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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 TWENTY-SIXTH DAY: FRIDAY 9 AUGUST 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

WOODS: Your Honour, before we resume, might I just mention in respect to the Maddison v Goldrick point we were talking about yesterday. I'm reminded by my learned colleague, Mr Haverfield, about a discussion paper from 1987 by the New South Wales Law Reform Commission which deals precisely with this question of prosecution disclosure at the relevant time. Can I just give a reference? It's the New South Wales Law Reform Commission Discussion Paper 14, 1987, "Procedure from Charge to Trial", Volume 1, principally by Keith Mason QC as he then was, and Paul Byrne QC. The most relevant parts probably are from pages 110 and following, 125 and following, and 147 and following. Your Honour, I think that'll be very useful.

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HIS HONOUR: I'm indebted to you, thank you.

25

MCDONALD: Your Honour, before resuming Mr Wilson's evidence, may I tender a version of a statement which is already in evidence; it's of Jakov Hudlin dated 9 February 1979. This will be Exhibit 11.262. The difference, your Honour, is that in the copy currently in evidence before the Inquiry, the last paragraph was cut off and we now have a copy with the last paragraph.

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HIS HONOUR: That's the one that starts, "For the last six months"?

MCDONALD: Yes, your Honour.

HIS HONOUR: A copy has already been inserted in my folder.

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EXHIBIT #11.262 COMPLETE STATEMENT OF JAKOV HUDLIN DATED 09/02/79, ADMITTED WITHOUT OBJECTION

<JOHN FRANCIS WILSON, CONTINUING(10.06AM)

<EXAMINATION BY MS MCDONALD

5 Q. Mr Wilson, before moving to a new topic, can I return to some questions I was asking you at the end of yesterday, and if you want to have a look at the documents, please say so. You'll recall there was the visitor record at Parramatta Gaol--

A. Yes.

10

Q. --which recorded you, Sergeant Radalj, and then Commonwealth Police officers Cavanagh and Blades attending the gaol?

A. Yes.

15

Q. Your evidence was you have a recollection that the four of you were there to see Vico Virkez?

A. No, I didn't have - I didn't recall that at all. I just assumed that's why we were there.

20

Q. Why did you assume that?

A. Well, I wouldn't think of any other reason I'd be there with those two officers.

25

Q. You don't have a recollection of what was discussed during the meeting?

A. None at all.

30

Q. Why were you there accompanying the two Commonwealth Police officers?

A. I don't know.

35

Q. At the time, if police officers from another jurisdiction - for example, another state - came to New South Wales to speak to somebody who was, for example, an accused in criminal proceedings or caught up with a New South Wales Police investigation, was there a procedure or an expectation that those officers would contact the New South Wales Police?

A. I would expect that would take place, yes.

40

Q. I put it in terms of an expectation. Was there anything in writing or was it just a matter of a professional courtesy that would be--

A. That's about it, what you've described--

Q. --demonstrated?

A. Yes.

45

Q. A personal courtesy?

A. Yes.

Q. I want to turn to a different topic now, which was the Record of Interview--

A. Yes.

50

Q. --that you conducted with Detective Harding of Mr Brajkovic?

A. Yes.

5 Q. In that interview, the way you approached it was you would ask questions, Detective Harding would type the question and then type the answer?

A. Yes.

10 Q. You gave evidence previously that another way of conducting a Record of Interview was that one of the officers, the scribe, could write out the questions and the answers in a notebook?

A. That's another form of interviewing a suspect, yes.

15 Q. The questions I asked you about - I described it as - verification; that is, somehow getting the interviewee to adopt, "Yes, they were the answers I gave," and here you called Inspector Morey in?

A. Yes.

20 Q. Who read the questions and answers back to Mr Brajkovic?
A. Yes.

Q. Asked him some questions?

A. Yes.

25 Q. That was duly recorded on the typed document?
A. Yes.

Q. Mr Morey signed?

A. Yes.

30 Q. Was that a form of that verification, in circumstances where the interviewee wouldn't sign the notebook, that was expected to be followed as well?
A. What do you mean?

35 Q. If you were conducting a Record of Interview and, instead of typing it, it was being written out in hand in a notebook, right? You adopted that procedure?

A. We didn't adopt that procedure--

40 Q. No, Mr Wilson--

A. I'm not - I don't understand what you're getting at.

Q. --I'm asking you; you gave evidence previously about the different ways you could conduct a Record of Interview?

A. Yes.

45 Q. You identified typing?
A. Yes.

50 Q. And you also identified another way was handwriting in a police notebook, questions and answers?

A. Yes, that can be--

5 Q. I understand on the night, you didn't interview Mr Brajkovic in that way. I'm just asking you some questions about procedure in February 1979 if the other way was adopted; that is, handwriting in a notebook?

A. Yes.

10 Q. Again, the starting point is what you ideally want is the interviewee to adopt the answers by signing?

A. Yes.

15 Q. If the interviewee won't do that, if you're at CIB, another way of verification is to get Inspector Morey or another senior officer?

A. Yes.

20 Q. It would be the same procedure: reading out the questions and answers, asking the interviewee that series of questions along the lines of "no duress, you volunteered these answers"?

A. Yes.

25 Q. And Inspector Morey signing in some way?

A. Yes.

HIS HONOUR

30 Q. Would that happen whether the suspect had signed the interview document or not?

A. Yes, sir. You'd get a senior officer in to adopt the interview, yes.

35 Q. It applies in both cases; signed and unsigned?

A. Yes.

EXHIBIT 14.12 SHOWN TO WITNESS

40 MCDONALD

45 Q. Just while that's coming up, Mr Wilson, just a general question. When new equipment or new techniques were being introduced into the Police Force, CIB, would they be one of the first groups to be given that equipment?

A. I wouldn't think so.

Q. You would?

A. I would not think so.

50 Q. Wasn't the CIB officers just known as an elite group?

A. I wouldn't consider myself as an elite officer because I was at the CIB, no.

Q. Involved in high-profile arrests and investigations?

A. Yes.

Q. But you don't agree with the proposition that if there was some new equipment or technique relevant to the work of CIB officers, you wouldn't be given priority in the roll-out of that equipment?

5 A. Well, I don't know. I can't answer that because I don't know. I wouldn't think so.

Q. If you look at the document on the screen, can you see it's "Instruction number 31: Arrests"?

10 A. Yes.

Q. This has been produced to the Inquiry as the particular Police Instruction or Commissioner Instruction or Direction relevant at the time in 1979; I'll put it that way?

15 A. Yes.

Q. Just looking at the first page, does that remind you of such instructions being in operation?

20 A. It looks like a page out of what we were issued - I think all officers were issued. It's called a book containing police rules and instructions. This looks like it could be from that book, which we're all issued with when we join the - when we're sworn in.

Q. If you just look at paragraph 1, the basic powers of arrest are set out at section 352 of the Crimes Act?

25 A. Yes.

Q. Each member of the Force is thoroughly instructed in regard to these powers before appointment?

30 A. Yes, we certainly were.

Q. Could we then go to red page 131 and paragraph 6. I just want to refer you to this section, which says:

35 "The following instructions are designed as a guide to members of the Force conducting investigations. Substantial non-conformity with these instructions will render answers to questions and also written statements liable to be excluded from evidence in subsequent criminal proceedings."

40 So consistent with some evidence you gave previously, one of the important things about Records of Interview and questioning suspects is that if they're giving admissions, that those admissions can be admitted at a trial.

A. Yes.

45 Q. This is confirmation of that important consideration in the instruction.
A. Yes.

Q. Then also there's the other consideration that's noted. It's:

50 "In addition to complying with these instructions, interrogating

officers should always be fair to the person who is being questioned, and scrupulously avoid any method which could be regarded as unfair or oppressive."

5 Now, if we can then go over to page 132, and down the bottom it's paragraph 8. This is really involving the caution and what's spoken about at the beginning of the interview.

A. Yes.

10 Q. What I want to draw your attention to is the final paragraph where it says, "Where a record is to be made of the interrogation, such person should be cautioned in the following manner", that's set out, but I want to take you to the way it's recorded that it may be recorded, "on typewriter, in shorthand", then it says, "on a tape recorder, et cetera, as the case may be."

15 A. Yes.

Q. To be fair, looking at the bottom of the page, this page was amended in July 1979, but unfortunately the amendments aren't underlined or indicated in any way, but I'm interested in the inclusion, at least in July 79, to the reference
20 of a "tape recorder". Can you recall around February 1979 there was a move to introducing tape-recorded interviews?

A. I can't recall that, but I know eventually the ERISP was introduced, but it was after much longer - after this.

25 Q. But you've got no recollection of it being rolled out in the Force around that time?

A. No.

30 Q. That's why I said to you, as the CIB were involved in those high-profile arrests, I was going to suggest that they would have been one of the first groups within the Police Force to get updated equipment such as a tape recorder.

A. Well, there could have been, but I can't comment on that, because I wouldn't know in what order they would be distributed.

35

Q. No. I'm not asking you about that. I'm asking your experience about when you - in February 1979, you were a member at the CIB. Was there this roll-out of new equipment with tape recorders occurring?

A. Not that I was aware of.

40

Q. Would you then go to page 134. Can I take you to paragraph 10A. That says, "Forms P190 and P190A should be used for the taking of all statements whether from an offender or a witness, typed or handwritten."

A. Yes.

45

Q. Now, Form P190 where - had - before the Inquiry, I think people have been describing them as "occurrence pads".

A. It - that may be--

50 Q. That's 109, sorry.

A. I think that might be a statement, P190.

Q. Sorry?

A. Is P190 a statement?

5

Q. All right. What about 190A?

A. I think that's a continuation page. I think.

10

Q. It then goes on, and again under 11(1):

15 "The admissibility in evidence against a person of answers to questions or a statement made, either orally or in writing, by such persons depends upon the court's decision as to whether such answers and/or statement were free and voluntary. All possible steps should therefore be taken to ensure that such statements are freely and voluntarily made and such answers to questions are freely and voluntarily given."

20

Again, that's emphasising the importance of these procedures to make sure admissions are admissible at a trial?

A. Yes.

25

Q. It also talks about "answers to questions or a statement made, either orally or in writing..."

A. What paragraph are we on now?

Q. See that at the beginning of 11(1)?

A. Yes. I see that.

30

Q. This instruction is not only looking at a Record of Interview, but also conversations with a suspect in which admissions are made. The recording of those admissions, because as it says, "...answers to questions...either orally or in writing." Do you agree with that?

A. Yes.

35

Q. Could we then go to 11, subsection (4). "When the making or dictating of the statement or record of interview is completed, the document should be handed to him to read." Maybe if you just read through that subparagraph (4).

A. Yes.

40

Q. Then if we can go across to page 135, subparagraph (6). So this is still 11.

45

"On completion of the making of the statement by, or the recording of the interview with a person, the senior member of the Force available (a member wherever possible not concerned in the investigation) should be immediately consulted and he should ask the person making the statement or being interviewed whether the document is his statement, or a true record of the interview, whether the statement was free and voluntary..."

50

Et cetera.

A. Should I read the rest?

Q. Look, if you just read subparagraph (6).

5 A. I'll read it from where you finished. Yes, I've read that.

Q. Is that what you followed after the Record of Interview with Mr Brajkovic that you approached an Inspector Morey as a senior member of the Force?

10 A. Yes.

Q. But as you can see, in brackets it says, "(a member wherever possible not concerned in the investigation). Inspector Morey was concerned in the investigation?

15 A. He was involved in it, yes.

Q. Do you recall, anywhere - was any inquiries made about - in the CIB building, or in nearby police, other police squads, whether there was another senior member involved who was not concerned in the investigation?

20 A. No. As I said before, you - it's 1.30 in the morning, something like that. It's pretty scarce inspectors in the building at that time of day. I don't know about other police stations. I don't know about them.

Q. Do you recall whether you made any inquiries as to the availability of an independent senior member of the Force?

25 A. Well, I don't recall. I know I wouldn't have thought of that. Might I add, it says, "Wherever possible".

Q. Yes. Can I then take you to subparagraph (8).

30 "Where a statement is written by a person or an interview is recorded, then whether the statement or record of interview is or is not signed by the person, a copy thereof must be supplied forthwith to that person or to their legal advisor."

35 A. Yes.

Q. I'll return to this in a minute, but your evidence is Mr Brajkovic wouldn't sign the typed Record of Interview?

A. Yes.

40 Q. And also would not take a copy of it.

A. That's right.

Q. The procedure that you adopted was that you put it in a sealed envelope?

45 A. Yes.

Q. You then - you deposited it with the safe at the Enquiry Office?

A. Yes. I didn't deposit. I gave it to an officer to deposit.

Q. Do you remember which officer you gave it to?

50 A. No. No. It's in the statement, but I - I don't recall it.

Q. Did you give it to that officer that night?

A. Yes.

5 Q. I'll come back to that in a minute. Can I just then take you to subsection (9):

10 "Oral statements should be reduced to writing as soon as possible. If rough notes only are made at the time or immediately afterwards, the pieces of paper on which they are made should, if practicable, be preserved even after a complete typewritten statement has been compiled."

A. Yes.

15 Q. The oral statements that Mr Brajkovic said to you at Bossley Park, and I'm referring to the admissions in the workroom, where you showed him the white plastic bag and its contents, and he admitted that they were his, and that he was making a bomb, you never complied with that subparagraph.

A. No.

20 Q. And to your knowledge, Detective Harding never complied with that subparagraph?

A. That's correct.

25 Q. And you did not direct Detective Harding to comply with that paragraph?

A. I did not.

Q. Why didn't you comply with that subparagraph?

A. Well, at that particular time, it didn't enter my mind to do it.

30 Q. Even though it's clearly part of the instruction at the time?

A. The book of rules and instructions consisted of about 60 odd chapters, and it was about two inches thick. To be able to remember or identify all of those, it's almost impossible, but I was - I immediately should take notes, and we did eventually make notes of it, but at about 2 o'clock or 2.30 the next morning.

35

Q. But not strictly a contemporaneous note, and I asked you about this the other day--

A. You did.

40 Q. --that you could do when you were at Bossley Park.

A. Yes. That was possible, but it didn't cross my mind, and I'm sure it didn't cross Detective Harding's mind.

45 Q. At the time of the Record of Interview, was Mr Brajkovic legally represented?

A. Not at the time, no.

Q. Did he raise with you the solicitor or his legal representation?

A. No.

50

Q. Did he raise with you that he wanted to contact a solicitor?

A. No.

5 Q. Can I take you to your report to Detective Sergeant Shepard, which is Exhibit 11.186.

EXHIBIT 11.186 SHOWN TO WITNESS

10 Q. Just while that's coming up, you've given evidence that you took Mr Brajkovic to Central to be charged.

A. Yes.

Q. Did you attend court the next day when he was brought before the Magistrate?

15 A. No.

Q. Red page 1541. It's paragraph 29, and I'm really looking at the last six lines there. Looking at it, Mr Wilson, this is the account that you give to Detective Sergeant Shepard about the completion of the Record of Interview?

20 A. Yes.

Q. Then you say, "I placed a copy of the record of interview in an envelope, sealed it, signed it across the seal"--

A. Yes.

25

Q. -- "and then took it and handed it to the Duty Officer on duty, Detective Sergeant Dillon"--

A. Yes.

30 Q. -- "who placed the envelope in a safe."

A. Yes.

Q. Now, that suggests that you were the one who took custody of Mr Brajkovic's copy, putting it in the envelope.

35 A. Yes.

Q. Detective Sergeant Dillon, who was he?

A. He was a duty officer at that time.

40 Q. Was he working downstairs--

A. The Enquiry Office.

Q. Where the safe was?

A. Yes.

45

Q. Was the Enquiry Office like where you walked into the building or into CIB?

A. It was either on the first or second level, I think.

Q. It was, sorry?

50 A. The first or second level of the same building.

Q. Then you say, "After approximately two to three weeks, I made enquiries at the Duty Office, and ascertained that the envelope containing the record of interview was still contained in the safe."

A. Where is that, ma'am?

5

Q. This is about three lines from the bottom of paragraph 29.

A. Yes. I see that.

Q. Your account to Detective Sergeant Shepard was that you ascertained that the envelope was still in the safe, and then you say, "I contacted BRAJKOVICS' solicitor, Mr McCrudden and informed him of this and I believe he collected it some short time later."

10 A. Yes.

Q. How did you ascertain that Mr McCrudden was representing Mr Brajkovic?

A. Probably one of the other officers that went to court that day. That's the only reason I can give of when I became aware of Mr McCrudden's involvement in the matter.

Q. I'll just take you to some evidence given at the trial by Sergeant Bruce Eric Bell. Do you remember him?

20 A. I do. He was in the same classes as me at Sunnyvale.

Q. I'm sorry, this is Exhibit 2.1-17. You recall that he was stationed at the Enquiry Office, CIB--

25 A. He was.

Q. --in 1979?

A. Yes.

30

Q. It's red page 550.

EXHIBIT 2.1-17, RED PAGE 550, SHOWN TO WITNESS

Q. You can see this is the start of his evidence, and I'll just jump over it. He's working at the Enquiry Office, and then he's asked about a day shift in February of 1979: "Did you receive a message with regard to a solicitor, Mr McCrudden?" Then, when did you see him? "...day after it was anticipated he would be there." Then further down--

40 A. I can't see where you're at, ma'am.

Q. About five questions from the bottom.

A. "Can you remember when it was you saw him?"

Q. This is Mr McCrudden.

45 A. Yes.

Q. "It was the day after it was anticipated he would be there."

A. Yes. I see that.

50

Q. Then if I can jump to three questions from the bottom, Sergeant Bell remembers that it was on a weekday in February last year, and then he says, "Three to five days after the arrest of the prisoners."

A. Yes. I see that.

5

Q. Then if we can go to page 551. When he referred to "prisoners", you can see it's clarified it was the arrest of the accused persons here and some people at Lithgow?

A. Where are we at, ma'am?

10

Q. Sorry. Right up the top of that page 551.

A. "Did you hear just through your work..."?

Q. Yes.

15

A. Yes.

Q. Then, can you see about six questions down, you've got Mr McCrudden arriving.

20

"Q. Did he ask you for something?

A. Yes, he did.

Q. What did he ask you for?

25

A. He asked me for an envelope which was in the safe at the enquiry office."

A. Yes. I see that.

Q. Again, if you jump down to a question starting, "Did you see was there any name written on it..."?

30

A. Yes. I see that.

Q. And he says, "I looked at it, and I think it was a record of interview of Brajkovic or some name similar to that or words to that effect on it." Then the next question:

35

"Q. What did you do with the envelope?

A. I handed that to Mr McCrudden...I saw him open the envelope and he glanced at the contents..."

40

Et cetera. Now, I just raise with you Sergeant Bell's evidence was that Mr McCrudden came three to five days after the arrest of the prisoners--

A. Yes.

45

Q. --which would be sooner than the evidence you gave that it was about two or three weeks later you made an inquiry about what happened with the envelope and whether it was still there.

A. Yes.

Q. Could have you been incorrect with your two to three weeks?

50

A. Well, one of us is incorrect. It could be me; it could be Sergeant Bell. I

could have been mistaken or Sergeant Bell may be mistaken. I don't know.

5 Q. Just from the instruction that I took you to, and, again, I'm not saying that I'm - we acknowledge that the Record of Interview with Mr Brajkovic was typed, but I asked you about another procedure that can be followed of recording a Record of Interview in handwriting?

A. Yes.

10 Q. Would you agree, the way the instruction was set out, or its requirements, if it was in handwriting, and the interviewee wouldn't sign, the same verification procedure of finding a senior member of the Force, where possible an independent not involved in the investigation, should be found and that verification procedure gone through.

A. Yes.

15

EXHIBIT 11.35, RED PAGE 125, SHOWN TO WITNESS

Q. Mr Wilson, what I'm going to suggest is that we also hand you a paper copy of this document.

20 A. Okay. I'm happy with this. I'm content with this.

Q. Could you indulge me, if I can give you the paper copy--

A. Yes, of course.

25 Q. --and it's at red page 125. Now, I don't think you've been taken to this document.

A. I may need my glasses for this, ma'am. It's in my bag with my friend.

30 Q. I'm interested in this document which appears to be three pages long. It commences at page 125 and then ends at 127, and if you could go to page 127, paragraph 14, and this is just to orientate you to the timing of the document. You can see in paragraph 14 it refers to the committal hearing and that--

35 A. Paragraph? I'm sorry, I read the wrong paragraph, ma'am. Sorry. Yes, I've read paragraph 14.

Q. From that paragraph, it would appear that the document has been created after the committal has been completed but before the trial has started.

A. Yes.

40

Q. If you would go back to page 125, please. You can see there in paragraph 1 they're talking about - they refer to the seven terrorists mentioned in this report?

A. Yes. I've read paragraph 1.

45

Q. Then have a look at paragraph 2. You can see, "The seven offenders in this matter are:-", and if you go to number 2, Mr Brajkovic's name appears with his address at Bossley Park.

A. Yes.

50

Q. Then down the bottom of the page, there's a reference to, "The informant in this matter is Vico VIRKEZ whose correct name is Vitomir MISIMOVIC, a Serbian by nationality who migrated to this country on 8 January 1973." Then maybe if you just read to yourself the rest of paragraph 3.

5 A. I've read that.

Q. Before this Inquiry started, did you have any knowledge of the matters set out in paragraph 3 about Vico Virkez?

10 A. No.

Q. This other name, and that he was "a Serbian by nationality and gained the confidence of other people and became a trusted member of this terrorist group." Were you aware of any of those facts?

15 A. I may became aware of it at some time during the trial but apart from that, I had no knowledge of it.

Q. Again, reading that information and thinking back to the 1980 March visit to the gaol with Mr Cavanagh and Mr Blades, does that jog your memory as to anything that was discussed during that meeting?

20 A. No, ma'am.

Q. If we could go to the next page, 126. Probably the best way, Mr Wilson, is do you want to just read to yourself paragraphs 4 through to 10?

25 A. 4 to 10. That's the whole page?

Q. I'm sorry?

A. That's the whole page, is it not?

Q. Yes?

30 A. Yeah.

HIS HONOUR: It continues over a little into the following page too.

WITNESS: I'm sorry?

35

HIS HONOUR: It continues onto the next page.

WITNESS: Thank you. I've read up to paragraph 11, ma'am.

40 MCDONALD

Q. Mr Wilson, putting it at a general level, some of the information in those paragraphs you had knowledge about because you put questions and got answers in the Record of Interview about them?

45 A. Yes.

Q. For example, some of the proposed sites for the bombs?

A. Yes.

50 Q. But some material or information in this document would appear to be new,

and can I take you to paragraph 8. This refers to the hijacking, and you'll recall that in the Record of Interview you were called out at one stage and Detective Howard gave you some information about a possible hijacking?

A. Yes.

5

Q. You went back into the Record of Interview and asked Mr Brajkovic about it?

A. Yes.

10

Q. But we've got more detail here, that it was going to be abducting American businessman from a Sydney hotel, conveying them to Mascot, hijacking a commercial American aeroplane, demanding \$2 million in cash. Were you told that information at the time you were undertaking the Record of Interview?

A. No.

15

Q. Were you told subsequently about that information?

A. I can't recall hearing this before.

20

Q. You can also see at the bottom of paragraph 7, and this refers to the intention to murder the two elderly members of the Croatian Intercommittee Council?

A. I've read that.

25

Q. That was again a topic that you were told about, I think, by Detective Jameson--

A. Yes.

30

Q. --mid-Record of Interview. You then asked Mr Brajkovic some questions about it?

A. Yes.

35

Q. But the other information at the end of paragraph 7: "The death of these two men would've caused confusion within the Yugoslav community and may have diversified police investigations to other sections of the community." Do you remember any discussion about that, the consequences of the proposed murder plot?

A. I don't recall that, no.

40

Q. If we then go to page 127, paragraph 11 talks about, "While searching their homes, Yugoslav literature relating to the construction of time bombs was found, together with newspaper cuttings referring to various hi-jackings"--

A. I beg your pardon; where's this, ma'am?

45

Q. I'm sorry; paragraph 11?

A. I see, yes.

Q. Talks about Yugoslav literature?

A. Yes.

50

Q. You did seize literature from Mr Brajkovic's house?

A. Yes.

Q. Yesterday, I asked you some questions about Sergeant Radalj giving a translation of different literature or documents that were provided to him?

5 A. Yes.

Q. Do you recall whether ever any of the literature that you or one of the officers seized at Bossley Park met any of the description of the documents in paragraph 11?

10 A. No, I was never told that.

Q. You were never told that?

A. No.

15 Q. Just drawing your attention very quickly to paragraph 12 and 13, and just read those to yourself?

A. Yes.

Q. I've taken you to paragraph 14. If you can read to yourself paragraphs 15 and 16?

20 A. Yes.

Q. In paragraph 13, it spoke about "information's been received of three others who were involved in this group and are currently residing in the Sydney area"?

25 A. Yes.

Q. Did you know anything about that around the time?

A. No.

30 Q. Before showing you the document today, can you recall, whether in 1979 or 1980, seeing this document before?

A. I don't think I've ever seen this document before.

35 Q. Accepting that, can I ask you, reading the document, do you see it suggests that it's a document that may have been created by Special Branch?

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

Q. Because throughout there are references, as I took you to, of "information about three others who were involved, the Croatian Intercommittee Council haven't been helpful, we've found other literature," et cetera, and then also more details about this hijacking plot, et cetera. That would suggest information being obtained from within the community, within the Croatian or Yugoslav community?

40 A. Yeah, I would agree with that.

Q. That was something that Special Branch had, in a sense, links with and would speak to people within the community?

A. Yes.

50

Q. With those observations, would you revise your view of whether it gives the impression of a Special Branch document?

A. It could, yes. I'd agree with that.

5 Q. I asked you some questions the other day about the white plastic bag with the contents, and I'll just pause. That Exhibit could be returned. Mr Wilson, I've asked you some questions about the white plastic bag and the explosives?
A. Yes.

10 Q. You took them back to CIB?
A. Yes.

Q. They were shown to Mr Brajkovic during the Record of Interview?
A. Yes.

15 Q. You recall that, at times, other officers who were interviewing either Mrs Brajkovic or Mr Hudlin came and, in a sense, took the white plastic bag with the explosives but then returned them?
A. I believe that's what happened.

20 Q. At the end of the night or early in the morning, you had possession of the white plastic bag--
A. Yes.

25 Q. --and the explosives, and your evidence was that it was secured in your locker?
A. Yes.

30 Q. I referred you to some evidence of Mr Bennett, that he received a telephone call from you towards the end of March directing him to take them to the Dangerous Goods Branch?
A. Yes.

35 Q. The white plastic bag with the explosives, what is your recollection: are they kept together at all times?
A. I think they were.

Q. Your recollection is kept together in your locker?
A. Yes.

40 MCDONALD: Can I bring up some transcript from the Inquiry from 3 June of this year, commencing at page 1405? I'm sorry, 3 July of this year, p 1405. Your Honour, I understand this is subject to a Non-Publication Order so it won't be live streamed.

45 Q. If we can go to line 18, this is Mr Bennett giving evidence to the Inquiry?
A. Yes.

50 Q. At line 18, he's been taken to evidence that he gave at trial, and you can see - I probably should've started at about line 11: "Can I return to March

1979. You've given some evidence about this where you get a phone call from Detective Sergeant Wilson about taking gelignite to the Dangerous Goods Branch." You see that?

A. Yes, I see that.

5

Q. If we can go down, there's a quote from the evidence that he gave while being cross-examined at trial. Could you just read to yourself at about line 19; can you see the question, "Where were you when you received that from Wilson?"

10

A. Yes.

Q. If you just read through to about line 40?

A. That's where it's on a training camp and thereon?

15

Q. Yes?

A. I'm up to line 40 now. Okay.

Q. This is Mr Bennett's evidence; his recollection at trial was that you were at a training camp, that you telephoned him, told him where the explosives or the gelignite, at least, was located and directed him to take them to Dangerous Goods?

20

A. Yes, I see that.

Q. If we go to the bottom of the page, line 50, "Does that allow us to conclude that the plastic bag with gelignite, et cetera," and if we can go to the next page, "was somewhere in the Breaking Squad office?" Again, this is Mr Bennett's evidence:

25

30 "I don't know. I just don't know because I completed the form at some time, some point before so there are a couple of days in between the telephone call and when the form was completed and taken up. Just don't know. Don't know whether I've completed the form, then retrieved them or actually - I just don't know the answer to it."

35

Then I take him to another question and answer in trial:

"Q. When you took these items, how did you carry them? What did you carry them in?

40

A. I put them in a large Manila envelope, labelled that envelope as to the contents by name and station, I believe.

Q. Did you take the plastic bag that was only the gelignite?

A. I don't know. I have no memory of precisely what I did."

45

Can I just ask you there: though Mr Bennett wasn't clear, the fact that the gelignite and other items were put in a Manila folder may suggest that they were separated from the white plastic bag?

A. Could suggest that, yes.

50

Q. Does that assist you in where they were kept or did you separate the white plastic bag with the gelignite and the detonators and put them somewhere even more secure or more safe?

A. That doesn't help me at all.

5

Q. Do you recall that, at Bossley Park, another matter of interest to the investigation was fertiliser that was found in a shed at the premises?

A. I do have a vague recollection of fertiliser being found there at some stage. That's all I can say.

10

EXHIBIT 11.110 SHOWN TO WITNESS

Q. When it comes up, this is a statement of a Detective Sergeant Forbes. Does that ring a bell?

15

A. I remember Sergeant Forbes, yes.

Q. Can you see there he starts off - and I'm just jumping around - on 9 February, has a conversation with you?

A. Yes.

20

Q. And he goes to Bossley Park?

A. Yes.

Q. He makes a search of a shed adjacent to the premises and locates two bags, and I'll just describe them as fertiliser?

25

A. Yes.

Q. Took some photographs?

A. Yes.

30

Q. And then took possession of the two bags of fertiliser?

A. Yes.

Q. Down the bottom, "At about 8.20am on 23 February, I saw Detective Sergeant Wilson at the Parramatta Scientific Investigation Section, had a conversation with him and handed him the two bags of fertiliser"?

35

A. Yes.

Q. Was that where Detective Sergeant Forbes was stationed, at the Parramatta Scientific Section?

40

A. I think he was.

EXHIBIT 11.103, RED PAGE 1305, SHOWN TO WITNESS

Q. This is one of these examination forms; this time going to the Division of Analytical Laboratories?

45

A. Yes.

Q. Do you know, where was that located?

50

A. At Lidcombe, I think.

Q. Was it near or at the same location as Dangerous Goods?

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

5 Q. Just drawing your attention to this document, you can see under "List of specimens" we've got samples of the two fertilisers?

A. Yes.

Q. If we can go to page 1306, you've got the brief details of offence?

10 A. Yes.

Q. Then you've got that the specimens exhibits were in your custody?

A. At that time, yes.

Q. And they were conveyed to the laboratory on 23 February 1979?

15 A. Yes.

Q. At this time, you've obviously turned your mind to, "I've got the fertiliser; I need that analysed." Why hadn't you turned your mind to, "And I've still got the gelignite and the detonators, and they've got to go to Dangerous Goods

20 Branch. I should get them to Dangerous Goods Branch as soon as possible"?
A. I can't answer that because I don't know.

Q. It would appear that you're doing work on the investigation; you're still actively involved?

25 A. I was doing a few follow-up enquiries, yes.

Q. Taking the gelignite, et cetera, to Dangerous Goods was one of the follow-up tasks that you were in charge of?

30 A. Yes.

Q. The Inquiry's heard some evidence from Detective Simmons?

A. Yes, I know Michael Simmons.

35 Q. He gave evidence - and, I think, to be fair, this was sometime in April - of being instructed by you and going to an Army depot or place at Moorebank to conduct an experiment with the fertilisers and whether they could explode?

A. I don't recall that.

40 Q. I'm more interested in Moorebank. Do you recall during the early parts of the investigation - other than this experiment with the fertiliser which occurred, I think, in about April 1979 - any role Moorebank had?

A. There was a military establishment there. That's where we used to have our SWOS camps.

45 Q. That was where you had your SWOS camps?

A. Yes.

Q. Do you recall before this experiment any reason why any of the officers would be attending there in February or March?

50 A. No. Could've been a SWOS camp. I don't know.

Q. To your knowledge, were gelignite or explosives that were seized during an operation, was it an option for them to be stored at that Army camp?

A. Not to be stored there, I wouldn't think.

5 Q. Stored on a temporary basis or?

A. Well, I wouldn't - I can't answer that. Possibly but I wouldn't think so.

MCDONALD: No further questions, your Honour.

10 <EXAMINATION BY MR BUCHANAN

Q. Mr Wilson, as you're aware, my name is Buchanan. I represent the Petitioners, who are the people who applied for this Inquiry.

A. Yes. I'm aware of that, Mr Buchanan.

15

Q. Can I take you back, first of all, please, to 8 February, the night of 8 February, you found out at some stage, is this correct, that before you arrived at Bossley Park, Detectives Krawczyk and Helson of the Special Branch either had been there or were there?

20

A. Yes.

Q. When did you find out that they had spoken to Mr Brajkovic?

A. I think I - I think I did. I think they may have spoken to him during the day. I have a faint recollection of that.

25

Q. Did you have an understanding that Detectives Krawczyk and Helson speaking with Mr Brajkovic earlier in the day had anything to do with this investigation?

A. I don't know.

30

Q. Did you have any understanding of why Detectives Krawczyk and Helson spoke with Mr Brajkovic before you got there?

A. Not that I can recall.

35

Q. Do you have any understanding of whether they were speaking to Mr Brajkovic earlier in the day pursuant to a direction that they had been given to do that?

A. I don't know that either.

40

Q. The evidence that was at the trial and before the Inquiry, is that these two Special Branch officers spoke with Mr Brajkovic in the hours preceding the raid on his house at 10.00pm at Bossley Park, but there's no evidence that Special Branch officers spoke with Mr Zvirotic at Ashfield beforehand, or with the Kokotovic brothers or Mr Nekic, the other people who were arrested that night, before the raids on their places at Ashfield and Burwood respectively. Do you know why it was that Special Branch officers went to speak to Mr Brajkovic before the raid on his place, but no counterpart verbal contact appears to have been made by police with Mr Zvirotic or the Kokotovic brothers or Mr Nekic?

45

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

50

Q. Were you given any information before the raid that led you to believe that special attention needed to be paid to Mr Brajkovic by police?

A. No.

5 Q. You can't help us with why, it seems, that Mr Brajkovic was selected out for this additional preliminary treatment?

WOODS: Your Honour, I object.

10 HIS HONOUR: Mr Buchanan, that assumes something that's not established. That is, that a selection was made.

BUCHANAN: May it please the Court.

15 EXHIBIT 2.3, DAY 17, RED PAGE 6674, SHOWN TO WITNESS

Q. I'm going to show you a transcript of some evidence that was given at the committal proceedings.

A. Yes.

20

Q. That's some of your evidence that you gave at the committal proceedings. Now, you're being asked questions by a solicitor called Goldberg. If I can ask you to read down to the question that commences with the words, "So you went there". It's about halfway down on the screen.

25

A. I see that, Mr Buchanan. Yes.

Q. The question reads:

30 "Q. So you went there just to pick up Mr Brajkovic and then take him down to the CIB did you?

A. Well, I think I told you we went there to, for that purpose to see if Mr Brajkovic was there and if he was to search the premises and return with him to the CIB.

35 Q. Did you take a search warrant with you?

A. No.

Q. You didn't take a search warrant?

A. I said no.

40

Q. Is there any reason why you didn't obtain a search warrant?

A. I wasn't given a search warrant.

Q. You said you were sent out there to search the premises?

45

A. Yes.

Q. Isn't it standard procedure to take a search warrant under those circumstances?

A. If time permits.

50

Q. Well, what time did you leave the CIB?

A. About ten past nine.

Q. And what time did you arrive at Bossley Park?

5 A. At the house or at the intersection or Polding Street and Prairie Vale Road.

Q. At the intersection of Prairie Vale Road?

10 A. Shortly after 10 o'clock."

If I could just take you back please to the question and answer a little bit further above what's on the screen now.

15 "Q. So you went there just to pick up Mr Brajkovic and then take him down to the CIB did you?

A. Well, I think I told you we went there to, for that purpose to see if Mr Brajkovic was there and if he was to search the premises and return with him to the CIB."

20 Were those the instructions that you had been given by Mr Morey?

A. I believe so, yes.

Q. To bring him back to CIB implies arresting him--

25 A. Yes.

Q. --and taking him back to CIB.

A. Yes.

30 Q. The way you put it implies that he was to be arrested and taken back to CIB irrespective of the outcome of any search.

A. Yes.

EXHIBIT 14.12, RED PAGE 130, SHOWN TO WITNESS

35 Q. Can you have a look at the bottom of that page. It talks about in the first paragraph against the numeral "3", "Police should make every effort to effect arrest." It talks about escapes. It talks about if a person "takes refuge in a house, Police may break open the doors". If you go to the next full paragraph,
40 "Police are not justified in breaking an outer door or window unless a previous notification has been given and a demand of entrance not complied with." The next full paragraph:

45 "Where a felony has been actually committed, or a dangerous wound given, Police may break an entrance door to arrest the offender without warrant; but in cases of misdemeanour and breaches of the peace, a warrant is required except where there is an affray in a house and manslaughter or bloodshed likely to ensue."

50 Are you able to answer this question: what was your understanding, if there

was nothing illicit found in a search of Mr Brajkovic's house, what the felony was that you would have arrested Mr Brajkovic for?

A. Well, he wouldn't have committed any felony by that stage.

5 Q. But you were going to arrest him and take him back to CIB.

A. Yes.

Q. That's your purpose.

A. Yes.

10

Q. So you say, do you, that you would have arrested him, notwithstanding the absence of any evidence that he had committed a felony?

A. Well, we would take him back to the CIB for interview in relation to information - intelligence we received about his activities.

15

Q. Your purpose was, irrespective of what the product was of any search, to arrest Mr Brajkovic for questioning at CIB?

A. Yes.

20

Q. Did you know whether that was lawful or not?

A. Well, I considered it to be lawful.

Q. Why did you think that?

A. Well, from memory, the powers that we had under s 352 of the Crimes Act.

25

Q. Section 352 of the Crimes Act allowed you to just arrest someone for questioning?

A. Well, not for questions. Any person reasonably suspected.

30

Q. Did you reasonably suspect Mr Brajkovic of a felony at that stage?

A. Yes.

Q. I thought I asked you this before, and maybe I didn't. What was the felony?

35

A. You did ask that before, if I can recount. Subsequently, the felony would have been his involvement in possession of - well, not possession of explosives. Well, their intentions. We had intelligence that they're going to cause havoc in Sydney, and we had intelligence, and he was going to be interviewed in relation to that.

40

Q. I'm sorry, I'm sure it's my fault. I didn't quite understand your answer. You said?

A. We had an intelligence that there was going to be havoc caused in various parts of Sydney, by placing explosives, and he was arrested in connection with that.

45

Q. Arrested in connection with the intelligence that had been briefed to you by Mr Morey?

A. Yes. The intelligence that we had.

50

Q. But you didn't propose to charge him with any felony; is that right?

A. I believe there was sufficient information we had, and the evidence that we had, there was information that was coming from Lithgow that there was more likely sufficient evidence to charge him.

5 Q. Just thinking back to that era, if you wouldn't mind, had Mr Brajkovic declined to answer any questions at CIB, you wouldn't have had anything out of his mouth on the subject, assuming there's no product of any search. You would have taken him down to Central, charged him with some felony based on what Mr Morey told you; is that right?

10 A. Based on the intelligence we had, yes.

Q. You didn't take a search warrant with you?

A. No.

15 Q. You weren't given one?

A. That's correct.

Q. Did you consider that it wasn't your responsibility to obtain a search warrant for any search of Mr Brajkovic's house?

20 A. I didn't consider it at the time, Mr Buchanan. We just acted on the instructions. I didn't think about a search warrant, unfortunately.

Q. Were you put on standby that afternoon on 8 February for a job that would possibly have to be done that night?

25 A. Yes.

Q. Do you recall when you were put on standby?

A. No. It was in the afternoon some time, I think.

30 Q. We've had evidence from another detective from the Special Breaking Squad, and I think it might be the subject of an NPO, but he was put on standby starting at about 3 o'clock in the afternoon of 8 February. Does that sound about right to you?

A. Sounds reasonable.

35

Q. You didn't leave CIB for Bossley Park until about six hours later?

A. That's right.

40 Q. There was plenty of time to approach a chamber magistrate to seek the issue of a search warrant?

A. We didn't get this information until about 8/8.30. We didn't know where we were going before that time.

45 Q. You entered the house at Bossley Park without the permission of Mr Brajkovic or Mrs Brajkovic. That's the case isn't it?

A. You could say that, yes. The door was ajar, so we went in and called out and then Mrs Brajkovic appeared.

50 Q. Would it be fair to say that you gave no consideration on 8 February 1979 as to whether your entry to the premises and your search of it was lawful?

A. Mrs Brajkovic gave us approval to look around the house.

Q. I'm sorry?

A. Mrs Brajkovic said it would be okay to look around the house.

5

Q. That's not true, is it?

A. Yes, it is.

10 Q. I take you to another subject please. Exhibit 14.8, the New South Wales Police Emergency Manual. It might be a bit difficult to say just looking at that cover that's on the screen now--

A. No, that's okay.

15 Q. You can see that cover, that's red page 99?

A. Yes.

20 Q. Then if I can ask if we see the next page, it's a table of contents, we can enlarge that a little to make it easier to read. Do you see a series of circumstances listed in alphabetical order and that chapter 19 is said to be about "bombs, grenades, shells and ammunition"?

A. Yes, I can see that.

25 Q. Have you seen that before today?

A. I believe I've seen this Manual, but I can't recall where I have seen it.

25

Q. As I understand the evidence, this Manual was current as at 1979. It might have been issued some years prior, but it was current as at 1979?

A. It would have been.

30 Q. Could we please go to red page 119, and you can see that it's a chapter headed "Bomb Incidents"?

A. Yes, I see that.

35 Q. It talks about different ways in which bomb incidents arise; do you see that in section 19.1?

A. Yes.

40 Q. Section 19.11 is below page, I think, 124. Do you see section 19.11 headed "Commercial Demolition Explosives and Detonators located or received"?

A. Yes, I see that.

45 Q. The explosives that you say you saw in the plastic bag that you say Mr Harding showed you in the house at Bossley Park contained what you would have understood to be commercial demolition explosives and detonators?

A. Yes.

50 Q. If I can take you back to subsection 19.11.1, paragraph 19.11.1, reads, "When commercial demolition explosives and/or detonators are located or

received, members of the Force will not interfere with them but initiate safety measures". 19.11.2, "This department relies on explosives experts attached to the Department of the Army with the removal and disposal of the abovementioned articles", and then it gives details as to how their attendance may be initiated; do you see that?

A. Yes.

Q. You would have expected there to be instructions or directions or policies that the Police Force had as to how police should deal with explosives that they come across?

A. Yes.

Q. Does it surprise you that paragraph 19.11.1 of this document says that when commercial demolition explosives and/or detonators are located or received, members of the Force will not interfere with them but initiate safety measures?

A. Yes, it doesn't surprise me.

Q. That wasn't what was done on your account of what happened on this night?

A. Well, that's correct, yes.

Q. Is there a reason why it wasn't done?

A. No reason, but we were very careful. We took whatever safety measures we could regarding the explosives. I didn't have much knowledge of them, but Detective Sergeant or Detective Harding had a fair amount of experience at the Breaking Squad, I believe, and I trusted him, the way they were dealt with and handled.

Q. But you would have expected, wouldn't you, that instructions or directions or policies of the Police Force were put in place for a reason?

A. Obviously, yes, yeah.

Q. And that careful detectives would be expected to comply with them?

A. Yes.

Q. A reason for you not complying, on your account of what happened at Mr Brajkovic's house on 8 February with this instruction, is that there were no demolition explosives and/or detonators there?

A. That's not right, Mr Buchanan.

Q. Taking you, then, to paragraph 19.11.2, the reliance by the Department on "explosive experts attached to the Department of Army for removal and the disposal of the abovementioned articles", and then details as to how to contact them. Again, it wouldn't surprise you, I take it, that the Police Force would have a direction, instruction or policy on that subject as to how they're to be handled?

A. No, that doesn't surprise me either.

Q. It wasn't done by you on this occasion?

A. No.

Q. Was there a reason it wasn't done?

A. I just didn't consider it at the time.

5

Q. Had you been involved in the cases before 8 February 1979 involving explosives?

A. Insofar as coming across them in possession of other people or?

10

Q. Certainly, or lying on a railway line?

A. No. We received a bit of instruction in relation to them at - or I believe they were, instructions were given at SWOS camps about explosives, but I don't think I'd ever been involved in the arrest of anyone in possession of explosives.

15

Q. You were a Special Breaking Squad officer?

A. I was at this time.

20

Q. You know that Special Breaking Squad officers went to Lithgow?

A. I'm aware of that.

25

Q. Earlier on the day on 8 February, and that police in Lithgow organised for the Ordnance Corps of the Army to be put on standby this case explosives were found in the raid that they eventually conducted at the house at Macaulay Street, Lithgow, that day?

A. I wasn't aware of that, no.

Q. That's certainly the evidence in the trial.

30

WOODS: Your Honour, could the witness be assisted by reference to a time when he didn't know it? When was it that he didn't know?

BUCHANAN

35

Q. When was it that you didn't know it?

A. At the time that the officers - our officers went to Lithgow. I found it out later on, but I didn't know at that time.

40

Q. Did it surprise you that officers of the same squad as you had put the Army on standby in case explosives were found at this house in Lithgow?

A. I didn't consider that at the time. I didn't even think about it.

45

Q. Is it because your overriding instruction was to arrest Mr Brajkovic and bring him in to CIB?

A. That's had nothing - that's had nothing to do with what I thought about whether the Army was at Lithgow or not, no.

50

Q. Your predominant purpose in going to 16 Restwell Road, Bossley Park, on 8 February was to arrest Mr Brajkovic and take him back to CIB?

A. Yes.

Q. Secondary purpose, search the premises?

A. Yes.

Q. For explosives?

5 A. Yes.

Q. No consideration, as you recall it, either at CIB or on the way to Bossley Park or while you're at Bossley Park was given to the question of whether whatever the Police Force's policies were in respect of the handling of explosives, they be discovered and applied if any explosives were found?

10 A. I didn't think about it - that either, Mr Buchanan.

Q. Another possibility is that no explosives were found?

A. Well, that could have been a possibility, but we found explosives.

15

SHORT ADJOURNMENT

EXHIBIT 11.36 SHOWN TO WITNESS

20 Q. Mr Wilson, I think you have already told us that you were given by Inspector Morey at or after the briefing at CIB on the night of 8 February this screed?

A. Yes.

25 Q. The screed in the second paragraph comprises a list of people, including Mr Brajkovic?

A. Yes.

Q. The paragraph commencing with the words, "BEBIC and VIRKEZ"?

30 A. Yes.

Q. Reads:

35 "Were allegedly going to meet all the above listed persons in Sydney, and all are alleged to have explosives. The man VIROTIC is alleged to have in the vicinity of 30-50 kilos of same in an undisclosed location. All persons may have firearms and bombs, or explosives in their homes."

40 Do you see that?

A. Yes.

Q. That's all information you would have had in your head before you left CIB?

A. Yes.

45

Q. You didn't suggest, in light of that intelligence, that it would be an idea to put the Army on standby?

A. No.

50 Q. Do you know whether, in light of that intelligence, consideration was given

by anyone else to putting the Army on standby or calling them in?

A. No.

5 Q. Given that intelligence, can I put this proposition to you and invite your response. It seems extraordinary that the Army was not put on standby?

A. No. I wouldn't agree with that.

Q. Why don't you agree with that?

10 A. Well, it was a decision that would have to be made by an officer of a much higher rank than what I held at the time, and he would have made the call on that, and I - I doubt very much if the - and this is only my view on it - but the Army would attend the premises about 4 or 5, whatever it was, around to premises to go to on the pretext of finding explosives. I doubt if they would - I don't - sure that - the man in charge wouldn't have thought it - it - be a
15 responsible move to make.

Q. But that's an ex post facto rationalisation by you?

A. Yes.

20 Q. Was it the case that no consideration was given to putting the Army on standby in the afternoon or evening of 8 February because police didn't want witnesses to the raids?

25 WOODS: I object. I object. The witness should be invited to consider his own position, and not to speak for an entire Force who are--

HIS HONOUR: Yes. You're asking him for his opinion.

30 BUCHANAN: I'll frame the question that way. I'll reframe the question.

Q. Mr Wilson, was it the case that you didn't want witnesses to the raid that you were going to conduct?

A. No. That's not the case at all.

35 Q. Were you aware whether, as far as Inspector Morey was concerned, he didn't want witnesses to the conduct of the raids?

A. Well, I don't know what Mr Morey was thinking, but I'm sure that wouldn't have crossed his mind either.

40 Q. Did you know Inspector John Perrin in February 1979?

A. I didn't know him personally, but I knew of him.

Q. Are you able to say if you had seen him at the briefing you would have recognised him?

45 A. I think so, I think I would have recognised him, yes.

Q. Do you have a memory of seeing him at the briefing?

A. No, I don't.

50 Q. Just while on the subject of Inspector Perrin, take you to the time when you

returned to CIB from Bossley Park, I think after you might have attended to some tasks you and Detective Harding reported to Inspector Morey, is that right?

A. Yes.

5

Q. In his office?

A. It was in the Armed Hold-up Squad office. I don't - I think it might have been in the main office itself; not in his personal office.

10

Q. At that time did you see Inspector Perrin?

A. No, I have no recollection of seeing Inspector Perrin at all that night.

15

Q. It's always an advantage to police, wouldn't you agree, just considering this proposition, to have an independent witness who corroborates police as to events in which police are involved and have to give evidence about later?

A. Yes.

20

Q. That is all the more so if the witness is a person who is an expert in the subject matter of the event that police give evidence about?

A. Yes.

25

Q. You didn't think that for that reason it might be a good idea to see if you could get the Army to come to Bossley Park that night?

A. As I said, Mr Buchanan, I never considered the Army for one minute.

30

Q. No photographs were taken of the explosives at Bossley Park, at Bossley Park?

A. No.

35

Q. If detectives, if you'd assume for the purposes of this question please, were put on standby for an operation to happen later that night on 8 February around mid-afternoon, there would have been plenty of time, wouldn't there, to arrange for officers attached to the Scientific Section to be put on standby as well?

A. I would think so, yes.

40

Q. It was officers from the Scientific Section upon whom police usually relied to take photographs that might be required for an inquiry or an investigation or for evidence?

A. Yes.

45

Q. As far as you know, no Scientific Section officers were put on standby on 8 February; is that right?

A. As far as I know, that's right.

EXHIBIT 11.122, RED PAGE 1360-1361, SHOWN TO WITNESS

50

Q. This is the cover of a Scientific Section Job Book, as you can see, and I failed to take a note of the page. I suspect it's the next page in the Book, in the Exhibit. And can you see this job card, Mr Wilson? I expect you haven't seen

it before?

A. No, I haven't.

5 Q. Just take your time to peruse it if you wouldn't mind. Do you see it's dated 9 February 1979?

A. Yes.

10 Q. It appears that an officer called Mitchell received a request from Detective Bennett at about 9.45am on 9 February for the job?

A. Yes, I see that.

15 Q. The job was "Photograph scenes, search sheds for bomb materials, 16 Restwell Road, Bossley Park"?

A. Yes, I see that.

15 Q. In relation to Mr Brajkovic?

A. Yes.

20 Q. You can see in the bottom right-hand corner it identifies the officer who was tasked to perform that job?

A. Yes.

25 Q. Mr Forbes, Detective Forbes. Can I ask you to have a look at Exhibit 4.1MM. I made a mistake. Just before it goes, can I just - just while we're looking at it, this is the photograph - I think you were shown it earlier?

A. I have been shown this photograph before, yes.

30 Q. This is said to be of the explosives that police found at Bossley Park?

A. Yes.

30 Q. Together with associated items?

A. Yes.

35 Q. I apologise, I had the wrong number I wanted to show you. We will come back to this photograph of two sticks of gelignite, et cetera. Can I ask that we have a look at 4.1-OO, and you will see that that is red page 72, it's a photograph of the front of the premises at Restwell Road and there is a series of photographs underneath it.

40 BUCHANAN: It's 11.152 I'm reminded. I thank my learned friend. This is at page 1425. I think there should be some photographs underneath this, page 1426, 1427.

45 Q. This you have already seen. It is a photograph of a bag in a shed. The front of the house again at 1428, and the house and the side where the shed is at the two succeeding photographs. That will do for the purposes of my question. These photographs, as you understand it, were taken on 9 February as part of the job done by Detective Forbes?

50 A. I would assume so.

Q. Was there any reason why that couldn't have been done earlier than the daytime of 9 February?

A. What do you mean? Between the time we arrested him and this, the time of photographing?

5

Q. That's a fair question. I'll withdraw and start again. Was it you who asked Detective Bennett to cause the photographer to go out on 9 February?

A. Possibly.

10

Q. Is it possible Detective Bennett did it off his own bat?

A. Yes.

Q. You weren't anxious to get photographs on 9 February after you'd come back from Restwell Road?

15

A. Weren't these photos done on 9 February?

Q. I do apologise.

A. Weren't these photographs taken on 9 February?

20

Q. Yes, but I'm sorry - earlier than 9 February?

A. No.

Q. No effort was made, tell me if I'm wrong, to have photographs taken of the explosives while you were still at Restwell Road?

25

A. That's correct.

Q. Why was no effort made to have photographs taken of the explosives while you were at Restwell Road?

A. We didn't have a camera.

30

Q. Had you taken precautions to ensure that you would have a camera with you?

A. I don't think we had cameras that were available to use at that time.

35

Q. Had you taken precautions to have a camera in the hands of a Scientific Section detective available with you?

A. At that time?

Q. Yes.

40

A. No.

Q. Was there any reason why not?

A. Well, we were acting on instructions from Inspector Morey and if he arranged the Scientific people to come with us, they would have come with us, but they weren't provided.

45

Q. Something was done, wasn't there, instructions were given to uniformed police, as you understand it, on the night of 8/9 February 1979 to arrange for uniformed detectives to attend the premises?

50

A. Yes, that was arranged.

Q. Was it you who caused that to be done?

A. No.

Q. Did you instruct that it be done?

5 A. It was discussed and I think that was done by Detective Harding.

Q. What did you understand the purpose of that to be?

A. I can't recall right now.

10 Q. When you left the premises, as you understood it, Detectives Cook and Robinson from the Observation Squad did not accompany you, they remained behind?

A. That's right.

15 Q. Do you know why they remained behind?

A. No, I don't.

20 Q. Was it possible that as far as you were aware, you and Detective Harding were taking steps to ensure that the premises were guarded and could not be interfered with after the bulk of the detectives who had taken part in the raid had departed?

A. It would appear that's the case.

25 Q. It would have been possible, wouldn't it, to leave the explosives at Restwell Road and have them photographed there by a Scientific Section detective no later than 9 February 1979?

A. No, I didn't consider that at all.

30 Q. It would have been possible to do so, wouldn't it?

A. It would have been possible, yes.

35 Q. It would have given you an advantage in as much as you would have had a stronger case that explosives had been at the house at least within hours of your attendance there on 8 February?

A. No, I wouldn't think that would make any difference to our case.

Q. Not having photographs of the illicit goods the subject of the arrest?

A. No, I wouldn't think so.

40 Q. Why not?

A. Well, it's just what's the point of leaving them there? You'd make the same assertion if we'd have left them and had them photographed anyway, I would think, I would consider.

45 Q. It's never of any use to detectives to have photographs in a case?

A. I am not saying that at all, Mr Buchanan. I'm saying what would be the point in leaving them there?

50 Q. Leaving the explosives there?

A. Leaving the exhibits there.

Q. They'd be under guard, they could be photographed by Scientific Squad detectives as soon as they could get there on the 9th?

A. If we'd have done that, you'd be making the same assertions, though, that we put them there, regardless.

5

Q. Did you know that on the 9th?

A. No, I didn't know that.

Q. Did you know that on the 8th?

10

A. No.

Q. Why are you raising it?

A. Because of what the question - the line of questioning you're putting to me now. You're suggesting that we took the gelignite there. That's not the case. The gelignite was found in Mr Brajkovic's possession while he was hiding under a tree at the front of his house.

15

Q. As far as you were concerned, on 8 February 1979 it would have strengthened your case to have photographs of the explosives at the house if you had put your mind to it?

20

A. Well, I didn't put my mind to it.

Q. I know you say you didn't, but I'm just asking you to cast your mind back now. Isn't it the case--

25

A. No, I didn't consider it then.

Q. Yes, I appreciate that but if you had put your mind to it, it would have strengthened your case that explosives were there, wouldn't it?

A. I wouldn't have - no, I wouldn't have thought that, no.

30

Q. That's not a frank and honest answer--

A. That's an honest answer, Mr Buchanan--

Q. --is it?

35

A. It is an honest answer. I didn't consider it.

HIS HONOUR

Q. Didn't the fact that there was no corroboration by way of photographs of explosives at 16 Restwell Road leave yourselves open to the suggestion or the allegation that there never were any explosives at 16 Restwell Road?

40

A. No, sir, I didn't think that at all.

Q. It does follow though, doesn't it?

45

A. Well, it could follow, yes, but I didn't think of it.

Q. You were, what, a Detective Sergeant at this stage?

A. Yeah. We removed the explosives. I thought it was the right thing to do.

50

Q. You were an experienced Detective Sergeant at this stage--

A. Yes.

5 Q. --and you didn't realise that you would leave yourselves open to an allegation that there were never explosives there if they weren't photographed there?

A. I didn't consider that at all at the time, sir, no.

BUCHANAN

10 Q. There are two respects, aren't there, in which there were steps you could've taken on the night of 8 February to ensure that you had some independent evidence that the explosives were actually there? You could've brought in Army experts and you could have ensured that a photographer could attend as soon as possible on 9 February to take photographs of the
15 explosives there?

A. Could have, yes.

Q. Two respects and you failed to take either of those steps?

20 A. That's correct.

Q. In fact, the explosives were seized on 8 February, on your evidence; correct?

A. Yes.

25 Q. You understand the evidence of Mr Bennett is that he took the explosives to the Dangerous Goods Branch on 28 March?

A. I've been - I have been reminded of that at this Inquiry.

30 Q. He says that he got a call from you on 26 March asking him to do that?

A. That's right.

Q. You have no recollection of even doing that?

A. None at all.

35 BUCHANAN: I wonder if we could have a look, please, at Exhibit 2.1, day 21, Exhibit 628. Red page 628. I do apologise, Mr Wilson, red page 669. Red page 669. It's still day 21 of the trial.

40 Q. I'm sorry, Mr Wilson, it's my fault. I showed you a moment ago Exhibit 4.1MM, being the black and white photograph of the explosives that were said to have been found at Mr Brajkovic's house. You recall that photograph?

A. I do.

45 Q. You were asked about the circumstances in which that photograph came into existence at the trial, weren't you?

A. Yes.

50 Q. You indicated that you directed that the photograph be taken and that they were photographed on either - and this is what the transcript says; I've got

reference red page 669 - "on either 10 or 16 March." If it's not there, then I apologise--

A. Yes. I agree with that.

5 Q. It's possible that's a transcription error?

A. It's possible too.

Q. That you might've said, "either the 10th or the 16th"--

A. Yeah, I don't know what date the photo--

10

Q. I'm not suggesting that in the same answer you've gone and changed your evidence as to what the date was?

A. I--

15 Q. It's probably a transcript error?

A. That's the only thing I could suggest, yes.

Q. Let's assume it was either the 10th or the 16th?

A. Yes.

20

Q. Was there a reason why the photograph wasn't taken any earlier?

A. No.

25 Q. What was the reason that they were not taken to the Dangerous Goods Branch before you asked for that to occur, as the evidence goes, on 26 March?

A. I can't explain that, Mr Buchanan. I don't know why.

30 Q. The evidence at the trial was that the explosives said to have been found at Burwood and at Ashfield each comprised, so far as gelignite was concerned, two half-sticks of gelignite?

A. I'm not aware of that.

35 Q. You said that two half-sticks of gelignite were found at Mr Brajkovic's house?

A. Yes.

40 Q. I can tell you that the evidence is that Detectives Grady and Counsel took four half-sticks of gelignite to the Dangerous Goods Branch on 9 February. That's what the evidence is?

A. Yes.

45 Q. But the gelignite said to have been found at Bossley Park wasn't delivered to the Dangerous Goods Branch before, as we've gone through, 28 March on your instruction, according to Detective Bennett on 26 March?

A. Yes.

50 Q. Is it possible that, as far as you know, police didn't have explosives to take to the Dangerous Goods Branch on 9 February relating to the raid on Mr Brajkovic's house because there weren't enough to give them, to produce?

A. I don't know.

5 Q. What I'm suggesting is that police had four half-sticks of gelignite already at CIB before anyone came back from Burwood or Ashfield, which enabled them to give those four half-sticks of gelignite to the Dangerous Goods Branch and say, "We found these at Burwood and Ashfield," but they didn't have enough to take six half-sticks; that is to say, to produce an extra two half-sticks of gelignite and say, "These were found at Mr Brajkovic's house at Bossley Park." What do you say to that?

10 A. I don't understand the question.

Q. Did police have to scabble around looking for two half-sticks of gelignite that they could obtain from some source that was not Mr Brajkovic's house that they could then produce in late March to the Dangerous Goods Branch as having been found at Mr Brajkovic's house on 8 February?

15 A. No.

Q. Was it your understanding that the two half-sticks of gelignite that were produced to the Dangerous Goods Branch on 28 March as having come from Bossley Park in fact obtained by police from the Army?

20 A. No.

Q. From an Army source?

25 A. No.

Q. Can I change the subject?

A. Of course.

30 Q. Can I ask you, please, about the white plastic bag and its contents after they were shown, on your evidence, to Mr Brajkovic in the workshop type room at the front of his house at Restwell Road. How long were you at the house at Restwell Road from the time you arrived to the time you departed for CIB?

A. I really can't - I don't know.

35 Q. What's your best estimate?

A. 20 minutes, half hour.

Q. There was a lengthy search that was conducted at the house, was there not?

40 A. I wouldn't say it was lengthy because it wasn't - from memory, wasn't a very big house. And I don't think it was lengthy. It was - no, I wouldn't say it was lengthy.

45 Q. Thinking of these particular events, your evidence is you had Detective Senior Constable Harding bring Mr Brajkovic into the workshop type room at the front of the house fairly soon after Mr Harding and Mr Morris brought Mr Brajkovic into the house?

A. Yes.

50 Q. And then Harding, on your evidence, showed you the white plastic bag and

its contents?

A. He called me into the room - the workshop room and showed me the bag and its contents, but I saw him holding a--

5 Q. I'm sorry?

A. I saw him holding the plastic - carrying a plastic bag when he came into the room.

10 Q. Your evidence is that you then had a conversation with Mr Brajkovic in Mr Harding's presence?

A. Yes.

Q. And then at the end of that conversation, Mr Harding took Mr Brajkovic outside of the room you were in?

15 A. Yes.

Q. It was after that that a fairly thorough search of the house ensued?

A. Yes.

20 Q. Is it possible that that search took about an hour?

A. I - no. No, definitely not.

25 Q. You told Counsel Assisting - Inquiry transcript 1337, line 45 - on 2 July in this Inquiry that after showing Mr Brajkovic the explosives that had been in the white plastic bag in the workshop type room, you thought you then put the items back in the plastic bag?

A. Yes.

30 Q. There was then the time that was occupied by the search of the house, before you departed?

A. You're saying the bag was left in the work room?

Q. We'll come to that. I'm just trying to work out how much time was involved in these intervals--

35 A. I see, yep.

40 BASHIR: I'm sorry, your Honour. Just to be clear, I think that there were two separate questions, but I don't know if that was clear from the question. I think part of the question was a quote of the answer that Mr Wilson gave, and then the second part was tagged or tacked on to it about the search in relation to when the items went back into the plastic bag.

HIS HONOUR: Can you start again, Mr Buchanan?

45 BUCHANAN: Yes, your Honour.

Q. Did you tell Council Assisting on 2 July that after showing Mr Brajkovic the explosives that had been in the white plastic bag in the workshop-type room, you thought you then put the items back in the plastic bag?

50 A. Yes.

Q. What ensued was the search of the house?

A. Yes.

5 Q. That was the event that took the most time, the search of the house, that you were on the premises?

A. It would have.

10 Q. Your evidence was at the trial, Exhibit 2.1, day 21, red pages 678 to 679, that the explosives remained on the table until shortly before you left the house.

A. Yes.

15 Q. Your evidence in this Inquiry, that you thought you put the explosives back in the plastic bag after showing them to Mr Brajkovic, seems to be inconsistent with what you said in the trial on that subject.

A. It could be.

20 Q. Should the Inquiry place more reliance on the evidence you gave in the trial on that subject, or more reliance on the evidence you gave in the Inquiry on that subject.

BASHIR: Your Honour, I object to that, and I ask that the witness be taken to his evidence at pages 678 and 679 of the trial.

25 HIS HONOUR: Has it not been accurately summarised in the way it's been put?

30 BASHIR: Your Honour, it's just incomplete, if I can put it that way. At the top of page 679, I don't know if your Honour wants me--

HIS HONOUR: No. Mr Buchanan is having a look at it. Do you think it might be clearer, Mr Buchanan, if you put it in its terms?

35 BUCHANAN: Yes. I'm scrambling for the page myself, your Honour. Well, I'll wait, your Honour, but it – my learned friend – there mightn't be need for you to wait if there's an objection to this question. But could we – could show the witness, please Exhibit 2.1, day 21, red page 678.

40 EXHIBIT 2.1, DAY 21, RED PAGE 678, SHOWN TO WITNESS

Q. The bottom of red page 678, please. You're being asked questions by Mr Lloyd-Jones here, and at - do you see the third-last question on that page?

A. Yes, I do.

45 Q.

"Q. What happened to that bag after it was brought in so far as you were aware?

50 A. How do you mean, at what stage?

Q. Do you remember you say you saw it brought in by a policeman?

A. Yes.

5 Q. What happened to it then?

A. Detective Harding showed it to me, I took it, I removed the contents from the bag and placed them on top of the bag in a table, on a table in the workshop room."

A. Yes.

10

Q. Then if we could have a look at the next page, please.

"Q. How long did they remain there for?

A. I would say until shortly before we left the house."

15

Then the questioner moves to a question about the clock. Do you see that?

A. Yes.

20

Q. That's not consistent with the evidence that you gave when Counsel Assisting was asking you questions on this subject.

BASHIR: I object. I object to that, your Honour.

HIS HONOUR: What's the objection?

25

BASHIR: That it's, "not consistent with the answers given to Counsel Assisting", and I direct Mr Buchanan to the bottom of page 1337. I think this might be the answer that he's referring to, and the next question. It just wasn't specific as to timing, your Honour, in the manner that's now being suggested, in my submission.

30

HIS HONOUR: Well, if you're going to put an inconsistency, Mr Buchanan, you'd better put the evidence in its terms.

35

PAGE 1337 OF THE INQUIRY TRANSCRIPT DATED 02/07/24 SHOWN TO WITNESS

BUCHANAN

40

Q. I'm going to give you what my learned friend has asked to be given as context. Can you see line 31:

"Q. Can I ask you about travelling back to CIB. You arrived with, I think, Detective Bennett?

45

A. Yes, and Detective Krawczyk was with us, as well.

Q. Who picked you up at Prairie Vale Road?

A. No, at Restwell Road.

50

Q. Sorry?

A. Restwell Road or Prairie. One or the other, yes.

Q. Travelling back into the CIB, who was in the car with you?

A. Those three Detectives, myself included, and Mr Brajkovic.

5

Q. The gelignite and detonators and flares that were in the plastic bag, you've given evidence that you were in the workroom, you took them out, Mr Brajkovic came in and you showed them to him. Did you then put the items back in the plastic bag?

10

A. I think I did."

Do you see that?

A. I do.

15

Q. Well, that is inconsistent with the evidence you gave at trial on this subject, isn't it?

A. Yes.

Q. Which do you say we should rely upon?

20

A. Well, probably the trial would be more accurate because of the passage of time. I'm just doing my very best to answer the questions the best I can.

Q. You've already told us that a quantity of material that had been seized was taken back to CIB?

25

A. Yes.

Q. It had to be put in the cars in order to go back to CIB?

A. Yes.

30

Q. Was it put in one car or more than one car?

A. I would say more than one car, but I'm only guessing.

Q. You don't have a recollection?

A. No. I would assume it would be in more than one car.

35

Q. Now, can I ask you to think about the typewriter. There was a typewriter taken back?

A. Yes. There was.

40

Q. It was a reasonably heavy object; is that right?

A. I - I don't - probably. Most typewriters are heavy in those days.

Q. Was it taken back to CIB in the vehicle in which you travelled to CIB?

A. I don't know.

45

Q. Thinking about your return to CIB, you had to park the car, and get out, and then take whatever items had been put in your car, or the car in which you were travelling, and then carry them to the lift lobby to take them upstairs to the third level to the Remington Building; is that right?

50

A. Yes.

Q. You had to take Mr Brajkovic back as well, obviously?

A. He was with us.

Q. You had Detective Senior Constable Bennett with you?

5 A. Yes.

Q. Can I ask you to think about the journey from the car to the lift lobby of the Remington Building. Mr Brajkovic was asked to carry a black suitcase, didn't he?

10 A. I recall him helping us with the property, and it was a suitcase, yes.

Q. A matter of a little significance perhaps about that is that he was still handcuffed, although not behind his back?

15 A. I don't remember that. He could have been, but I don't remember.

Q. Detective Bennett had the heavy typewriter, I want to suggest to you.

A. I don't remember that.

Q. Can I suggest that he had a heavy typewriter, and you took it from him and carried it yourself?

20 A. I don't remember that.

Q. Was there more than one journey from the car to the third floor of CIB to bring these items up to the third floor of CIB?

25 A. I don't think so.

Q. Whatever it was that you had brought back from the house had to be carried from the car into the lift lobby, into the lift, the lift goes up to the lift lobby on the third level, and you all come out?

30 A. Yes.

Q. You, Bennett and Brajkovic?

A. And Mr Krawczyk.

35 Q. Thank you. Mr Krawczyk was with you?

A. Yes.

Q. Mr Bennett was with you, wasn't he?

40 A. Yes.

Q. Who took the white plastic bag?

A. I did, I'm certain.

Q. Isn't it the fact that no-one took a white plastic bag from the car?

45 A. No. That's not the fact at all.

Q. Because there wasn't one?

A. No. That's not a - no. No. You're definitely wrong, Mr Buchanan.

50 Q. You see, if you were carrying a heavy typewriter, did you carry the white

plastic bag with its contents as well?

A. Look, I don't think I carried the typewriter.

Q. What did you carry?

5 A. I think I carried the white plastic bag, and I don't know what else I was carrying, but I was definitely carrying the white plastic bag from my recollection.

10 Q. What happened to the white plastic bag after it was brought to the third level?

A. It was taken from my - to the best of my recollection, it was taken into one of the interview rooms and placed on a table.

Q. Why? Why was it taken there?

15 A. I don't know what you're getting at, Mr Buchanan. It was taken there because we were going to speak to Mr Brajkovic about it.

Q. Is it possible that it wasn't taken to the interview room?

20 A. No. Possibly - I don't think so. My best recollection of it, is it was taken back and placed on a table in one of the interview rooms in the Armed Hold Up's. This is my best recollection of it.

Q. Was it taken out of the interview room and then placed on the floor of the Armed Hold-up Squad office?

25 A. It could have been, but I can't see any need for that to occur. It may have happened. I don't - but I don't think so.

Q. I want to ask you about the showing of explosives to Mrs Brajkovic and Mr Hudlin on the night of 8/9 February 1979.

30 A. Yes.

Q. Did you cause that to happen?

A. I would suggest that I did.

35 Q. Do you remember issuing instructions for it to happen?

A. No, I don't.

Q. You know that Mrs Brajkovic, her daughter, and Mr Hudlin came back to CIB, albeit in other cars from yours?

40 A. Yes.

Q. What was it that happened with them as far as you know?

45 A. Well, they were brought back to the CIB, statements were taken from them and I think the - or the explosives and other items were shown to them, and then I thought they were going to be returned home.

Q. You are aware that the evidence at the trial was that Detectives Bennett and Krawczyk and Pettiford showed Mrs Brajkovic and Mr Hudlin separately a white plastic bag that contained what appear to have been explosives which were said to have been found at Mr Brajkovic's premises?

50

A. Yes.

5 Q. The language that Mrs Brajkovic and Mr Hudlin used at the trial when they gave evidence to describe what they were shown was, I want to suggest to you, different to the explosives subsequently photographed at your direction? You know that photograph Exhibit MM?

A. Yes.

10 Q. They say they were each shown three cartridges, not two - Exhibit 2.1, day 103, red pages 3397, 3428 and day 104, red page 3448. Is there any response that you have to that knowledge?

A. None at all. I wasn't aware of that.

15 Q. Even in the witness statement that was taken by police, Mr Hudlin described this gelignite sticks as long. This is Exhibit 4.1 KKKK, last paragraph, and I want to suggest to you that there's a quantity of evidence from Mr Hudlin, Mrs Brajkovic supported to a degree, by some police that the cartridges they were shown were longer than the cartridges that were produced to the Dangerous Goods Branch on 28 March.

20

BASHIR: Your Honour, I object to that. First of all--

HIS HONOUR: Do you say that doesn't accurately reflect the evidence?

25 BASHIR: Your Honour, again, it's an incomplete description, particularly in this respect. The witness has been told just now about evidence at trial of three cartridges. He's then told that the description of Mr Hudlin in his statement is long sticks, but not told that it's two long sticks and in the statement, or what Milena Brajkovic has said in her statement about two sticks, and then there's a
30 wrap-up with what's said to be supported by some of the police witnesses at the trial. So, again, I do object to the incomplete--

HIS HONOUR: Yes. It needs to be complete if you're going to put their description and ask him to comment on it.

35

BUCHANAN: Yes, your Honour, except that irrespective of the number of sticks shown to those two persons, if they had a different dimension from the explosives ultimately seen by the Dangers Goods Branch, that has forensic significance, in my submission, irrespective of their number.

40

WOODS: Your Honour, it might be a matter for submission, but how does this witness answer? He's denied the proposition that there was no gelignite. How can he take it further? It's a matter for analysis of the evidence that's already there possibly, but it's a matter of submission rather than evidence.

45

BUCHANAN: Your Honour, I'm happy to take that on board. If there's no suggestion that we're ambushing Mr Wilson, if we subsequently make submissions to the effect that, basically, the gelignite that was shown to these two witnesses on the night was different from the gelignite that was produced
50 to the Dangerous Goods Branch without Mr Wilson being given an opportunity

to respond, I won't go further with this questioning.

5 BASHIR: Your Honour, just in relation to that, again, there are wrapped-up propositions. What's not being put to Mr Wilson is that the gelignite that he placed into the locker or that was retrieved from the locker was, for example, of a certain length, and the other thing that's not being put is that what was shown to Mr Brajkovic was of a certain length, and in terms of officers who described long sticks, some of those also gave a length that was exactly what Mr Buck has in his certificate, so it's a question of what's meant by "long". It's
10 problematic, with respect, your Honour, and things do need to be put to Mr Wilson, but--

HIS HONOUR: Do they need to be put? I mean, if there's a conflict between descriptions given by witnesses, submissions, surely, can be made about it at
15 the end without having to laboriously follow Browne v Dunn in putting the precise terms of the differences given in other people's accounts.

BASHIR: Yes, exactly, your Honour, and it can be put to the witnesses as they come, if they're coming. If there's a witness coming who is said to have given
20 a different description of the gelignite, then that can be tested.

HIS HONOUR: Yes. Mr Buchanan, I think your ability to make a submission in relation to differences that causes you to raise this point, I think you're protected in any event.
25

BUCHANAN: Thank you, your Honour.

LUNCHEON ADJOURNMENT

30 EXHIBIT 4.2-75, RED PAGE 610, SHOWN TO WITNESS

Q. This is Mr Brajkovic's Record of Interview we're showing you, Mr Wilson.

A. Yes, Mr Buchanan.

35 Q. Page 610 starts at question 60. Can I take you down to question 68. At question 67 you asked:

"Q. What other places were to be the target for explosions tonight?

40 A. I think may be Tony put bomb in theatre, he try to get key. He get help from others. I get help from others to put bomb in the places near my home."

Q. Will you tell us what other places you are talking about?

45 A. I think travel agency at Fairfield and maybe some in Newtown.

Q. You have said earlier that the Theatre was to be blown up on Saturday night. Is that correct?

A. Yes.

50 Q. Tonight we put bomb in there we make special clock to last for

three days."

Then there's questions about the clock, and then question 72:

5 "Q. We have also been informed that an explosion was to occur at a main water line in the St Mary's area. Can you tell us anything about this?

A. We talk about it but no orders given yet."

10 Skipping over 73 to question 74:

"Q. Can you tell us why you would want to destroy this water line?

A. Confusion people take notice when that happens."

15 Can we go to the next page, please, red page 611. I just also take you to question 83.

20 "Q. From what you have told us I take it that your main target was the Elizabethan Theatre at Newtown next Saturday night. Do you agree with that?

A. Yes.

25 Q. 84. Had you been ordered to place a bomb in the Theatre at Newtown would you have done so?

A. I do anything to help Croatia. I sorry for people. It must be done."

A. I beg your pardon, Mr Buchanan, what question was that?

30 Q. 85.

A. Yes. Thank you.

Q. At the conclusion of the Record of Interview, you went through the senior officer procedure with Detective Inspector Morey, you've told us?

35 A. Yes.

Q. And Inspector Morey signed it. What happened to the pages that had been in the typewriter? All of the pages comprising that Record of Interview once Detective Inspector Morey had finished?

40 A. I don't know. Probably put in separate piles in page order.

Q. What done with it?

A. In page order. Like three volumes of however many copies we made. Individual copies.

45 Q. And then what?

A. Well, one copy was taken down to the CIB Enquiry Office, and the rest were just - we kept them somewhere. I probably put them in my brief locker or something like that.

50 Q. You haven't ever said that a copy of the Record of Interview was shown to

Detective Inspector Morey that night, have you?

A. Well, he read it to Mr Morey (as said). Mr Morey read it to Mr Brajkovic.

Q. Good point. Was the Record of Interview shown to anyone else?

5 A. I don't think so.

Q. Was anything done, that you are aware, to check whether there were explosives at any of the targets for bombings that you say Mr Brajkovic told you about in the Record of Interview?

10 A. Say that again?

Q. I've taken you through a number of questions and answers in which, according to what's recorded, Mr Brajkovic talked about – identified particular targets for bombings.

15 A. Yes.

Q. Was anything done that night to check whether there were explosives, or bombs even, at any of those targets?

20 A. No. I don't think so.

Q. Was there any reason why nothing was done, to your knowledge?

A. No. It probably wasn't considered at that time. I don't know. I'm only guessing.

25 Q. Well, police had been given information, so far as you were concerned, that there were these targets in various suburbs of Sydney for a bomb plan, a bomb plot, yes?

A. Yes.

30 Q. Did you know that there were no explosives at any of these places?

A. No. But the bomb plot - the bombs weren't set to have happened within next - within the next 24 hours, from memory, or over the ensuing days.

35 Q. That was the theatre, but the other sites, according to the screed that Detective Morey gave you, the explosions were timed for 3.00am on 9 February?

A. Yes.

40 Q. Did you do anything to check to ensure safety at those various sites that you say Mr Brajkovic told you were to be targets of the bombings?

A. No.

Q. You weren't concerned for the safety of the people at those alleged targets?

45 A. Well, the bombs were going to be planted that night, but we stopped them in their tracks before they got that far.

50 Q. You knew, did you, that you had stopped everyone in their tracks? That there were no other people who might be part of the conspiracy who might carry part of it out?

A. I couldn't imagine there would be another group doing that because you've then got two groups of people who are going to blow up the same places. Is that what you're inferring?

5 HIS HONOUR

Q. I don't think you were asked whether there was another group.

A. No. Not that I'm aware, sir. No. No.

10 BUCHANAN

Q. But you're taking a risk, weren't you, that there wasn't another group?

A. No. I didn't - I didn't think about another group, no.

15 Q. You see, it's difficult to understand, if you really were told by Mr Brajkovic, that these various places were to be bombed, according to the plan or the conspiracy, and you took no steps to ensure safety, to ensure there was no risk of any explosives going off at any of these locations.

20 BASHIR: I object, your Honour. That's a comment, not a question.

BUCHANAN: Well, I'm inviting the witness to respond.

HIS HONOUR: Yes. I think it's legitimate.

25

WITNESS: Say that again, Mr Buchanan?

BUCHANAN

30 Q. I'll put it slightly differently. It seems peculiar if Mr Brajkovic did tell you the things that were typed down by Detective Harding as to the various sites that were planned to be bombed, that no steps, to your knowledge, were taken to ensure that they wouldn't be bombed, particularly given the information given from Inspector Morey that the time for the bombings that were to occur that

35

night was 3 o'clock in that morning.

A. Yes.

Q. What do you say?

40 A. I don't know what you want me to say, but I didn't think that at all. We were under the impression that the bombs were going to be planted that night. We didn't give consideration to anybody else planting bombs either that night.

Q. What were you doing between the time that Mr Brajkovic's Record of Interview concluded and 3.00am on 9 February?

45

A. I took him to Central, I charged him, came back, did notes and then finished and went home at about 3 o'clock, I think.

Q. You see, I want to suggest that you were not a detective who was careless about public safety?

50

A. Definitely not, Mr Buchanan.

Q. And I want to suggest to you the fact that you didn't take any steps to ensure safety at the sites that you say Mr Brajkovic identified as bombing targets suggests that he didn't tell you anything about a bomb plot or sites being planned to be bombed.

5 A. No. That's not correct, Mr Buchanan.

Q. Have you got any other explanation as to why you didn't take steps to ensure safety at those sites?

10 A. Well, I didn't think of it, and I don't think anybody else thought of it either.

HIS HONOUR

Q. Mr Wilson, that night--

15 A. Yes, sir.

Q. That day and going into the night, there were seven people arrested in relation to this plot to blow up places?

A. I think there were seven. I'm not sure.

20 Q. Apart from those who were arrested, how could you know there weren't any others who were involved in the plot?

A. We wouldn't know.

Q. Sorry?

25 A. I wouldn't know. No, I didn't know.

Q. But there could well have been other people involved in the plot who were out there with explosives who could have planted bombs.

30 A. There could have been dozens of other people, your Honour. Dozens. 20, 30, 40, 50 people involved - not involved, but may have had the same idea to do that, but, no, we didn't consider that at the time. We thought we'd stop this catastrophe from happening by arresting these people, and we thought that was it.

35 BUCHANAN

Q. Does the same apply, as far as you're concerned, to the Elizabethan Theatre in Newtown, where according to what you were told by Mr Brajkovic, there was to be a bombing on the Saturday?

40 A. Yes.

Q. The Saturday night?

A. That's correct.

45 Q. You took no steps there to ensure this theatre was searched for bombs?

A. I'm not sure about it being searched, but perhaps enquiries were made there between 9 - or 8 February and whenever the Saturday night was. I'm not sure about that, but I think enquiries may have been made.

50 Q. Was anything done about the fact that a licence, or a permission, had been

issued for people to congregate outside by way of a demonstration?

A. I don't know anything about that.

5 Q. If the theatre had been bombed, if there had been hundreds of people outside the theatre, there would have been a risk to the safety of at least some of those people, wouldn't there?

A. Absolutely.

10 Q. But that "permit", I think perhaps that's the right word for the demonstration, was not, to your knowledge, revoked?

A. I'm not aware of any permit or licence, Mr Buchanan.

15 Q. At that time in 1979, permits were issued by police for demonstrations, weren't they?

A. I don't know.

Q. Very good, thank you. Can I change the subject now?

A. Course.

20 Q. And ask if we can have a look, first of all, at the Police Commissioner's instructions that applied at the time.

EXHIBIT 14.12 SHOWN TO WITNESS

25 Q. Red page 150. You can see the first page of that, and I think you were taken to it earlier, were you not?

A. Yes, I recall this page.

EXHIBIT 14.13, RED PAGE 150, SHOWN TO WITNESS

30 Q. Red page 150. You can see that this is part of Instruction 33 and there is a heading in the page, "Exhibits"?

A. Yes.

35 Q. There's a paragraph numbered 14 directly under the subheading "Exhibits" that reads, "Full particulars of property used by police as exhibits should be recorded in the exhibit book. The entries in regard to each exhibit ought show at a glance the whole of the movements of the exhibit from the time of receipt to its ultimate disposal." You see that?

40 A. Yes.

Q. Then at paragraph 16, I think at page 153, you see that paragraph 16 has got subparagraphs?

A. Yes.

45 Q. See (1) and (2), and then can you see a subparagraph (3); this is on page 153. Looking at subparagraph (3), it reads:

50 "When an exhibit is required for production at court or for any other purpose, the article must be checked with the recorded particulars

in the exhibit book by the member of the Force responsible for exhibits and by the member receiving it. The latter to sign for the exhibit in the space provided in the book."

5 If you can just read it to yourself, you can see that the following paragraph is about what is to happen when the exhibit's been finished with at court and is returned to police?

A. I've just read that paragraph. Yes, I've read that paragraph.

10 Q. Just thinking back to that time, the concept of exhibit books and keeping exhibits in exhibit rooms at police stations contributed, didn't it, to the integrity of exhibits?

A. Yes.

15 Q. You would accept, wouldn't you, that if police exhibit books were not used to record police custody of items used as exhibits that there was a risk that such items which had been seized by police could be used corruptly; for example, to load up suspects?

A. Say that again, Mr Buchanan.

20 Q. If exhibit books weren't used to record police custody of items being used as exhibits by police, then there was no register of where they were?

A. That's correct, yeah.

25 Q. That could contribute to a risk that items seized by police and not registered in an exhibit book could be used to load up suspects?

A. Yes.

30 Q. CIB had an exhibit book that was looked after by the reception officer at CIB?

A. At the Enquiry Office, there was an exhibit room, yes.

Q. Alternatively, exhibits could be booked up in the exhibit book at the police station where the offender concerned was charged?

35 A. Yes.

40 Q. You know, don't you - red page 6565 in the committal hearing transcript - that a clock with a hole bored through its face was produced on 13 August 1979 at Mr Brajkovic's committal hearing as having been found in his house on the night of 8 February?

A. Yes.

Q. You know that that clock was an Exhibit for the Crown in the trial?

A. Yes.

45

BUCHANAN: For the record, Exhibit JJ marked on 13 May 1980.

EXHIBIT 4.1MM SHOWN TO WITNESS

50 Q. I show you again the black and white photograph of the items said to have

been found at Mr Brajkovic's house on 8 February. Amongst them, you can see in almost the middle of the photograph, next to a roll of tape, what looks like a mechanical alarm clock?

A. Yes.

5

Q. That's the clock that was said to have been found by you?

A. That's the clock that I found.

Q. Where did you find it?

10 A. On a table in the workroom at his premises.

Q. At the front of the house?

A. Yes.

15 Q. It by itself was not an explosive item, was it?

A. No.

Q. Was the clock with the hole drilled through its glass face registered in any exhibit book?

20 A. I would assume so but I didn't enter any exhibits into any books. It was--

Q. Why do you assume it would've been registered?

25 A. I think that might've been left with the - to be organised by Detective Sergeant Turner or Milroy, because I had no - I have no recollection of any exhibits up anywhere.

Q. Were Detective Turner and Milroy on the premises on the night of 8/9 February at CIB?

30 A. No.

Q. What was done with the clock after it arrived at CIB?

A. I think I retained it.

Q. What did you do with it?

35 A. I think eventually I gave it to - I can't remember. I'm guessing now. I think I might've given it to Sergeant Turner or Detective Milroy. I don't know. I can't recall. I'm only guessing.

40 Q. If you had in fact on that night a clock with a hole drilled through its glass face in relation to this matter, was there any reason you could not have taken it to Central Police Station at the time you lodged Mr Brajkovic in the charge room there?

A. Not - no, not really.

45 Q. But you didn't?

A. I didn't.

Q. Did you lodge the roll of tape in an exhibit room or register it in an exhibit book?

50 A. As I said, Mr Buchanan, I have no recollection of entering any exhibits up

anywhere.

Q. The while plastic bag wasn't--

A. Well--

5

Q. --registered anywhere?

A. They could've been but I have no recollection of doing it myself. Maybe somebody else did.

10

Q. If you assume that there's no evidence in the Inquiry that any of those non-explosive items were in fact registered in any exhibit book, what would you have to say to that?

A. Say that again, Mr Buchanan.

15

Q. Could you assume that there is no evidence in the Inquiry that the non-explosive items shown in that photograph, Exhibit 4.1MM, were registered in a police exhibit book?

A. Yes.

20

Q. What would your response be to that?

A. Well, I suppose it surprises me because they should've been entered up in an exhibit book.

25

Q. But an alternative explanation, of course, is that these were bodgied up by police after Mr Brajkovic had been lodged in the cells, isn't it?

A. No, that's - no, that's not right.

30

Q. Them not having been lodged at Central Police Station via the exhibit book or, at the latest, at CIB exhibit room is consistent, isn't it, with those items having been put together by police later?

A. I wouldn't agree with that either.

35

Q. Did to your knowledge, in relation to Mr Brajkovic, did police construct a clock with a hole drilled through its glass face?

A. Sorry?

40

Q. In relation to Mr Brajkovic, did police construct a clock with a hole bored through its face?

A. No, it was found on his - the table in his work room, Mr Buchanan.

45

Q. Were you aware of whether other police at CIB on the night of 9 February - that is, the early hours of 9 February 1979 - had a similar clock; that's to say, the one you say you had with a hole drilled through the face?

A. No, I'm not aware of any other clocks.

50

Q. There was no comparison of notes between you and other police as to what they had found on the premises they had raided?

A. No.

Q. You weren't interested in what had happened on the other raids?

A. Not at that time, no.

5 Q. Is that because, at the end of the day, the exercise was about loading these men up, as far as you knew it, and you wouldn't, as far as you're concerned, have learned anything useful by talking to the other police?

A. No, I completely reject that.

10 Q. I've talked about the clock. I don't mean to overlook the two batteries soldered together?

A. Yes.

15 Q. I think they're partially visible in front of the roll of tape in that photograph, Exhibit 4.1MM; is that possible?

A. Yes, I think I can see them to the right of the photograph.

20 Q. Those batteries also weren't lodged in an exhibit room either, were they?

A. Well, if you say so. As I said, I've got no recollection of these - moving exhibits but - if that's what you say, I'd agree.

25 Q. As far as you know, the gelignite and the flares and the detonators, they also were not lodged in any exhibit room or registered in any exhibit book?

A. I don't know.

30 Q. You didn't take any steps to ensure that that occurred?

A. That's correct.

35 Q. I apologise, Mr Wilson, if I've asked you this already. I just want to ask you a question: once the Record of Interview was over, what happened to the white plastic bag and its contents?

40 A. I kept possession of that, and eventually I'm sure it went back into my locker. A brief locker. That's my best recollection.

HIS HONOUR

45 Q. Mr Wilson--

A. Yes, sir.

50 Q. --of all these items that you are being asked about, and it's been asked to assume that they weren't entered up in any exhibit book or exhibit room--

40 A. I'm not certain about that, sir.

Q. No. But you're being asked to assume that.

A. Yes.

45 Q. In an investigation of this significance, would that be an unusual state of affairs?

A. Well, the exhibits should have been entered into an exhibit book, but it is unusual - it would be unusual. Yes, sir. It should have been done.

50 Q. So you're saying it was just an oversight or lack of competence that

occurred here?

A. I don't know. I might have been relying on somebody else to do it, but I can't explain why I didn't put any - I can't explain why I didn't put it in the exhibit book, no.

5

BUCHANAN

Q. Do you have a memory of the photograph that is still on the screen, Exhibit 4.1MM, being taken?

10

A. No.

Q. Do you know where it was taken?

A. I think it was taken in the office with the Breaking Squad, perhaps.

15

Q. By a Scientific Section photographer?

A. Yes.

Q. But you don't know whether you were there at the time?

A. (No verbal reply)

20

Q. All you know is you arranged for it or instructed it for it to be done?

A. I think I would have been there at the time to take them out of my locker and show it to them. That's my best explanation.

25

Q. I want to change the subject now to screeds. You've been shown one screed that you, I think, accept you were given by - a copy of which you were given by Inspector Morey--

A. Yes.

30

Q. Before you went out to Bossley Park?

A. Yes.

Q. You came back, and could I ask that the witness be shown Exhibit 2.3, day 56, red page 9184. I'm just trying to get that document to show you. I apologise that's not what I want to show you right now.

35

A. I'm fine, Mr Buchanan.

Q. When you came back, you reported, along with Mr Harding, to Mr Morey?

A. Yes.

40

Q. Did you receive from Mr Morey on that occasion, or while you were seeing him, a further screed? A second screed?

A. I don't remember.

45

EXHIBIT 11.36, RED PAGE 132, SHOWN TO WITNESS

Q. This is the document I am calling, "The second screed" that is headed, "FURTHER INFORMATION RECEIVED FROM Detective Sergeant Turner at LITHGOW ". Do you see that?

50

A. Yes, I do.

Q. It refers at the end of the fourth line to a "previous screed"?

A. Which line is that, Mr Buchanan?

5 Q. The fourth line, I think, of the first paragraph. "All the persons mentioned in the previous screed..."

A. Yes. I see that. I see that, yes.

10 Q. If you can just peruse that to see the sort of thing it is. It talks about Bebic stealing explosives, and then it has a subheading, "The targets for the bombings were:"--

A. Yes.

15 Q. --and then it has five paragraphs. Do you see that?

A. I see that.

Q. And then two more paragraphs, the second-last one reads:

20 "The bombs were all allegedly to have been placed at 1am tonight and with the exception of the Newtown theatre set to explode at 3am tonight.

Three further bombs were to have been made by the man Brajkovic at Fairfield. All the bombs were allegedly the idea of Zvirotic and Brajkovic, and were discussed at their respective homes."

25 A. I've read that.

Q. Having looked at that, do you recall seeing that document before?

30 A. I don't recall seeing this document before, but I would assume that we would have been given that document when we came back to the CIB.

Q. If your assumption is correct, and I'm not suggesting you're wrong, what was your understanding, or what would have been your understanding, as to why you were given it? What you were to do with it?

35 A. Probably to assist me with the interview of Mr Brajkovic.

Q. I think you were asked by Counsel Assisting about the compilation notes that Detective Harding typed commencing on the morning of 9 February after Mr Brajkovic had been lodged in the cells--

40 A. Yes.

Q. --along with other police who'd been involved in the Bossley Park raid.

A. Yes.

45 Q. Was this second screed, or its contents, used to help compile that document?

A. I don't remember.

50 Q. Was this screed, or its contents, used to help compile Mr Brajkovic's Record of Interview, by which I mean you and Detective Harding putting it together? Fabricating it?

A. We didn't fabricate anything, Mr Buchanan.

Q. Before the Wood Royal Commission into the New South Wales Police Service, in the course of your duties, had you heard the term "load up" before?

5 A. Yes.

Q. What were the circumstances in which you'd heard that term?

A. Just planting evidence.

10 Q. It means, doesn't it, to fabricate the finding of evidence?

A. Yes.

Q. Had you heard about it in the context where police had talked about loading someone up?

15 A. I can't recall where I heard it. I probably heard it in that way, yes. Just talking about allegations being made of police doing that. Yes, loading up.

Q. You never heard police talk about loading up a suspect or a defendant?

20 A. I've heard of - yes, that practice was alleged to have taken place, yes.

Q. Were you aware of it taking place on any occasion?

A. No.

25 Q. Were you aware of it taking place if only because other police talked about it?

A. No.

Q. Had you heard the term before the Police Royal Commission "brick up"? To brick up a suspect?

30 A. I haven't heard that expression before.

Q. Did you ever become aware, leaving aside the Report of the Wood Royal Commission at any stage in your career that members of the New South Wales Police Force sometimes loaded suspected offenders up with firearms or explosives?

35 A. I've heard that spoken about, yes.

Q. What are the circumstances in which you became aware of that?

40 A. Just general discussions with colleagues that it's been alleged that those conduct - that type of conduct had been carried out.

Q. So you weren't aware of a practice on the part of detectives, say in the squads at CIB, to load up suspected offenders with firearms or explosives?

45 A. I wasn't aware of any of it.

Q. Thinking of the concept of a "load up", it was necessary, wasn't it, that if police in a given team that had performed a raid, for example, were going to load up a suspected offender, then unless they were going to say in their evidence they were never in a position to see it, they would all have to say they saw the offender with, or in possession of, the item concerned, wouldn't

50

they?

A. I wouldn't know how to organise something like that because I'd - I had no idea.

5 Q. Theoretically?

A. Theoretic, I suppose you're correct, yes, but I'd never thought about it.

10 Q. In a situation like that, if police, as part of a raiding party, were going to give evidence consistent with loading up, say, the person, the target of the raid, it would be important that all of them gave that evidence, wouldn't it?

A. Yes.

Q. It would be important that not one single police officer gave evidence at variance with the fabricated evidence, wouldn't it?

15 A. Well, I've never involved myself in any of this sort of conduct, Mr Buchanan, so I don't know really what you'd have to do.

Q. But it would be important for the police involved in such an exercise to hold the line? To tell the same story from their point of view?

20 A. If that's what "holding the line" mean, yes. Tell the same - give the same facts, yes.

EXHIBIT 13.13A, RED PAGE 111-1, SHOWN TO WITNESS

25 Q. What I'm going to ask to have put up on the screen, Mr Wilson, is an excerpt from the Report of the Wood Royal Commission, and if we could go down to paragraph 3.64. Can you see that that says:

30 "The main power base in the Force in this period was undoubtedly the CIB and its various squads, elements of which were regarded as seriously corrupt. Transfers to and from CIB 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,
35 investigations were seen by other police to become unpredictable if the CIB, which had the power to move in on any investigation, took them over."

40 Is this the first time that you've been made aware of this observation in the Report of the Wood Royal Commission?

A. Yes.

Q. At the time the Wood Royal Commission's Report was published, and I'll be corrected if I'm wrong, I think it was 1997, were you in the Police Force?

45 A. I retired in 1996.

Q. You would have still been interested in 1997 as to what the Royal Commission into your employer had to say about police corruption in relation to CIB and loading up suspects and verballing them?

50 A. I was out of the job by then, Mr Buchanan, so I really wasn't concerned.

Q. You didn't have any pride in the fact that you'd served in the New South Wales Police Force at the time you retired?

A. I certainly did.

5 Q. So would you not have been curious to know, particularly given what had appeared on television in the months preceding the publication of the Report by way of hidden cameras and the like, and evidence that was reported as having been given to the Wood Royal Commission about police corruption, to know what the Royal Commission said in its report on that subject?

10 A. No. I saw a fair amount of it, as you said, in the media, the television, newspapers. That's all I wanted to know about it.

Q. It seems curious, I want to invite you to respond to this proposition, that you would not have been concerned, deeply concerned, about the reputation of the organisation which you had just left.

15 A. I was disappointed, yes, absolutely disappointed. That's all.

Q. You weren't curious about the details?

20 A. No.

Q. That's consistent with you, in fact, believing that such details as were reported by the Royal Commission would be unfavourable?

25 WOODS: I object to this question. This is inappropriate speculation.

BUCHANAN: I withdraw the question.

Q. You became aware, did you, that former Sergeant Rogerson was talking to the media in 1991 about practices of fabrication of evidence by police of which he said he was aware?

30 A. I was aware of that, but I don't know what year it was. I was aware of that.

Q. If I can take you to Exhibit 13.10, please. This is an article from the Sydney Morning Herald published on 24 September 1991 following a Four Corners program entitled "Police Story", which went to air on 23 September 1991, and it's headed "Rogerson Tells of dirty dealings"; can you see that?

35 A. Yes.

Q. Can you see the first paragraph:

40 "Former Sydney detective Roger Rogerson described last night the illegal methods used by detectives from three CIB squads to frame criminals who were stepping out of line. Speaking on the ABC's Four Corners program Mr Rogerson described the practice of loading up criminals as "the cult". '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. Mr Rogerson was speaking on the program Police Story about allegations of police bribery and corruption."

50

Just stopping there, do you remember that Four Corners program?

A. No.

5 Q. Did you ever see Roger Rogerson on television talking about police corruption?

A. No.

10 Q. Did you ever read an article in the newspaper about Roger Rogerson talking about police corruption?

A. Yes.

Q. Do you think you read this article?

A. I don't recall reading this article.

15 Q. It's possible that you did?

A. Possible, yes, but I don't recall reading it.

Q. Isn't it fair to say that what I have read out to you as attributed to Mr Rogerson was true?

20 A. No. I reject what Mr Rogerson had to say.

Q. Was there not, when you were in CIB, a culture of fabricating evidence against suspected offenders?

25 A. If there was, I wasn't involved in it, and I don't know of any other officer that was there in my time that was involved in it either.

Q. But if fabrication of evidence on the part of squads like the Armed Hold-up Squad and the Special Breaking Squad at CIB was as prevalent as the Wood Royal Commission in 1997 and Roger Rogerson in 1991 described--

30 BASHIR: I object, your Honour. The Wood Royal Commission said elements of those squads.

HIS HONOUR: Yes, that's true.

35 BUCHANAN: I press the question, your Honour.

HIS HONOUR: What term did you use?

40 BUCHANAN: Was prevalent in the squads concerned.

HIS HONOUR: Is that a word that they used in the Report?

BUCHANAN: No, your Honour.

45 HIS HONOUR: Well it's a bit of an inaccuracy.

BUCHANAN: May it please the Court.

50 Q. The Wood Royal Commission said those from the squads were

"recognised as having short-cut systems for achieving results such as police verbals and loads (planting of evidence)"; do you remember me reading that out to you?

A. Yes.

5

Q. You saw it on the screen?

A. Yes.

10 BASHIR: Your Honour, I'm sorry but that's after the Wood Royal Commission had specifically used the term "elements" of those squads at the CIB, and I can get you the paragraph, your Honour.

HIS HONOUR: No, I'm going to allow the question, Ms Bashir. The substance is similar. I'm not going to reject that.

15

BUCHANAN

Q. The observation of the Royal Commission in that regard is supported, isn't it, by what Mr Rogerson told the media in 1991 on the same subject?

20

A. It is.

Q. It is, I would suggest to you, not possible that you would not have been aware of such a thing?

A. Well, I wasn't aware of it, Mr Buchanan.

25

BUCHANAN: That's all with that item, thank you.

EXHIBIT 13.11 SHOWN TO WITNESS

30 Q. This is an item from the Sun Herald of 13 October 1991 by a column writer called Chris Murphy?

A. Chris Murphy, the solicitor?

Q. Yes. You nodded?

35

A. Yes, I'm familiar with Mr Murphy.

Q: And in this article – if I can just see if I can find it.

40 BASHIR: Your Honour, while Mr Buchanan's doing that, if I could just read onto the record the relevant passage from the Royal Commission:

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

Q. In the fourth column from the left on the screen in front of you--

50

A. Yes.

Q. --where the cursor is at the moment, you can see that attributed to Mr Rogerson are the words:

5 "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. Police 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.'"

10 Then he goes on to talk about the senior officer procedure. Mr Rogerson seemed to think that this was par for the course, verballing suspects?
A. That was Mr Rogerson's view but not mine.

Q. What he said about verballing suspects was true, wasn't it?
15 A. No.

Q. Can I ask you about the monthly lunches on the part of retired officers from these squads?
A. They're not monthly lunches, Mr Buchanan.

20 Q. They're not monthly?
A. No.

MCDONALD: No, your Honour, I think the evidence was quarterly--

25 HIS HONOUR: Four-monthly.

BUCHANAN: Four-monthly lunches, thank you.

30 Q. Is that right? Quarterly?
A. Yes, we have three a year.

Q. Was there concern amongst the officers attending those lunches when the Report of the Royal Commission was published?
35 A. The Police Royal Commission in 19--

Q. Yes, 1997?
A. Well, if there was, I wasn't a - didn't go in 1991. I only started going the last couple of years and I don't know if it was even in existence that long ago,
40 Mr Buchanan.

Q. Can I ask you when you started going?
A. To the lunches?

45 Q. Yes. As best as you can recall?
A. Five years ago, I suppose. Maybe eight years ago. I don't remember.

Q. You were having lunches with, as far as you knew it, detectives who were from these squads that the Wood Royal Commission talked about having elements of which were seriously corrupt?
50

A. I don't know. I don't think we ever spoke about corruption at these lunches. We had other things to discuss.

5 Q. Before he was arrested for the murder with Mr McNamara, that you would be aware of, Mr Rogerson--

A. I am aware of that.

Q. Did Mr Rogerson attend the lunches?

10 A. No, he wasn't invited.

Q. Can I take you back to Exhibit 11.89, please. This is the timetable of events and notes in relation to the arrest of Brajkovic?

A. Yes.

15 Q. Before it comes up, can we just go to the last page; it's red page 1291. You and Detective Senior Constable Harding signed this document?

A. Yes.

20 Q. Was there a reason why?

A. No. No reason.

Q. Was it to indicate to anyone who read it that it had the authority of you and Detective Senior Constable Harding? Is that the reason you signed it?

25 A. I don't know why we signed it, Mr Buchanan. I don't even remember this, but it was done, obviously, but I don't remember it. But that's signed for no reason.

30 Q. But you'd accept that the effect of your signature to a police officer reading it is that, "Oh, this has been authorised by Sergeant Wilson."

A. I don't know what sort of opinion you'd get about reading someone's signature. I don't know how to answer that.

35 Q. You don't think that would be your impression looking at it now?

A. No.

Q. That it was authorised by you and Mr Harding?

A. No.

40 Q. What other meaning could be attributed to the signature and the rank as set out at the bottom of the document than that you had authorised it?

A. I haven't authorised anything. I just did - signed this, my name with it, and Harding signed it as well. I don't know why.

45 Q. That can't be right, can it?

A. It is right. I'm telling you I don't know why, Mr Buchanan.

Q. Very well.

50 A. You're asking me something that was going through my mind 45 and a half years ago. I've got no idea what I was thinking at the time. I can give no

explanation why it was signed.

5 Q. Which is why I've been asking you questions along the lines of: but looking at the document as a police officer, you would expect a police officer, particularly a junior one involved in the raid at Bossley Park, to go to that page and see that it was signed by you and Harding, wouldn't you?

A. Why would a junior officer want to go through this document anyway?

Q. Oh?

10 A. Apart from those involved in the enquiry?

Q. Well, that's what I'm talking about. Those who took part in the raid at Bossley Park?

15 A. Yes. Of course they would have access to this document.

Q. And they would learn, wouldn't they, that you had authorised it?

A. I didn't authorise it at all, Mr Buchanan. I just signed it. I can't even give any reason why I signed it.

20 Q. Can I suggest to you it is a ridiculous answer to suggest that you didn't authorise it?

A. I did not think it's ridiculous.

25 BASHIR: I object. It's commentary, and it's derogatory to the witness, your Honour. I object to that.

HIS HONOUR: I know Dr Woods is here to protect Mr Wilson's interests, isn't he?

30 WOODS: Your Honour, I was about to join in the objection. What does "authorising" mean? He signed the bottom of it, but it's not a birth certificate or anything.

35 HIS HONOUR: Well, issued with his authority. I think that's what you are alluding to, Mr Buchanan, isn't it?

BUCHANAN: Yes, your Honour.

40 Q. What was the purpose of you signing any document in your work as a Police Sergeant?

A. I signed my name probably numerous times a day when I was a Detective senior rank. Anything. Reports. Files. I don't know. Everything. Everything that came my way, I just signed it. Any document that - any document that needed a signature, I signed. I can't remember--

45 Q. To show that you were involved in its creation or had approved it?

A. The file. Yes, a report. Yes.

50 Q. The purpose of this document was that officers who had taken part in the Bossley Park raid would draw upon it for the purpose of creating their

statements? Their witness statements?

A. Making these witness statements, yes.

5 Q. The effect of this was that it provided a script, didn't it, to the other officers who had taken part as to what their evidence should be?

A. I wouldn't call it a "script". That's just notes of what occurred that night.

Q. But the effect of it was that it was a script for the reader?

10 A. You choose that word. I wouldn't choose that word, Mr Buchanan.

Q. Why would other officers who'd taken part in the raid read it if not to use it?

A. Well, that was their thought for them to use to make their statement.

Q. How would they use it, as far as your intention was concerned?

15 A. Just do their statement on the information contained in that document.

Q. That they would copy it out and adopt it to the role that they were said to have played in the exercise?

20 A. Their involvement in this matter would be taken, each statement would be made, and their roles in this matter, from that document.

Q. You were there at the compilation of this document both in the early hours of 9 February and then later in the morning of 9 February in the daylight hours?

25 A. Yes.

Q. What you were doing with these other officers was taking part in what police called, "A scrumdown", wasn't it?

30 A. I don't know what "a scrumdown" is. I've never heard of it before, "a scrumdown".

Q. You hadn't heard the term before I used it?

A. A scrumdown?

35 Q. Yes.

A. No.

EXHIBIT 13.13A, RED PAGE 15, SHOWN TO WITNESS

40 Q. If we could go to the bottom of the page. To give you a bit of context, this is a glossary at the front of each volume of the Wood Royal Commission Report, and I'm taking you to the definitions commencing with the letter "S", and the one that you can see at the bottom of red page 59 is "Scrumdown".

A. "Scrumdown", I see that.

45 Q.

50 "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

and statements consistently support a corrupt purpose. For example, a scrumdown may occur prior to an Internal Affairs investigation to ensure that all police support each other and maintain a common story about the events in question."

5

Go to the preceding page. Do you see that the Royal Commission defined it as "a term used by police"?

10

A. Well, I've never heard the term used before ever in 40 years in the police, Mr Buchanan. I've never heard the term "scrumdown", but may I say that the first part was - I'd call that a "debrief", a police term for the practice of getting together to ensure police statements and all evidence are consistent, but not called a "scrumdown", a "debrief".

15

Q. What was it called?

A. A "debrief".

20

Q. In ordinary parlance wouldn't a debrief be to have sort of like the senior person present involved in a matter, such as Inspector Morey, sitting around with the leaders of each team that had taken part in the raid and getting from them reports as to what they had found and what had taken place in any interviews they'd conducted with their suspected offenders?

A. That's a form of debrief as well, yes.

25

Q. But this wasn't a debrief; it was providing a script for your detectives as to what they should put into their statements, wasn't it?

A. Yes, but I'd still call it a debrief.

30

Q. It meets the definition of "scrumdown" as used by the Wood Royal Commission, doesn't it?

WOODS: I object to that, your Honour, that that definition is - it's got two elements to it. One is the innocent putting of heads together and the other is the collusive and wrongful doing of that process.

35

HIS HONOUR

Q. Whatever you call it, it's getting together with fellow officers and writing out an account of what occurred or what you'd allege occurred.

A. Yes.

40

Q. Is that right?

A. Yes, sir.

45

BUCHANAN

Q. It doesn't take much, does it, to change the meaning from innocent to corrupt; that is to say, all one has to do is make things up as you go along in compiling such a script?

A. There's a difference between the two, yes.

50

Q. You would have heard the term "verbal"?

A. Yes.

Q. You would have heard it before 1979?

5 A. Yes.

Q. You would have heard it consistently in your career as a police officer?

A. I wouldn't say consistently, but I heard it occasionally, yes.

10 Q. Did you hear police talking about how they had verballed suspected offenders?

A. No.

Q. Did you ever verbal a suspected offender?

15 A. No, Mr Buchanan.

Q. Nevertheless, I can tell you that the Wood Royal Commission seemed to think that at least elements of the CIB did verbal people.

A. Yes, the Wood Royal Commission did reach that conclusion.

20

Q. Are you saying as far as you know there was not the slightest factual basis for that conclusion?

A. I had no knowledge of it.

25 BUCHANAN: If we could again show Mr Wilson the Record of Interview, please, Exhibit 4.2-75.

Q. I will show you again, if I may, the Record of Interview for Mr Brajkovic. Just looking at the top, you can see that is recorded as having commenced at 11.55pm?

30

A. Yes.

Q. On 8 February, and can we go to the last page, please. Can you see that after the senior officer procedure involving Inspector Morey had been recorded, it reads, "Completed 1.46am"?

35

A. Yes.

Q. On 9 February. You claimed in the trial that between those two times of those two days you were conducting a Record of Interview with Mr Brajkovic?

40

A. I was conducting a Record of Interview between the times endorsed on the document, yes.

Q. You were the one who asked questions; no-one else took over?

A. Nobody else took over.

45

Q. Detective Harding was typing the questions and answers at the same time as the recorded questions were asked and the recorded answers were given?

A. Yes.

50 Q. Or a little bit behind, of course. Is it possible that for at least part of the

time that you claim you were interviewing Mr Brajkovic in an interview room on the third floor of CIB, you were, in fact, not in an interview room but out on the main floor sorting through property?

A. No.

5

Q. That had been seized from Mr Brajkovic's house?

A. No, I don't think so.

10 Q. You used the word "think", and I'm just wondering whether you are using that word in order to allow yourself some wriggle room in case it appears that you had been?

A. Well, if I did, I've got no recollection of it, but I know I left the room, was called from the room, to speak to two officers on two occasions.

15 Q. But there is nothing in the Record of Interview recorded by way of you going out to sort through property?

A. No.

20 Q. It is the case, though, isn't it, that property which had been seized from Mr Brajkovic's house was brought back to the third floor of CIB and placed in the Armed Hold-up Squad open area roughly in front of the two interview rooms there?

A. I don't remember where it was put, Mr Buchanan.

25 Q. During the time recorded as being the Record of Interview commencing at 11.55 and concluding at 1.46 the next day, what was happening in that interview room is that you weren't there; Harding and Morris were in there with Brajkovic. Isn't that the case?

A. No, it's not.

30

Q. What they were doing was giving Mr Brajkovic a hiding. They were beating him up?

A. No, that's - I completely reject that.

35 Q. I want to suggest to you that at one point you came into the interview room and asked a question of Harding and Morris to the effect, "Anything?" The Detectives answered to the effect, "Nothing"?

A. No, that never took place.

40 Q. Is it the case that you were well aware that Brajkovic was being beaten up by Harding and Morris and that, as far as you were concerned, it was for the purpose of trying to extract information from him?

A. I reject that too, Mr Buchanan.

45 Q. At one point, I want to suggest to you, you entered the room and told Morris and Harding to let Brajkovic be alone, to stop hitting him, and said words to the effect, "He won't tell you anything"?

A. No, that never took place.

50 Q. You and Mr Harding took Mr Brajkovic to Central Police Station?

A. Yes.

Q. It was necessary to provide him with support underneath his shoulders, wasn't it?

5 A. No.

Q. In case he fell over?

A. No.

10 Q. Mr Brajkovic asked you whether he could see a doctor, and you responded to the effect that he would see one later?

A. No, that was never said.

15 Q. At that time you took Mr Brajkovic to Central Police Station, did you have an opportunity of seeing his head and his face?

A. I didn't take particular notice of it really, but I would've seen his face, yeah.

20 Q. If he had had black eyes, welts around his neck, bruises to his head, possibly blood coming out of his right ear, there's no way you could've not seen that, is there?

A. I would've seen that, yes.

25 Q. You're aware, aren't you, that medical evidence was given at the trial which supported a view that Mr Brajkovic had that appearance when he arrived at Central Police Station, when he appeared in court later in the morning, when he arrived at the Metropolitan Reception Prison later that afternoon?

A. I was made aware of it but I don't know when I was made aware of it.

30 Q. You've told us you weren't present when Mr Brajkovic appeared in front of the Magistrate that morning?

A. I wasn't there, no.

35 Q. Can I just take a step back. I assume you provided or Detective Harding provided charge sheets to the officers in the duty room, in the charge room?

A. I don't remember. I think they did their own charge sheets. I don't remember.

Q. How would they have done their own charge sheets?

40 A. Well, type them up. I don't remember who did the charge sheets. It's only a matter of typing them up in those days.

Q. Did you type of charge sheets for Mr Brajkovic?

A. Not that I recall.

45 Q. Did you direct anyone else to type up charge sheets for Mr Brajkovic?

A. Not that I remember.

Q. Were you aware of Detective Sergeant Rogerson typing up charge sheets for any accused?

50 A. I didn't see Rogerson that night.

Q. Is it possible that Rogerson typed up the charge sheets for Mr Brajkovic--

A. No--

Q. --without your input?

5 A. No, that couldn't - wouldn't have happened.

Q. Were you present in court when Sister Susan Jefferies from the prison medical service gave evidence in the trial?

A. No.

10

Q. Can I tell you that she gave evidence - Exhibit 2.1, day 108, red pages 3572 to 3573 and 3574 to 3576 - that she saw Mr Brajkovic between the hours of 4pm and 6pm on 9 February at Metropolitan Reception Prison?

A. I'm not aware of that evidence.

15

Q. I'd ask you to assume that, that this--

A. Yes.

Q. --is evidence she gave at the trial?

20

A. Yes.

Q. She gave evidence that Mr Brajkovic gave her a history of an assault by police at about 10pm the previous night. She gave evidence that part of the history was that Brajkovic lost consciousness for approximately a few minutes and that his complaint of assault included a complaint of having been strangled; Exhibit 2.1, day 108, red pages 3572 to 3 and 3577. Is this the first time you've heard that?

25

A. Yes.

30

Q. Sister Jefferies observed Mr Brajkovic and recorded bruising to both eyes and to his forehead; that's Exhibit 2.1, day 108, red page 3572. She observed and recorded:

35

"Graze marks above the right eye, approximately two to three centimetres long. Bruising to the nose. No obvious displacement. Tender to touch. He had apparently bled the previous day but not since. Bruising to the right earlobe. He complained of reduction in his hearing. He was tender with some swelling to his right mandibular angle, but the mobility of his jaw was good. There were welt marks around the front of his neck from attempted strangling. There was bruising to the back of the neck. The line of welt marks was broken underneath each ear. The welt marks were around the front, and there was bruising at the back."

45

She said that, "He complained of severe headache, but no nausea or blurred vision." And she admitted him to MRP Hospital for observation and head injury, and he stayed there for three days. Exhibit 2.1, day 108, red page 3573. Are you able to account for the observations that Sister Jefferies made of Mr Brajkovic on the afternoon of 9 February?

50

A. No.

Q. But they're consistent with him having been beaten up, aren't they?

A. That sounds like a fair beating, yes.

5

Q. If he'd been beaten up at the police station, you would expect police officers staffing the police station to have been aware of that, wouldn't you?

A. Sorry? If they would be aware of it?

10

Q. Yes.

A. Aware of what?

Q. If Mr Brajkovic had been beaten up at the police station, would you not expect police officers staffing the police station to have been either aware of it or seen the results of it?

15

A. If they were present, yes.

Q. Dr Anthony Graham gave evidence that on 10 February, Exhibit 2.1, day 19, red pages 642 to 643, he saw Mr Brajkovic who gave a history of assault, "Complained of pain in the upper lumber region", which is the back, "on both sides." Red page 642. "He observed multiple bruising on the left frontal region of the skull", that is the left forehead. Also, he said, "There was bilateral post-orbital bruising around both eyes and tenderness anterior to the right ear." Red page 643. Are you able to explain how Mr Brajkovic had those signs when examined by a vascular surgeon on 10 February?

20

25

A. No.

Q. Dr Ubali Gunawardena gave evidence in the trial and he said that on 12 February he saw Mr Brajkovic, who gave a history of an assault by the police on 8 February. This is red pages 630 to 632 and 3559 to 3561. His evidence was that he observed a "Contusion", a bruise, "Just above the left lower eyelid, and just above the upper eyelid." He gave evidence that he observed, "Conjunctival haemorrhage in the left eye. Contusion just above the right upper eyelid and below lower eyelid. Conjunctival haemorrhage of the right eye." He said, "Both haemorrhages were quite evident." Red page 632. He explained that, "They comprised bleeding into the conjunctival membrane of the eye." And he said that, "Brajkovic was complaining of pain in the right parietal region", that is, the right wall of the skull. You don't know how Mr Brajkovic came to have those signs about his head and face on 12 February?

30

35

40

A. No, Mr Buchanan.

Q. Dr Gunawardena saw Mr Brajkovic again on 15 February, 19 March and 3 April 1979. On 15 February, Dr Gunawardena said that, "Mr Brajkovic complained of trouble with his hearing." Exhibit 2.1, day 108, red page 3565, and he referred Mr Brajkovic to a Dr Halliday, an Ear, Nose and Throat Surgeon. Red pages 3560 to 3565.

45

HIS HONOUR: Mr Buchanan, is more along the same lines likely to be profitable after the earlier responses by the witness?

50

BUCHANAN: Well, I'm only concerned that the witness said he wasn't aware of any of this before today.

5 HIS HONOUR: Well, so far what you've put to him he can't explain. He has no knowledge.

BUCHANAN: I've just heard a voice from behind me.

10 Q. You are aware of this evidence that was given at the trial; is that right?

A. I was aware evidence was given at the trial, but I'm not familiar with all of the evidence that was given.

15 Q. Part of the evidence from the Ear, Nose and Throat Surgeon was that he observed injuries to the ear and the inner ear, consistent with the ear having been kicked, and Mr Brajkovic having lost consciousness at some stage, which is something Mr Brajkovic told the Court happened to him in the beating he got from Detective Harding and Detective Morris.

20 A. Look, I don't know how Mr Brajkovic sustained those injuries, Mr Buchanan, but I definitely didn't witness any assault on him while he was in my care or in the care of any officers under my control.

25 Q. There's no suggestion you can make as to how Mr Brajkovic would have come by those injuries observed as they were by that sister and those doctors when they were observed?

A. No, I can't.

30 Q. It does suggest, however, that you're not telling the truth about the Record of Interview and about what happened in the interview room.

A. I'm telling the truth, Mr Buchanan.

35 Q. Taking a step back now from - leaving Mr Brajkovic aside, and I'm asking you questions about practices of which you were aware generally in the Police Force, particularly when you were at CIB. Were you aware of CIB Detectives, let's say, assaulting anyone in custody ever?

A. No.

Q. Did you assault anyone in custody ever?

A. Definitely not, Mr Buchanan.

40 Q. The Police Royal Commission thought that the – Exhibit 13.13A, red pages 111-107 at paragraph 6.20 found that the Police Force had an institutional tolerance of brutality and particularly for unnecessary assaults of persons under investigation or in police custody. That doesn't surprise you or it does surprise you?

45 A. No, it doesn't surprise me because I think in my years of service, officers were charged with assaulting people in custody, in my - in my period of the job, yes.

50 Q. Was it your view, thinking back upon it now, that the Police Force had an institutional tolerance of brutality of that type?

A. No.

EXHIBIT 11.44, RED PAGE 177, SHOWN TO WITNESS

5 Q. This is a set of negatives that, for what it's worth, looks as if they have been cut up and put on a cut-out from a content print and presented for viewing. Do you see that they are negatives of photographs?

A. They appear to be, but they're - yes, I've got to look sideways at them.

10 Q. Sorry? I'm hard of hearing.

A. No, it was, sorry. I can see it now, yes.

Q. I ask you to have a look please at the photograph with the number "20", the numeral "20" against it.

15 A. Yes.

Q. We can enlarge that to the extent that the Inquiry can, and do you see there that there are three men visible?

20 A. Yes.

Q. Two of them are wearing what appear to be overalls? The one in the middle, in particular, is wearing overalls?

A. Yes.

25 Q. With some sort of flash or patch on his shoulder, upper arm?

A. Yes, that's the police patch.

Q. That's at the police station?

30 A. It's a police patch.

Q. Turning, then, to number 19, which is lower down on the left-hand side of the page, if we can enlarge that please. And again they look like four people there; can you see that?

35 A. Yes.

Q. Two of them, wouldn't you agree, appear to be in overalls?

A. Yes.

Q. With flashes or patches on the upper arm?

40 A. And rank insignia on one of the officers.

Q. That was the uniform that SWOS officers wore when they were performing SWOS duties, wasn't it?

A. No.

45 Q. What do you say it was?

A. I don't know what that uniform is. It might be one that identified - one man in the photograph, it appears to me, to be Barry Musgrave, and I think he's wearing - that's - they weren't part of SWOS uniform from my
50 recollection. They weren't part of the SWOS uniform.

Q. When you were performing duty at Long Bay at the time the Counsel Assisting asked you about during a prison officers' strike, what were you wearing?

A. SWOS uniform.

5

Q. What did they comprise?

A. Trousers and a shirt. It was a sort of a bluey-grey colour, from memory.

10 Q. You've never seen officers who are members of SWOS wearing overalls of the kind that officers in those photographs can be seen wearing?

A. I don't recall SWOS officers wearing overalls. I'm not saying they didn't, but I don't recall it. I never wore overalls whilst I was in SWOS.

15 Q. If I tell you that these photographs were taken at Lithgow and that the officers were all police and that the officers were members of SWOS, does that change your view about whether SWOS officers wore overalls with a patch on the arm?

20 A. No, I don't recall. I never wore overalls as a member of SWOS, but I don't recall overalls, but once again I'm not saying they didn't wear them, but I don't recall them being issued with overalls.

Q. But you did, didn't you, in the period during the time that the committal hearing was on foot, I'm suggesting in about August 1979 - see Mr Brajkovic at Long Bay Gaol?

25 A. I saw Mr - I don't recall seeing him there, but there's every possibility I did, but I don't recall seeing him there.

Q. You deny having the conversation with him that Counsel Assisting asked you about yesterday?

30 A. Yes, I didn't - I don't recall having any conversation with him at all, and if I did, I wouldn't have used those words that he used about us stealing the moon or raping the English queen. I wouldn't have used those words whatsoever.

35 Q. In the statement of Mr Brajkovic that Counsel Assisting showed you, which contained that allegation, yesterday, you saw that Mr Brajkovic described the words that you used as "ridiculous"?

A. I would describe them as ridiculous, yes.

40 Q. All Mr Brajkovic is saying is that you were basically telling him that, were he to be found not guilty of the charges against him on this occasion, police would get him on something else irrespective of what the evidence was?

A. Yes, stealing the moon and raping the queen, something like that, yes. We're going to charge him with that--

45 Q. Ridiculous?

A. Absolutely.

Q. By the time you were performing this duty at Long Bay Gaol in 1979, you were aware that Mr Brajkovic had made a complaint against you?

50 A. I don't know when the - when I was aware of the complaint but I don't

think - I don't recall when I was made aware of the complaint. I don't think the complaint was against me in person; I think it was mainly against all of us, wasn't it?

5 Q. Counsel Assisting yesterday took you to entries in a visitors book from Parramatta Gaol; do you remember her taking you to those?

A. I do.

EXHIBIT 12.6, RED PAGE 84, SHOWN TO WITNESS

10 Q. Counsel Assisting took you to an entry where you are recorded, along with Detective Radalj and Detective Blades and Mr Cavanagh as visiting someone at Parramatta Gaol. I'm showing you now pages from 6 March. Can you see the top of that page, the date 6/3/80 is recorded?

A. Yes, I can see that.

15

Q. Can you see your name ten lines down--

A. Yes, I can see that.

20 Q. --roughly? And that of an M R O'Brien?

A. Yes, Detective Sergeant O'Brien.

Q. He was in the Special Breaking Squad?

A. He was.

25 Q. He was involved in the Croatians enquiry, wasn't he?

A. I don't think he was.

Q. I think he attended Lithgow?

A. I don't think so. I'm not sure. I'm not--

30

Q. Was there more than one O'Brien?

A. No, I - I don't remember Mick - Sergeant O'Brien going to Lithgow. I don't think he was involved in this enquiry at all.

35 Q. Maybe I'm wrong, but we can certainly sort that out. You accept the likelihood is that, on that occasion, 6 March, you were visiting Mr Virkez?

A. Not on 6 March. If I went there with Sergeant O'Brien, it could've been in relation to a completely different matter because I know that Mr O'Brien - I'm certain Mr O'Brien wasn't involved in the Croatian matter.

40

Q. I'll just see if I can assist you, or assist myself, with some evidence on that subject. Detective Sergeant Third Class?

A. Yes, he was.

45 Q. He was at Lithgow?

A. He was?

Q. Yes?

A. Well, I wasn't aware - I'd forgotten about that.

50

Q. Is it possible that you and Mr O'Brien went to see Mr Virkez on 6 March?

A. Having told me that Mr O'Brien was at Lithgow, yes, there is a possibility.

5 Q. And there is also - it is the day before 7 March, which is when you and Detective Radalj and Mr Cavanagh and Mr Blades saw Mr Virkez?

A. Yes, that would appear so.

Q. It's the day before?

10 A. Yes.

Q. Your answer is you don't know how it was arranged that you go to see Mr Virkez on 6 March because you have no memory of it?

A. None at all.

15 Q. You don't know what happened because you've got no memory of it?

A. Correct.

Q. Was any record made of what happened on that visit?

20 A. Well, there should've been if it was something of relevance, but if not, perhaps not.

EXHIBIT 7.6, RED PAGE 112, SHOWN TO WITNESS

25 Q. Just while this document is coming, Mr Wilson, do you remember how it was arranged that you and Detective Radalj should see Mr Virkez along with the two AFP officers on 7 March?

30 A. I - the only suggestion I could make is that - I can't remember - I can't even remember any interaction between myself and Mr Virkez, but the only suggestion I could put up as why John Radalj was there because of his capability of speaking the Croatian language and acting as an interpreter, perhaps.

Q. That's for Mr Radalj?

35 A. Yeah. That's what Mr Radalj was. He was of Croatian descent, and that's the only reason I can put up as him being there.

Q. Just on that subject, you didn't arrange on 8th, 9 February 1979 for Mr Brajkovic to have an interpreter at his Record of Interview?

40 A. No.

Q. Plainly, Mr Brajkovic's first language was not English?

A. Yes.

Q. At times, did you find him difficult to understand?

45 A. I can't remember. I don't think so, but I - perhaps. Perhaps, but I can't remember.

Q. Did he appear to have any difficulty understanding you?

50 A. No.

Q. If an interpreter had been arranged and had been present during the interview, that would have meant that it would have been very difficult to verbal Mr Brajkovic, wouldn't it?

5 WOODS: I object to that. He's already denied that four or five times, your Honour.

BUCHANAN: Then I'll put the question another way.

10 Q. If an independent person, independent of the police, had been present during the interview, that would have made it difficult for police to fabricate evidence of what took place, wouldn't it?

A. Yeah, if - if you're into that sort of conduct, yes, but I didn't do that sort of thing.

15 Q. Is that a reason why no interpreter was brought in on 8 February, 9 February 1979?

A. No. No.

20 Q. But you think there's a likelihood that Detective Radalj was brought in on 7 March to deal with any translation difficulties?

A. We may have taken some documentation with us, too. I'm only surmising this, Mr Buchanan, but the only reason I could think that Sergeant Radalj was there was to assist us in the interview, or maybe translating some documents we had for us. I don't know. That's the only thing I can offer.

25 Q. Looking at the document that's on the screen in front of you, can you see that it's signed by a Superintendent Goldsworthy, dated 7 March, the same day as the visit with Detective Radalj to Parramatta Gaol, together with the two
30 AFP people, and it reads, "Please allow Detectives Wilson and Radalj to interview prisoner Vico VIRKEZ regarding further offences."

A. Yes.

Q. Have you seen that document before?

35 A. I have, but I can't remember when.

Q. Did you have a copy of it on you when you went to Parramatta Gaol on 7 March 1980?

40 A. I think I would have taken it with me. I think that's what I would have done. That's the purpose of this document, I think.

Q. Do you know why it referred to "further offences"?

A. No.

45 Q. Could it be just cover for the fact that you were going to interview a known informant, and it was not to spread very much further--

A. No. I can't even--

Q. --from people who already knew?

50 A. No. Not for that reason.

Q. Were there any further offences--

A. No.

Q. --for Mr Virkez?

5 A. Not that I'm aware of.

Q. So you don't know why Superintendent Goldsworthy used that expression?

A. No. I don't .

10 Q. Can you assist us as to what relationship there was between your visit with Sergeant O'Brien on 6 March to Parramatta Gaol and your visit on 7 March with Detective Radalj to Parramatta Gaol--

A. No.

15 Q. --what the relationship between the two dates was?

A. I don't recall that.

Q. You weren't trying to find out from Mr Virkez on 6 March what his attitude was to cooperating with police? Maybe pleading guilty? Maybe giving
20 evidence for the Crown?

A. I don't remember that at all. I don't think that I was given that task, because Mr Virkez had other handlers, and I wasn't one of them.

Q. As you sit there now, what do you understand the purpose was of the AFP officers taking part in that exercise on 7 March?

25 A. I don't know.

Q. Who were the other handlers that you had in mind of Mr Virkez?

30 A. I think maybe Sergeant Turner and Milroy, perhaps. Perhaps.

Q. Was any record made of what happened during the visit?

A. I would think if something of significance had have been obtained, there would have been a record made of it, but if nothing came of it - only a duty book entry, perhaps.
35

Q. Was any report given of the outcome of your visit?

A. I don't remember that.

Q. On 7 March?

40 A. I don't recall that.

Q. Exhibit 18.4, red pages 7 to 8, this is what Mr Virkez later said, this is his account of the visit by Mr Cavanagh and Detective Sergeant Blades:

45 "They said that they would arrange for me to go to a country of refuge of my choice and promised to supply a ticket, a passport and any other identity documents to get me out. All this so long as I would give evidence in court. They also asked me to plead guilty to the charge of conspiracy to explode bombs and said that they would
50 see that the charge of conspiracy to murder was dropped. So I

changed my plea, even though I had continued with my representations to the New South Wales Department of Attorney-General and Justice to drop all charges."

5 Leaving aside that last bit about him having made representations to a department about his charges, was that account correct as far as you know?
A. I have no recollection of that conversation.

10 Q. Again, just with respect, it seems unlikely that you would have no memory of negotiations with a prisoner in gaol about him being able to leave the country, being given a ticket and a passport, having a charge dropped, if that, in fact, happened?
A. After 45 years?

15 Q. Yes.
A. No, after 45 years, no recollection at all, because that's unfair to expect me to remember that, Mr Buchanan.

20 Q. Did you have any other dealings with Vico Virkez?
A. I can't recall having any interaction with Mr Virkez. I obviously have, but I can't recall any of it.

25 Q. I suppose you made no report of your visit to Mr Virkez on that occasion to anyone?
A. I don't know if I did or I didn't. I can't recall.

30 Q. Did you talk to anyone in Special Branch about Mr Virkez either before or after these visits, but centering on 6/7 March?
A. I don't remember talking to anyone from Special Branch about Mr Virkez.

Q. You don't remember, then, whether Mr Cavanagh told you anything about Virkez?
A. He may have, but I don't remember.

35 Q. Did you get any understanding from Mr Cavanagh about a pre-existing relationship that he might have had with Mr Virkez?
A. I don't ever remember talking to Mr Cavanagh; I don't remember meeting Mr Cavanagh. This has gone completely out of my mind.

40 Q. Was there any conversation with Mr Virkez that I would suggest you would remember if it had occurred about him being a spy?
A. I have no recollection of that at all.

45 Q. About him working for a foreign Intelligence service?
A. No knowledge of that at all.

50 Q. It could have been discussed between Mr Cavanagh and Mr Virkez and you're saying, "If it was, I've completely forgotten about it"?
A. If it was, I've got no idea of it. I've never heard of Mr Virkez being a spy.

Q. Did you ever hear before Mr Cavanagh walked into Lithgow Police Station around the middle of the day on 8 February that Virkez had contacted the Yugoslav Consulate and informed them of the bomb plot that he later told police about?

5 A. Are you talking about when Mr Cavanagh went to Lithgow?

Q. I apologise, I have misspoken. Did you ever hear before he walked into Lithgow Police Station around the middle of the day on 8 February that Virkez had contacted the Yugoslav Consulate and told them what he later told police about a bomb plot?

10

A. I have - no, I don't think so.

Q. What I'm asking you here is to search your mind not just as to events and things you learned on 8 February, but any time thereafter did you learn about Virkez having talked to the Yugoslav Consulate about the matters that he subsequently told police about?

15

A. I may have heard something along those lines as time progressed, yes, but I don't remember exactly what it was about.

Q. Do you have a memory of when you first learned of something like that?

20

A. No.

Q. Do you remember whether the time when you first learned something like that was before, during or after the committal hearing or the trial?

25

A. I don't remember.

<EXAMINATION BY MR BROWN

Q. Mr Wilson, my name is Mr Brown, I appear for the NSW DPP.

30

A. Mr?

Q. Brown.

A. Yes Mr Brown.

Q. You were asked some questions by Counsel Assisting earlier this week about your direction that Mr Hudlin and Mrs Brajkovic be taken back to the CIB on the evening of 8 February 1979; do you recall that?

35

A. Yes.

Q. You were taken to and asked about the contents of their statements and what questions were asked of them?

40

A. Yes.

Q. And also by implication what was not asked of them given the terms of their statements; do you remember that?

45

A. Yes.

Q. Did you take the statement of Mr Hudlin?

A. No.

50

Q. Did you take the statement of Mrs Brajkovic?

A. No.

5 Q. Did you have any control over the questions Mr Hudlin or Mrs Brajkovic were asked or not asked once back at the CIB?

A. No.

10 Q. Different officers were taking responsibility for different tasks once back at the CIB?

A. Yes.

Q. You were occupied with Mr Brajkovic while he's back at the CIB?

A. Yes.

15 Q. Once you were back at the CIB, you were no longer, in effect, the senior officer? There were other more senior officers present at the CIB; is that correct?

A. Yeah, that's correct.

20 Q. You did not continue to have a command role in terms of directing the activities of other officers; is that right?

A. Yes, that's correct.

25 Q. Just moving to a different topic, you were asked some questions by Mr Buchanan about why you did not arrange for the gelignite to be photographed in situ at Restwell Road; you recall that?

A. I do.

30 Q. Your evidence was that there was not a camera available on that evening; is that right?

A. That's right.

35 Q. Mr Buchanan suggested, I think, that you could've left them there under guard to be photographed in situ at Restwell Road the following day by the Scientific Branch?

A. He did.

40 HIS HONOUR: I don't think the suggestion necessarily was the following day; it was just at a later time. As soon as a Scientific officer could there. I think that was the suggestion.

BUCHANAN: It was, but I confess I tagged onto the evidence that the Scientific Section did go there the next day, 9 February, and take photographs.

45 BROWN

Q. By the time you were aware of the gelignite, it was not in situ where it had initially been found by police, was it?

A. No.

Q. The white bag had been collected and moved by the time that you first saw it?

A. Sorry?

5 Q. The white bag and its contents had been moved by the time you first saw the white bag; is that right?

A. I took the white bag with me when I left the premises.

10 Q. When you first saw the white bag at the premises, as you understand it, it had been moved from where it had been first found by police officers; is that right?

A. Yes.

15 Q. Do you recall whether you formed the view on 8 February 1979 that it was necessary to take the white bag and its contents, including the gelignite, back to the CIB for the purposes of your interview with Mr Brajkovic?

A. Yes, and to remove them from the premises, yes.

20 Q. You did conduct a Record of Interview with Mr Brajkovic on 8 and 9 February 1979?

A. Yes.

25 Q. The white bag and its contents were shown to Mr Brajkovic during the course of that Record of Interview; was that correct?

A. Yes.

Q. That was a typed Record of Interview?

A. Yes.

30 Q. Are you aware that, in the case of a number of other members of the Croatian Six that were arrested that evening, they declined to participate in typed records of interview but did agree to participate in notebook Records of Interview?

35 A. I don't know what the other police officers did. I didn't know at that time what they did anyway.

40 Q. Did you ever have that experience though, in your policing career in the late 1970s or early 1980s, where a suspect that you were interviewing would decline to participate in a typed Record of Interview but would be prepared to participate in a notebook Record of Interview?

A. I may have but I don't recall that.

45 Q. Outside of your own direct experience, were you aware, based on any other information that you had at the time, of situations in which suspects would decline to participate in a typed Record of Interview but would participate in a notebook Record of Interview?

A. I don't recall that. It could've happened but I don't recall.

50 <EXAMINATION BY MR BUCHANAN

Q. Just arising from a question you were just asked about the officers taking statements from Mr Hudlin and Mrs Brajkovic, would you have expected the officers taking the statements to see what those witnesses could say about the alleged bomb plot?

5 A. Well, that was up to the officers taking the statement but I'd - they would've been asked about that, I'm certain.

Q. I'm sorry?

10 A. They would've been asked about what they knew about the bomb plot. I'm sure that - I can't recall the contents of the statement.

HIS HONOUR: Ms Bashir, did you have anything?

15 BASHIR: Yes, your Honour. I might, your Honour, be more than five minutes. I probably will be more than five minutes just because I need to take--

20 HIS HONOUR: When you say more than five minutes, how much more than five minutes?

BASHIR: I might be 15 minutes, your Honour. I'd hope not to be but I might be.

25 HIS HONOUR: Just pause for a moment. Ms McDonald?

MCDONALD: I'm going to be about 15 to 20 minutes.

30 HIS HONOUR: I have in mind, because we're a little bit behind the schedule for this tranche of sitting days, to start early next week; sittings at 9.30 rather than 10am for each of the three days next week. Does that cause some insurmountable problem for anyone? No? Good. Why don't we stand the matter over now until 9.30 on Monday and you will not feel so rushed at that point?

35 BASHIR: Yes, your Honour. I can use the four minutes if it helps anybody but I'm happy to start--

HIS HONOUR: If we can use a bit of time.

40 WOODS: Your Honour, can I just ask across the crowded room, to so speak, if Mr Wilson has any obligation on Monday that affects his health or?

HIS HONOUR: Is there any difficulty with you coming back, Mr--

45 WITNESS: Not on Monday, your Honour, no.

HIS HONOUR: No problem?

50 WITNESS: I'm available Monday, yes. Thank you, Mr Woods.

<EXAMINATION BY MS BASHIR

Q. Mr Wilson, my name's Ms Bashir and I'm acting for James Bennett?

A. Yes, Ms Bashir.

5

Q. Mr Wilson, just very quickly, do you remember giving this evidence to Counsel Assisting when you were asked about travelling from - this is at transcript 1326, just for the record. You were asked – do you remember you went from the CIB to Prairie Vale Road. There was a meeting point and then you went to Mr Brajkovic's house at Restwell Road?

10

A. Yes.

Q. Detective Bennett drove to the meeting place at Prairie Vale Road from the CIB?

15

A. He did.

Q. And then you were asked about the trip from Prairie Vale Road to Restwell Road?

A. Yes.

20

Q. You were asked this question at 1327, line 3: "Does that suggest, I'm sorry, Detective Krawczyk was in the car with you and Detective Bennett?" and you answered, "I don't know. He may still travelled in his own car, I don't know." Do you remember giving that evidence?

25

A. Yeah, I believe that Detective Krawczyk, I - having looked at some other documents, I believe that Detective Krawczyk was with us.

Q. He was with you?

A. Yeah.

30

Q. I just wanted to take you to your evidence at the committal hearing; and it's Exhibit 2.3-18 - could that be brought up - at red page 6691?

EXHIBIT 2.3-18, RED PAGE 6691, SHOWN TO WITNESS

35

Q. Just down towards the bottom of the page, just where that little hand is--

A. Yes.

Q. --you're being asked, "Well, where the house could be found?" And then you gave the address there. Then at the very bottom of the page, "Well how was the house to be identified?"

40

A. Yes.

Q. And you gave this evidence, "Because I met other police at an intersection nearby and Detective Krawczyk who'd been there earlier that day drove the car to there."

45

A. Yes.

Q. Do you see that?

50

A. Yes.

Q. I think your memory would have been much better back then--

A. Yes.

Q. --about what occurred?

5 A. I agree with that.

Q. Sitting there now, can you remember him driving or not today you can't?

A. No. I can't, but it would make sense because he knew where to go.

10 Q. Tell me if you're tired and you'd prefer to--

A. No. I'm fine. I'm fine, Ms Bashir.

Q. I just wanted to take you then, while we're on this transcript, do you see at
– can we go back to page 6563. I just want to tidy something up, I think. Do
15 you see down towards the bottom of the page, about 10 lines from the bottom
of the page at 6563--

A. I've got nothing on my screen at the moment.

20 BASHIR. It's coming. It's going to come up.

EXHIBIT 2.3-18, RED PAGE 6691, SHOWN TO WITNESS

Q. Just in the middle of the page, about 10 lines up, you say there, "On
16 March 1979"--

25 A. Yes.

Q. Do you see that?

A. I do see that.

30 Q. That was about that photograph, Exhibit MM, that we've seen?

A. Yes.

Q. The date you gave at committal was 16 March.

35 A. Yes.

Q. Then could I take you to your trial evidence, Exhibit 2.1-21, and at
page 672.

40 Q. Counsel Assisting has already taken you to an earlier passage, and for the
record it was back at page 663. Do you remember where the two dates,
16 March and 10 March were given?

A. Yes.

45 Q. Mr Buchanan said one of those was probably a typo? Do you remember
that?

A. I don't know, but possibly, yes. I don't know how that occurred.

EXHIBIT 2.1-21, RED PAGE 672, SHOWN TO WITNESS

50 Q. Then here at 672, you were asked this question, just down towards the

bottom of the page, about the fourth question up by Mr Lloyd-Jones, who'd heard the earlier evidence:

5 "Q. I think you said that that photograph of the material which you claim was in the back at the Brajkovic home was taken on 16 March 1979?

 A. I said that, yes."

A. Yes.

10 Q. Do you see that? Yes?

A. Yes. I see that.

 Q. Does that suggest to you that actually the evidence that you gave just earlier on that day in the trial was that the photograph was taken on 16 March?

15 A. Yes. It would suggest that.

<THE WITNESS WITHDREW

ADJOURNED PART HEARD TO MONDAY 12 AUGUST 2024 AT 9.30AM

20