If the police were so minded to behave, that is a possibility.

15 Q. Can I just go through why it might be inconvenient for a solicitor to become involved at the stage things were at when Mr Brajkovic was at the house with the detectives present, both there and later at CIB - I'll roll them up together now - the presence of a solicitor causes this problem, doesn't it? There is an independent third party who can later give evidence of what happened?

20 A. I don't see that as a problem.

Q. In addition, if there's to be an interrogation, there's a risk that the solicitor, if they get their client's ear, might advise the client that it would be in their best interests not to answer any questions?

25 A. That - I don't even see that as a risk. I would expect that advice would be given, that they need not answer any questions or participate in the interview process at all if they choose not to do so.

Q. That's inconvenient for a police investigation, isn't it?

30 A. Not to my mind. Some might see it as such, but I do not agree.

Q. Changing the subject now. On 8 February, did you see a clock or two batteries together?

A. I have no memory of seeing those at all.

35 Q. Did you bring such items back to CIB, to your knowledge--

A. No, not to my knowledge.

Q. --in the vehicle?

40 A. Not to my knowledge.

Q. Did you see them later on the third floor at CIB?

A. I saw them in the photograph and I - or I saw the clock, at least. I noticed the clock.

45 Q. Yes.

A. But that's the only time I've got a memory of having seen them.

Q. Were you involved in taking the photograph?

50 A. No.

Q. Was the photograph, to your knowledge, taken that night?

5 A. I don't know. That's the copy of the photograph that was sent to me with the material as part of this Inquiry, but that - that's the one I'm referring to, but I don't have a memory of even noticing the clock in the photograph that was shown to me in the course of the proceedings.

Q. Did you see a--

10 BASHIR: Sorry, Mr Buchanan. Could I ask for the witness to keep his voice up.

WITNESS: Sorry. My apologies. I'll lean closer to the microphone.

15 HIS HONOUR

Q. You tend to--

A. I know, I'm told.

Q. --drop your volume towards the end of your answer, too.

20 A. I - yes, I'll seek to redress that.

BUCHANAN

Q. Did you see a clock at CIB on the night of 8/9 February?

25 A. I have no memory of seeing a clock on the night of the events.

Q. Can I just ask you to focus now on when you're on the fifth floor with Mrs Brajkovic.

30 A. Yes.

Q. At any time on that occasion did you see a clock?

A. I can't remember seeing a clock there, Mr Buchanan.

Q. Was there a clock in the white plastic bag?

35 A. I don't remember. I--

Q. I should make that clear.

A. Yeah.

40 Q. Was there a clock in the white plastic bag at the time that the explosives were shown to Mrs Brajkovic?

A. I can't remember, but I don't have a memory of one being in there, as I said yesterday.

45 Q. Can I change the subject, Mr Bennett, to the Wood Royal Commission report.

A. Yes.

Q. It was published a couple of years after you retired?

50 A. I wasn't - sorry, a couple of years after I left the Police Force?



Q. Yes.

A. It was a lot more than a couple of years.

Q. I'm sorry.

5 A. I left in '81. The Royal Commission, as I remember, was in '95.

Q. Report '97, I think, if I'm not wrong.

10 A. It perhaps was. I don't remember the date of the report. I know Justice Harrison and I had access to some material from the work of the Royal Commission when we were given the Inquiry into the AFP to perform.

Q. You told us that yesterday, but was there any time when you sat down with a copy of the report and read what it had to say about police investigation practices, in particular, CIB?

15 A. In coming - in preparation for this occasion, I looked at the copy of the report that was provided to me.

Q. This occasion being this Inquiry, not the—

20 A. This Inquiry, yes, yeah.

Q. --Justice Harrison Inquiry?

25 A. Yeah, well, the document that I've seen went into misconduct at Kings Cross, the notorious conduct that was captured and played on the news frequently with the detective in the car. I remember that from the time it was published. It went into the accusations of the Joint Taskforce - against the Joint Taskforce, I should say, and misconduct with regard to overtime claims, et cetera. That was it.

Q. I'm sorry, I missed the last bit.

30 A. Sorry. It went into the investigation into misconduct with regard to overtime claims and the falsification of records showing what the performance of duties had been. That's a broad summary of the stuff that I've read.

Q. You don't have a memory of reading anything in the Wood Royal Commission report about fabrication of evidence?

35 A. There was in reference in that to that. Indeed, one of the things that struck me in the report was one of the matters that Justice Wood referred to was the allegation that a quantity of drugs had been secreted beneath a pot plant by some investigating police officer and there was a similar type of conduct found  
40 by us in the work we did.

Q. Mr Bennett, did you read anything in the report about fabrication of evidence?

45 A. Yes, there was reference to that.

Q. And assaults by police?

A. There was reference to that, yes.

50 Q. When you read those references, did it sound right to you or did you think it was all rubbish or--

A. No.

Q. --did you think something else?

5 A. No, I didn't think it was rubbish at all. I was disappointed and dismayed at  
the extent of the findings that were, as I read, based upon evidence given by  
those who participated in the misconduct, indeed, at the time of that Royal  
Commission I defended a young man who was charged with an armed robbery  
10 by the North West Regional Crime Squad, and he was beaten, and  
successfully defended in the trial and one of the participants in that in due  
course, I think in the Royal Commission, owned up to the misconduct.

Q. Did you think that there was a pattern of misconduct in relation to  
fabrication of evidence and assaults by police--

15 A. On the findings of Justice Wood, one could conclude that there was a  
pattern among some police who engaged upon such behaviour, but I can tell  
you my experience was that not all police - not all police were corrupt, or  
engaged upon violent behaviour, but clearly some did.

20 Q. Were you aware in 1991 of statements to the media made by former  
Detective Sergeant Rogerson--

A. Roger Rogerson.

Q. --about malpractices in the Police Force?

25 A. I repeat, I know Roger Rogerson from my service in the Police Force. I  
have known of him since then, because of the notoriety that he gained with his  
involvement with Arthur Stanley Smith. I know of him because of work that I  
engaged upon as a member of the National Crime Authority, and I know that  
he was exploited. His reputation perhaps past misconduct, even going so far  
30 as to putting together the three-man show to go around pubs and clubs, talking  
about "The Good, The Bad and The Ugly", I think it was called. So I'm aware  
of Roger Rogerson and his assertions.

Q. And his assertions?

35 A. Yes.

Q. Before the publication of the evidence given in the Royal Commission, and  
before the publication of its reports, in the course of your duties, had you heard  
the expression "load up"?

40 A. Yes.

Q. What did you understand "load up" to mean?

A. A fabrication of evidence, either by placing exhibits into the custody of a  
person charged, or creating false confessions.

45 Q. The Wood Royal Commission defined "load up", it was a defined term,  
Exhibit 13.13(A), red page 50, as:

50 "Where police charge an individual with a crime or crimes the  
person did not commit. Usually by false evidence as to the finding  
of drugs, a weapon or other items in the possession of an accused,

or as to admissions by that person."

Would you accept that that was an accurate definition of the term "load up"?

A. Yes.

5

Q. Where had you heard it? Where had you come across that expression whilst you were serving as a detective?

A. I can't remember, Mr Buchanan, but I had heard the term. I--

10

Q. Yes?

A. Well, it could have been - it might well have been in the course of proceedings in which I gave evidence, but I don't remember where. But it was a term that - with which - of which I knew in those years.

15

Q. In your career as a detective, were you aware of the expression, "Brick up"?

A. I hadn't been as a serving police officer, but when I did the AFP Inquiry, one of the - with Mr Harrison - Justice Harrison, one of the matters that we were called upon to examine was an allegation that a then ranking officer in the AFP, whose name I can't remember, was known as, "The brick", because of that behaviour which was suggested of him.

20

Q. The Royal Commission defined "brick up" by saying, "See: load up". Would you accept that that is what "brick up" meant?

25

A. I'd accept that's how it was - how it was sought to be defined. It fits my understanding of it.

30

Q. Is it your evidence to the Inquiry that in all of your career as a police officer, you were not aware of members of the Police Force sometimes loading up suspected offenders, other than the examples you've given?

A. I've heard allegations being made in those terms, but I have not witnessed or participated in any such behaviour in any of the work I did.

35

Q. Or heard any officer use the expression "load up" or "brick up" to indicate what had been done, or what was to be done, in respect of a particular suspect?

A. No. As I say, the term "brick up", or the term "brick", I haven't - didn't know about it until the AFP Inquiry.

40

Q. Given that loading up suspects was a practice which was uncovered, or at least - which the Royal Commission spoke--

A. Yes.

45

Q. --in its report, and thinking about how a load up would occur, if a detective was to load up a suspect, it was necessary, wasn't it, for most, if not all, of the team of detectives who accompanied the detective concerned to corroborate the detective in the load up?

A. I don't accept that as a general proposition. There might be someone involving themselves in misconduct unbeknown to the others who are involved in the work.

50

Q. But how would the load up succeed if other detectives said, "No. I was in the room. There was no explosives there." The load up would fail then, wouldn't it?

5 A. Depending upon the circumstances of the matter. If you had conflict - well, I can give you an example, if you'd like. I appeared for one of the Hells  
Angels, who was charged with possessing a quantity of methylamphetamine in  
premises that he was house-sitting at Penrith. A team of police turned the  
10 place over. They found a pistol. They found a quantity of methylamphetamine  
in various bags throughout the apartment. Part of the preparation I undertook  
at the committal hearing, which was back in the day of committal hearings, I  
looked at the list of the drugs that had been found. I looked at the statements  
that the police had provided, and their evidence, and there was an extra bag,  
when one looked at the amount found allegedly, and the amount listed as  
15 having been found, and there was only one explanation. Is that one had to  
have been relocated, and one of the young police officers, who was a very  
junior, she identified the bag that was placed with - it was confirmed later this  
was placed with, or proximate, to the accused, and she remembered it  
because she was fairly inexperienced, but remembered the texture of the  
20 drugs. Whereas a senior detective, a more senior detective, claimed to have  
found that hidden in another location in the premises. The evidence at the  
committal didn't stand against the evidence given in the trial, and the  
detective - the senior detective conceded that on one or other of those  
occasions, she could not have been given evidence knowing it, or believing it  
to be true, which she accepted, and the whole case fell apart in due  
25 course. They all left, resigned, went elsewhere. So that's an example, I think,  
of a young police officer not knowing, not being part of the scheme, and  
having, through her integrity, exposed the aperture, which I was able to--

30 HIS HONOUR

Q. I think Mr Buchanan's proposition included that everyone had to be in on it. If somebody wasn't in on it, it mightn't succeed.

35 A. I suppose that demonstrates the point that if she'd been in on it, it might have succeeded.

BUCHANAN

40 Q. What you've just told us about is an example of a load up not succeeding?

A. Yes. I'd agree with that.

45 Q. In order to succeed, if I can use his Honour's words, everyone needed to be in on it?

A. Well, fortunately, we were able to uncover it in the course of the proceedings, so it didn't succeed.

50 Q. Did you become aware at any stage of an entire raiding team of detectives participating in a load up during your career?

A. No.

Q. But you accept that for a load up to succeed, then all the detectives who

say they saw the illicit item, and there were partners, and any other police involved in the operation, would need to go along with the load up?

A. If it was a load up.

5 Q. Including younger officers?

A. If they were so minded.

Q. Including officers from outside CIB? Such as, for example, Special Branch?

10 A. Yeah. If they were so minded.

Q. What I want to suggest to you is that the culture in the Police Force in the period – in the era around 1979, 1980, was one which included fabricating evidence against suspect in order to obtain convictions. That was a culture?

15 A. Well, Mr Buchanan, when I read the - I read the findings of Justice Wood, and I accept that they were reached upon evidence given by people before the Royal Commission who had surrendered to their difficulties and owned up to what they'd done.

20 Q. Well, it was more than that, if I can interrupt.

A. Well, my perception of things at the time was not as bad as it was found to be by Justice Wood.

25 Q. You would have read in the report the evidence of witnesses who were police officers, or former police officers, who spoke of what other police officers had done? Of there being a culture?

A. No. I don't think so.

30 Q. Were you aware of an expression that was used by detectives at CIB as being from the "A Grade"?

A. I'd heard that phrase used by police. I heard the term being, "Playing A grade". I've heard that term.

35 Q. Of course, if junior officers, or officers from outside of CIB, were to go along with a load up, created, engineered by detectives in squads in CIB, you would expect them to be honoured, to be working with detectives from the A grade? For them to be playing A grade.

40 BASHIR: Your Honour, I object--

WITNESS: You're asking--

45 BASHIR: I object to that rolled-up, very lengthy question, and ask for it - if it's going to be re-asked, to be re-put.

HIS HONOUR: No. I think it's clear enough.

50 WITNESS: I understand you to be saying to me that if some junior officer was invited to participate in the crime that you're describing, that they'd see that as a badge of honour. That's not my experience.

BUCHANAN

5 Q. They would see it, and I can correct myself if I didn't make this clear, see it as being an honour to work with detectives from squads at CIB? To be playing A grade in that particular operation?

10 A. Well, again, there's a multiplicity of factors in that question. I don't accept that all the junior officers would see it, or would be honoured, by the opportunity to play A grade with the connotation that you're attaching to that by - at the invitation of more senior police officers or detectives. Some might, if they were so minded, but I don't accept that it's a general proposition.

EXHIBIT 13.13(A), RED PAGE 58, SHOWN TO WITNESS

15 A. It's a glossary document?

Q. Yes. You see there the definition of "A graders", but if I could take you, please, to page 60.

A. Sorry, do you want me to read that definition?

20 Q. No. I'm accepting your evidence, for what it's worth, about your knowledge of A graders.

A. Yes.

25 Q. So I'm not taking you to that. If I can, please, take you to, I think, page 60? No. Could I ask that we have a look please at paragraph 3.64? I'm afraid I've got the wrong page number. 111-1, thank you very much?

A. So 3.64?

30 Q. You see towards the bottom of the page that's on the screen, paragraph 3.64:

"The main power based in the Force in this period was undoubtedly the CIB and its various squads, elements of which were regarded as seriously corrupt."

35

A. Yes.

Q.

40 "Transfers to and from the CIB could take place overnight in the interests of the Service. Those from the squads were recognised as having shortcut systems for achieving results such as police verbals and loads (planting of evidence). Moreover, investigations were  
45 seen by other police to become unpredictable if the CIB, which had the power to move in on any investigation, took them over."

Do you remember reading that?

50 A. No, I didn't. I remember it was brought to my attention but I didn't get to read that in the document that came to me, but I recall being told about that content by those representing me here today.

Q. Would it be right to say in as far as your knowledge and awareness and understanding is concerned that elements of the various squads of the CIB, thinking of the era, era centred on 1979/1980, were regarded as seriously corrupt?

5 A. That was not my perception at the time.

Q. And that the members of the squads were recognised as having "shortcut systems for achieving results such as police verbals and loads"?

10 A. That was not my perception at the time. It may well have been that some police did engage in that type of behaviour, but not by any - not according to my knowledge from anything I saw.

Q. Mr Bennett, can I put this proposition to you and invite you to respond; it seems strange that you would not have had an awareness of the qualities that the Wood Royal Commission ascribed to members of the various squads at CIB encapsulated in that paragraph?

15 A. I don't say that I was not aware of that of that type of reputation, that type of - or the views that are there expressed, but the breadth of that description was not my perception of matters. I was aware, I might say, that our society was evolving back in those days.

Q. I'm sorry?

25 A. Our society was evolving back in those days, things were changing. In my experience jurors were becoming more alert to the problems that we were hearing about in the media and the like, but that would put anybody who was thinking in my view on guard against getting involved with those who might fall into that description, into that category. It was not my perception that those descriptions applied generally across the detectives at the CIB.

30 EXHIBIT 13.10, RED PAGE 42, SHOWN TO WITNESS

Q. This is a newspaper article on 24 September 1991 in The Sydney Morning Herald. If we could just expand it please, can you see that in the third paragraph - I'm sorry, if you look at the first two paragraphs - the journalist is describing what was broadcast on a Four Corners program the night before; you can see that?

35 A. Yes.

Q. She then provides quotations from what Mr Rogerson told the journalist conducting the interview on the Four Corners program and he described, according to this journalist at The Herald, the practice of loading up criminals as "the cult"?

40 A. Yes.

45 Q. The journalist in The Sydney Morning Herald went on to quote Mr Rogerson as saying:

50 "It was the cult; you were doing a community service, it was all done in the interests of truth, justice and keeping things on an even keel and keeping crims under control", he said."

Do you see that?

A. Yes.

5 Q. That's a fair description, isn't it, of the culture of fabrication of evidence by police in the period around 1979/80 when you were there?

A. Perhaps some police but not all. Certainly Rogerson by the - by all accounts, but not all police.

10 Q. To say by some police but not all, cuts across the description, the appellation cult, as in culture, doesn't it?

A. His word, not mine.

Q. Yes, are you saying it was not a culture?

15 A. I don't - I'm not aware of it being a culture. In the terms of it being described by Rogerson in an article or on any other occasion when he's spoken.

20 Q. Looking at the second column, the right-hand column, you see the first full paragraph reads:

"Mr Rogerson said last night that police would load-up people who were 'overstepping the line', to use his words."

25 A. Sorry, where's that on the - in the second column?

Q. The right-hand column, I might have said left-hand; right-hand column, first full paragraph where the cursor is?

A. Yes, yes.

30 Q.

35 "Mr Rogerson said last night that police would load-up people who were 'overstepping the line'. 'In the old days the safe blower was the smart crim, so they always feared getting a couple of sticks of geli found in their cars or in their possession.'"

Went on to give a nutshell précis of Mr Rogerson's career and--

A. Yes.

40 Q. --then Mr Rogerson is quoted as saying,

45 "Mr Rogerson said it was, 'much easier to plant drugs because they're so small'. 'The crims accepted it. If you stepped out of line, you were asking for trouble and someone would tap you on the shoulder or come knocking on your door and you'd be given a present'."

That was the way police worked as a standard practice--

50 A. No.



Q. --in this era centering on '79/80; wasn't it?

A. Not in my experience.

EXHIBIT 13.11 SHOWN TO WITNESS

5

Q. This is another article recording an interview, a different interview with Mr Rogerson in the Sun-Herald on 13 October 1991 - sorry, I'd just like to make a note of which column it's in.

10

HIS HONOUR: Is it the fourth column, Mr Buchanan that's been referred to previously?

BUCHANAN: It probably is. Thank you very much.

15

Q. Can you see the first full paragraph, Mr Bennett, in the fourth column from the left, commencing, "Of police behaviour"?

A. Yes.

20

Q. It reads:

"Of police behaviour Rogerson - who for 20 years was revered by police and feared by lawyers and accused - stated openly, 'Verbals are part of police culture'. 'People would think you're weak if you didn't do it and prisoners think a policeman who doesn't give him a few words of verbal isn't worth his salt'."

25

Would that be a fair description of police culture at this time?

A. No.

30

Q. Remember you gave evidence yesterday about the practice or procedure of interviewing detectives calling in a senior, if possible, independent officer--

A. Yes.

35

Q. --to take any complaints and verify the authenticity of the record of interview? If I can take you to the next paragraph:

"Rogerson laughingly added, 'The hardest part for police was thinking up excuses to explain why people didn't sign up'. He said, it was customary for police to use excuses like there was no pen available or 'I'll have to speak to my mother first', or that the prisoner said, 'I won't sign until I speak to a lawyer' (still admissible), or 'The blokes out at Long Bay will see it in my property and think I'm weak for signing up', or 'Me father told me never to sign anything'. He found humorous the practice of 'calling in an allegedly 'not involved senior officer' to witness the unsigned record of interview to add more weight to its credibility'. Rogerson noted, 'Most of these senior officers at the CIB were hard, tough detectives that had come up through the ranks and were past masters at the verbal and had taught the younger detectives their trade. They were in charge of the squads'. Mr Rogerson referred to Armed Hold Up Squad,

50

Breaking Squad and Consorting Squad boss Jim McNeill."

Did you know Jim McNeill?

5 A. No, Jim McNeill, there was a Jack McNeill, but I don't know anybody named Jim McNeill.

Q. Did he retire as Chief Superintendent of the metropolitan area?

10 A. No, I thought he was the one - the one I'm thinking of, I think he retired from Daceyville which was 15 Division or the subdistrict out there, whatever subdistrict that was.

Q. Is he deceased?

A. Yeah. Most of them are these days.

15 Q. Mr Rogerson is quoted as saying, "McNeil", this is M-C-N-E-I-L, "died not long after his retirement on the Gold Coast. He was always available for a bit of the old fashioned witnessing of interviews".

20 A. I think he's nominating Jack McNeill there; that's the only person that would fit the description that he's given of a location and his demise. Mr Murphy, who's article this is, has clearly got the name wrong or Rogerson's got the name wrong.

25 WOODS: Can I suggest just for the sake of history, that the mistake is probably a reference to a man called Jim McNeil who was a famous prisoner who wrote a play about prison called The Chocolate Frog.

HIS HONOUR: Thank you, Dr Woods.

BUCHANAN

30 Q. Mr Morey, you would have encountered him a few times despite him being the head of the Armed Hold Up Squad and you being in the Breaking Squad?

35 A. I had rare contact with him, if any. My memory is that there was - he was in the role or in a supervisory role with his rank with another fellow named Ray Goldsworthy who might've been senior to him, but I had little, if anything, to do with any of them.

Q. Would it be fair to say that he had a reputation of being a hard man; a tough man?

40 A. He might well have; I don't know.

Q. To get to the head of these elite squads at the CIB, you had to be pretty hard and tough, didn't you?

45 A. Well, I don't know about that. You had to - well, I don't know what you mean by "hard and tough". You had to be competent in the job that you were expected to do as a leader of a squad, which, generally, in my time, were detective sergeants first class and above them there were inspectors who were responsible for supervising groups of the squads and then above them there were superintendents who administered the CIB generally.

50

## EXHIBIT 13.12 SHOWN TO WITNESS

Q. Mr Bennett, this is about a month later. I think it's again in the Sun Herald. I wonder if we could just--

5 A. Is that--

Q. --go and have a look at the--

A. I think the--

10 Q. Yes I think it is the Sun Herald.

A. If the other one was by Chris Murphy, it would've been at The Telegraph. I don't know.

15 Q. Thank you, and I think it was. If we could have a look, please, at the far left-hand column.

A. Yes.

20 Q. He recites what is probably the Four Corners interview in the first paragraph, where he says, "New South Wales best-known policeman, former detective, Roger Rogerson told a national television audience that police regularly committed criminal acts to frame suspects and secure their conviction". If we can go a bit further down. If I can take you to the paragraph commencing, "Roger Rogerson was finally detailing". Can you see that?

25 A. Sorry, "finally" - yes.

Q. Where the cursor is.

A. Yes.

30 Q.

"Roger Rogerson was finally detailing from the inside the full extent of corrupt police practices, most notably in 'fitting up' suspects with crimes which police might not otherwise be able to prove in Court. No doubt for motives of his own, Rogerson chillingly spilt the beans on the extent of the so-called 'police culture', or 'the cult', the widespread practice of loading up and verballing criminals."

35  
40 Can I ask you to have a look at the inset box. If we could scroll up a bit to take that in. In the inset box, it recites what I assume is part of an interview that Mr Rogerson had with a reporter at A Current Affair, called Peter Wilkinson. It goes on to say:

45 "A. He told A Current Affair that police charged men with crimes they knew were not committed:

Q. How did it work?

A. There were police who, basically, kept the crims in line.

Q. By?

50 A. They would be arrested. They would be charged with having a

gun in their possession or"--

A. I just lost the place. Where did you--

5 Q. It's at the left-hand column.

A. Yes.

Q. In the inset box.

A. Yes. Where did you start? Can you--

10

Q. At the very top.

A. Okay. Yep.

Q. But I'm now at the second quote by Rogerson - attributed to Rogerson.

15 A. "They would be arrested", et cetera?

Q. That's right:

20 "A. They would be arrested. They would be charged with having a gun in their possession or some explosives"--

A. Yeah.

Q.

25

" --or, maybe for consorting.

30 Q. So this was a system that most crims and the Ds [meaning detectives] in Sydney knew was going on? It was an understood arrangement?

A. Yes, I'm talking about the fellows at the, as it was called, the old CIB. The Consorting Squad, Breaking Squad, Armed Hold Up Squad.

35 Q. The guys at the coalface?

A. Yes.

40 Q. So they, the suspects, would be loaded up with a weapon, some explosives in the old days, heroin or something similar, more likely?

A. These days, of course, yes, and it is much more easy to do now. A very small amount of heroin can be found in anyone's pocket.

45 Q. And everybody, including yourself, knew about this?

A. Yes. Par for the course.

50 Q. Then there's verballing, that is, when police fabricate a person's statement to strengthen their own case? It may send an innocent man to gaol. Verbals are part of police culture?

A. Verbals are a part of police culture. I think they still are.

Q. You would've gone along with it?

A. I went along with the culture.

5 Q. Did you verbal people whom you had detained and were going to charge?

A. I don't wish to answer that in such a straightforward manner.

10 Q. Why are you telling us this now?

A. Everyone knows.

15 Q. No, Mr Rogerson, everyone doesn't know.

A. I think everyone that is involved in the Court system, lawyers, judges, police, solicitors and, certainly, the defendants all know about verbals.

20 Q. You are telling me that police lied under oath regularly?

A. Yes.

25 Q. You are telling me that police lying under oath was part of the police culture?

A. True."

That was, if I didn't give the date before, published on 13 October--

25 HIS HONOUR: 27 October 1991.

BUCHANAN

30 Q. That was a fair description Mr Rogerson gave, wasn't it?

A. No.

35 Q. Of not only what the culture was of fabrication of evidence, but that everyone knew about it?

A. No.

40 Q. You knew about it, didn't you?

A. No, and Rogerson, I might--

45 Q. It would be impossible for you not to have known about it?

A. There was - I did not have knowledge - direct knowledge of that sort of behaviour that Rogerson exposed here at a time when he was running with organised crime across this country after--

50 Q. But you - sorry, go on.

A. No, I would not take anything that Roger Rogerson said as in any way reliable or accurate. There's no question that some of these comments would apply to some police. I accept that, but I don't - do not accept the tenor of what he has to say of this being a general pattern of behaviour by police generally.

50 Q. When you gave evidence at Mr Brajkovic's trial that you had seen

Detective Harding carrying a white plastic bag into the house along with Mr Brajkovic, you were participating in a load up of Mr Brajkovic?

A. No, I was not.

5 Q. When you gave evidence at the trial that you later had a cursory glance inside the bag and saw some newspaper, some red and green wire and what appeared to be gelignite - it's Exhibit 2.1, day 23, red page 796 - you were participating in a load up of Mr Brajkovic, weren't you?

A. No, I was not.

10

Q. I've asked you questions about what was necessary to a load up and that was an element, I suggested to you, that all the police involved in the particular event would need to participate in the fabrication of evidence?

A. Depending upon the particular circumstances in the case.

15

Q. Can I ask that we have a look at another part of the Wood Royal Commission report, Exhibit 13.13(A), red page 50 going over to 51. At the bottom of 50.

20

HIS HONOUR: That's part of the index, is it, or--

BUCHANAN: It should be part of the glossary.

HIS HONOUR: No, it's not.

25

BUCHANAN: I'm being told 58. Yes. Thank you very much. I wonder if you could go to page 59 please.

30

Q. At the bottom of page 59 you see the term "scrum down" is defined?

A. Yes.

Q. The Royal Commission defines it as:

35

"A police term for the practice of getting together to ensure police statements and/or evidence are consistent. The practice can be used innocently or corruptly, the latter to ensure that the evidence of statements consistently support a corrupt purpose, for example, a scrum down may occur prior to an IA [as in Internal Affairs] investigation to ensure that all police support each other and maintain a common story about the events in question."

40

Had you heard the term "scrum down" before the publication of the Wood Royal Commission report?

45

A. The first time I heard that term was when the Royal Commission was underway. I can't recall precisely when in that sequence, but that was the first time I'd heard that term used.

50

Q. For a load up to occur that involved a team of detectives, first, there were a number of preconditions to a successful load up, I want to suggest to you and invite your response. I appreciate you are responding in terms of in theory.

Police would need to locate an item with which the suspect was to be loaded up?

A. Yes, I accept that.

5 Q. It would be necessary for the police involved in the team to scrum down to devise a story as to the finding of that item in the possession of a suspect?

A. If they were all participants in the misconduct, yes, but, certainly, those who were to be involved in this misconduct would, I expect, have to scrum down and put - without putting any inappropriate gloss on it, it'd be conspiracy.

10

Q. I didn't quite hear, but you're saying it would've been a conspiracy?

A. You're touching the - using the term "scrum down", but it's - if you've got a group of police, either entirely or within another group, who are deciding to load someone up, as you're describing, they would have to conspire together.

15

Q. Conspiracy--

A. Yes.

Q. --to perjure themselves?

20

A. Yeah--

Q. For a load up to succeed involving a team of detectives, it would be necessary to assign roles to each detective in relation to the finding or sighting or talking about the item the subject of the load up?

25

A. If that was part of the scheme, I would expect so.

Q. You would expect, wouldn't you, that one officer, or a pair of detectives, would be assigned the duty of preparing, as it were, a master statement or a screed as to what occurred?

30

A. I don't know about that. Perhaps. I don't cavil with the proposition, but the only time I've ever seen that exercise was on this occasion within this investigation.

Q. We'll come to that, but for a load up involving a team of detectives to succeed, it would be facilitated, would it not, if there was a master script as to the things which police were alleging had occurred that involved finding the illicit item the subject of the load up?

35

A. You're using the term "master script", are you suggesting something prepared beforehand before the exercise was embarked upon?

40

Q. No. I didn't suggest that, Mr Bennett.

A. Your use of the word "script" suggested preparation with conduct in future - that's as I understood it. Are you suggesting otherwise? That this is a prepared record of what was alleged to have occurred?

45

Q. Yes.

A. Okay. Yes.

Q. For the load up, if it involved a team of detectives to succeed, you would expect, wouldn't you, each detective involved to create their own statement, or

50

get their work partner to create their statement, from that master script, or screeed?

A. Yes.

5 Q. Then what was required was for all the detectives involved in the load up to give evidence in accordance with what had been constructed, our agreed, at the scrum down?

A. Well, according to their statements, which, as you say, would be derived from the primary document.

10

Q. According to?

A. Their statement, which, as you say, would be prepared in that scenario from the primary document, being the script, as you've described it.

15 Q. It wouldn't prevent a member of the team of detectives from adding to their evidence when they came to give it orally in court--

A. If that was--

Q. --but--

20 A. If that was their recollection of events.

Q. The Royal Commission in the glossary provided a definition of the expression, "Holding the line". Exhibit 13.13(A), red page 49. "Holding the line". Is that an expression you've heard?

25 A. No.

Q. Did you read it in the report?

A. No. I don't remember reading that.

30 Q. It was defined as, "Sticking to a version of events."

A. No. I never - I've never heard that phrase used in that context.

Q. But it makes sense, doesn't it? "Holding the line" means everyone in the team that's involved in the load up has to stick to the agreed version of events.

35 A. That would be consistent, if they were so minded.

Q. Just going back to the fundamental principle of a load up, as you understand it, if it involved a team of detectives, a load up could succeed only if all members of the team knew of the load up, and acquiesced in it.

40

BASHIR: I object, your Honour. That wasn't the evidence. The evidence was qualified as depending on the particular circumstances.

45 WITNESS: I'd object - I wouldn't accept the concept, or the use of the word "only" in that question.

BUCHANAN

50 Q. I'll just make sure that we're on the same wavelength, Mr Bennett. A load up could succeed only if all members of the team knew of it and acquiesced in



it?

A. I don't agree with that.

5 Q. That is to say, for example, if it was alleged that something had been found in a particular place, then all detectives who said they were within sight of that particular place, would have to give the evidence that the item concerned was to be seen in that place, or was actually found in that place, wouldn't they?

A. If that - yes.

10 Q. If the load up is to succeed.

A. Yes.

Q. That is, they'd all have to fabricate the evidence concerned, wouldn't they?

15 A. If they were participants in this, yes.

Q. You said yesterday, Inquiry transcript page 1353, starting at line 45, that, "A group compilation of a timetable or notes of events" was something you had not ever done before or after?

20 A. Yes. That's so.

Q. But you took part in this compilation of a timetable and notes of events in the early hours of 9 February 1979.

A. Yes.

25 Q. Why?

A. Why would I not?

Q. Well, you'd never done it before. Did it come as a shock to you? That you were taking part in something that you'd never done before?

30 A. No. It was the methodology that they employed - that - to - well, Wilson, as the senior man, and Harding who was the typist--

Q. What was that methodology?

35 A. Well, recording the events as they did in that document, some of which I had seen.

Q. Did you contribute a sentence here or a word there?

A. I don't remember doing so.

40 Q. Did you simply silently witness the conversations that was taking place between Mr Wilson and Mr Harding?

A. I think that's correct, but I don't know. But I don't remember contributing at all.

45 Q. Do you--

HIS HONOUR

Q. Do I take it that you allow for a possibility that you did contribute?

50 A. I could have, but I have no memory of doing so, your Honour.

BUCHANAN

Q. Did any detective, apart from Harding and Wilson, contribute to this document?

5 A. I don't remember.

Q. Nothing like that had happened since, in your experience?

A. I was not a participant in any similar exercise in any matter.

10 Q. Do you remember what your reaction was? How you were feeling at the time that you were taking part in this two-stage compilation of a script?

A. No.

15 Q. It was to be, as you understood it, the script from which all detectives who had taken part in the raid, and to the extent that they were involved, events involving Mr Brajkovic or Mrs Brajkovic and Mr Hudlin, at CIB, would use?

A. Yes.

Q. And you used it?

20 A. Yes.

Q. Why did you use it?

A. I used it to remind myself of what the conversation was that I related in my statement, and for the preparation of the statement.

25

Q. Is it possible that you contributed words indicating conversations?

A. Possible, but I don't remember doing so.

Q. You've said that you had not ever done this before or since.

30 A. Yes.

Q. Why have you not done it since? Why have you not been involved in it since?

35 A. I don't recall being involved in an investigation involving such a number of police on any other occasion.

Q. Do you mean such a large number of police?

40 A. Well, such - well, we were one of, as you pointed out yesterday and made clear, we were one of a - one group of a number of groups going to different addresses. I don't have any recollection of having been involved in any matters such as that previously. I don't think I've had - or afterwards, I must say.

45 Q. There was nothing, was there, in this script, the timetable and notes of events, which referred to the other raids?

A. No.

50 Q. Was there a consultation with other police outside the team that had visited Bossley Park to arrive at the content, or any part of the content, of the timetable and notes of events?

A. None in which I participated.

Q. Were you aware of whether there had been a consultation?

A. No.

5

Q. Say, with Mr Morey?

A. No. I don't know whether there was or not.

10 Q. Why have you not instigated, whilst you were still a detective, an exercise like that conducted with Sergeant Wilson and Mr Harding on that night yourself?

A. Instigated that step?

15 Q. Yes.

A. Because I have never seen the necessity for it.

Q. Have you been involved in preparing any screed for use by other detectives to compile their statements from--

A. No.

20

Q. --as to events?

A. No.

25 EXHIBIT 2.1, DAY 23, RED PAGE 806, SHOWN TO WITNESS

Q. Looking at the bottom, you were giving evidence?

A. Yes.

30 Q. And cross-examination concluded, and the Crown Prosecutor re-examined you.

A. Yes.

Q.

35 "Q. You were asked about some notes that were prepared in the early hours of the morning at the CIB on 9 February. Do you remember?

A. Yes.

40 Q. You were asked whether you used those notes to prepare your statement?

A. Yes.

45 Q. Who actually typed those notes?

A. Detective Sergeant Harding.

Q. Where was this?

A. At his desk in the Armed Hold Up Squad office.

50 Q. When you say you used it to prepare your statement, did those

notes assist you in relation to the conversations?

A. Yes.

Q. Is it the usual practice to prepare notes of this type?

5 A. Yes. It is in some form."

A. Yes.

Q. That's inconsistent, isn't it, with the evidence--

10 A. No. It's not.

Q. --you've given today?

A. No. It's not.

15 Q. What did you mean by the answer that, "Yes. It was at that time the usual practice to prepare notes of that type in some form."

A. "In some form" - my preference was to write into my notebook if I had a conversation, or there were events from which I was going to prepare a statement, in due course, for court.

20

Q. But quite obviously you weren't being asked about something else?

A. And--

Q. You were being asked about notes typed by another detective, that were then used to prepare your statement, and you said, "Yes. In some form", it was your usual practice to do that.

25

A. Yes. Yes. "Is it the usual practice to prepare notes of this type?" I said, "Yes. In some form."

30

Q. Is it possible that your evidence that you had never before, and never after, taken part in that group compilation of the timetable and notes of events in evidence in this Inquiry was not true?

A. It's not possible. That's my - my recollection. I have not before or after this engaged upon a similar exercise.

35

Q. It's surprising then, isn't it, that you told the Crown Prosecutor that, yes, it was the usual practice.

BASHIR: I object, your Honour.

40

WITNESS: No. That's not what I said. I said, "It is the usual practice to prepare notes of this type?" Answer, "Yes. It is in some form." Notes would be prepared along the way, towards the end of the investigation, or whatever phase in the investigation, and then the statement would be prepared from those notes. Another practice I evolved toward the end of my time in the Police Force, where I have a long inquiry or a long investigation, was to start my statement, and use that as almost like a running sheet, describing events day by day, and putting the date of the event at the beginning of each section of the statement.

45  
50

BUCHANAN

5 Q. Mr Bennett, what appears to have happened in this case with this group compilation of a timetable or notes of events was exactly what the Royal Commission described as a scrum down; would you accept that?

A. No.

10 BASHIR: I object, your Honour. Your Honour, I object because it assumes that Mr Bennett has the knowledge of all of the evidence in this case and so, your Honour, it's an unfair question. It may be that it can be rephrased and narrowed but I do object to the question in the form it was asked.

15 HIS HONOUR: There can be no dispute that what occurred in this case was a scrum down as described by the Royal Commission, can there?

BASHIR: Well, your Honour, the Royal Commission described both innocent and corrupt--

20 HIS HONOUR: That's what I had in mind when I said what I just said.

BASHIR: Thank you, your Honour.

25 HIS HONOUR: So it's not necessarily suggesting that what occurred in this case was a corrupt use of a scrum down. Neutrally the Royal Commission described it as either an innocent process or a corrupt process and a scrum down was certainly used in this case. Whether it was corrupt or innocent is a matter in issue.

30 BASHIR: Yes, I accept that it's in issue. I was just asking your Honour, just the way that it was phrased tended to capture all of the evidence in this case and I was just - request, I was objecting on the basis of the breadth of the question and I would ask for it to be rephrased, your Honour.

35 HIS HONOUR: All right.

BUCHANAN: I'm happy to repeat it.

HIS HONOUR: Yes.

40 BUCHANAN

Q. You said - you described what occurred on the night of 9 February continuing into the morning of 9 February as a group compilation--

45 A. Yes.

Q. --of a timetable or notes of events?

A. Yes.

50 Q. It was as defined by the Royal Commission a scrum down; wasn't it?

A. And on the application of that definition, yes.

Q. You knew, as you were taking part in it, that it was to compile fabricated evidence; didn't you?

A. No. No. No.

5 HIS HONOUR

Q. Before we leave this topic and before we take the morning break, Mr Bennett, did you think at the time that there was anything inappropriate about what was happening in the compilation of these notes?

10 A. I have - it's hard to remember precisely but I don't believe that I had any concerns about the process that was being followed.

Q. In subsequent reflection upon it, did you think that there was anything untoward about it?

15 A. It - I'm speaking now - I'm much more advanced years with a wealth of experience behind me - I think I would've gone - if it's in today's - my perception today, I might've gone about it differently than that which was undertaken. I would've - I would've invited all of those present, including me, to affix our signature and to have strike any matter over which we had some  
20 question and initial it, but there would've been further steps I would've taken, I think; but that's with hindsight.

Q. I appreciate you've said your recollection of what occurred at the time of the compilation of these notes is limited, but do you recall there being any  
25 disagreement as to--

A. No.

Q. --what was said by an officer as to what they thought had occurred or what had been said?

30 A. I - I, having read the document when it came to me recently, the reference to me having taken part in a search inside the kitchen/living area is I believe to be inaccurate; I'd have no recollection--

Q. Yes, but focussing upon whether you recall at the time the notes were  
35 compiled whether there was any conversation about whether something was said in this way or that way, or something was found in that room or this room?

A. No. I have no recollection of anybody raising any questions with the content of the document as it was being prepared.

40 Q. So it was almost a form of dictation to the typist?

A. Well, I don't know whether that - well not - I don't know that it was dictation entirely. That would carry the connotation that Harding made no contribution of the preparation of the document and he was the typist. Bearing in mind where he sat on the scale of activities, with Wilson as the interviewer, I'd  
45 expect he would've made contribution to what the content was apart from merely typing what he was hearing from others.

Q. Another aspect relating to this document is this. You gave evidence  
50 yesterday in which you agreed that there was nothing in your statement about you going into the front room at 16 Restwell Road and seeing the gelignite in

the white bag, and you said you couldn't understand why that wasn't included in your statement.

A. Yes.

5 Q. You accepted from Mr Buchanan that Mr Krawczyk had not included that matter in his statement?

A. Yes.

10 Q. You've agreed that you've used this group compilation notes to prepare your statement. Would you accept from me that there's no mention of you going into the front room and looking in the bag and seeing the gelignite in those notes?

A. In a - in the compilation, yes, that's so.

15 Q. Could it be that that explains why it's not mentioned in your statement?

A. No. I don't have any doubt that I gave truthful and accurate evidence at the time I gave evidence, according to--

Q. I'm not talking about your evidence.

20 A. No, no, but I - as I sit here today, I don't accept that.

Q. Could it be that when you made your statement you were sticking to the script--

A. No.

25

Q. --rather than recording what was your actual memory?

A. No. I don't accept that.

30 Q. Mr Buchanan's question to you yesterday was whether it was just a coincidence or whether there had been some conversation about a need to strap up your evidence about explosives at the house. You disagreed with the second proposition in the question, does that mean your position is it was just a coincidence?

A. I think so. I - but doing the best I can today I think that's so.

35

Q. Both you and Mr Krawczyk omitted any mention of that matter in your respective statements?

A. Yes.

40 BUCHANAN

Q. Even if you had not wanted to take part in the compilation of what I'm reminded is Exhibit 11.89, you would have had no choice but to take part if invited to or told to; would you?

45 A. Yes. I'd - I was - yes, I'd agree with that.

Q. And it's because it was a culture of fabrication of evidence that prevailed at the CIB, of which you were part?

A. No, I don't accept that.

50

## SHORT ADJOURNMENT

5 Q. Mr Bennett, thinking again, if you wouldn't mind, please, about the concept of a load up, for example, as described by Mr Rogerson, for a load up to succeed, it would be necessary to produce, often to a court, or at least some third party expert, for example, the item said to have been found in the suspect's possession, wouldn't it?  
A. Yes.

10 Q. That would mean that if it truly was a load up, police had to find an item, which they could produce to a court, or to an expert, to examine on the allegation that it was found in the possession of the suspect.  
A. Yes.

15 Q. For that purpose, such an item would need to be available to those police, wouldn't it?  
A. Yes.

20 Q. Did you ever become aware of any detectives in CIB keeping a stash, or stash of items, that were unlawful for people to possess?  
A. No.

25 Q. Such as firearms, or explosives or drugs?  
A. No.

Q. With a view to using them to load people up?  
A. No. I learned of an event occurring, but that was long after I left, and when I was employed at the National Crime Authority.

30 Q. Was that an event that related to New South Wales?  
A. It did.

35 Q. Was it in relation to the discovery of a stash?  
A. I'm relying upon memory now, but it was something to do with weapons being disposed of--

Q. In the Hawkesbury River?  
A. Somewhere in water, yeah. In the north-west, yeah.

40 Q. They had been put there, it was alleged, by detectives from the Armed Hold Up Squad and Major Crime Squad North, based at Chatswood.  
A. They were based at Chatswood. I don't remember the particular units that were involved, but I remember the--

45 Q. Didn't that sort of conduct of keeping a stash occur when you were at CIB?  
A. Not that I was aware of.

50 Q. Do you know whether the sticks of gelignite that Mr Krawczyk brought to the interview room on the fifth floor when you were with Mrs Brajkovic had, as their source, a stash somewhere at CIB?



A. Sorry, can you just rephrase that question?

Q. Thinking of your interview of Mrs Brajkovic in the interview room on the fifth floor--

5 A. Yes.

Q. --thinking of Detective Krawczyk, you say, brought the explosives into the room.

10 A. Yes.

Q. My question to you is: your knowledge of where they came from?

A. My perception was that they came from the third floor.

Q. Was there a stash somewhere on the third floor--

15 A. Not that I knew of.

Q. --of illicit items to be used in load ups?

A. None that I knew of.

20 Q. When you were a detective in the Breaking Squad in 1979, 1980, had you heard the term "verbal"?

A. Yes.

Q. What did you understand it to be or mean?

25 A. Fabrication of representations attributed to - on a person who was suspected or charged.

Q. And the representations were usually incriminating?

30 A. Yes.

Q. That is to say, fabricated oral admissions?

A. Yes.

35 Q. Had you heard the term "verbal" yourself whilst you were a detective at the Breaking Squad?

A. I, in fact, had seen Mr Murphy's car had the number plate "verbal" back in that era, I think.

40 Q. That's amusing, but can you tell us whether you heard the term "verbal" being used by any detective?

A. I'd heard the term used, but I don't know by whom. I can't remember by whom.

Q. How often did you hear it being used?

45 A. I have no memory of that. I don't know.

Q. Did you understand at the time the term to represent what your colleagues did from time to time, as they thought fit, to suspects; that is to say, fabricate evidence that the suspect had made an oral admission?

50 A. The term was used in the context of such an accusation, yes.

Q. Are you going to say that the context in which you heard from it was allegations being made by defence barristers to detectives who were witnesses in criminal proceedings?

A. In that - on those occasions, yes.

5

Q. That was the standard riposte, wasn't it, on the part of detectives like you in that era, about whether a verbal had occurred, or whether they were aware of verbals, wasn't it?

A. What do you mean by that?

10

Q. A standard line of defence?

A. No.

Q. That's something that defence lawyers came up with, but never occurred?

15

A. Well, I - I couldn't say that. Defence lawyers, accepting they were following their instructions, would advance their case for their client in those terms, but I can't say that my awareness of the term came only from that source, I just couldn't confine it to that opportunity.

20

Q. Did you ever hear any of your colleagues at CIB talk about a notebook confession or 'to do a notebook'?

A. They're - I'm aware of notebooks being used to record representations given by a person who was suspected or to be charged.

25

Q. Did you ever hear it being used in a context where its meaning was plainly to fabricate evidence of an oral admission by making a note in a police notebook of a confession which did not in fact occur - I'm reading from the glossary of the Wood Royal Commission, Exhibit 13.13(A), red page 59?

A. No.

30

Q. You were unaware of these things that the Royal Commission was able to uncover and--

A. No, that - can you--

35

Q. --in a way that seemed to be practices?

A. No. I was aware of the propositions but direct knowledge of specific events, no.

40

Q. My question is, how could you not have been aware of the practices of doing a notebook verbal when you were a detective, as meaning to create a written record, fabricate a written record which was said to be an oral admission made by the suspect concerned?

A. There's a number of propositions you're advancing in that question. Could you break it down for me, I'm just not sure--

45

Q. How could you not have been aware that police did notebook verbals?

A. I couldn't say that I was unaware that police - putting it in these terms - I couldn't say that I knew that police did not engage upon verballing using notebooks; I could not say that, it would be silly and untruthful, but I had no direct knowledge or participation in any such behaviour.

50

Q. As a detective, would it be fair to say you countenanced such behaviour?

A. No.

5 Q. You see, if you were aware of police fabricating evidence of oral admissions by doing a notebook or a notebook verbal, it was your duty to report it, wasn't it?

A. Yes.

10 Q. And you didn't report any such behaviour?

A. Correct.

15 Q. It just seems inconceivable that you would not have been aware of it, Mr Bennett?

A. Well, it's a proposition you advanced but I don't accept it.

20 Q. To say that you weren't aware of what the Royal Commission appears to have found were practices of this kind, suggests that you're not giving truthful evidence on this subject.

A. Well, I reject that entirely. As general propositions and states of awareness, they are a different proposition to having direct knowledge and awareness of a particular act that involved criminal misconduct of the type you're raising.

25 Q. You say, do you, that you never became aware at any stage of any detective or detectives verballing people?

A. Yes, I'd say that.

30 Q. That's not a true answer; is it?

A. Yes, it is.

35 Q. Changing the subject slightly, Mr Bennett, you told the Inquiry - I'm asking about assaults of suspects in custody, and again, keeping in mind that the Royal Commission had something to say about this, you were asked a question about this by Counsel Assisting yesterday and you told the Inquiry of an event in which you had a tangential involvement, I think, as an investigator--

A. Yes.

40 Q. --where a suspect was killed as the result of an assault of or on him in custody at Central cells?

A. Yes.

45 Q. Inquiry transcript page 1401, line 49, you said, "That was the high water mark of any misconduct of that type to which I was exposed"?

A. Yes.

50 Q. Was there anything that was of that kind that you were exposed to that didn't quite reach the high water mark of the suspect becoming deceased?

A. No.

Q. Never any assaults, not aware of any?

A. No. Not by police. There were in circumstances such as you're raising now, no.

EXHIBIT 13.13(A), RED PAGE 111-107, SHOWN TO WITNESS

5

Q. What I want to take you to, Mr Bennett, is paragraph 620 and the seventh dot point, if you could just count it down for me - thank you. Do you see that the introductory sentence in paragraph 620 is, "Several other organisational factors emerged as contributory factors. They included"?

10

A. Yes.

Q. If we go to the seventh dot point, "an institutional tolerance", where the cursor is?

15

A. Yes.

Q. "an institutional tolerance for brutality, particularly for unnecessary assaults of persons under investigation or in police custody." You were never aware of any assault that occurred on any suspect unnecessarily?

20

A. I - it was not - I did not see or experience any such conduct.

Q. You didn't hear screams or thuds on walls indicating a person's body hitting it?

25

A. No.

Q. While you were at CIB?

30

A. No.

Q. Maybe that night on the eighth/ninth of February?

35

A. Not any time.

Q. You were aware that Vic Brajkovic was assaulted by detectives inside an interview room on the third floor of CIB that night; weren't you?

40

A. I was aware that he made an allegation and wrongfully identified me as one of the participants, but that's as much as I know.

45

Q. I want to suggest to you that you went into the interview room where Mr Brajkovic was at a time when also in the room were Detectives Harding, Morris and Wilson, and that you at that time could see injuries to Mr Brajkovic's face?

50

BASHIR: I object. There are two questions wrapped up in one, your Honour.

HIS HONOUR: Yes.

55

BUCHANAN: I'm happy to break them up.

Q. You went into the interview room at a time when Harding, Morris and Wilson were also there?

60

A. No.

Q. You went into the interview room where Mr Brajkovic was and those people were there, knowing that Mr Brajkovic had been given a hiding by Harding and Morris?

A. No.

5

Q. You said to Mr Brajkovic words to the effect, "Excuse this, Vic; some of these fellows get a bit rough and I'm sorry about that"?

A. No, I did not.

10

Q. An investigative tool sometimes used by detectives, whilst you were a detective, was to play with a suspect "good cop, bad cop"; wasn't it?

A. Not by me. I did not ever engage in that behaviour with anyone.

15

Q. You know what it means?

A. I know what it means. It's a common parlance used in media, entertainment media; it's not something that I ever engaged upon.

20

Q. It's used to play a psychological game with a suspect; isn't it?

A. If those were so minded to behave in that fashion, that's how it could be used.

25

Q. It's in the hope that the effect of the psychological game will be to, as it were, soften up the suspect and induce them to provide information to the person playing good cop?

HIS HONOUR: I think there's an objection to that, Mr Bennett.

30

BASHIR: Yes. I object, your Honour, given the evidence that he's never engaged in that, he's being asked to speculate information from this.

HIS HONOUR: Yes. That's rather speculative, I think, Mr Buchanan; and it's common sense anyway.

35

BUCHANAN

Q. Essentially, directly to Mr Brajkovic you played good cop to Harding and Morris's bad cop in that interview room; didn't you?

A. No.

40

Q. You did ask Mr Brajkovic a number of questions whilst he and you were in the room?

A. No.

45

Q. Perfectly legitimate questions I want to suggest to you, about Croatia for example?

A. No. I did not.

50

Q. His attitude to international events?

A. I did not.

HIS HONOUR

5 Q. You've given quite a deal of evidence generally about the police conduct in relation to the arrest and interview of suspects. Had you had any direct experience, personal involvement, with a suspect declining the opportunity to engage in a typed record of interview citing a fear of the consequences from some people, if that occurred, and then being agreeable to an interview which is recorded in an officer's notebook?

10 A. I don't have any recollection of anything occurring in those terms as you've described them and being involved with any such exercise. There was one occasion that I can recall where a person participated in an interview, declined to sign it; I can't remember what reason she gave, but in the course of the committal hearing changed her plea to one of guilty and was committed to sentence. That's an example of what I can bring to mind of someone who  
15 participated in an interview, declined the opportunity to sign it but changed her course in the committal hearing and acknowledged the interview and, as I recall, took advantage of the demonstrated contrition.

20 Q. In citing that example, and I think you cited that example yesterday, are you trying to provide an example of somebody declining to sign an interview but ultimately acknowledging in effect the truthfulness of what was recorded as having been said?

A. That's the one example that comes to mind.

25 Q. I'm more concerned with the concept of no typed record of interview, but yes to a notebook recorded interview which is not signed.

30 A. I don't recall any particular occasion that that occurred, certainly not one in which I was an investigator, and I don't have any knowledge that I can recall of any such event with any other detective with whom I was working or to whom that - was in that in contact.

35 Q. I've heard it said in this Inquiry, and there was a reference to this in one of the Roger Rogerson articles that you were taken to earlier, that it's sometimes said that a person doesn't want to engage in a typed record of interview because they fear that a copy of the interview will be placed in their property and it will be, if they are refused bail, seen by others when they get to the gaol and they fear the consequences, some form of retribution for having told police about criminal activity, but then despite the refusal to engage in the typed record of interview for that reason, they proceed to answer questions willingly that are recorded in a notebook--  
40

A. Yeah.

45 Q. --presumably knowing that that will ultimately come out at Court and will become known to people then.

A. It's anomalous, I would accept.

Q. Sorry?

A. It's anomalous that - those competing propositions, they just don't make sense.  
50

Q. I'm struggling to think of a rational explanation for people adopting that course.

A. No.

5 Q. Can you assist me with that?

A. I can't assist you. I - but the proper practice was, if there was an interview, signed or unsigned, a copy of the interview was provided to the person immediately and included in his property. On occasions, I think, if he asked it to be sent to a solicitor or held until Court to be given to a solicitor, that would occur, but the proposition that you're advancing, it's - that was not my  
10 experience about it.

Q. It seems that whilst it appears nonsensical it was not uncommon.

A. Well, it appears so, with Rogerson's - well, I don't know whether it's  
15 uncommon or not. I'd accept that it occurred in those terms as Rogerson advanced, but I can't say more than that.

Q. Were you aware that this is what occurred in respect of a number of the petitioners in this case?

A. People in this investigation?  
20

Q. Yes.

A. No, I didn't know that. I only know what happened with Mr Brajkovic. I don't know what happened with the others.  
25

Q. You didn't hear talk about how the person took that approach?

A. No.

<EXAMINATION BY MS GLEESON  
30

Q. You were asked questions by Counsel Assisting about your membership of the Special Weapons and Operation Squad.

A. Yes.

35 Q. You gave some evidence about the training that you received in relation to explosives?

A. Yes.

Q. You also said that some other members of the Special Weapons and Operation teams received more specialised explosive training?  
40

A. Yes.

Q. If I give you some names, are you able to assist the Commission in--

A. Yes.  
45

Q. --whether or not these officers did?

A. What the - yes.

Q. The first name is Robert Musgrave?

A. I don't know, but I would expect that he would have been one of the most  
50

eligible for it, because of his role in the Ballistics Unit, yeah.

Q. Alastair Milroy?

A. I don't know about his participation, no.

5

Q. John Burke?

A. John Burke?

Q. Yes.

10

A. I don't know.

Q. Brian Howard?

A. I don't know. I can't remember Brian Howard, I've got to say. I don't know.

15

Q. Richard Grady?

A. I think he did, yes.

Q. James Counsel?

A. I don't know.

20

Q. John Wilson?

A. I don't know.

Q. And, lastly, Robert Godden? G-O-D-D-E-N?

25

A. I don't know.

NO EXAMINATION BY MR BROWN AND MR SILOVE

<EXAMINATION BY MS BASHIR

30

Q. Mr Bennett, you were asked some questions yesterday about driving from Prairie Vale Road, the meeting point--

A. Yes.

35

Q. --to Restwell Road.

A. Yes.

Q. You gave an answer that you didn't remember that Krawczyk had been driving prior to reading the material?

40

A. Yes.

Q. Do you recall giving that evidence?

A. Yes.

45

EXHIBIT 2.3, TAB 16, SHOWN TO WITNESS

Q. And before that comes up, could I just ask when you referred to reading the material, were you referring to your evidence?

50

A. Whatever I - it would've included my evidence and whatever other documents were sent to me that came from the Inquiry in the beginning.



Q. You didn't have anyone else's evidence, did you?

A. No.

5 Q. Could that document be brought up, Exhibit 2.3, I think it's Tab 16 or day 16. It's the committal hearing. At red page 6574. Do you see there's a part where there's underlining a word "Forbes" and it has "Kraw" written--

A. Yes, that should be "Krawczyk". Yeah.

10 Q. Could you just go up to the question above that, "Going back to when you entered the premises at Bossley Park, you said you were in the lead car?"

A. Yes.

15 Q. "Who were you in the lead car with?" "Detective Sergeant Wilson and Detective" - that should be "Krawczyk"?

A. Yes.

20 Q. Then, "And you drove straight up the driveway, is that right? To the rear of the premises?" "Yes." "Were you driving the vehicle?" And you said, "No, I was riding in the back".

A. Yes.

Q. Is that part of the material that you were referring to?

A. Yes.

25 Q. Could we please go to 6578, down at the bottom of the page, the question two up, "When you arrived at Restwell Road". Do you see that?

A. Yes.

30 Q. Could I just ask you to read that question and answer. You, again, say, "I wasn't driving the car at that part of the journey"?

A. Yes.

Q. Were you also referring to that?

A. Yes.

35

Q. Then at 7582.

HIS HONOUR: 7582 - that's a different day.

40 BASHIR: Sorry, your Honour.

HIS HONOUR: 6582?

BASHIR: Sorry. 6582. I apologise. 6582.

45

Q. At the top of the page you were asked about when you approached the house in your motor vehicle, "Did you drive in with your lights on or off?" And your answer was, "The lights were on, but I didn't drive. Detective Krawczyk drove"?

50 A. Yes.

Q. Were you also referring to that evidence?

A. Yes.

5 Q. Was all of that evidence about Detective Krawczyk driving true and correct?

A. Yes.

10 Q. Yesterday do you recall it being put to you by Mr Buchanan, there were two propositions, one of which was withdrawn, and the second proposition was that you gave new evidence at this Inquiry when you said that going into the room with Wilson at the house, that is being invited into the room, I apologise--

A. In the-

15 Q. --"happened shortly before we left"?

A. Yes, in the--

Q. When you saw the--

A. And, I think, into the workroom area.

20 Q. In the workroom.

A. Yes.

Q. Your response was that you did not believe that it was new evidence. Do you recall those question and answers?

25 A. Yeah.

Q. Can I take you to, first of all, Exhibit 2.1, day 23 and at red page 296 at the top of the page, this is in your evidence-in-chief. I think Mr Buchanan took you to this passage, if that could be brought up.

30

HIS HONOUR: Do you mean 796?

BASHIR: 796.

35 HIS HONOUR: You said 296.

BASHIR: Sorry, your Honour. 796.

40 Q. At the top of the page the prosecutor asked you, "You said you saw the contents of the bag at some later stage?" Answer, "Yes", and then you were asked, "When was that?" And you give the response there.

A. Yes.

45 Q. Prior to that in your evidence-in-chief at the trial, could we go to the page before, please. See where it says, "Did you at any stage see what was in the bag, if anything?" Do you see that?

A. Yes.

50 Q. You say, "I didn't examine the contents of the bag until later on when it was in the front of the house".

A. Yes.

5 Q. Then three questions down, "What happened after that?" And you answer, "Sergeant Harding came to the door, said to the accused, 'Come into the front rooms"--

A. Yes.

10 Q. --"and the accused stood up and went in with Harding"?

A. Yes.

15 Q. Then a couple of questions down, "Did you go through yourself to the front part of the house?"

A. Yes.

20 Q. "Not at that stage, no".

A. Yes.

25 Q. "What happened then?" "I remained in that portion of the room until the accused returned to us where he sat down again in the chair".

A. Yes.

30 Q. And it's in that context that the question and answer at 796, if we could go back to the top of 796, is asked. "You said you saw the contents of the bag at some later stage?" "Yes", and then you give the response that you went in. Do you see that?

A. Yes.

35 Q. Could I ask that we go to 799. This is now cross-examination by Mr Lloyd Jones.

A. Yes.

40 Q. At 799, towards the bottom of the page, do you see where the question and answer that starts "page 951", and he commences to ask--

A. Yeah.

45 Q. --and he withdraws it.

A. Yes.

50 Q. Then he says this, "Now, the situation, I think, that you went into the front room, that was some time after the accused had gone into that room with Wilson, is that right?" Answer, "Yes".

A. Yes.

55 Q. "About how long after he had returned into this living room was it that you went into that front room?" And you answered, "It wasn't too long before we left the house".

A. Yes.

60 Q. Do you see that?

A. Yes.

Q. Was that the evidence that you were referring to when you told Mr Buchanan that you did not believe that it was the first time you gave evidence in this Inquiry that it was shortly before you left?

A. Yes.

5

Q. Mr Buchanan asked you today some questions and put a proposition that it was necessary for a load up to succeed for all the police officers involved in a raid to go along with things?

A. Yes.

10

Q. Is another scenario that there may be an officer who is unaware of a load up--

A. Yes.

15

Q. --who is shown a material item--

A. Yes.

Q. --and then gives evidence--

A. Yes.

20

Q. --saying that he or she was shown the item and that police officer could have then corroborated that the item was there without ever knowing it was a load up?

A. Yes.

25

Q. Is that another scenario?

A. Yes.

30

Q. Similarly, an innocent scrum down could occur if a person who has limited involvement with events is present and their involvement in the notes is - that is where they're referred to in the notes is limited?

A. Yes.

35

Q. But that person may not adhere to the notes where it's not in accordance with their independent recollection?

A. Yes.

Q. Could I take you then to some evidence that you gave at the committal hearing.

40

EXHIBIT 2.3, TAB 16, PAGE 6574, SHOWN TO WITNESS

Q. And down at the bottom of that page, do you see a question, the second one up from the bottom:

45

"Q. Did you search the entire premises?

A. No. I didn't conduct any search."

A. Yes.

50

Q. Do you see that?

A. Yes.

Q. Then at 6583, the third question:

5

"Q. Did you enter the bedroom to search it at any time?

A. I didn't make any search."

And at 6585, about five questions down, you're asked:

10

"Q. Did you search anywhere yourself?

A. No."

A. Yes.

15

Q. Does that accord with what is written in that timeline notes document?

A. The--

Q. Would you like to see it again?

20

A. No. No. I'm aware - in the timeline notes document, I'm nominated with Krawczyk as having conducted some search in that living room area.

Q. Did you conduct any such search?

A. I haven't. I - I don't believe I did.

25

Q. Was your evidence given at the committal that you did not search anywhere yourself true and correct?

A. Yes.

30

Q. Now, I want to take you to your evidence. Let's just stay with the committal hearing, but at 6590, this is the questions about interviewing Mrs Brajkovic.

A. Yes.

Q. You're asked:

35

"Q. Later that evening, you interviewed Mrs Brajkovic?

A. Yes.

Q. What time did you interview her?

40

A. It was during the early hours of the morning. I don't know the precise time."

A. Yes. Yes.

45

Q. Then at 6597, again at the top of the page, the second question, and you're being asked about Mrs Brajkovic's statement again.

"Q. Did you put a time on top when it?

A. No.

50

Q. Any idea of when it took place?  
A. In the early hours of the morning."

5 Do you see that?  
A. Yes.

Q. There may be other examples, but if I can just now take you to the trial.  
A. Yes.

10 EXHIBIT 2.1-23, RED PAGE 796, SHOWN TO WITNESS

Q. You were taken to this by Counsel Assisting, but she skipped forward, at times. At the top of the page, we've already been to that passage.  
A. Yes.

15 Q. You were asked some questions about the newspaper. "Not at that stage, I saw it later." And then you're taken to Exhibit MM. Do you see that part?  
A. No. I haven't got that there.

20 Q. Would you look at Exhibit MM, please?  
A. Yes. Yes, I see that.

Q. You say, "That is a photograph of the gelignite and the wires that I had seen in the bag."  
25 A. Yes.

Q. Do you see that?  
A. Yes.

30 Q. Then you're asked about the wires.  
A. Yes.

Q.

35 "Q. Were they attached?  
A. I could only see the wires.

Q. At some later stage?  
A: At a later stage I saw they were attached to the detonators."

40 A. Yes.

Q. Do you see that?  
A. Yes.

45 Q.

"Q. Where did you see that?  
A. Later at the CIB.

50

Q. At what time?

A. It was in the early hours of the following morning when I was taking a statement from the accused's wife."

5 A. Yes.

Q. I just want to pause there. When you were taking the statement from the accused's wife in the early hours, you had in that room with you the white plastic bag; correct?

10 A. Yes.

Q. And the items that you had seen earlier that day; is that correct?

A. Yes.

15 Q. She was shown gelignite?

A. Yes.

Q. She was shown the gelignite taped together?

A. Yes.

20

Q. And she was shown the red and green wired detonators?

A. Yes.

Q. And the flares?

25

A. Yes.

Q. There was also newspaper shown to her.

A. Yes.

30

Q. And contents of the bag that you may not have noticed at the time.

A. Yes. Yes.

Q. Going further down that same page, you're asked about the flares?

A. Yes.

35

Q.

"Q. Would you look at Exhibit KK.

A. Yes, they are the flares that are in the bag.

40

Q. And you had possession of those items at the CIB, did you?

A. For a short time as I showed them to Mrs Brajkovic."

A. Yes.

45

Q. And, again, you're asked what time.

A. Yes.

Q. And you say, "in the early hours of the morning."

50

A. Yes.

Q. Is that true and correct evidence that it was in the early hours of the morning?

A. Yes.

5 Q. And it was not between 11:35 and 11:55pm?

A. Yes.

Q. Again, that does not accord with the timetable notes; correct?

A. I understand that, yes.

10

Q. In the trial at 2.1, page - at 126, that is the day, I think, 126. Red page 4187.

HIS HONOUR: Sorry, this is 2.1 and what?

15

BASHIR: 2.1, and then I think it's 126. It's when Mr Bennett--

HIS HONOUR: 2.1 dash what? 126?

20 BASHIR: 126, yes. Red page 4187. It's when Mr Bennett is called--

HIS HONOUR: He's re-called, yes.

BASHIR: --in the case on reply.

25

Q. At this stage, Mr Bennett, you weren't actually even working at the CIB, were you? You'd been transferred out?

A. By then--

30 Q. On 3 December 1980.

A. I was at Merrylands by then.

Q. Do you see that -- you say -- there's a question, "At any stage?", do you see that? And you assert "She was shown the explosives"?

35

A. Yes.

Q. Do you see that?

A. (No verbal reply)

40 Q. Then further down:

"Q. Did she read the document?

A. Yes, she did read the document.

45 Q. When did she do that?

A. Before signing it, after it was recorded."

A. Yes.

50 Q. Do you see that?



A. Yes.

5 Q. Then down, next page, 4188, in cross-examination, at the very bottom of the page, you're again asked about the timing, and you again, say it's in the early hours of 9 February.

A. Yes.

10 Q. Correct?

A. Yes.

15 Q. At the top of the next page, a time is put to you, and you acknowledge that that's a possibility.

A. Yes.

20 Q. You've given evidence here that it was sometime after midnight; correct?

A. Yes.

25 Q. It's a possibility that it was in sometime after midnight that Mrs Brajkovic's statement was taken?

30 A. Yes.

35 Q. After that statement was taken, you returned to level 3; correct?

A. Yes.

40 Q. You saw Mr Brajkovic leaving?

A. Later, yes.

45 Q. So it must have been at some stage before Mr Brajkovic left. Do you accept that?

50 A. Yes.

55 Q. Just on another topic, and, again, I'm just trying to keep this in topic, so I'm sorry for jumping backwards and forwards. Going back to the committal hearing, Exhibit 2.3 at 16, at 6577.

60

EXHIBIT 2.3-16, PAGE 6577, SHOWN TO WITNESS

65 Q. In the committal hearing, after Mr Wilson had given some very short evidence, you were then called as the first officer on the Brajkovic raid?

70 A. Yes.

75 Q. Now, at 6577, under - see in brackets it says, "Statement produced"?

80 A. Yes.

85 Q. You then gave evidence about how you had compiled your statement. Do you see that?

90 A. Yes. Yes.

95 Q. That goes all the way down that page?

100 A. Yes.

Q. If we can keep going to 6578, and down to where it says, "Approximately what time did you leave the CIB?" I just want to ask you this about that evidence. You were open and frank in the committal hearing about this process having occurred?

5 A. Yes.

Q. Again, in the trial, if we can go back to Exhibit 2.1-23.

10 EXHIBIT 2.1-23, PAGE 797, SHOWN TO WITNESS

Q. At the very bottom of the page--

A. Yes.

15 Q. --"Did you attend any conference", and you talk about notes being prepared and being present.

A. Yes.

20 Q. And just over to the top of that page, down to the time where it says, "You did not see any injuries?" Again, you give frank evidence about these notes?

A. Yes.

Q. Then at 804, at the bottom of the page, Mr Buchanan was questioning you.

A. Yes.

25 Q. You, again, gave evidence that at a stage early in the morning you were there--

A. Yes.

30 Q. --whilst Harding typed up a document?

A. Yes.

Q. And before that you'd been on the third floor. Do you see?

A. Yes.

35 Q. Then over at 806 to 807, you were taken to your re-examination. At 807 - do you have 807?

A. Yes.

40 Q. At the top of the page, "Did your evidence here accord with your independent recollection?", and you affirmed that it did.

A. Yes.

45 Q. At no stage did you seek to hide or disguise that any such notes had been taken?

A. No.

Q. And indeed, you were the first officer who gave evidence, quite frankly, talking about the notes having been taken.

A. Yes.

50

Q. And your evidence departed, in several respects, from what's recorded in those notes.

A. Yes.

5 Q. Could the witness please be shown the photograph Exhibit MM – that is the original that was here yesterday. While we're waiting for that, I'll just ask you another question. You've given evidence, "Justice Harrison and I conducted an Inquiry".

A. Yes.

10

Q. What was your role in that Inquiry?

A. Counsel Assisting.

Q. Who was the Inquirer?

15

A. The AFP, members of it.

Q. Who was the Inquirer in the--

A. Sorry. Justice Harrison. Or Ian Harrison SC as he then was.

20 TRIAL EXHIBIT MM SHOWN TO WITNESS

BASHIR: Could I ask you to take that photograph out? Your Honour, I wonder if the witness could be given a light to hold on the photograph, your Honour?

25 HIS HONOUR: Yes.

BASHIR: Thank you. Perhaps if my solicitor could assist your Honour?

HIS HONOUR: Certainly.

30

BASHIR

Q. Can I just ask you, take the yellow, can you get the - yes.

A. I'll just fold it back.

35

Q. Looking at that photograph with a light on it, looking at the gelignite, it depicts the gelignite taped together; correct?

A. Yes.

40 Q. Can you see anything with the light now held on the photograph?

A. Yeah, the markings beneath the plastic wrapping, whatever it is, showing markings on the gelignite casing.

45 Q. Is it the case that that could indeed be a photograph of the cardboard wrapping where you can see the writing on it?

A. Yes.

Q. Then there's tape at the top and bottom?

A. Yes.

50

Q. Could the witness please be shown Exhibit 11.104, which is in the new material.

5 MCDONALD: Your Honour, we're just retrieving the original of Exhibit MM.

HIS HONOUR: Yes. Of course.

BASHIR

10 Q. In relation to MM, at the time you had the original gelignite, didn't you?  
A. Had the item, yes.

Q. Yes, the item, and you weren't relying on some photograph to describe--  
A. No.

15 EXHIBIT 11.104, RED PAGES 1307 AND 1309, SHOWN TO WITNESS

Q. Can I just ask, at 1309, is that your signature?  
A. Yes, it is.

20 Q. Does it have the date underneath it of 26 March?  
A. Yes.

Q. Then it says, "Conveyed to laboratory"?  
A. Yes.

Q. There's a signature there as to who it was received by?  
A. Yes.

30 Q. Can you read that writing?  
A. I am having difficulty with it.

Q. Is it Wetherstone?  
A. Well, it's consistent with Wetherston it looks like a W-E-T-H-E-R--

35 Q. S-T-O-N?  
A. --S-T-O-N-E I think, yes.

Q. That's 28 March 79?  
A. Yes.

Q. Can we go back, please, to the first page? Yes, that's it. Does that describe the items, that is the explosive items, the "two sticks of gelignite 60 ICI brand, each with two holes punched in one end"?  
A. Yes.

Q. "Bound together with masking tape"?  
A. Yes.

50 Q. A comment there to, "Please ensure it's kept that way"--

A. Yes.

Q. --is that to ensure the integrity of the exhibit?

A. I would expect it was, yeah.

5

Q. Then you refer to the detonators with the green and red wires?

A. Yes.

Q. And a description of the six flares?

10

A. Yes.

Q. They were the items that were taken by you to the Dangerous Goods Branch?

A. Yes.

15

Q. Does this appear to accord with your recollection and the evidence you gave at trial?

A. Yes.

20

HIS HONOUR

Q. Mr Bennett, can I assume that the request that has been typed into this form to please keep it in this way for production to Court, was to be able to produce it to the Court in the form in which it was found?

25

A. Yes.

Q. In the evidence that you were taken to either at committal or trial, I'm not sure which, over the last 15 minutes or so, there was reference to you having the items in the room on level 5 where you're taking the statement--

30

A. Yeah.

Q. --where the gelignite had the detonators attached to it.

A. Not attached to them, no.

35

BASHIR: No. No, your Honour.

HIS HONOUR: I thought you said it was connected to it.

BASHIR: No, your Honour. That's not the evidence, your Honour. At level 5, connected to wires, the detonators were connected to - that is the red and green wires, your Honour. Not to the gelignite.

40

HIS HONOUR: I see.

45

BASHIR: Yes. I can take your Honour back to the evidence if it assists.

HIS HONOUR: No, that's all right. If I've misunderstood it, that's fine. All right.

50

BASHIR: Yes.

Q. Indeed, just following on from his Honour's questions about level 5 and what was shown to Mrs Brajkovic, the gelignite was in this state when you showed it to Mrs Brajkovic?

A. Yes.

5

BASHIR: I've finished with that document. Thank you.

Q. Are you aware that the gelignite was in fact produced in the trial by Mr Butt?

10

A. I don't know.

Q. Were you aware that at the committal hearing it was offered for viewing to Mr McCrudden?

15

A. I don't remember.

Q. Just this morning, you're aware, aren't you, that Mr Brajkovic later withdrew allegations of assault that he had made against you?

20

A. I understand that to be so from - I - think there's a reference to it in the judgment by Justice Maxwell from memory.

Q. Were you aware that he then alleged that Harding had; were you aware of that?

25

A. I think I am. I think it was he's nominated Harding as being a person who assaulted him, yes.

Q. It was in that context that he then made other allegations about you?

A. How it is said.

30

NO EXAMINATION BY DR WOODS

<EXAMINATION BY MS MCDONALD

Q. Can I just ask you about that last Exhibit that you were taken to?

35

A. Yes.

Q. Exhibit 11.104, and if it can be brought up, please, commencing at page 1307? You were taken also to page 1309 and you identified your signature?

40

A. Yes.

Q. Your evidence yesterday was that in March you received a telephone call from Detective Sergeant Wilson?

A. Yes.

45

Q. Who was not present at CIB but was away at some kind of course?

A. Yes.

Q. He rang you and directed you to take the explosives to Dangerous Goods Branch?

50

A. Yes.

Q. The content of the document, so for example, on 1307 under "List of specimens exhibits submitted", did you type that up?

A. I think I did.

5 Q. In the descriptions that you've adopted there, how did you come across that description; was it basically looking at what you were told to take to Dangerous Goods and describing it yourself?

10 A. I had seen those features on the item when I'd seen it, seen the item, but I can't recall from what information I drew to prepare that description given in that document. The primary source though would've been the items but I have no recollection of what I had at the time I typed the document.

Q. Again, if you go to page 1309, "Brief details of offence"--

15 A. Yes.

Q. --and set out there at 123 there's reference to the arrest on 8 February, six other persons arrested, et cetera. You typed that?

A. I think I did.

20 Q. Where did you gather that information from?

A. I don't remember. It may well have been in some holdings that were being - had been assembled. By that stage I think Turner had taken over the role of officer-in-charge of the case for the facilitation of what was going to follow the prosecution through committal, et cetera, with Milroy working as his assistant I think. I may have drawn from documents that they'd had available; I don't know.

30 Q. Having a look at this document, does it jog your memory about where you went to obtain the explosives to take to the Dangerous Goods Branch?

A. No. No, I've got - I've thought long and hard about this, I've just got no memory of where they came from.

Q. You were asked some questions by Mr Buchanan this morning about the clock that was seized at Bossley Park?

35 A. Yes.

40 Q. You were asked in particular about when you were on level 5 with Mrs Brajkovic and Detective Krawczyk brought the white plastic bag in for you to show her the contents. First, can I confirm, when you were taking Mrs Brajkovic's statement, you took out of the white bag all the contents?

A. I don't remember. It might be that the bag was simply opened up so the contents were exposed. I could've taken them out, I just don't know.

45 Q. Your evidence today was that when the white plastic bag came to level 5, you did not see the clock in there?

A. Yeah. I've got no - the - I've got no memory of having seen the clock at all until I saw it in that photograph that - that's when I became conscious of the clock, I have no memory of it before that.

50 Q. Taking you back to your evidence that when you were at Bossley Park and

you were invited in by Detective Sergeant Wilson to have a look in the bag, when you looked at the bag then, did you see the clock?

A. No. I've got - I did not.

5 Q. I'm sorry?

A. No, I did not.

Q. That's a very - your evidence is when you looked in the bag the clock was not there?

10 A. Yeah. Well, I'm drawing upon what I'd said previously about what I saw when I looked in the bag, it did not include, as I recall it, the clock. I have no memory of seeing the clock before then. The, well, the photograph that I saw in relatively recent times.

15 Q. You were asked some questions about whether you were present at any time when Mr Brajkovic was being interviewed on level 3.

A. Yes.

20 Q. Just leading up to that, can I ask, back in February 1979, if you wanted access to the criminal history of a suspect or somebody who had been brought in to, for example, CIB, what we rely upon now is some computer criminal history, that wasn't available?

25 A. There was at a - there wasn't in the - at some time while I was there, there were computer terminals that gave access to some records, transport records, for example. I don't know whether we could access antecedents on those machines. I don't remember. It could've been a - we could've accessed it by way of a telephone call, that was ringing whatever the Fingerprint Branch, I think it was, at the time, but I just don't remember what the computer could do.

30 Q. Do you recall that at some stage during your career as a police officer, antecedents were kept on, like, an index card?

35 A. They were. The antecedents were, in fact, on a - they had forms that were completed and they were updated. I knew this, because I was - when I was a cadet, I worked in this section filing these things. Whenever anybody was before the Court, in the Supreme Court or the District Court, or the Quarter Sessions, as they were back then, the record was actually read by the gaol recorder from a document prepared by the investigating police, who were the witnesses.

40 Q. What I'm interested in is whether you were aware, and you might've been from--

A. Yeah.

45 Q. --this work you were doing at some stage, like, an index card which would contain information such as name, address, other details and then antecedents?

50 A. There was a - if you want me to explain, the Fingerprint Section had a whole series of filing cabinets with the records of people who were known to have committed offences, but there was also an MO section.



Q. An MO?

5 A. Modus Operandi Section. They had - back in those days, they had what they called criminal offence forms and modus operandi forms that might have been the record of the information you're talking about, but at some point the system became computerised to the extent that there were crime information reports that would start a record of some event and followed by a further information report that would be then entered and would relate back to the original, but they would be completed out in the divisions or in whatever section, sent into the MO section and they would process them onto the computer.

15 Q. On either 8 February or 9 February, for example, when you attended the initial conference or in the early mornings of 9 February, was information from those various sources you've just identified, was that accessible by ringing the particular place?

A. I would think it was.

20 Q. You gave evidence about meeting up with Detective Krawczyk at the Prairie Vale Road?

A. Yes.

25 Q. Ms Bashir took you to evidence where you spoke about him driving the lead car?

A. Yes.

Q. You drove from CIB to Prairie Vale?

A. I did.

30 Q. Did he take over the driving because he actually knew where the house was?

A. I think that's - that's my recollection. I think that's the case.

35 Q. After the raid, Detective Krawczyk returned to CIB with you, Mr Brajkovic and--

A. Sergeant Wilson.

Q. --Wilson in the car?

A. Yes.

40 Q. And he remained at CIB at least until probably about 2:30, maybe 3 in the morning?

A. I can't say what time he left, but he was certainly there for the time the statement was taken, but I don't recall where he was after that.

45 Q. Do you recall Detective Krawczyk providing any information that was obtained by Special Branch about Mr Brajkovic?

A. No, I don't.

50 EXHIBIT 11.5 SHOWN TO WITNESS

Q. This isn't your document. It's a Special Branch document.

A. Yes.

5 Q. To be fair, created after 8 or 9 February, but what I wanted to take you to was right down the bottom of the page.

A. Yes.

10 Q. And if we can expand that slightly. Can you see there's some information about Mr Brajkovic?

A. Yes.

Q. Including his address, date of birth and place of birth?

A. Yes.

15 Q. Can you recall on either 8 or 9 February Detective Krawczyk providing you or any other members of the team any such information?

A. I have no recollection of that at all. I have no memory of any of that.

20 Q. Can I just ask you, you were asked a number of questions about compiling the notes, which is at Exhibit 11.89.

A. Yes.

25 Q. I think as the questions asked by Ms Bashir demonstrated, there was no hiding behind that this procedure was undertaken?

A. Yes.

Q. You gave evidence that you hadn't experienced that group, in a sense, compiling of a timetable.

A. Yes.

30 Q. Can I ask you, your time at the Police Force, when you were working with a particular partner and you undertook something as part of an investigation which required both you and your partner to draft statements, was a similar procedure adopted, but at a more micro level, that you would sit with your partner and, in a sense, say, "Look, what time did we stop the car", and, "Do you remember what he said?" And--

35 A. That could - yeah, that could happen.

40 Q. In your experience before you left the Police Force, was that, again, quite common?

A. I don't know whether you could say it's common, but that occurred. It was a practice that I saw followed.

45 Q. You were taken to some evidence, which I can take you back to, that the timetable compilation, Detective Harding typed it at his desk in the Hold Up Squad?

A. Yes.

Q. Is that your recollection?

50 A. I - it was out in the common area on their side of the lockers. I don't

remember where his desk was or where he - or what desk he sat at. That's - I rely on what's there recorded for that recollection.

EXHIBIT 4.1-LLL SHOWN TO WITNESS

5

Q. I showed you this floor plan yesterday.

A. Yes.

Q. You identified your desk--

10

A. Yes.

Q. --in the Special Breaking Squad section. The Armed Hold Up Squad section is immediately underneath--

A. Yes.

15

Q. --separated, I think, by two rows of lockers?

A. Yes.

Q. Looking at the floor plan, can you recall where Detective Harding's desk was?

20

A. No.

Q. The impression, I would suggest to you, from the floor plan that even though it's an open plan area, there are a number of desks squeezed into that area?

25

A. I wouldn't say squeezed in. There were desks there in - I can't remember how many, but that fairly reflects, I think, the layout of the place.

Q. Because there's about six people present when the first lot of the notes are compiled.

30

A. Yes.

Q. Where were you all standing or--

A. I don't remember, but I would suggest we would have been simply standing around the desk where--

35

Q. Just around the desk?

A. Yes.

Q. It just seemed rather cumbersome and--

40

A. I agree.

Q. You had an opportunity in the procedure when it was being typed to disagree or correct anything?

45

A. Yes, if I - yes.

Q. You've given evidence about, for example, "I didn't undertake any search on that night"?

A. Yes.

50

Q. And in the compilation notes it records that you searched.

A. Yes.

Q. You didn't correct that?

5 A. I don't know whether I detected that being recorded. I don't know. I would've thought that had it been recorded and I became aware of it, I would've said that's wrong, but I just don't remember, but I just can't explain how that mistake has been made.

10 Q. His Honour asked you some questions about where a person, a suspect, refuses to participate in a typed record of interview--

A. Yes.

15 Q. --but then seems quite happy to participate in a handwritten notebook interview.

A. Yes.

20 Q. His Honour also asked you about this idea of concern that, "If I participate in a typed record of interview it will follow me to gaol", et cetera.

A. Yes.

25 Q. Did you ever come across a procedure being adopted where a record of interview was typed, there was the fear or concern expressed by the person that, "Look, I don't want this to come with me", or, "I don't want people to know. They'll kill me", and a copy was then stored in a safe?

A. I've heard - I have heard of that happening, actually, now you raise it, but I don't have any direct knowledge of ever having seen that done and I certainly don't have any knowledge of having ever followed that course.

30 Q. But your recollection is when you were a member of the Police Force you did hear of that being adopted?

35 A. I think I have heard - my memory is I heard it being an option that was discussed, but I don't - I can't add more than that. If there was true concern about the document falling into hands other than the person who was interviewed and their lawyers, I can understand there's good sense in putting it into a safe or some repository that could protect it, so - but I don't know.

Q. Was such a safe available the Breaking Squad on 9 February?

40 A. I don't know. There might've been one in the sergeant's office, the sergeant - the detective sergeant first class in charge might have had a safe in there, I just don't remember.

Q. You don't know?

45 A. Yeah.

BUCHANAN: Excuse me, your Honour, I do apologise. I should've got to my feet before Counsel Assisting rose to hers. Can I have leave to ask the witness three questions--

50 HIS HONOUR: Certainly.

BUCHANAN: --arising out of Ms Bashir's questions.

<EXAMINATION BY MR BUCHANAN

5 Q. You had an issue to you on 8 February a CIB identification card; is that right?

A. I had in those - yeah, I had a badge, actually.

Q. A badge, was it?

10 A. A badge, yeah.

Q. Did it have your name on it?

A. No, it was just, like, a shield that we see now with police. It was a similar design.

15

Q. You never introduced yourself by name to Mr Brajkovic, did you?

A. I don't think so. I can't remember doing so.

Q. Did you ever hear Mr Harding introduce himself by name to Mr Brajkovic?

20 A. I have no memory of him doing that.

HIS HONOUR

25 Q. Mr Bennett, that's the conclusion of your evidence, but I'm not formally excusing you. If you are required to return, you'll be notified.

A. All right. Well, I--

Q. You're free to leave.

30 A. Okay. Thank you.

<THE WITNESS WITHDREW

LUNCHEON ADJOURNMENT

35

<JOHN FRANCIS WILSON, ON FORMER OATH(2.25PM)

<EXAMINATION BY MS MCDONALD

5 Q. Mr Wilson, when you gave evidence on Wednesday--  
A. Tuesday.

10 Q. Tuesday, sorry, you were taken to the statement that you made for the brief  
of evidence against the Croatian Six.  
A. Yes.

EXHIBIT 4.2-31 SHOWN TO WITNESS

15 Q. I took you to this statement the other day. You'll note that it's not dated.  
A. Yes.

Q. And it wasn't signed.  
A. Yes.

20 Q. You gave evidence, and it's reflected in the statement, that it commences  
with events that occurred on 8 February?  
A. Yes.

25 Q. If we can go through to red page 371. Just looking at that page, you record  
events on 23 February?  
A. Yes.

30 Q. 26 February?  
A. Yes.

Q. Then 22 March.  
A. Yes.

35 Q. From the contents of paragraph 19, it would appear that it was completed  
either on 22 March or after 22 March.  
A. Yes.

40 Q. Did you type it in one go?  
A. I don't - I don't know. I can't remember that.

Q. I'm sorry?  
A. I can't remember that.

45 Q. You gave evidence that in compiling at least the early parts of the  
statement, you had the benefit of reading, or having access to, the timetable,  
or compilation notes, that were completed on the morning of 9 February.  
A. Yes.

50 Q. I'll just take you to some evidence you gave at the committal.

## EXHIBIT 2.3-17, PAGE 6677, SHOWN TO WITNESS

5 Q. You were asked some questions at the bottom of page 6677 about the compilation or writing of your statement and can you see the question that commences, "Well, the statement that you did subsequently make, did you write that out in longhand or did you dictate it to anybody"?

A. I would've typed it out.

10 Q. Can I take you to your answer first?

A. Yes. Of course.

Q. "I think I typed it out in rough form and then it was typed out in detail later on." "Did you type it out in detail yourself later", and you answered, "No"?

15 A. That's right.

Q. Who typed it?

A. Probably the receptionist we had working in the office.

20 Q. Your answer that you think you typed it out in rough form, what did you mean by that?

A. Well, just typed it out in rough form, probably X'd things out, made spelling errors, not spelling errors, typing errors, I just wasn't a very competent typist, so it's just typed out in rough form.

25 Q. You would type out yourself the statement but, as you said, there probably were mistakes because you're not a good typist?

A. That's right.

Q. Set up - set out of the statement may not have been properly done?

30 A. It was untidy.

Q. It was what?

A. Untidy.

35 Q. Was it your recollection that this rough form of the statement was being typed over February and early March until we get to 22 March?

A. I'm only guessing, but that could be the way it was.

40 Q. When you typed a section and then you had finished that particular part, where did you keep it?

A. Probably in my - on my desk in a drawer, a brief, maybe a brief locker.

Q. When you had completed your rough form of statement, and before you provided it to the receptionist, what would you do?

45 A. I don't understand what you mean, what would I do. It's typed up in rough form.

Q. Yes, you've got it in rough form, but you've already said it was untidy, there might've been mistakes, typographical errors, et cetera.

50 A. Well, the mistakes would've been just a typo, or just I've crossed something

5 out or misspelt a word or just typed it wrong, so I've X'd that out and just continued so that deletions all - not all the way through it, but in various parts of the statement; it's just a rough copy and it came out exact - that came out - when it was finally typed, it came exactly how I wanted it, without all the messy parts of it.

10 Q. What my question was getting at was whether you would go through your rough form and make handwritten amendments, changing either spelling or dates, or anything along those lines, so that it reflected how you would express things?

A. Yes.

15 Q. And how you would type--

A. Yes.

Q. --spell words as well?

A. I didn't make too many spelling mistakes but I would've possibly typed it out incorrectly with an error along the way there, but just a mistake.

20 Q. The receptionist you've referred to, a receptionist for which area?

A. We had a lady that worked at a desk at the front of the office and she - the place was a security area, no one - it wasn't able to be accessed by members of the public. She took phone calls for us, she did typing for us and that's about what her purpose was.

25 Q. Was she located on level 3?

A. She was with us on level 3. Yeah, I think we may - I think the Armed Hold Up Squad may have used her as well, I'm not certain about that though.

30 Q. To your knowledge was that procedure that you've just given evidence about of typing up or writing up a rough form and then giving it to the receptionist to type up properly, was that adopted by other officers?

A. I don't know.

35 Q. Did you ever witness other officers doing it?

A. No.

Q. The statement that was provided in the brief of evidence, it should've been dated?

40 A. Absolutely.

Q. It should've been signed?

A. Absolutely.

45 Q. I might've asked you this on Tuesday, I can't recall; do you remember why you didn't sign it?

A. I can't remember why I didn't sign it. As I think I may have said on Tuesday, I'm surprised that it wasn't returned to me for signing, so I don't know why that happened.

50



WOODS: Your Honour, I object to that on the basis that it's not clear whether it was a carbon copy or an original. The documents are prepared for trial or committal, we don't know which one it was. It's not clear that the witness didn't sign a copy or the original of that at some point.

5

MCDONALD

Q. Mr Wilson, it was your understanding that in the brief of evidence the statement that would be included in the brief of evidence would be a signed--

10

A. Yes.

Q. --statement and also a dated statement?

A. Yes.

15

Q. Is it your understanding that the copy of the statement that was included in the brief of evidence was neither dated nor signed?

A. I'd say that's correct.

20

Q. Can I take you back to the night of 8 February, when you attend Bossley Park? You gave evidence of meeting up with the other officers and also Detective Krawczyk at Prairie Vale Road?

A. Yes.

25

Q. There was another officer from Special Branch who was involved in the raid?

A. Yes.

Q. That was Detective Helson?

A. Yes.

30

Q. He didn't attend the rendezvous or the meeting at Prairie Vale Road, did he?

A. That's right.

35

Q. What was your understanding of where he was?

A. I think he was close to Mr Brajkovic's premises keeping observations there.

Q. Still undertaking surveillance?

A. Yes.

40

Q. Was it the case when Detective Krawczyk attended the meeting at Prairie Vale Road, he provided the group and, in particular, you, with an update of what observations both he and Detective Helson had made that evening?

A. I don't remember, but I would expect that's what he told us.

45

Q. When you headed towards Restwell Road to start the raid, did you try and communicate in any way with Detective Helson about whether there were any developments during the period when he was by himself undertaking surveillance?

50

A. No, not that I recall.

Q. I want to ask you some more questions about specific aspects of being at the premises on 8 February. You gave evidence that the first time you saw Mr Brajkovic you were in the lounge kitchen area?

A. Yeah, I suppose you could describe it as that. Yes.

5

Q. You had Detectives Bennett and Krawczyk with you?

A. Yes.

Q. And that Mr Brajkovic was brought in by Detective Harding and, I think, Detective Morris?

10

A. That's right.

Q. I can take you to the evidence you gave, but you recorded that Detective Harding said words to the effect, "Look, this is Mr Brajkovic. He's put on a bit of a struggle, but he's quiet now", or, "He's calmed down now"?

15

A. Similar to that, yes.

Q. Was it consistent with that description by Detective Harding that it was a bit of a struggle that Mr Brajkovic's hair was disarrayed?

20

A. I don't recall that. It may have been, but I don't recall it.

Q. Can we bring up Exhibit 2.3-18, page 6708. If we can expand towards the middle of the page. Mr Wilson, this was your evidence at the committal. It's while you're being cross-examined by Mr McCrudden.

25

A. Yes.

Q. I want to take you to the question that commences, "The words were used, 'He put on a bit of a struggle'," and you agree with that. You say, "Yes".

A. Yes.

30

Q. Do you see that on the screen?

A. I do.

Q. Then you were asked, "Were there any visible signs of this struggle?" And your answer was, "Well, the defendant's hair was disarrayed, his clothing, I suppose, was slightly disarrayed and he was breathing rather heavily, but by the same token, so were Detectives Harding and Morris"?

35

A. Yes.

Q. Does that jog your memory as to your observation when Mr Brajkovic was brought into the house?

40

A. Well, it does now, yes, but I'd forgotten about that.

Q. You did not observe, other than hair being disarrayed and clothing being slightly disarrayed and breathing rather heavily any other signs of injury on Mr Brajkovic?

45

A. Not that I'm aware of and not that I recall.

Q. At no time when Mr Brajkovic was brought into the house by Detective Harding and Detective Morris did either of those detectives say to you there

50

was a violent struggle that occurred outside?

A. I don't think the word "violent" was used. I think just a bit of a struggle, I think.

5 Q. Can I just take you to the sequence, and this is very roughly done, sequence of events after Mr Brajkovic has been brought in. He's sat on a chair?

A. I don't remember.

10 Q. Do you recall, then, Detective Harding saying to you something along the lines of, "Can I have a word with you in the front room?" Or through the--

A. Words to that effect, yes.

15 Q. You and Detective Harding left the lounge/kitchen area and went into a room which you've described as being a workshop or a workroom?

A. Yes.

Q. This is when Detective Harding handed you the white plastic bag?

20 A. He either showed it to me then handed it to me or just handed it to me. I don't remember.

Q. But at some point at this time where the two of you are in the workroom you take possession of the white plastic bag?

A. Yes.

25

Q. After looking into the white plastic bag, you then remove its contents and place them on the table?

A. Yes.

30 Q. The next sequence is Detective Harding leaves the workroom and returns with Mr Brajkovic.

A. Yes.

Q. And at this point, on the table is the white plastic bag--

35

A. Yes.

Q. --with its contents spread out--

A. Well, they were--

40

Q. --next to it?

A. --adjacent to the plastic bag. I don't know how they were spread out, but they were adjacent to the plastic bag.

Q. Well, they were separated, weren't they?

45

A. Yes. They were separated, yeah.

Q. The contents, being the gelignite, that was separately on the table?

A. Yes.

50

Q. What else was separately placed on the table?

A. I think the flares and the detonators, and I think a piece of paper.

Q. The what, sorry?

A. Newspaper, I think, of some sort.

5

Q. Was anything left in the white plastic bag?

A. I don't think so.

10 Q. But your recollection is, and I'm just abbreviating, the gelignite, the flares, the detonators and the newspaper were taken out of the bag and separately placed on the table?

A. Yes.

15 Q. And that was it?

A. As far as I can recall, yes.

20 Q. And you then have a conversation with Mr Brajkovic about the contents that were taken out of the white plastic bag.

A. Yes.

20

Q. After that, you, and Detective Harding, and Mr Brajkovic, leave the room, the workroom, return to the kitchen and lounge room, and Mr Brajkovic is sat down on the chair again.

A. I think so.

25

Q. The contents of the white plastic bag means that what was foreshadowed as a possibility that you may find at the premises has eventuated?

A. I don't think I understand your question, ma'am.

30 Q. You recall that when you were at the CIB before attending the raid, you were provided with information by Inspector Morey?

A. Yes.

35 Q. You were provided with a written screed by Inspector Morey?

A. Yes.

Q. On Tuesday, I took you to the written screed?

A. Yes.

40 Q. Again, if you want to see it again, I can bring it up, but it referred to two gentlemen in Lithgow - finding explosives and bombs at their premises in a car?

A. Yes.

45 Q. Do you recall that?

A. Yes, I do.

50 Q. Also, there were some names of people who were associated with those two gentlemen in Sydney?

A. Yes.

Q. And, again, a statement along the lines of: it is suspected that they will be in possession of explosives and/or bombs.

A. Yes.

5 Q. You've now attended the premises, and there has been a finding of gelignite and detonators?

A. Yes.

10 Q. What was anticipated at the briefing back at CIB has actually, in a sense, occurred.

A. Yes.

15 Q. The finding of what was in the white plastic bag, being the gelignite and the detonators, that was important information to tell the other officers who were on site, wasn't it?

A. Not immediately, but they were told at some stage it was found, but I probably didn't tell them immediately.

20 Q. At least you agree that you told them at some stage while you were still on site?

A. I'm sure I would have.

25 Q. It was important information because, number 1, if some gelignite, for example, had been discovered, it's possible there might be stores of, or other gelignite, located elsewhere on the premises?

A. That was a possibility, yes.

30 Q. And it was important to alert officers searching that that was a possibility?

A. No. They would have been told. We were all told the same thing at the conference that we could have found explosives there, so they would have known about that. That they could have found explosives there.

35 Q. But you actually found explosives there?

A. Yes.

40 Q. So to tell them, "Now, look, we've actually found them." It's not a possibility anymore, or a suggestion. "We've actually found gelignite. This is, for example, what it looks like. Take care, or be even more careful now when you continue your searching."

A. No. I don't think there's any need to tell them that.

45 Q. Why not?

A. Because they would have been aware of that anyway.

50 Q. But you don't see any relevance to the fact that you've now actually found detonators and gelignite on the site?

A. They were told.

Q. So they were told at the site?

A. They were told, but I - I said they were told, but they may not have been

told immediately, but they were told that we'd found some.

Q. That was every officer who was on site?

5 A. I don't remember. I would expect so. I don't remember, because at that stage they were searching the premises.

Q. Immediately coming into the kitchen/lounge area, there were present, putting aside Detective Harding, there was definitely Detective Bennett?

10 A. Yes.

Q. And Detective Krawczyk?

A. Yes.

Q. Was Detective Morris still there?

15 A. I don't remember.

Q. He may have gone outside to help others searching?

A. Yes. He may have, or other rooms.

20 Q. Or?

A. Other rooms. Searched other rooms.

Q. What's your recollection of how many rooms were in the house?

25 A. There wasn't many. It was a very small house. I don't think there was much more than maybe four rooms, five rooms. It was a very tiny house.

Q. I was going to suggest that the back area, which I've described to you as a kitchen/lounge room area, was kind of, in a sense, one big room?

30 A. I think so.

Q. Then you had the workroom where you were--

A. Yes.

Q. --which was towards the front of the house, and there was also a bedroom.

35 A. I think so. I can't remember that, but there was another bedroom, yeah.

Q. If there was a bathroom, some of the bathroom might have actually been outside?

40 A. I don't remember that.

EXHIBIT 2.3-16 SHOWN TO WITNESS

Q. I think it's page 6560 and I want to take you towards the middle of the page where it commences with the word "More.", and we might have to move that up a little bit?

45 A. Yes, I see that.

Q. Just to orientate you, you can see above that, it appears to be you giving evidence of the conversation you had with Mr Brajkovic?

50 A. Yes. I see that.

Q. I want to take you to that sentence that commences, "Detective Harding and I left the room with the defendant"?

A. I see that.

5 Q. "He returned to a chair that he'd been seated in before"?

A. Yes.

Q. "I had a conversation with all the other police that were present at the premises, including the police outside"?

10 A. Yes, I see that.

Q. "And then I returned inside and went with Harding to the workshop room again where I commenced to search it"?

15 A. Yes.

Q. Can I just pause there; your account there, it would appear to be you, Harding and Mr Brajkovic come back into the lounge/kitchen area?

A. Yes.

20 Q. You have a conversation with all the police present at the premises--

A. Yes.

Q. --that would include Detectives Bennett and Krawczyk in the lounge/kitchen?

25 A. I would assume so, yes.

Q. Then as you say you leave the house and you go and speak to all the other officers present at the premises including those outside?

30 A. Yes.

Q. Was it at that time, when you were talking at some stage to all of the officers, that you informed them that gelignite and detonators had been found?

A. I would assume that would've been the case.

35 Q. Makes sense you would've told them at that point, doesn't it?

A. It does.

Q. The last part of that, if I can just show you, is that you then return after being outside; did Detective Harding go with you outside?

40 A. I don't know. I don't think there'd be any need for him to go outside, but I don't know.

Q. If I can just show you, after it says, "I commenced to search it", and "on the table in that room I found a small alarm clock"?

45 A. Yes.

Q. Then you describe how you examined the clock and what you see?

A. Yes.

50 Q. When you had left the workshop room, with Detective Harding and

Mr Brajkovic, was the white plastic bag and its contents left there on the table?

A. I think so.

5 Q. When you went outside, who was looking after the contents and the white plastic bag?

A. Nobody.

Q. So it was just left there?

10 A. Well, just left there, where I put them, yes.

Q. In the lounge room/kitchen area, was Mrs Brajkovic still there?

A. I don't remember whether she was there or not, but she was there at some stage.

15 Q. What about Mr Hudlin, the other gentleman?

A. I can vaguely remember him being there, but I don't know where he was.

20 Q. You weren't concerned that at least you had two other people who could enter the workshop room and take away, deal with, touch the gelignite and that?

A. No, I wasn't - I wasn't concerned about that because I'm quite sure that had either of those attempted to enter the room they would've been stopped by one of the police.

25 Q. Still on the sequence of what occurred while you were at the premises, you continued searching the workshop room and you find the clock, and also either you or Detective Harding discover some masking tape?

A. I don't remember who found the masking tape.

30 Q. Do you recall somebody found, either you or Detective Harding?

A. Yeah, I think it might've been Detective Harding; I don't think I did.

Q. Also in the workshop room, were there other items such as a typewriter?

35 A. There was a typewriter there but I can't remember where it was.

Q. In the workshop room?

A. I can't remember where it was.

Q. A duplicating machine?

40 A. Yes.

Q. Was that in the workshop room?

A. I don't remember.

45 Q. You made a determination that, and I'm sorry, you also or Detective Harding found, in the search of the workshop room, the batteries, the two batteries that had been soldered together?

A. I found the batteries.

50 Q. That was in the workshop room?



A. Yes.

Q. At some point you make a determination that you were going to return to CIB with Mr Brajkovic?

5 A. Yes.

Q. Also with certain items that you're taking possession of?

A. Yes.

10 Q. Those items that you were going to take possession of, what were they?

A. I can't remember, ma'am.

Q. Well, I've given you a list of different items that were either found while you were searching the workshop room or you saw in other areas; do any of those items?

15

A. I can't remember. We took a lot of stuff that was irrelevant to the inquiry but I can't remember everything we took.

Q. Did you take the white plastic bag?

20

A. Of course.

Q. You took the gelignite?

A. Of course.

25 Q. The flares?

A. Yes.

Q. The detonators?

30

A. Yes.

Q. The masking tape?

A. Yes.

Q. The batteries?

35

A. Batteries. Batteries, yes.

Q. You took the typewriter?

A. Yes.

40 Q. The duplicating machine?

A. Yes.

Q. You just in one of your answers spoke about other items were taken which were irrelevant to the investigation?

45

A. Yes.

Q. Who took those?

A. I can't remember who took them. I may have taken some of them. I just don't remember.

50

Q. Why were items irrelevant to the investigation taken?

A. I can't explain that at all, ma'am.

5 Q. When did you realise that items that were irrelevant to the investigation had been taken?

A. I don't know. Probably when I prepared the list of what was taken there at some stage.

10 Q. That was a list that you prepared a couple of days afterwards?

A. Yes.

15 Q. You gave evidence on Tuesday that you were in a car with, I think it was driven by Detective Bennett, and you were in the front passenger seat? Sorry, this is going back to CIB.

A. Going back to the CIB, I was in the front passenger seat and Detectives Bennett and Krawczyk, I think, were in the car and I can't remember who was driving. And Mr Brajkovic.

20 Q. If I can focus on the white plastic bag, it was taken back?

A. Yes.

Q. With you in the car?

A. In the car, yes.

25 Q. Also the gelignite, the detonators and the flares?

A. Yes.

30 Q. Just restricting ourselves to those at the moment, can you remind me how were they transported back to CIB?

A. They were placed in the boot of the police car, I think.

Q. Individually placed in the boot?

A. I'm certain they would've been.

35 Q. But separate from each other?

A. Yes.

Q. You didn't put them all back into the white plastic bag?

40 A. I don't know. I - if I did, I shouldn't have. I don't remember. I don't think I would have, but if I did, I don't remember doing that. I don't even remember putting them in the back of the car, but - in the boot of the car, but that's where they were conveyed, I'm certain.

45 Q. You just - and I might have misheard it - in part of your answer then, did you say, when I said, "Did you put it back in the white plastic bag", you said something like, "I shouldn't have"?

A. If I did, I shouldn't have. Should not have.

50 Q. Why shouldn't have you?

A. Well, I don't think they should've been kept together.

Q. Why was that?

A. Well, I thought they - well, I don't know, but I didn't want to take that risk. I don't think detonators and gelignite are dangerous if they're disconnected, but I think just for safety's sake, I may have separated them. I think I did. I'm not sure.

5

Q. Again, your evidence on Tuesday was that they were placed in the boot of the car?

A. Yes.

10

Q. Not with you, like, nestling them or on your lap in the car?

A. Definitely not.

Q. When you say definitely not, was that to try and keep your distance from them?

15

A. Well, I didn't want to nurse them. I didn't want to carry them on my lap, no. That was - be ridiculous.

Q. Why is it ridiculous?

20

A. Because it's just crazy. When you've got a boot of a car, why wouldn't you use the boot, rather than nurse gelignite? I would be less comfortable having that in my lap driving back to CIB.

Q. Or at your feet in the passenger--

25

A. I didn't think about that, either, no.

Q. You've told the other police officers present at the site about finding the explosives?

30

A. I assume I did and I'm certain I would have.

Q. With the exception of Detective Harding, who's, obviously, with you in the workroom, did any of the other officers come and ask to have a look?

A. They wouldn't have to come and ask me to have a look. If they wanted to have a look, they could have, and they may have. I don't know.

35

Q. Did any officers come and have a look?

A. I don't know.

Q. Do you recall whether any did?

40

A. No, I don't.

Q. When I posed the question to you did any of them ask to come, again your answer was, "Well, no, if they wanted to, they could have a look"?

A. Yes.

45

Q. It wasn't the case that you would invite an officer to come and have a look?

A. No.

Q. If they wanted to have a look at what had been found, they could do so?

50

A. Yes.

Q. But you don't have a recollection of, for example, do you remember Detective Cook was there, whether he came in and had a look?

A. I don't know if he had a look or not.

5 Q. Detective Bennett? Do you remember him going and having a look?

A. I don't know if he did or not. I think they'd all - probably seen - most of them had seen gelignite before.

Q. Yes, but it's what's been discovered at this particular site?

10 A. Yeah, I understand that, ma'am. Yes.

Q. Can I ask you, in the car you also - and when I say, "in the car", I'm talking about in the boot or somewhere - you also took back the clock?

A. I assume so.

15

Q. And the masking tape?

A. Yes, and the batteries.

Q. And the batteries. I keep on forgetting those. I'll just take you to some other evidence at committal. Exhibit 2.3-18, page 6720. Maybe we might have to start at 6719 down the bottom.

20

EXHIBIT 2.3-18, PAGE 6719, SHOWN TO WITNESS

25 Q. Mr McCrudden is cross-examining you again. Just to orientate you, he's asking some questions, again, about searching in the workroom. Detective Harding finding, I think, the roll of masking tape. Can you see that?

A. Yes. I see that.

30 Q. Then you were asked:

"Q. That was on the table where in the kitchen?

A. On the table in the workshop room, where I placed the plastic bag and its contents."

35

Do you see that?

A. I think that's--

Q. It's about five questions from the bottom.

40 A. "That was on the table where in the kitchen?" Yes, I see that.

Q. Then you correct him and say, "Well look, it was in the workshop room."

A. Yes.

45 Q. And there's another series of questions, including about the newspaper and the gelignite. Can we go over to page 6720. You're being asked some other questions, and then can I take you to the second-last question:

50 "Q. And it was necessary for you to unwrap the paper in order to examine the gelignite?

A. No, I think I lifted the gelignite out first, then took the paper out after that.

Q. You replaced all the material back in the bag yourself?

5 A. Yes."

A. Yes.

10 Q. That answer of where you agreed you replaced all the material back in the bag yourself, can you recall at what point you were referring to when you agreed that you replaced all the material back in the bag?

A. I would have to think that that's before we left the premises. I'm only assuming that. Otherwise, I've got no memory of it.

15 Q. That would be contrary to the evidence that you just - you recently gave--

A. Yes.

Q. --that the items that you had taken out of the white plastic bag, you kept separate for the trip back to the CIB.

20 A. Yes. Well, I'd forgotten, obviously.

Q. Well--

25 A. But that doesn't mean - I - I may have - I don't know if that's - as I said, I think I might have said, "I don't know if they were all together or not", but I can't remember.

Q. The answer you give on, I think it's in August 1979--

A. Yes. 1979.

30 Q. So a couple of months after the events of February--

A. Yes.

Q. --if it suggests that you put all the material back in the bag before going to the CIB, that would be a recollection closer to the events?

35 A. Yes.

Q. And probably more accurate?

A. Definitely more accurate.

40 EXHIBIT 2.3-16, PAGE 6560, SHOWN TO WITNESS

Q. Towards the bottom, the line commences, "...plate and solder. I took possession of this..."?

45 A. I see that.

Q. It refers to the two batteries. Then you say, "I took possession of this and other property including an electric typewriter, a duplicating machine, some electrical devices and some literature."

50 A. Yes. I see that.

Q. Just concentrating on what you took possession of and took back to CIB, in addition to the white plastic bag and its contents, and the batteries, and the clock, and the masking tape, they were the other items that, in a sense, you personally took back to CIB?

5 A. Yes.

Q. Your understanding is that other officers took other items back to CIB, which were irrelevant to the investigation.

10 A. Yes.

Q. Those other officers who seized the other items, they were the ones who were part of the original team that were there when you entered the premises on the night of 8 February?

15 A. What do you mean?

Q. Well, my understanding is, or there is evidence, I'm sorry, that all of the officers, except for Detectives Cook and Robinson, left the premises, and then Detectives Cook and Robinson were relieved shortly after by other officers.

20 A. I have no knowledge of them being relieved.

Q. Do you have a recollection of all the officers, bar Cook and Robinson, leaving the premises to go back to either CIB or maybe with Detective Helson back to Special Branch?

25 A. We all left at different times. I think there was a few minutes between each of our - I think the other detectives were there for a bit longer than what I was. I think I was the first to leave. I think most of us, apart from the Observation Squad police, went back to the CIB, but I'm not sure about Detective Helson and Krawczyk.

30 Q. Do you remember Detective Krawczyk being back at CIB when you arrived back, and you were then getting organised to interview Mr Brajkovic?

A. He could have been there, but I don't recall seeing him there.

EXHIBIT 11.89, PAGE 1289, SHOWN TO WITNESS

35 Q. This is the third page of the timetable or the compilation notes?  
A. Yes.

40 Q. I want to take you to the second full paragraph and can you see a line that commences, "possession of", then "conversation between Wilson and Harding", "Harding uses telephone"; do you see that?

A. Yes.

45 Q. We have "uses telephone and arranges for uniform guards to attend premises pending arrival of uniform staff"?

A. I've got no idea what that relates to, I can't remember. I don't know what that means.

50 Q. Uniform guards; who are they?

A. I don't know.

Q. How do they differ from uniform staff?

A. I don't know. I'd forgotten what that's all about.

5 Q. When you return to the CIB, you, the two detectives and Mr Brajkovic end up on level 3?

A. Yes.

Q. Do you remember how you travelled; did you travel together as a group, entering the building, going up in the lift together?

10 A. I would expect we would've done that, travelled together, moved around together, yes.

Q. What about particular items that had been seized, for example, the white plastic bag and its contents?

15 A. I had that in my possession.

Q. You actually had it in your hand?

A. To the best of my recollection I did.

20 Q. What about the clock, the masking tape and the batteries?

A. I don't remember who was carrying them.

Q. Did you at any time put those into the white plastic bag so you could carry them all kind of at the same time and conveniently in the one bag?

25 A. I may have, but I don't remember.

Q. The other items that you took possession of, like the typewriter and the duplicating machine, they came back in the car with you to the CIB?

30 A. I don't know.

Q. Do you recall anything like a suitcase or a brief case being seized?

A. I think a suitcase may have been taken.

Q. What were the contents of the suitcase?

35 A. I don't remember.

Q. You referred to an amount of literature that was seized?

A. Yes.

40 Q. Or that you seized?

A. I think - we seized an amount of literature; I don't know if I seized all of it or some of the other police took possession of some of it.

Q. Was the literature put in the suitcase to allow it to be carried more easily?

45 A. I don't remember.

Q. Do you recall after you'd arrived - do you recall where the car was parked?

A. Probably in the basement of our building.

50 Q. Not outside?

A. I don't think so. We could've parked in the street but I think we - I'm not sure, it could've been in the street or it could've been in the basement.

Q. Did Mr Brajkovic assist in carrying the suitcase or other items up?

5 A. I can recall asking him if he would help us, only because I've looked at the material provided to me, and we asked - I asked him to help me and he did carry something for us but I can't remember what it was.

Q. When you arrive on level 3, do you and the other two detectives, where do you take Mr Brajkovic then?

10 A. Into one of the interview rooms in the Armed Hold Up Squad office.

Q. What do you do then?

15 A. What do you mean, what did I do then?

Q. Do you immediately start talking to Mr Brajkovic or do you go somewhere else, talk to somebody else?

20 A. I spoke to Detective Inspector Morey and I had a conversation with him, only a brief one, and I can't recall what I did after that.

EXHIBIT 4.1-LLL, PAGE 128, SHOWN TO WITNESS

Q. Mr Wilson, this is a floor plan of level 3?

25 A. Yes.

Q. You can see the demarcation between the area marked Special Breaking Squad?

A. I can.

30 Q. And down the bottom Armed Hold Up Squad?

A. Yes.

Q. You can see that there are a number of areas which are coloured?

35 A. Yes.

Q. Which interview room was Mr Brajkovic placed in?

A. I can't remember; I believe it was one of the ones coloured purple and teal I suppose you'd call it, or blue, one of those rooms, I think.

40 Q. When you say teal and purple, are you looking at, as you look at the floor plan, towards the left-hand bottom of that floor plan, the two rooms which are - the first one's coloured teal or the one closest to the bottom of the plan, coloured teal?

45 A. Yes.

Q. Then the one immediately above it?

A. Yes.

Q. That was the one, I think you described, as like purple?

50 A. Purple. Yes.



Q. It was one of those ones?

A. Yes.

5 Q. Could I show the witness again Exhibit 11.89, page 1289. If we can go towards the bottom of the page and expand it, please, and it's part of the entry of 11.35pm. It commences that you and Bennett, Krawczyk and Brajkovic arrive at the Armed Hold Up Squad office?

A. Yes.

10 Q. There it says, "Brajkovic taken into northern interview room". Does that assist you in a - I was correct and it was either the teal or the purple room and, in particular, which room it was?

A. No.

15 Q. Then you've got, "Harding joins Wilson for brief conversation with Detective Inspector Morey"?

A. Yes, I see that.

20 Q. That accords with the evidence that you just gave that you can recall having a word with Inspector Morey?

A. Yes.

Q. Then it's recorded, "Wilson handed photostat screed"?

A. Yes.

25

Q. You were handed a document by Inspector Morey?

A. Yes.

Q. What information did the document contain?

30

A. I can't remember that now.

EXHIBIT 4.2-83, RED PAGE 641, SHOWN TO WITNESS

35 Q. If we can go to the heading on the page, can you see it reads, "Further information received from Detective Sergeant Turner at Lithgow"?

A. Yes.

40 Q. If you want to read the whole document, please do, or if you just want to have a look at it, the contents which refer, again, to the men Bebic and Virkez. You'll recall from the screed that you were given at the conference or briefing before you went out to Bossley Park--

A. Yes.

45 Q. --those two gentlemen were referred to?

A. Yes.

Q. There seems to be more information about them?

A. Seems that way.

50 Q. If we keep on going down that page, there's the subheading, "The targets

for the bombings"?

A. Yes.

5 Q. If you want time to read it more thoroughly, but you can see there's a picture theatre at Newtown, references to different travel agencies, point 4, the water supply pipes at St Mary's?

A. Yes, I see that.

10 Q. Then we follow down, "The bombs were all allegedly to have been placed at 1am tonight, with the exception of the Newtown theatre set to explode at 3am tonight"?

A. Yes.

15 Q. Then "further bombs", et cetera.

A. I see that.

Q. Looking at Exhibit 4.2-83, was that the photostat screed that you recorded receiving on 8 February when you'd returned to CIB?

20 A. I can't remember this document, but I would assume it was the document that was handed to me, but I can't recall.

Q. When you spoke with Inspector Morey, what did you discuss?

25 A. Probably what the events that had taken place at Bossley Park. I don't remember.

Q. You would've alerted him or told him that gelignite and other detonators, et cetera, were found?

A. Most likely.

30 Q. At that point had you determined that you were going to offer some form of record of interview to Mr Brajkovic?

A. Yes.

35 Q. Was the idea with this screed that that could give you some information to, either, put to Mr Brajkovic or prompt Mr Brajkovic during the record of interview?

A. Possibly.

40 Q. When you attended the briefing or the conference on 8 February before you went out to Bossley Park, so maybe around quarter to 9, 9 o'clock that night, you were given names, including Mr Brajkovic's names, and his address?

A. Yes, I think we were.

45 Q. Was there any direction or instruction given to you that other people at the house should either be arrested or brought back to the CIB?

A. I don't remember.

50 Q. In particular, were there any directions given to you that somebody like Mrs Brajkovic should be brought back to CIB?

A. I can't remember what was said at the conference, ma'am. I don't even remember going to the conference.

5 Q. The decision to take Mrs Brajkovic back to CIB and speak with her there, you made that decision?

A. I made that decision.

10 Q. You made that decision as the Officer-In-Charge of that raid?

A. Yes.

15 Q. Why did you make that decision?

A. Well, she may have had some information relevant to the inquiry.

20 Q. Why couldn't have you got one of your officers to ask her then and there?

A. I don't know.

25 Q. Why couldn't one of your officers gone back the next day and spoken to her?

20 A. Well, she may have been heavily involved. We didn't know that at that stage.

30 Q. Do you have any evidence that she was involved?

A. No.

35 Q. She wasn't mentioned in the original screed?

A. She wasn't.

40 Q. She, to the best of your knowledge, cooperated when you, and the two other detectives, entered the lounge and kitchen?

30 A. She was most cooperative.

45 Q. She was cooperative throughout?

A. Yes. With the little that I had to do with her, she was.

50 Q. You made a decision to take her and a four-year-old very late on the night of 8 February back to CIB?

A. Yes.

55 Q. You also made the decision that Mr Hudlin would be taken back to CIB?

40 A. Yes.

60 Q. Why did you make that decision?

A. The same reason.

65 Q. Did you have any evidence of him being involved?

A. No.

70 Q. Was he cooperative, to your observations, when you were at the house?

50 A. He was. I didn't have anything to do with him, but he appeared to be cooperative.

Q. You saw at one stage he was speaking with Detective Krawczyk?

A. Possibly. I don't remember.

5 Q. And Detective Krawczyk was the, of course with Detective Helson, he was the one who had the Special Branch kind of expertise about matters dealing with Yugoslavia and Croatia?

A. I believe that was the case, yes.

10 Q. Before you became involved in the raid, did you have any knowledge of the campaign by Croatians in Australia and what they were, at times, protesting about, or agitating about?

A. No.

15 Q. This kind of, if I can describe it as a "political side of this investigation", this was all completely new to you?

A. Yes. It was, ma'am.

20 Q. Hence, in that way, you would be relying very heavily on officers with some expertise or knowledge like Detective Krawczyk?

A. Yes.

25 Q. While you were at the premises, it was possible for you with, for example, Detective Harding or another officer, to take Mrs Brajkovic into the workshop room and show her, "Look, this white plastic bag and these particular items that we found in it, have you seen them before?"

A. What are you saying? What are you saying?

30 Q. You could have done that?

A. I could have done that, yes.

Q. And you didn't?

A. I didn't, no.

35 Q. You could have done that with Mr Hudlin?

A. Yes.

40 Q. But what seems to have occurred is that, for example, Mrs Brajkovic was taken all the way into the CIB, a very brief statement taken from her, where she is shown a white plastic bag and certain items at CIB, and then was just sent away back to Bossley Park.

A. I don't recall who spoke to Mrs Brajkovic back at the CIB. I don't remember her being there. I may have seen her, but I don't know who spoke to her, or who took the statement from her.

45 Q. She was up on level 5--

A. I don't know.

Q. --which was a women police officer floor or something?

50 A. I don't know what was on - I don't know where she was. I thought she was in the same area as us, but obviously not.

Q. You don't recall Detective Bennett with Detective Krawczyk?

A. Sorry?

5 Q. Detective Bennett and Detective Krawczyk taking the statement from Mrs Brajkovic?

A. I don't know who took the statement from her.

10 Q. The Record of Interview with Mr Brajkovic, he was taken to an interview room?

A. Yes.

15 Q. You've given evidence that you had the conversation with Inspector Morey, and from the compilation notes, it was recorded that you were provided with this photostat screed. Why did you decide that Detective Harding would be the officer who would be the typist for the Record of Interview?

A. He was a very competent typist.

20 Q. He was a good typist?

A. A very good typist.

Q. Was that the primary reason why he was chosen?

A. No. He was junior to me, so it's the normal thing that the junior man was the typist, and the senior man was the interviewer.

25 Q. You had other junior men like Detective Bennett, Detective Morris. You didn't choose any of them?

A. No. They weren't as competent as a typist as what Brian Harding was.

Q. So Detective Harding was a really good typist?

30 A. Yes, and there was no reason he was chosen; apart from his typing capabilities, but it could've been anybody, but he was just the man that I chose.

35 Q. When you bring a suspect back to level 3 with the idea that you have a record of interview, was there any policy or procedure about leaving the person by themselves in an interview room?

A. No. Not - no, not normally, no.

Q. There was no procedure or policy about it; was that allowable?

40 A. I don't think in all my experience I've ever left anybody in an interview room by themselves.

Q. There was always at least an officer there in the room with them?

45 A. Yes.

Q. You will recall from both the committal and the trial there was another account put to you that happened on level 3 that night?

A. What do you mean?

50 Q. Well, Mr Brajkovic at trial gave evidence of events that occurred back at

CIB in the early mornings of 9 February which are very different from the account that you gave and other officers gave?

A. Yes.

5 Q. He gave evidence that he was left for about 15 to 30 minutes in the room by himself.

A. No, that wasn't the case.

10 Q. He then said that into the room came Detectives Wilson, Harding, Morris, MacKenzie and Bennett and you spoke at this point saying, "We've found explosives in your house", and he asked, "Can you show me", and that you, I think it's described as just overpassed that request?

A. No. That didn't take place.

15 Q. At one point Detective Bennett took out a notebook and asked a series of questions along the lines of, "are you against Serbians; where have you travelled overseas; what were you doing when you lived in different countries overseas; what do you think about human rights; what do you think about Chinese aggression?" At any time during the night did you hear Detective  
20 Bennett ask questions like that of Mr Brajkovic?

A. No.

Q. Did you ever overhear him asking questions like that, for example, at the house at Bossley Park?

25 A. No.

EXHIBIT 4.2-75, RED PAGE 606, SHOWN TO WITNESS

30 Q. In the record of interview it records at the top – it records Detective Senior Constable Harding as the typist?

A. Yes.

Q. Then it commences at 11:55?

35 A. Yes.

Q. You ask a series of questions including if I can just draw your attention to questions 8, 9 and 10, where Mr Brajkovic was born and indeed what town he was born in, and then it was spelt?

40 A. Yes.

Q. It then continues if we can go over to page 607, at question 21, "Do you agree that when you were detained earlier tonight this plastic bag was located in your possession?"

45 A. I see that.

Q. Then in brackets it's got "(shown bag)"?

A. Yes.

50 Q. The next question is, "Do you agree that this bag contained", and you set out a number of items and you've got "contents removed from bag and placed

on table"?

A. Yes.

Q. That would suggest that those contents were in the bag at that point?

5 A. Yes.

Q. Again, it would suggest that you had in your possession at this point in the interview the white plastic bag and its contents?

A. Yes.

10

Q. You then set out, well, you ask questions, for example, "Tell me, where did you get this gelignite from", and the answer was, "I get from Tony (surname not understood)", then it's spelt. Then questions such as "Do you know where he got it from"--

15 A. Could we spell - I haven't got those questions, ma'am. I have now, yes, I have now.

Q. Sorry.

A. That's okay.

20

Q. 24, 25 and 26.

A. I see that now. Yes.

Q. As this interview continues, there are certain points where it's recorded that you leave the room?

25

A. Yes.

Q. Was that again part of the protocol, that when you're conducting an interview, if it's suspended or somebody leaves the room, that's recorded?

30

A. Normally.

Q. What about if somebody comes into the room, is that usually recorded?

A. That's normally recorded. Yes.

35

Q. So you have a complete record of who was in the room at a particular point?

A. If they come into the room, yes.

Q. Or you leave the room and you come back?

40

A. When you leave the room, yes.

Q. For the whole of this interview, did you have possession of the white plastic bag and the items?

A. Well, it was in the room with us, so I would've had it--

45

Q. I'm sorry, that's what I meant.

A. Yes.

Q. For the whole of this interview commencing at 11:55, and if we jump to page 613, until 1:46am you had the white plastic bag with the items with you in

50

the room?

A. Yes.

5 Q. Theoretically, if anybody wanted access, for example, if Inspector Morey wanted to have a look at what actually was in the white plastic bag and came and knocked on the door and came in, that would've been recorded in the record of interview?

A. It may have been. I don't--

10 Q. I'm not suggesting that happened.

A. No, I know you're not--

Q. I'm just using it as an example.

15 A. --but it may have been. I don't know. It depends. I don't know for sure whether you record that.

Q. You said before if somebody entered the room it would be recorded during the record of interview?

20 A. If they entered the room for some purpose, just put their head in the door and had a look, you wouldn't do that, but to come in and, say, just have a glance at the items, I don't think I'd - depending on who the typist is, I suppose, but I don't think I'd, sort of, suspend it for that.

Q. What about a purpose of taking the bag away?

25 A. I think that would be recorded, yes. I would think so.

Q. Can I just ask you, at the end of the interview, which was at 1:46am, and I'm jumping around Exhibits. If you want to have a look, please tell me.

30 A. Yes.

Q. But in the timetable it records at the end, I think at 2am, Mr Brajkovic was charged at Central Police Station?

A. Yes.

35 Q. It was you and Detective Harding who took him to the--

A. Yes.

Q. --it was, Central and getting to Central by about 2am, 10 minute walk, something like that? 15 minute walk?

40 A. Well, we--

Q. Did you go by car?

A. We went by car.

45 Q. In charging him at Central, you didn't log in at Central any of the items that you took possession of at Bossley Park?

A. No.

50 Q. When you went to Central, the white plastic bag and its items remained on level 3?



A. Yes.

Q. Where did it remain on level 3?

A. Probably in the interview room.

5

Q. I take it there's a table or - there's obviously a table, because there's a typewriter there?

A. I think that was the only item of furniture in those interview rooms. I think - there could've been a brief locker, I'm not sure, but just - from my memory, just a table and a few chairs.

10

Q. It was left there in the interview room?

A. Yes, that's - I think so.

15

Q. Can I ask you the procedure with charging somebody at that time. You went to Central. Was any questions asked or information provided or accessed about who Mr Brajkovic was in terms of, you know, had he been charged and convicted of anything in the past or did we have any record of him, I'll say, within the system, though it's not a computerised system at that stage?

20

A. No, not at that stage it wouldn't have been. I'd say a criminal history check would've made on Mr Brajkovic well before we went out to his place that night.

Q. Before going to Bossley Park, a criminal history check would've occurred?

25

A. I'm assuming this man - it would be normal procedure if you're doing an operation on somebody and you know who they are, you do a background check, I mean, it's first. I didn't do that, but I'm certain it would've been done.

Q. If it revealed something relevant to the raid, you would've been provided with that information?

30

A. I would expect that, anything that was relevant. Yes.

Q. Back in February 1979, how did you do a criminal history check?

35

A. I think you did it over the phone. Just an initial one, but, eventually, I think definitely - I can't remember, but initially just over the telephone.

Q. Who did you ring? Which section or--

A. Criminal Records.

40

Q. Do you remember the format of the records at that stage?

A. No, I don't.

EXHIBIT 11.81, RED PAGE 1219, SHOWN TO WITNESS

45

Q. I'll just draw your attention to that page and then also page 1220. I did rush that. Did you want to have a better look at page 1219?

A. No, that's fine, ma'am. It's fine, ma'am.

Q. If we can go back to 1219, you can see that it's a reference to Mr Brajkovic?

50

A. Yes, I can.

Q. You've got details of his birthplace being, Sibenik, Croatia? Can you see that right up in the top left-hand corner?

5 A. Yes. I can see it.

Q. Other information about date of birth, descriptions, occupations, et cetera, and even tattoos.

10 A. Yes.

Q. If you look towards the right-hand page it's got, "Date card made and by whom". You've got the date, "30/11/77"?

A. Yes.

15 Q. If we go over to page 1220, towards the bottom, can you see item 1, there's a reference to "Waverley PS", Petty Sessions?

A. Yes.

20 Q. You've got, "Offence: offensive manner Discharging marine flare at Yugoslavia Ball and Possessing marine flare."

A. Flare.

Q. Then you've got, "Sentence" next to it.

25 A. Yes.

Q. Just looking at those two pages, is that the form of criminal histories, or antecedents, that were kept in February 1979?

30 A. Well, I think so, but we didn't keep these sort of records. They would be retained at the Criminal Records section.

Q. You would assume that when somebody contacted Criminal Records about Mr Brajkovic, this would be the card that they were referring to?

A. Well, I never worked there, but I would assume that's what they would do.

35 Q. Your recollection was that you didn't contact them before you went out to Bossley Park, but your evidence is the procedure would have been that somebody would have contacted them to get information, which might be relevant to the successful raid being conducted at Bossley Park?

40 A. Well, I think any information regarding his criminal history would have - had it been relevant, we would have been provided with that, but we weren't provided with any information about that.

Q. You weren't at all?

45 A. We weren't, no.

Q. You've just assumed, as part of the procedures, somebody contacted Criminal Records?

A. I'm assuming that, yes.

50 Q. You've given evidence that the white plastic bag and contents were left in

the interview room when you went and charged Mr Brajkovic. You and Detective Harding?

A. Yes.

5 Q. You then returned to CIB, and the commencement of the compilation of the timetable, or the notes, started?

A. Yes.

Q. Where did that occur?

10 A. Well, in either the Armed Hold Up Squad office, or the Breaking Squad office.

Q. When you say, "office", there were rooms, and there was also an open-plan area?

15 A. In the open-plan area. One of those desks.

Q. The procedure was, or it records that you start compiling this, and I say that kind of collectively. You, and Harding, and the other officers are there. Then it records at 3:00am you go off duty, and then you return and recommence the work at about 8:30am in the morning.

20 A. Having seen that document, I think we went to for 3:30. I may be--

Q. I'm sorry, I might have misquoted it. Look, I can bring it up if--

A. No. It's--

25

Q. It says, "3am off duty".

A. That would be right then. That would be correct. I thought 3:30.

Q. Then 8:30am, notes recommenced and completed.

30 A. Yes.

Q. When it says, "Off duty", this might sound obvious, but you went home?

A. Went home.

35 Q. And came back?

A. Yes.

Q. When you were with the group in the open-plan part of the Armed Hold Up Squad, where was the white plastic bag and its contents?

40 A. I don't know where they were at that stage.

Q. Were they still in your possession, or supposed to be in your possession?

45 A. I - I'm only assuming what I did, because I've got no recollection of doing this, but I would assume I would have removed it from the interview room and placed them somewhere else. Probably - probably my own locker, or another room. I don't remember, but I know I removed them from the - I'm certain I would have removed them from the interview room in the Armed Hold Up Squad rooms.

50 Q. You can't recall where you placed them, but you would nominate that it

could be your locker?

A. Yes. Or another room. I can't remember.

Q. Where was your locker?

5 A. Pretty close to my desk in the main office of the Breaking Squad rooms.

Q. So it's on level 3?

A. Yes.

10 Q. Was it able to be secured?

A. Yes.

Q. Putting to one side your locker, was other areas, or items, within level 3 were allowed to be locked, or able to be locked?

15 A. The boss's room – office, and the--

Q. I'm sorry, I--

20 A. -- the Officer-In-Charge's room, and I think the other rooms that we had at the Breaking Squad, they were locked as well, I'm certain. I'm not sure, though.

Q. When you say, "the other rooms locked", you're talking about locking the door that--

25 A. Yes. Just locking the door, so it could be secured, yes.

Q. You said the Officer-In-Charge's office could be locked in that way?

A. Yeah. But I don't think he ever locked it, but it could be locked.

30 Q. Any other item, or way of keeping something locked and secured, on level 3?

A. Any other way?

Q. Yes.

35 A. No. There's no secure room, but apart from the rooms I've mentioned. There was no safe, or anything like that, in the room, no.

Q. So really, if you were keeping something secure in the Breaking Squad, you wanted to keep it secure, it was your locker?

40 A. Well, if it'd fit in the locker, of course, yeah, but--

Q. Yes. Assuming.

A. --otherwise you'd use one of the rooms, yes.

45 Q. The items that you brought back that night being the typewriter and the duplicating machine and things like that, where were they placed?

A. They would've been placed in one of the interview rooms in the Breaking Squad office I assume.

Q. You say you assume; you don't have a recollection?

50 A. Well, they certainly wouldn't have got in my locker, so I'm sure it would've

been one of the rooms.

Q. Long term, because I take it they can't remain in an interview room, where were they to be placed?

5 A. With of no use any more they'd either go in as an exhibit or returned to the owners.

Q. If they were going in as an exhibit, where would they be kept?

10 A. Well, they'd go to the exhibit room of the relevant police station.

Q. Here that would be Central?

15 A. Central. There was a - was an exhibit room at the CIB but I don't know if - I never use it, I don't know who used that, but there was one there as well. Pardon me. But in this case, because they were charged at Central, I don't know, because I had nothing to do with entering the exhibits, but I would assume they would've gone to Central.

Q. You didn't take them down?

20 A. No. I had nothing to do with the exhibits.

Q. You gave evidence earlier this afternoon about compiling a list at one point?

A. The list of property?

25 Q. Yes?

A. Yes, I do, ma'am.

#### EXHIBIT 4.2-30 SHOWN TO WITNESS

30 Q. Can you see that's headed "Special Breaking Squad, CIB, 16 February", "List of property taken from the home of Mr Brajkovic", with the address, "on the night of 8 February"?

A. Yes.

35 Q. If we just start going down, I'll point out a couple of matters to you or items to you. We've got two lady's make-up bags containing cosmetics?

A. Number?

40 Q. Six, I'm sorry.

A. Yes.

Q. Two thermometers?

A. Item 9, yes.

45 Q. Could I draw your attention to item 13?

A. Yes.

Q. One jewellery box containing 55 assorted pieces including two rings, jewellery items, plastic beads, chains and eight coins?

50 A. Yes.

Q. Item 14, a gift case with a gold necklace and matching earrings?

A. Yes.

5 Q. Item 19, two sunglass lenses?

A. Yes.

Q. Item 22, three bow ties?

A. Yes.

10 Q. Keep on going down - item 26, we see the typewriter, is it your recollection that was the typewriter you seized?

A. I would assume it was.

Q. Then you can see, 32, we've got two sticks of gelignite?

15 A. Yes.

Q. Then seven detonators, six flares, one white plastic bag, roll of masking tape, alarm clock, the batteries and then there's two social security cheques?

20 A. Yes.

Q. Could we go back to I think it was item 13 - let me just double-check that; yes? A jewellery box with jewellery; why was that seized?

A. I just can't explain this. I'm rather embarrassed about the property that was taken from the house that night.

25

Q. It was what, sorry?

A. Embarrassing to take this property because it shouldn't have been taken.

Q. Had nothing to do with the investigation?

30 A. Nothing whatsoever.

Q. You could make the same comment, for example, three bow ties?

35 A. You could make the same comment about probably 80% of the property, ma'am, because it may have been in the suitcase we picked up, or - I don't know, but it shouldn't have been taken. I have to concede that.

Q. Was it your understanding, I know we've identified what you seized, I haven't identified all of them but you've given evidence--

40 A. Yes.

Q. --if I can call it the explosives and associated items and the typewriter, and the duplicating machine's up there at item 11?

A. Yes.

45 Q. The officers who seized the jewellery box, was that one of the other ones who was part of the team of ten who attended with you on the night of 8 February?

A. It would have to be one of the officers that was there, yes. I don't know which one though.

50

Q. You were up front in your answer that you were embarrassed by those items--

A. Yes.

5 Q. --being seized; was anything - was any investigation undertaken or did you ask why these were seized?

A. No, I didn't. No.

10 Q. Is it possible that there's some kind of ulterior motive that the officers or a certain officer was just being very mean and nasty to Mrs Brajkovic by grabbing those?

A. I don't - no, I don't think so, ma'am. No.

15 Q. You can't explain it?

A. No, I can't. No. It's - it shouldn't have happened.

Q. What happened with those items?

A. I took it back to Mrs Brajkovic.

20 Q. This list was compiled on 16 February?

A. Yes.

Q. Was that shortly afterwards?

A. What, when the property was returned?

25

Q. Yes?

A. No, it wasn't.

Q. When was it returned?

30 A. I was reminded when I looked at the material I was provided by this Inquiry, in June I think; some date in June.

Q. On 16 February you identified these items; were you embarrassed upon compiling this list?

35 A. I was embarrassed when I saw it.

Q. You actually saw the items?

A. I saw them when I was doing the list.

40 Q. Yes, sorry.

A. Yeah.

Q. I didn't phrase that properly. When you were writing up the list you saw these items and you were embarrassed then?

45 A. Yes.

Q. You returned the items to Mrs Brajkovic?

A. I think I did, I'm not sure, but I know they were returned at some time in June?

50

Q. But in June?

A. Yes.

Q. Compiling the list, where were all these items?

5 A. They were in one of the rooms at the Breaking Squad.

Q. I've forgotten how many number of items they were. Those seized, they weren't entered into the exhibit book or the exhibit room at Central?

10 A. They weren't exhibits, the majority of them.

Q. I've misunderstood this. You seize an item?

A. Yes.

Q. Then you determine whether it's going to be relevant for the brief of evidence? Is that the sequence?

15 A. If it's going to be used as an exhibit.

Q. Relevant for the brief of evidence?

20 A. Yes.

Q. That's when it's then, as a general rule, lodged with the arresting - sorry, the charging station?

A. Yes.

Q. Up until this point, none of these items, which may potentially have been an exhibit, had been lodged with Central?

25 A. No. I don't know what was lodged at Central. I don't know what exhibits were lodged, because I had nothing to do with that.

Q. But at a minimum, none of these items as at 16 February had been lodged?

30 A. No.

Q. Because you're, I take it, sitting in an interview room on level 3 compiling your list and looking at them?

35 A. Sorry? What do you mean?

Q. You compiled the list on 16 February?

40 A. Yes.

Q. You compiled it by being in a room on level 3 with the various items in front of you?

A. Yes.

Q. At that point, you still are in possession at level 3 of the CIB with the white plastic bag and the explosives?

45 A. At which point? 16 February?

Q. February.

50 A. Yes.



Q. Where are they being kept?

A. What's - where - police?

5 Q. I'm sorry, I withdraw that question. Where were the white plastic bag with the explosives that were in the white plastic bag, where were they being kept?

A. Somewhere in the Breaking Squad office. I think in my locker.

10 Q. You put them there when you returned from charging Mr Brajkovic?

A. Yes, I think so.

15 Q. Your recollection was that you thought you put them in there?

A. That's all I can recall, yes.

20 Q. It seemed as if it was the only secure option on level 3?

15 A. I could've locked them in a room.

25 Q. Wouldn't people be going in and out of the room over the next couple of days? Other investigations, other raids?

20 A. Yes, that was a possibility. Yes.

30 Q. They would have to be put somewhere even more secure, wouldn't they?

A. So that would indicate I didn't put it in a room. I would've put it in my locker.

35 Q. In your locker.

25 A. Yes.

40 Q. How long were they kept in your locker?

30 A. I don't remember. They were eventually taken away. I think, eventually, they would've finished up at the Dangerous Goods Branch, but I don't know who took them there.

45 Q. So they were in your locker?

A. Yes.

50 Q. Then they're eventually taken away to the Dangerous Goods Branch?

A. Yes.

55 Q. Your locker, with the ability to lock it, did you - are you the only person with a key or can somebody else access it?

40 A. No, we each had a brief locker. Every member had their own - I think every member had their own brief locker in the Breaking Squad.

60 Q. You had a key?

45 A. Yes.

65 Q. Did anybody else have a key to your locker?

50 A. Well, I would've simply often kept - or somebody would've had a duplicate key, in case you lost yours. I suppose, the boss would've had keys for the lockers.

Q. Somebody within administration or something would have a duplicate?

A. Yes.

5 Q. Your recollection of, and I'm just describing them as the explosives, they remained in your possession, and when I say that, somewhere probably in your locked locker until somebody took them to the Dangerous Goods Branch?

A. That's what I would've expected, yes.

10 Q. You say what you would've expected.

A. Yes.

Q. What's your recollection?

A. Well, I can't recall.

15 HIS HONOUR

Q. Just one last thing, Mr Wilson. Was gelignite something that you'd want to get out of the office as soon as you possibly could--

A. Yes, I would.

20

Q. --so it could be sent off to some secure, safe place like the Dangerous Goods Branch?

A. Yes, sir. Yes.

25 Q. You wouldn't want to keep it any longer than you possibly could, would you?

A. No, I should've disposed of it earlier, but I didn't.

30 Q. We're going to have to continue your evidence on another day, and I understand you're not available tomorrow.

A. I have - yes.

Q. I've been told that.

A. Thank you, sir.

35

Q. I understand that. It'll be on a - what date? Or will it be - he'll be advised.

A. I'll be advised.

40 MCDONALD: He'll be advised. What we anticipate tomorrow, your Honour, is Mr MacKenzie will be called and his evidence, we are hopeful, should finish tomorrow and then we will commence, just so that we use the whole day, Mr Harding. If on the next occasion we haven't finished Mr Harding, I would anticipate we'd finish him and then we'll recall Mr Wilson.

45 WITNESS: Thank you, ma'am.

HIS HONOUR: Mr Wilson, that'll be a date in August.

WITNESS: Thank you, sir.

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HIS HONOUR: You'll be given ample notice, I'm sure. You can step down, you can leave today.

WITNESS: I will. Thank you, sir. Thank you, ma'am.

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<THE WITNESS WITHDREW

ADJOURNED PART HEARD TO FRIDAY 5 JULY 2024