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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 TWENTY-SEVENTH DAY: MONDAY 12 AUGUST 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

<JOHN FRANCIS WILSON, ON FORMER OATH(9.35AM)

BASHIR: Could I ask that the witness be shown committal Exhibit 2.3-16, red page 6564. Sorry could we go back to 6559.

15

<EXAMINATION BY MS BASHIR

EXHIBIT 2.3-16, RED PAGE 6559, SHOWN TO WITNESS

20

Q. In the middle of that page the prosecutor asked you a question, "What did you do then?"; do you see that?

A. I do.

25

Q. In the middle of that answer you describe what you saw in the bag: "two sticks of gelignite that had been taped together, a number of detonators and a number of flares"; do you see that?

A. I do.

30

Q. Now could we just go back to 6564, there was, of course, further evidence given, but the prosecutor asks you about you referring to a white plastic bag in your evidence and you answer, "Yes, sir", and you were asked if you have it, and just looking down that page--

A. Where are we at, miss?

35

Q. Just at the very top of the page.

A. Yes, thank you, I see that.

Q. You brought it to court in a bag and it appears that it was produced to the Court?

40

A. It appears that way.

Q. Do you see that?

A. Yes.

45

Q. The bag was marked "Z" in the committal proceedings; do you see that?

A. Yes.

50

Q. Then you were asked this just towards the bottom of the page, "Now, the two sticks of gelignite that you refer?" You say "they're elsewhere, they're not present in court", and you were asked if you have a photograph of those, and

you said you did in the same bag; do you see that?

A. Yes.

5 Q. If one keeps scrolling down, you produce the photograph and identify it as a depiction of the two sticks of gelignite mentioned in your evidence; do you see that?

A. I do, yes.

10 Q. It's marked A1 for identification.

BASHIR: Your Honour, just for the record, that's the photograph that becomes Exhibit MM in the trial.

15 Q. The detonators are also depicted, and over the page I can take you through it, but flares are produced and marked, the masking tape is produced and marked, the alarm clock is produced and marked, at the bottom of the page the newspaper is produced and marked, and the two batteries are produced and marked at the top of page 6566. I just want to ask you about the explosives that were in that photograph that's being shown to you, Exhibit MM.

20 A. Yes.

Q. They were the explosives that you had seen in the plastic bag at the house; is that correct?

25 A. Yes.

Q. They are the explosives that you took back to the CIB; correct?

A. Yes.

30 EXHIBIT 2.3-18, SHOWN TO WITNESS

Q. This is a further part of the committal hearing when you were recalled. At 6717, and just about the fourth question down you were asked, "You had just been shown a bag"; do you see that one?

35 A. Yes, I do.

Q. "You had just been shown a bag which, obviously, contained two sticks of gelignite wired together?", and you say, "They weren't wired together", and then you're asked, "Taped together?", and you answer, "Taped together, yes"; do you see that?

40 A. Yes.

Q. Then going down the page, "Where are the detonators now, do you know?", "Yes", and you say, "At the CIB"?

45 A. Yes.

Q.

"Q. And the gelignite itself, where is it?

50 A. It's at the CIB as well.

Q. Where are the cardboard cases of the gelignite, still wrapped around it?

A. Yes.

5 Q. And the flares?

A. Yes."

10 Then you were asked why they hadn't been brought to court, and you said, "Well, I was informed not to bring them". "Were you told not to bring them, in case they were dangerous?" And the prosecutor indicates this at the bottom of the page. Can you just read what the prosecutor says, that it was his direction that the articles weren't to be brought to the courtroom and the Magistrate said he didn't want anything explosive in the courtroom, and then over the page - sorry this is a long way of asking a simple question, but over the page
15 the Magistrate said this, "If you want to see them, Mr McCrudden, make your application and, perhaps, arrangements can be made". The prosecutor said, "I take it Mr McCrudden wants to see them, no doubt", and he said, "Yes, I do want to see them", and he asked, "Do the photographs produced show the markings of the detonators?", and you were asked if you could have a look at
20 the photograph and that's A1, but there's no answer given. Did you understand Mr McCrudden to be talking about the embossment on the detonators?

A. I don't remember what he was - I don't know what he's getting at. That's--

25 Q. Just here Mr McCrudden said he did want to see those items; do you see that?

A. Yes.

Q. Are we to assume that he did go and see the items?

30 A. I don't know if he saw them or not.

Q. Do you have any memory of that?

A. None at all.

35 Q. Just so that we're clear on your evidence, does that mean he could have but you don't remember it or that it didn't happen?

A. I don't know if he saw them or not.

40 HIS HONOUR: The earlier reference to the photograph of the items being "Exhibit MM" before the Inquiry should be a reference to "4.1-MM".

BASHIR

45 Q. I want to ask you some questions about back at the house at Restwell Road; okay?

A. Yes.

50 Q. I will go over it if you like, but do you remember that after giving some evidence that you transported items back in the car, in the boot all separated out, Counsel Assisting took you to evidence of the committal where you had

said that, in fact, you placed all the material back into the bag and you accepted that that evidence at the committal was accurate.

A. Yes.

5 Q. Do you remember that?

A. Yes, I do.

10 Q. You said that you thought that that happened before you all left the premises but that you were assuming because you didn't have any memory of it; do you remember giving that evidence?

A. Yes, I do.

15 Q. On that account from the committal all of those items were back in the bag. Now can I just ask you this, when the items were put back into the bag, when you saw them in the bag, you gave evidence they were separated by the gelignite being wrapped around the newspaper and the detonators being in a brown paper bag; do you remember giving that evidence?

A. Yes.

20 Q. Is that the way that you packed them back into the plastic bag?

A. I don't know.

HIS HONOUR

25 Q. Was it a brown paper bag or just brown paper?

A. I think it - I don't know, sir. It was either - I don't know. It was one or the other. I can't remember.

BASHIR

30

Q. You gave evidence too that you may have put the clock, the masking tape and the batteries back into the plastic bag, but you don't remember?

A. I don't remember, but that's a possibility.

35 Q. You've been taken to evidence and agree that you put them back into the bag at some time before you left the house; do you remember that evidence?

A. Yes.

40 Q. Your evidence was also that other officers were told about the finding of the explosives, not immediately but at some stage. I'll just give the transcript reference: it was T1503 line 16 and T509. Do you remember giving that evidence?

A. Yes.

45 Q. I suggest to you that shortly before you left the Brajkovic home that you told Detective Bennett, "Some explosives have been found and they're here in the bag", and you invited him to have a look in that white plastic bag, which he did?

A. That's a possibility, yes.

50

Q. I suggest to you that you were mistaken when you told Counsel Assisting here that it was not the case that you would invite an officer to come in and have a look?

5 A. Well, I still maintain that I wouldn't have considered it necessary to invite anybody in, but maybe Detective Bennett asked me, and I'm not doubting that he did, he probably did, but I don't remember it.

10 Q. I'm suggesting to you, and you just accepted it as a possibility, that you told Detective Bennett, "Some explosives have been found and they're here in the bag", and that you invited him to take a look?

A. Yes, I accept that.

15 Q. Your evidence in accordance with that at the committal is that you had the items in a white plastic bag with you at the house and then you had them with you at the CIB when you went up into the CIB – in the white plastic bag?

A. Yes.

20 Q. They stayed in your possession through that time from the house to the CIB?

A. Yes.

Q. Detective Bennett drove the car back and you were in the passenger seat?

25 A. Yes. I'm not sure who drove it. Possibly Detective Bennett drove it. It would have either him or Detective Krawczyk.

Q. I suggest to you that Detective Bennett drove the car and Detective Krawczyk was in the back with Mr Brajkovic?

A. I'll accept that.

30 Q. I suggest to you that you kept the white plastic bag with you in the passenger seat, so the white plastic bag and its contents were there with you in the front of the car somewhere in that passenger well?

35 A. That's a possibility. I'm confused whether I had it in the boot of the car or in the front of the car with me. I just forget.

Q. I just want to take you to your evidence here, transcript 1508, and at line 35. You'd given evidence that items were separated rather than all in the bag, which you later accepted was incorrect. Okay?

40 A. I accept that, yes.

Q. This was at the point where you'd given evidence that they were separated, and you were asked this question:

45 "Q. You didn't put them all into the white plastic bag?

A. I don't know. If I did, I shouldn't have. I don't remember. I don't think I would have; but if I did, I don't remember doing that. I don't even remember putting them in the back of the car, but in the boot of the car, but that's where they were conveyed, I'm certain."

50 So you said you didn't remember, and then you said you were certain. Could I

suggest to you that that's not where they were conveyed?

A. Yes. I accept that, because, as I said, I don't know one way or the other whether they're in the boot of the car or the front of the car.

5 Q. And you accept that it may well have been in that front passenger area in the car with you?

A. Yes.

10 Q. At the CIB, you gave evidence in the committal that Detective Bennett was guarding Mr Brajkovic in the interview room until you and Detective Harding entered for the interview, and it was at that time that Detective Bennett and Detective Krawczyk left the room. Do you want me to take you to that evidence?

A. No. That's correct.

15 BASHIR: For the record, it's committal Exhibit 2.3-16, 65, 61, and trial Exhibit 2.1, page 404.

20 Q. I suggest to you that that was the only time that Detective Bennett was in that interview room that night?

A. I'd agree with that.

25 Q. When you entered that interview room and Detective Bennett left, who'd been guarding Mr Brajkovic, that was the time that you brought the white plastic bag into the room after you'd been to see Inspector Morey?

A. I'm not sure about that, but that could be the way it was. I'm not certain.

Q. You can't exclude that that's what happened?

A. No. I can't exclude that.

30 Q. I suggest to you that it was Detective Krawczyk who came to get the items to show Mrs Brajkovic sometime in the early hours of the morning.

A. I'd accept that.

35 HIS HONOUR

Q. Mr Wilson, I'm just not sure what you mean when you say, "I accept that." And you said that earlier in relation to things like - that Mr Bennett had the opportunity to look inside the white bag at the house.

40 A. Well, I agree with it. I agree with it, sir.

45 Q. No. I'm just asking you: when you say, "I accept" propositions like that, do you have a memory that enables you to confirm it, or are you simply saying, "I don't remember it, but I'm not prepared to dispute it because I just don't have a memory."

A. That would be more like it, sir.

Q. The latter?

50 A. I don't remember it, yes. But I'm not disagreeing that it happened. I just don't remember.

Q. So you're not disagreeing with it?

A. Thank you, sir.

BASHIR

5

EXHIBIT 2.1-21, RED PAGE 668, SHOWN TO WITNESS

10 Q. It's Mr Lloyd-Jones cross-examining, but right at the top of the page. Mr Lloyd-Jones puts to you that the, "...batteries you found were in fact there but were connected to an FM microphone?" Do you recall this? That there was an acceptance at trial that the batteries were there. Do you remember that evidence?

A. Well, I don't remember the evidence, but I accept that it's true.

15 Q. Those batteries were batteries that you sent off for fingerprinting, along with the clock?

A. Yes.

20 Q. Do you remember that?

A. I do.

Q. I've finished with that line of questioning. Do you remember Mr Buchanan asking you quite a lot of questions about the notes timeline document?

A. Yes.

25

Q. Which he asserted was a script.

A. Yes.

30 Q. Do you remember that?

A. (No verbal reply)

Q. Could I just go back to the committal, Exhibit 2.3-17.

EXHIBIT 2.3-17, RED PAGE 6666, SHOWN TO WITNESS

35

Do you see Mr Ritchie is questioning you here. You are asked whether you refreshed your memory from a statement, and you said that you did. Do you see this?

A. Yes.

40

Q. "When was it made?", and you didn't remember, and you were asked whether it was made from notes, and you said, "Notes that were typed on 9 February", do you see that?

A. Yes, I do.

45

Q. Can we scroll further down. You're asked, about three lines up from where it says, "MR RITCHIE":

50 "Q. And do you have that statement from which you've refreshed your memory on you?

A. No.

Q. Well, do you have a copy?

A. No.

5

Q. Do you know whether or not there's a copy within the Court?

A. There would be I'd say. I don't know though."

10 And Mr Ritchie calls for it. Do you see that?

A. Yes.

Q. He calls for it. Does that jog your memory at all as to whether at this time in 1979 the statements were served on defence as part of brief of evidence, or it was the depositions that were served?

15 A. I'm quite certain that would have happened. The whole brief would have been served on the defence.

Q. In any case, the statement is called for, and if we could keep going down, and you identify it at the bottom of the page. "Yes, that's a copy of my statement." Do you see that? "WITNESS:"?

20

A. I see. "Yes, a copy of my statement." Yes, I see that.

Q. But the notes are never called for. Was there ever a call for the notes?

A. I don't remember that, ma'am.

25

Q. Do you have any memory of whether you ever produced the notes in answer to a subpoena or not?

A. No. I have no idea of that.

30 Q. You have no memory?

A. No recollection of that.

Q. Just about those notes, that timeline document. Is it fair to say that where such a document is accurate, it could assist officers who were present at the time of events there as an aid with their statements, but officers were to give evidence in a committal hearing and in a trial in accordance with their independent recollection?

35

A. Sorry? Is that a question?

Q. Yes. It's a question. Is it the case that while those notes may have been an aid for the preparation of a statement, if officers were present for the events that they were putting into their statement, officers were expected to give evidence at a committal hearing or at a trial, in accordance with their independent recollection if, for example, it differed from the notes?

40

45 A. I still don't know what you're getting, ma'am.

Q. It's inevitable in a committal hearing that further details might be asked of a question like yourself, for example.

A. Yes.

50

Q. So you might be asked, for example, "Well, who drove the car from the meeting place to Restwell Road?" Right?

A. Yes.

5 Q. And you might give evidence, "Well, we all met, and then Detective Krawczyk drove from the meeting place to the house." Correct?

A. Yes.

Q. That might not be in the notes; correct?

10 A. That's right.

Q. That evidence given in the committal hearing is evidence given from your independent recollection; is that correct?

A. Yes.

15

Q. It's fair to say, isn't it, that when you and other officers were giving evidence at a committal hearing and in a trial on oath, you're expected to give evidence in accordance with your independent recollection; correct?

A. Yes.

20

Q. That's regardless of what those notes said, if your memory differs from what's in the notes?

A. Yes.

25 Q. So those notes, a timeline document, where it's accurate in a portion for an officer that was present for that particular portion, were there as an aid for the officer. Not as a be all and end all for his evidence; correct?

A. Correct.

30 <EXAMINATION BY DR WOODS

Q. One of the unusual propositions put to you, Mr Wilson, related to an occasion when you went out to the gaol because the prison officers were on strike. Do you recall that?

35 A. I do.

Q. You and fellow officers were called on to provide basic security at the prison.

A. Yes.

40

Q. You've heard that Mr Brajkovic alleged that you had some contact with him there while he was in custody, and certain conversations took place. Do you remember that being put to you?

A. Yes.

45

Q. You described that conversation as "ridiculous".

A. I did, sir. Yes.

50 Q. You remember that part of the conversation put to you was the proposition that you made a reference to possibly charging Mr Brajkovic with an offence

against "the English Queen".

A. Yes.

5 Q. Assuming hypothetically that in 1979 you had a conversation in Sydney, not with Mr Brajkovic but with somebody else, making reference to the then Sovereign. Would you normally have referred to her as, "The English Queen" or just, "The Queen"?

A. "The Queen".

10 Q. Now, you referred to certain medical evidence given at the proceedings in 1979/1980 relating to injuries reported by Sister Jeffries when she saw him at Long Bay Gaol. Do you remember that evidence?

A. Yes.

15 Q. You were also referred to certain reports by other doctors over subsequent days.

A. Yes.

20 Q. After you charged Mr Brajkovic at Central during the night he was arrested, I take it he was then taken before the Magistrate the next morning. Was that the case?

A. Yes.

25 Q. And he was then remanded in custody?

A. Yes.

Q. Was it, to your knowledge, that the other people who'd been arrested that night following the various raids, the Sydney ones, were remanded in custody?

A. Yes.

30 Q. Is it your understanding that they were all placed into custody at the remand section at Long Bay?

A. I assume that's where they would have been sent to.

35 Q. Would that have been the normal practice then?

A. Yes.

Q. Is it to your knowledge that they would have been taken from the Court at Liverpool Street via some sort of prison transport?

40 A. Yes.

Q. You weren't present during that process?

A. No.

45 Q. You weren't present at Long Bay gaol?

A. No.

Q. You were present at the Court when they were remanded in custody?

50 A. No, I wasn't.

Q. Very well. Which of the police was?

A. I don't know. I can't remember who was.

Q. In any event, that was the sequence of events?

5 A. Yes.

NO EXAMINATION BY MS GLEESON AND MR MELICAN

<EXAMINATION BY MS MCDONALD

10

Q. Mr Wilson, I first want to take you to some questions asked by Ms Bashir, and you were taken to an extract of part of your cross-examination at the committal where your statement was called for.

A. Yes.

15

EXHIBIT 2.3-17, PAGE 6666, SHOWN TO WITNESS

Q. It's about point 5, halfway down the page, "and do you have that statement from which you've refreshed your memory?" Do you see that, Mr Wilson? We've got the cursor next to it.

20

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

Q. I want to take you through the questions and answers here. You were asked, "Do you have a copy?" "No". Then you were asked, "Do you know whether or not there's a copy within the Court?" "There would be, I'd say. I don't know though." Then Mr Ritchie addresses the Magistrate and says, "I wonder if I might call for it in any event?", and then says, "I call for it not for my own purposes, but for Mr McCrudden who was absent yesterday." Then the Magistrate says, "It is up to the sergeant or not", and then Mr Ritchie, "Up to the Prosecutor's generosity, in some respect". Then the next question from the Magistrate is, "Perhaps you might like to identify that?" Mr Ritchie, "Yes, I will show the witness". "Yes, that's a copy of my statement". Now, Mr Ritchie at committal was representing Vico Virkez?

25

30

A. I don't know.

35

Q. He was one of the counsel for one of the defendants.

A. Yes.

Q. What the questions and answers reveal is that there's a call for your statement, and it is important whether a copy of the statement is within the courtroom; do you agree with that?

40

A. I do.

Q. As Mr Ritchie said, "It's up to the Prosecutor's generosity in some respect"; do you see that?

45

A. I do.

Q. In this case, there appears to have been a copy of your statement in the courtroom?

50

A. Yes.

Q. And then you're shown it, and you identify it as your statement?

A. Yes.

5 Q. If it was the procedure in August 1979 that the police served a copy of the brief of evidence on the defence at the time of the committal, there would be no need for this procedure of calling for the statement, getting it produced, would there?

A. Possibly not.

10 Q. Criminal procedure did change over time, and eventually it developed to the stage that the defence did get a copy of the brief of evidence at committal, but what I want to suggest to you, in August 1979 that wasn't the procedure?

A. I-I don't remember.

15 Q. When, in an answer to a question this morning, you gave an answer along the lines of, "The brief of evidence would be served on the defence". You may have been speaking about a latter period during your career as a police officer?

A. Yes.

20 Q. You were asked some questions, and you were taken again to committal transcript, which I can take you to, where you were being cross-examined about the white plastic bag, the gelignite and the detonators, and you were asked questions about, "Are they at Court", and you answered, "No, they're back at the CIB"?

25 A. Yes.

Q. Do you remember being taken to that transcript this morning?

A. Yes.

30 Q. When you answered that, "They were back at the CIB", and you may remember the Magistrate then said something along the lines of, "Well, I didn't want anything dangerous in my courtroom, and Mr McCrudden, if you want to go and have a look at them, that can be arranged"?

35 A. Yes.

Q. Where were they being held at the CIB during the committal?

A. They were probably still in my locker.

40 Q. But they had been taken to Dangerous Goods Branch?

A. Well, that's a - that could be the case too. I - I don't know. I can't answer that then.

Q. Your answer to the Magistrate was that, "They were at the CIB"?

45 A. Yes.

Q. Which would suggest that you had some knowledge that they were physically back at the CIB?

A. Yes.

50

Q. Does that jog your memory as to where they were being held during the committal?

A. No. Could I ask what date was the committal?

5 Q. You gave evidence 14 August, 15 August 1979.

A. I recollect being asked questions about Detective Bennett taking them to the Dangerous Goods Branch sometime in March.

Q. Yes, you remember that from last week?

10 A. I do, yes. So they were possibly there then. So I could have been mistaken.

Q. I'm sorry?

15 A. I could have been mistaken when I said they were at the CIB.

Q. All right.

HIS HONOUR

20 Q. Just on that, after something had been taken to the Dangerous Goods Branch, presumably for the purpose of some examination there, what would happen to the item thereafter in the normal course of events?

A. I would expect they'd be stored at the Dangerous Goods Branch, sir.

25 Q. So they kept safe custody?

A. That's what I thought may happen, yes, I think did happen.

MCDONALD

30 Q. There was a possibility during the committal that the actual gelignite or detonators might have to be tendered in evidence?

A. Yes.

35 Q. We've seen that the Magistrate didn't want gelignite and explosives in the courtroom, but you've agreed that there was the possibility that they might be called for by the defence for some forensic reason?

A. Yes.

40 Q. In those circumstances where it's a possibility that they might be required to be produced to the Court, was there some kind of procedure in place to retrieve them from the Dangerous Goods Branch if they had been stored there?

A. Not that I'm aware of.

45 Q. So your recollection is you might have been mistaken at committal when you said they were back at the CIB; they could have been back at the Dangerous Goods Branch?

A. Yes.

50 Q. In August 1979 where was that?

A. Dangerous Goods Branch?

Q. Yeah.

A. I don't remember.

5

Q. You were asked some questions about when you were at Mr Brajkovic's house, and telling Detective Bennett something along the lines of you'd found explosives, they're in the plastic bag, and inviting him to have a look?

A. Yes.

10

Q. You agreed that it was a possibility that you said that you said that?

A. Yes.

Q. Do you have any recollection?

15

A. No, I don't. I accept that I would have said it, but I have no recollection of saying it.

Q. When you agreed that it was a possibility, why did you agree it was a possibility?

20

A. Because it was a possibility that he - I may have invited him to have a look. I have no recollection of making that invitation.

Q. When you agreed that it was a possibility, is that because it was a suggestion that wasn't so outrageous that you could say that definitely didn't happen?

25

A. Yes, I'd agree with that.

Q. During the committal, do you recall having a meeting with Detective Krawczyk before he gave evidence?

30

A. No, I don't.

Q. Do you recall showing Detective Krawczyk some photographs taken at the Brajkovic house?

A. No, I don't.

35

Q. Do you recall indicating to Detective Krawczyk that in his statement he had messed up or mistaken, I'm sorry, he'd made a mistake with the registration of one of the cars at the property?

A. I don't recall that.

40

Q. I'll show you some transcript, and it's red page 6823.

EXHIBIT 2.3-19, RED PAGE 6823, SHOWN TO WITNESS

45

Q. Just to give you some background, this is the cross-examination of Detective Krawczyk, but can you see under "Objection", there's a question about Detective Krawczyk arriving at 6.20 and seeing a 1973 station wagon with a certain number?

A. I see that.

50

Q. And he answers - are asked, "What was that number?", and it's given, and then, "Why did you in your original statement type out a different number?", and he gives an explanation about where the confusion arose from, and that it was an honest mistake on his behalf; can you see that?

5 A. I see that, yes.

Q. Then I want to take you to the question:

"Q. And you typed that into your statement?

10 A. No. The number I told you, I transposed the wrong number in my statement, an honest mistake. Last Wednesday, I brought it to the notice of Detective Sergeant Wilson that I had put in the wrong number.

15 Q. Last Wednesday?

A. Yes.

Q. How did you last Wednesday realise you'd made a mistake?

20 A. Well, we had a conference at the CIB with Detective Sergeant Wilson and I saw some photographs and the car", with a particular registration number, "and I realised I had put it in, transposed the wrong number in my statement.

25 Q. What purpose were you looking at photographs with Detective Wilson?

A. We just had a general conversation in relation to the enquiry.

Q. About the kind of evidence you were going to give?

30 A. No, not the kind of evidence I was going to give. No."

Then across the page 6824 at the top:

"Q. But was it necessary to pull out photographs?

35 A. Just to have a look.

Q. To refresh your memory?

A. Possibly no.

40 Q. When you say, 'last Wednesday', of course today is Thursday, do you mean yesterday or the week before?

A. The week before."

45 Detective Krawczyk at the committal back on 16 August 1979 gave evidence of having this conference with you at CIB the week before he gives evidence. Do you recall having such a conference?

A. No.

Q. There he is shown photographs which would appear to reveal this mistake with the registration of the car and the mistake in his statement.

50 A. Yes.

Q. At the time were you having meetings with officers who were part of the group who attended the raid of the Brajkovic house about their evidence?

A. I don't think so.

5 Q. Did you identify the error in Detective Krawczyk's statement with the registration number?

A. If I did, I have no recollection of it.

10 Q. You read Detective Krawczyk's statement before he gave evidence in August 1979?

A. It would appear that I did.

Q. Can you recall was there any other matter that, in your view, should have been in the statement but wasn't in the statement?

15 A. I can't recall that, ma'am, no.

Q. Do you recall any absence in a version of his statement where he does not refer to the white plastic bag or its contents?

20 A. No.

Q. That doesn't ring a bell at all?

A. No.

25 Q. You didn't see in a statement that he made that fact was missing and tell him to make a new statement with that included?

A. No. I have no recollection of this at all.

30 HIS HONOUR: Just in relation to the exhibit the transcript you've referred to was in, you said this was in 2.3-16, p 6823. I find that page in my 2.3-19, and earlier you referred to some committal transcript at red p 6666 and said it was in 2.3-13. It's in mine at 2.3-17.

MCDONALD: That's my mistake, your Honour.

35 HIS HONOUR: I was wondering whether my version was different.

40 MCDONALD: No, it is my mistake. What I have done is I picked up that, for example, the transcript I've just taken Mr Wilson to occurred on 16 August and instead of saying, "2.3-19", I've transposed the "16", so I do apologise.

Q. Mr Wilson, in August 1979 would it be appropriate for officers who were giving evidence at a committal in a sense to discuss their evidence in that way?

45 A. I couldn't see anything wrong with that, discussing evidence we're about to give.

Q. You don't see anything wrong?

50 A. It's the same as possibly the prosecutors giving us advice as well. I didn't want him to change any of the truth, just maintain that what happened is accurately described in his statement.

Q. But here Detective Krawczyk did change something that was in his statement.

A. He changed the number of the motorcar, didn't he?

5 Q. The registration plate.

A. Yes.

Q. That is a discussion with him which led to him changing his evidence?

A. Yes.

10

Q. You can't see anything wrong or inappropriate with that?

A. It would appear to me I pointed out a mistake he made. I couldn't see anything wrong with that.

15 Q. What about any other absence in one of his statements? For example, not referring to the white plastic bag and its contents?

A. I couldn't see anything wrong with that either. Obviously, he's missed it when we - when he looked at the notes. He could have made--

20 Q. What notes?

A. The notes that we made on the night of the arrest.

Q. Detective Krawczyk wasn't there for all of the notes, was he?

A. I--

25

Q. He was only there the first night?

A. I don't remember. That's possibly the case, yeah.

Q. I can take you to it.

30 A. No need to; no need to.

Q. But you may recall it was taken in two steps?

A. Yes.

35 Q. Detective Krawczyk and Detective Helson were only there until about 3 o'clock. They didn't return that morning.

A. Yes.

40 Q. It was evident from the committal that Mr Brajkovic was alleging that there was no gelignite, no explosives, at his house?

A. Yes, that's what he maintained, yes.

Q. That was clear from the questioning at the committal?

45 A. Well, I assume so. I wasn't there for the committal, for the bulk of the committal; only when I gave evidence.

Q. It was put to you, wasn't it, that was part of your cross-examination?

A. Yes.

50 Q. You've spoken about having discussions with the Police Prosecutor. The

Police Prosecutor would raise with you this very important evidence about finding the explosives?

A. Yes.

5 Q. Because – and you might remember Mr Buchanan's cross-examination, the explosives weren't left in situ for Scientific Branch to take a photo the next day?

A. Yes.

10 Q. There was no, in a sense, independent evidence from anybody, for example, somebody from the Army, of the finding of the explosives that night?

A. That's right.

15 Q. If this was a contested issue, and it's a pretty fundamental issue given one of the charges Mr Brajkovic was facing, it was very important that all the police officers gave evidence of seeing the white plastic bag and its contents; do you agree with that?

A. Yes.

20 Q. The absence in one of Detective Krawczyk's statement of that crucial evidence is something that you would point out to him?

A. Yes.

Q. You did point it out to him?

25 A. It would appear so.

Q. When did you point it out to him? Was it at that meeting or another meeting?

30 A. I don't know. I don't even recall pointing it out to him.

BASHIR: Your Honour, it may be that Counsel Assisting is about to go to it, but if not, could we have the transcript reference for that - what was just asked?

35 MCDONALD: I will try and get it right this time. 2.3-19, 6823 and then over to 6824.

Q. This time I first want to take you to Exhibit 4.2-36.

40 BASHIR: Your Honour, just going back to that reference, that's, indeed, the reference for the number plates, but I was just asking about the reference to leaving out about the plastic bag.

MCDONALD: I'm about to do that.

45

Q. You were the officer-in-charge for Bossley Park raid?

A. Yes.

50 Q. You've given evidence that then Detective Sergeant Turner and Detective Milroy were then put in charge of gathering the brief of evidence?

A. Yes.

Q. You still performed some tasks assisting them?

A. I was given some tasks to assist them as the investigation unfolded, yes.

5

Q. Did that include organising the statements of other officers who attended Bossley Park?

A. Yes. That was my job to discuss and to make the statements.

10

Q. It's not a very good copy. If you'd like to see the paper copy, it might assist, but can you see up the top there's "police" and "Mr Brajkovic", I think it's got "Police Headquarters, Sydney" and "12 February 1979"?

A. I see that.

15

Q. Then Detective Krawczyk's name?

A. Yes.

20

Q. Then can you see - frustratingly there's no paragraph numbers, but it commences, "At 1.30 on Thursday 8 February 1979 I received a telephone call", et cetera?

A. Yes, I see that.

25

Q. If you want to read it in detail, but just going down the page, can you see at the third paragraph "Arriving at those premises at 6.20 I observed two motor vehicles"?

A. Yes, I see that.

30

Q. Can you see there, there was typed a particular registration number and then it seems to be crossed out and "JMN 5" something something is put in handwriting?

A. Yes.

35

Q. Just continuing down the page, this is still Detective Krawczyk's account of when he went out to Bossley Park early evening?

A. Yes.

40

Q. Then if we go to page 379, and I'm just orientating you to this statement, but can you see that, again, it's the conversation with Mr Brajkovic at the house?

A. Yes.

45

Q. Then if we go down the bottom of the page, he and Detective Helson have left the house and have taken up observations about 300 metres from the defendant's residence?

A. Where are we at, ma'am? "On reaching the intersection of Restwell Road"?

50

Q. Do you see where the cursor is?

A. Yes, I - yes, "A short time later", yes, I see that.

Q. Then if we jump to page 380, now this begins the account when you and the other officers arrive?

A. Yes.

5 Q. You will see, "At 10.15 with Detective Sergeant Wilson I arrived at the premises and went to the rear door"?

A. Yes.

Q. I take you down to the paragraph "A short time later".

10 A. Yes.

Q. I want you in a sense to carefully read this paragraph. He accounts when Mr Brajkovic is brought in my Detectives Harding and Morris?

A. Yes.

15

Q. Then we've got Detective Harding saying, "He was hiding outside. He put on a bit of a struggle. He's quietened down."

A. Yes.

20 Q. Then Detective Krawczyk says:

"I saw Detective Harding carrying a white plastic bag which I later saw contained therein 2 sticks of gelignite wrapped in a foreign newspaper, a number of flares and a brown coloured paper bag which contained detonators."

25

A. I see that.

EXHIBIT 11.153, RED PAGE 1430, SHOWN TO WITNESS

30 Q. This is Detective Krawczyk's statement. Again, can you see at the top "12 February 1979"?

A. Yes.

35 Q. What I want to suggest to you, and if you want to compare them, we can give you that opportunity, but that first page is identical to the page, in content, to the page that I just took you to.

A. Yes.

40 Q. But you'll note in the third paragraph that the registration of the Holden station wagon hasn't been changed.

A. Yes .

Q. That was the mistake that Detective Krawczyk was giving evidence about.

A. Yes.

45

Q. Then if we turn to page 1431. Again, if you want to check it, but the content is the same?

A. Yes.

50 Q. Then if you go to 1432, and I want to take you to the second-last

paragraph, and if we could expand that, please. You can see, "A short time later...". This is recounting--

A. Yes.

5 Q. --when Detective Harding brings in Mr Brajkovic.

A. Yes.

10 Q. It finishes with, "He put on a bit of a struggle. He's quietened down now. Can I see you in the other room?" Then we have words added, "Detective Harding said, 'Keep an eye on him Ron.'?"

A. Yes.

Q. Then there's nothing about the white plastic bag and what it contained.

A. Correct.

15

Q. That absence in that version of Detective Krawczyk's statement, did you identify the gap, or the hole, in his statement?

A. I don't recall if I did or I didn't.

20 Q. It's clearly been changed, hasn't it?

A. Yes. Not changed, just added to.

Q. Well, Detective Harding said, "Keep an eye on him Ron", has been deleted?

25

A. I didn't notice that.

Q. Which, I suppose, is kind of minor.

A. Yes.

30 Q. The very important part, which has now been added into a statement dated the same date, is the very important evidence, corroborative evidence that there was a white plastic bag and its contents by Detective Krawczyk.

A. Yes.

35 Q. Do you have any recollection of how Detective Krawczyk became alerted to that hole in his evidence?

A. No.

Q. Is that something that you may have pointed out to him?

40

A. Possibly, yes.

Q. Again, at the time, was that part of the procedure within the police that if you were reading another officer's statement and you saw they forgot to include something, you might ask them about it?

45

A. I would remind them of it, yes.

Q. When would have you roughly done that?

A. Probably after I read the statement.

50 Q. I know the answer to this: do you recall when you did that?

A. No. I don't recall, ma'am. I don't remember reading Detective Krawczyk's statement. I asked my team to put their statements together, and then hand them to Detective Sergeant Turner. So it may well have been that I haven't read this statement before.

5

Q. But you must have known about the issue with the registration number--

A. Yes.

Q. --that was wrong?

10

A. Yes.

Q. And it would appear from Detective Krawczyk's evidence that you alerted him to it, and showed him some photos which allowed him to realise that he'd made a mistake.

15

A. Yes.

Q. "An honest mistake", as he described.

A. Yes.

20

Q. What I'm suggesting to you is that around that time that you discovered the gap or the hole?

A. I don't think so. As I said, I don't recall ever reading Detective Krawczyk's statement. That would have been - I may have, but I have no recollection of it, but that would have been read by Detective Sergeant Turner, and he may have identified the missing part.

25

Q. Just while we're on this statement. Just having a look at its format, it's not on - I keep on forgetting. Is it a P190A form, is it?

A. If I could see the top of the--

30

Q. Yes. Certainly. Could we go to the top of the page, please. That's page 3. You can see it's not on a P190A.

A. It's not marked. P1--

35

Q. If we jump to 1430, again, it's not on a P190A.

A. No.

Q. Could we go back to Exhibit 4.2-36. Now, we're on page 378.

40

EXHIBIT 4.2-36, RED PAGE 378, SHOWN TO WITNESS

Q. That page isn't on a P190?

A. It doesn't seem to be.

45

Q. Could we go to 379, you make the same comment?

A. It's not a continuation form of a statement.

Q. Then but if we go to 380--

A. That is a continuation form. Statement form.

50

Q. Page 3 now appears have been on a P190A form?

A. Yes.

Q. How do you explain that?

5 A. It's not my statement, so I can't explain it. I don't know--

Q. No. I was just asking you.

A. I'm not--

10 Q. Can you explain it or--

A. I don't know how that would happen. It's just normal procedure. You just put your statement onto a statement form. A P190.

Q. It's got that kind of header throughout?

15 A. Yes. It has.

Q. This would suggest that page 3 here is a new page?

A. How do you mean a new page? It's a continuation from page 2.

20 Q. But page 2 doesn't have the header, does it?

A. I can't explain what Detective Krawczyk did to it. How he prepared his statements.

Q. I'm just--

25 A. I would have done it on a P190 and a P190A.

Q. This page 3, which has got the header--

A. Yes.

30 Q. --also has the new evidence.

A. I'm not - you just made me aware of it just then. I don't know. I can't explain that.

Q. I'm just asking for your assistance with the procedure back then.

35 A. Yes.

Q. Would you agree that it appears that this page 3 has been prepared subsequently to pages 1 and 2?

40 A. I can't answer that either, because I don't know when he did his statement, or what form he did it either.

Q. Even though this page 3 has the 190A header and the new evidence about the gelignite and the white plastic bag?

45 A. It is most unusual for a statement to be prepared in this way.

Q. It doesn't ring a bell about any issue about Detective Krawczyk's evidence or statements having this issue or problem?

A. No, ma'am.

50 Q. Mr Buchanan asked you some questions about, to your knowledge, was

there any notification of any of the proposed bomb sites, either that night or the next day. Do you recall those questions?

A. Yes.

5 EXHIBIT 20.59 SHOWN TO WITNESS

Q. Now, you might be able to see in the top right-hand corner, this is an article from the Sunday Telegraph, 11 February 1979.

A. Yes.

10

Q. It reports that "a huge force of Sydney Police using a helicopter mounted a massive search yesterday", which would have been 10 February, "for bombs planted by Yugoslav terrorists", and it "centred on the Elizabethan Theatre, Newtown".

15

A. I see that.

Q. This is a Sunday Telegraph article, but does that refresh your memory about any action the police did take after 8 and 9 February?

A. No.

20

Q. You weren't part of this group who were mounting a massive search on 10 February?

A. No. I wasn't.

25

Q. You were also asked some questions about exhibits, and your evidence to questions from Mr Buchanan was that there was some kind of exhibit room. Was it near the Inquiry Office of CIB?

A. Yes.

30

Q. Back in July when you were giving evidence, at transcript 1321, I asked you some questions about booking up exhibits, and at 1322, I asked you:

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

35

A. No.

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

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

40

In your answers at this time, you didn't refer to any facility of an exhibit room or an exhibit book at CIB?

A. I didn't what? I didn't--

Q. You didn't.

45

A. What do you mean, "I didn't"? When?

Q. Back in July, I was asking you questions about items that were seized during a raid, whether they would be placed in an exhibit room or noted in the exhibit book.

50

A. Yes.

Q. And I asked you, "Was there an exhibit room as part of the Breaking Squad at CIB?", and you answered, "No."

A. Yes.

5 Q. Then I asked, "Where would you book up if you see something during a
raid?", and you said, "Well, wherever the person was charged, I
suppose". Then I asked, "Was anything different put in place with booking up
for explosives or a dangerous item?", and you answered, "Well yes, they
10 wouldn't be booked up at a police station, I wouldn't think, for obvious
reasons. I think - I can't remember what would happen with them, but I think
they eventually finish up at Dangerous Goods Branch"?

A. Yes.

15 Q. In that series of questions, you never volunteered that there was an exhibit
room at CIB?

A. Well, I wasn't asked about it at that stage, was I?

Q. Well, your evidence to Mr Buchanan was that, "Items seized could be
booked up in that exhibit room"?

20 A. Yes, they could be. I - I've never entered anything into an exhibit book at
the CIB Inquiry Office.

Q. When I asked you, you said, "No exhibit room was part of the Breaking
Squad offices"?

25 A. Well that's correct.

Q. Which I agree is different from CIB, but then when I asked, "Where would
you book up things seized", you volunteered, "The police station where the
person was charged". You didn't mention an exhibit room at CIB?

30 A. No, I didn't.

Q. Why didn't you?

A. You didn't ask me.

35 Q. So what was the point of the exhibit room at CIB if not to book up items
that you seized during a raid?

A. I - I really don't know, because I - I never used the exhibit room at the CIB,
and I - I don't know of any other officers that did, but it was there for some
reason. But it was only - it was only available during business hours anyway.

40

WOODS: Your Honour, if I can just interrupt briefly. If my learned friend might
ask the witness, I am reminded by my junior who is experienced in these
matters, was it to do with exhibits that related to a person who was not
charged?

45

MCDONALD

Q. Did it relate to exhibits of people who weren't charged?

A. Well I can't answer that either because I don't know the answer.

50

Q. A number of items were seized from Bossley Park?

A. Yes.

5 Q. Putting to one side the white plastic bag and the gelignite and everything, did you book those other items into an exhibit room somewhere?

A. No.

Q. Some of the personal items that were seized were eventually returned to Mrs Brajkovic?

10 A. Yes.

Q. Some items weren't?

A. Yes.

15 Q. Where were they kept?

A. I don't remember.

Q. Because some of them were quite big, like there was a Gestetner machine and a typewriter?

20 A. I can recall a typewriter and I can recall a lot of literature. I can't remember anything else.

EXHIBIT 11.233, RED PAGE 1641, SHOWN TO WITNESS

25 Q. Would you have a look at this document. Can you see after the top words "Exhibit number 16/N32449 on hand at the Inquiry Office CIB List of Exhibits"?

A. Yes.

30 Q. Then it's got "Police versus", and then the various names of the defendants?

A. Yes.

Q. Then can you see "cardboard box marked 1"?

35 A. Yes.

Q. And a number of items, "cardboard box marked 2", a number of items?

A. Yes.

Q. Then we've got "miscellaneous property held at Central Police Station"?

40 A. Yes.

Q. Which included a Gestetner copier, an electric typewriter, et cetera. The first items in cardboard box marked 1 and 2, this document suggests that they were lodged at the Inquiry Office CIB?

45 A. It does. It would appear that the items that I seized, excluding the gelignite, like the clock and the batteries and the masking tape, and everything else, was entered up as an exhibit at the CIB Inquiry Office, and I would suggest that was done by Detective Sergeant Turner.

50 Q. All right, I was going to ask you about that. Looking at "cardboard box

number 1", you've referred to a white plastic bag?

A. Yes, I do.

Q. Then two rolls of masking tape?

5 A. Yes.

Q. Then one alarm clock and two batteries?

A. Yes.

10 Q. Is your evidence that they were the items that you, or some of the officers, seized at Bossley Park?

A. Well, I can only account for one of the clocks, and they've got one roll of masking tape, from my recollection, and the two batteries. I don't know where the other alarm clocks came from, but I would say that the alarm clock is - the
15 single alarm clock, was most likely the one that we seized, and was eventually ended up as an exhibit.

Q. Then I want to suggest, if you jump over a "soldering iron and lead", "one pair of binoculars"?

20 A. Yes, they were found in Mr Brajkovic's possession when he was hiding under the tree.

Q. Looking at this document, is your evidence that those, if I can call them the four items, were at least items seized at Bossley Park?

25 A. That's what I would assume from reading this.

Q. Your evidence is you didn't book them at the Inquiry Office, but you've assumed Detective Sergeant Turner did?

A. He would have been responsible for that, and I - and obviously making this
30 list up. It's made up with somebody apart from myself. I haven't seen this list before.

Q. You were asked some questions by Mr Buchanan about the Police Emergency Manual?

35 A. Yes.

MCDONALD: Just before we get to the Emergency Manual, could the witness be shown Exhibit 11.186 please.

40 EXHIBIT 11.186, RED PAGE 1545, SHOWN TO WITNESS

Q. If we could go to the top of the document, can you see, it's very poor, "List of property to be returned to Mrs Brajkovic"?

A. I see that.
45

Q. If we go down the page, there's various items, including, I think, items I took you to back in July of a personal nature, such as earrings and necklaces?

A. Yes.

50 Q. And if you keep on going, that's your signature at the bottom?

A. It is.

Q. That indicates that items were identified in the mass of items that were seized that were returned to Mrs Brajkovic?

5 A. Yes.

Q. Do you recall when that occurred?

A. I think it's dated 26 February, I think, at the top.

10 Q. If you go back to the top of that page, it's got a date 26 February?

A. That's right.

MCDONALD: Could the witness be shown Exhibit 11.186.

15 EXHIBIT 11.186 SHOWN TO WITNESS

Q. I took you to this the other day. This was your statement to Detective Sergeant Shepard's Inquiry. If we just quickly go to 1542, it's dated 21 June 1979?

20 A. Yes.

Q. If we go back to page 1540, do you see in paragraph 19--

A. Yes.

25 Q. --you say at the end of that, "I've also prepared a list of property taken from the house which is to be returned to Mrs Brajkovic"?

A. Yes.

30 Q. Then if we jump to paragraph 21, it sets out your attempts since early May of this year to contact Mrs Brajkovic and return the property?

A. Yes.

Q. It would appear at that stage the property hadn't been returned, but your recollection is it was eventually returned to Mrs Brajkovic?

35 A. I'm pretty certain it was returned to her. I think I see here it had been arranged to return to her on the 22nd instant.

Q. Can I take you back to the Emergency Manual, but this time I want to take you to a different instruction, which is Exhibit 14.15. It commences at red page 165. Mr Wilson, would you have a look at that document. You can see at the top it's "Instruction Number 121 Bomb Incidents"?

40 A. Yes.

Q. If you want to go through this process you can, but would you assume that many of the paragraphs in Instruction 121 appear in the Emergency Manual?

45 A. I agree with that.

Q. Just as an example, paragraph 1 appears in paragraph 19.2 of the Manual, and page 165 of Exhibit 14.15, paragraph 2 appears in paragraph 19.31 of the Emergency Manual?

50

A. If that's the case, yes.

Q. Would you then go to page 169, and I want to take you to paragraph 15, subparagraph (2):

5

"When commercial demolition explosives and/or detonators are located or brought to a Station, members of the Force will not interfere with them but ensure that whilst they are in Police custody, the utmost precautions for their safety are taken. If they are

10

unconnected, they should be stored separately pending removal."

A. Yes.

Q. That paragraph doesn't appear in that form in the Emergency Manual?

A. I don't know.

15

Q. I'll take you back to the Emergency Manual.

A. I'll accept that if that's what you tell me.

20

Q. I want to take you to the terms, Exhibit 14.9, page 124, and you were taken to this I think by myself and also Mr Buchanan. Paragraph 19.11 has a similar topic; that is, commercial demolition explosives and detonators located or received?

A. Yes.

25

Q. You were taken to this paragraph which in paragraph 19.11.2 refers to contacting the Department of Army for removal and disposal?

A. Yes.

30

Q. That part of 19.11.2 in the Emergency Manual doesn't appear in the corresponding subject paragraph in Instruction 121, and if we can jump back to Exhibit 14.15, page 169, paragraph 15, subparagraph (2), you can see it's the same subject matter that's being discussed?

A. Yes.

35

Q. But there's no reference there to contacting the Army, is there?

A. No.

Q. Do you recall back in February/March 1979 knowing about or reading Instruction 121?

40

A. No.

GLEESON: I object to this question just on the basis that if Counsel Assisting goes to page 165 and, indeed, every page at the bottom of Exhibit 14.15, there is a date of 19 September 1979.

45

HIS HONOUR: On some of the pages, yes.

GLEESON: I'm not sure this question that Counsel Assisting is asking can follow in light of the date of that document, it being premised on February

50

MCDONALD: I'll fix it up, your Honour.

5 Q. I want you to assume that a notice of production or an order for production was served on the Commissioner of Police to produce instructions which were current and applicable in February/March 1979; right?

A. Yes.

10 Q. Looking at this document, if you want to have a look at all of it, there are some pages which refer to new pages amended 19 September 1979.

A. I accept what you tell me, ma'am.

15 Q. Looking at page 169, my first question is you were taken to the Emergency Manual?

A. Yes.

20 Q. You may recall in the introduction to that Manual it talks about, "These are general instructions to police in connection with emergency disaster procedures"?

A. Yes.

25 Q. Then there appears to have been a separate Instruction Number 121 in existence.

A. Yes.

30 Q. What I want to suggest to you is if the Emergency Manual was to cover all circumstances where explosives were found, there would have been no need for a specific Instruction Number 121 dealing with bomb incidents?

A. Possibly not.

35 Q. What I want to suggest to you is reading what's on page 169, subparagraph (2) of paragraph 15, that is a different procedure because it doesn't require the police to contact the Army when they locate commercial demolition explosives and/or detonators?

40 GLEESON: I object to this question also. I'm just failing to see how it is putting documents that the witness has said he doesn't have any clear memory of and asking him to construe them advances the evidence that's before this Inquiry.

45 MCDONALD: For two reasons, your Honour: (a) it might jog Mr Wilson's memory; and secondly, according to the production of these documents by the Commissioner of Police, they were current at the relevant time, and it's asking him, given they were current at the time, whether he can recall this and whether it explains the conduct adopted or procedure adopted at Bossley Park on 8 February.

50 HIS HONOUR: Yes, I accept the first part of what you just put, but the second part was subject to what was put as part of the objection. This page, red number 169, is something that was amended in September 1979, so what form did it take in February 1979?

MCDONALD: Well, I was going to ask a question about that.

HIS HONOUR: All right.

5 MCDONALD

Q. You can see that provision?

A. Yes, I can, ma'am.

10 Q. Can you recall whether back in February/March 1979 that was the procedure in respect of police when they located commercial demolition explosives and/or detonators, the procedure that was to be followed?

A. I don't think I was aware of these Instructions.

15 Q. Not at all?

A. No.

Q. Do you recall Detective Constable Millingen from Special Branch?

A. No.

20

Q. Or a Police Constable McNamara from Special Branch?

A. I do recall a Detective McNamara from Special Branch, yes.

Q. They provided statements to Detective Sergeant Shepard's Inquiry?

25 A. Did they?

Q. If we can bring up Exhibit 11.192, if we just jump to the next page, can you see that's Detective Constable Millingen?

A. Yes.

30

Q. That's 1566. Could we go back to 1565, and I want to take you to the second paragraph.

EXHIBIT 11.192, RED PAGE 1565, SHOWN TO WITNESS

35

Q.

"I was called away from my home at about 11pm on 8 February 1979 to Special Breaking Squad, CIB, by Detective Inspector Perrin who directed me to go with PC Constable McNamara to Bossley Park and to make a search of the front room of the premises for electrical components which might be used in the construction of improvised explosive devices."

40

A. Yes.

45

Q. Then the next paragraph, he and McNamara arrive in the early hours, see "two uniformed police officers from Fairfield, whose names I do not know", and then next paragraph he says, "I looked through an open shed in the backyard...a confusion of electrical and mechanical components and general rubbish, I saw two large bags of fertiliser".

50

A. Yes, I've read that.

Q. That would seem to be the first identity of the fertiliser in the shed?

A. Yes, it appears that way.

5

Q. Then if I can just take you to Exhibit 11.193, and if we can go to page 1568.

EXHIBIT 11.193, RED PAGE 1568, SHOWN TO WITNESS

10

Q. So you can see this is Constable McNamara's statement?

A. Yes.

15

Q. If we can jump back to the previous page, 1567. In the second paragraph can you see that he says, "At about 12.30am on 9 February 1979 I was at the Special Breaking Squad"?

A. Yes.

20

Q. And then, "Directed by Detective Inspector Perrin to go to Bossley Park for the purpose of conducting a search for electrical component" - "components", I think, "that may be used in the making of a bomb"?

A. Yes.

25

Q. The direction by Detective Inspector Perrin, that would be as a result of information you told him about what had already been discovered at Bossley Park?

A. I don't know.

30

Q. The direction to go back, or for these two officers to go, and according Millingen, "...to make a search of the front room of the premises for electrical components", that would suggest that the search undertaken by you and the other officers was not completed?

A. I can't make any assessment of that. I don't know.

35

Q. If you had made a search of the workroom, which was complete, there'd be no need to send other officers back, would there?

A. Probably not, but I've never - this is the first time I've been made aware of this, McNamara and Millingen's involvement.

40

Q. You had no idea of this?

A. No. It's the first I've heard of it in 45 years.

Q. How did you know - you said that you did remember McNamara?

A. Just that I remember his name somewhere, yes.

45

Q. You had no idea of these officers being instructed to go back and, in a sense, resume the search?

A. Not until just now.

50

BUCHANAN: Your Honour, I really apologise--

HIS HONOUR: Yes, Mr Buchanan.

5 BUCHANAN: --I seek leave to ask a question arising out of a question asked by my learned friend, Ms Bashir. I appreciate I should have made the application when Ms Bashir sat down.

HIS HONOUR: Let's proceed.

10 BUCHANAN: I hope it won't take long, your Honour.

<EXAMINATION BY MR BUCHANAN

15 Q. Mr Wilson, you were asked questions by Ms Bashir about what happened at the house at Bossley Park. Do you remember those this morning?

A. Yes.

Q. What I recorded is that you were asked a question to this effect:

20 "Q. You had the items in the white plastic bag in the house?
A. Yes.

Q. And then you went to CIB with the white plastic bag?"

A. Yes.

25 Q. Words to that effect. Thinking back now, if you wouldn't mind, please, what was it that you had in the white plastic bag at the time you went to CIB?

30 A. Thinking back, probably all the explosives, the detonators, the flares, and I probably would have but the other items in there as well. Like the masking tape, the clock and the batteries. I possibly put them in there as well. That's to the best of my recollection, Mr Buchanan.

35 Q. Evidence has been received by the Inquiry, transcript 370, line 41, from a Detective Musgrave, who was at the time in 1979, attached to the Ballistics Section. The question was:

"Q. With detonators, do you have to be careful in how they are stored?

A. Yes.

40 Q. Why is that?

A. They're generally safe when handled correctly, but being electric detonators, they shouldn't be anywhere near a battery or any power source, and that would probably include any large static electricity."

45 Did you really take a set of explosives and the batteries back to CIB in the white plastic bag?

A. I think I may have, Mr Buchanan. I may have.

50 Q. Are you allowing for something else to have been done when you give that answer?

A. No.

5 GLEESON: Can I just raise one matter for the record, just in case any other
questions arise from it. There were some questions asked by Counsel
Assisting which asked the witness to adopt an assumption that the various
police procedures that were produced were the ones in force as at 8 February
1979. Can I just clarify what was contained in the order of production. It was
10 volumes of the New South Wales Police Circular Commissioner's Instructions
published in 1974 to 1989, which cover the period from 1 January 1978 to
31 December 1979. So the assumption on which the question was premised
isn't supported by what was asked for and what was produced.

HIS HONOUR: Yes.

15 GLEESON: Thank you.

HIS HONOUR: Despite what the order for production said, and what the
recipient of the order understood by it, the instruction itself indicates when it
was amended.

20 GLEESON: That's so, your Honour.

HIS HONOUR: Mr Wilson, that concludes your evidence. I'm not formally
excusing witnesses, just in the event that they might be required to be recalled,
25 so you're not formally excused, but you're free to go. And if you are needed
back, you'll be notified.

Also, before you go, can I say this: your evidence has been somewhat
protracted before the Inquiry, and I just want to say thank you for your patience
30 and your cooperation.

WITNESS: Thank you, sir. And in return, I would like to express my
appreciation to the courtesy that has been shown to me during this Inquiry,
too, by all parties.

35 HIS HONOUR: Thank you, Mr Wilson.

WITNESS: Thank you, sir.

40 <THE WITNESS WITHDREW

BASHIR: Your Honour, while we're waiting for the next witness, and just given
what's transpired from Ms Gleeson in relation to that document, I did note, but I
can't remember, it may have been when Detective Harding was being
45 questioned, but there was another witness questioned about that document
that had the amendment on the bottom. I noticed that at the time. I didn't jump
up because it wasn't my issue. I don't know who it was, but there have been
other questions about that.

50 HIS HONOUR: Yes. I think we'll all be wary of that.

Epiq:DAT

D27

SHORT ADJOURNMENT

.12/08/24

2054

<JAN KRAWCZYK, SWORN(11.44AM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name?

A. John Krawczyk - K-R-A-W-C-Z-Y-K.

Q. What is your first name?

A. John/Jan, but it's John.

10

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

A. Yes.

15

Q. You were attached to Special Branch?

A. Yes.

Q. In February 1979 was there a particular area of Special Branch where you were working?

20

A. Yes.

Q. What was it?

A. '79 was - I'd just come back in. I was working with Col Helson at that time on Ananda Marga, and prior to that I was working with Jefferies on the Croatsians.

25

Q. Can I first take you to your career history within the New South Wales Police Force. When did you join the Police Force?

A. 1968.

30

Q. Were you part of the cadets?

A. No.

Q. When you joined the Police Force, which station were you assigned to?

35

A. Merrylands.

Q. You were a Probationary Constable there?

A. Yes.

40

Q. From Merrylands where did you go?

A. I've then went to A-List at Merrylands and then I did some A-List at Fairfield, which is a substation of Merrylands, then I went to 21 Division, then I went to Newtown, then I went to Burwood for 12 months, and then a position came up at the Special Branch, so I applied for that and I got the Special Branch. I spent, what, three and a half years there, and then a position came up at the Armed Hold Up Squad and I applied for that and I got that, and then myself and five other Armed Hold Up Squad personnel, also from other squads, went to the North West - at Penrith - Regional Crime Squad, and there I got the rank of Detective Sergeant. I then went to the Drug Squad at Penrith and we all had to go back to the Drug Squad in the city. Then there was a

45

50

Drug Law Enforcement started, that was a new name of it, and a different taskforce, and I was successful, I applied for Task Force 4 as a Detective Senior Sergeant, and then we've - I've spent a few years there. We came back - I came back to the - myself and other police came back to the support unit. I went to the Fraud Squad for a secondment and then I applied for a position out at Parramatta Detectives, I was in charge of the Anti-Theft at Penrith, which was stationed at Wentworthville for a number of years. Then a Duty Officer spot become available at Parramatta and I applied for that and I got that, and then I stayed in that position, I believe, as a Crime Manager and also the Commander at times, and then I retired medically unfit in 2010.

Q. I take you back to some of your appointments. You said that you commenced as a Probationary Constable. When did you become a Constable?

A. Well, that takes 12 months after you - your probationary at that stage was 12 months, and I become a constable then.

Q. Would have that been when you were at Fairfield?

A. No, that's when I was at Merrylands.

Q. You were a Constable. When did you become a Sergeant?

A. When I was at the North West Region of Penrith. That would have to have been about - I can't remember the date, but just prior to the formation of the Drug Enforcement Agency.

Q. You went to North West Penrith--

A. Regional Crime Squad.

Q. Regional Crime Squad, after being at the Armed Hold Up Squad?

A. Well, there was six of us on the Armed Hold Up Squad at Penrith and there was somebody from the Drug Squad, Motor Squad, Breaking Squad, Consorting Squad. They were all - they were all represented.

Q. Focusing on Special Branch, you gave evidence that you were there for about three and a half years?

A. Three and a half, about that, yeah.

Q. Roughly, when did you start there?

A. Jesus. I've got no idea to tell you the truth.

Q. If it assists, do you recall giving evidence at the committal hearing?

A. Yes.

Q. You gave evidence that as at August 1979 you'd been with the Special Branch for about three and a half years?

A. That would be about right.

Q. That would--

A. I think I went there in about October '79 to the Armed Hold Up Squad.

Q. With the Special Branch, you gave evidence that your recollection was in August 79 you were with Detective Helson I think working on the Ananda Marga matter?

5 A. Well, I'd been working on that with him for a while and which, as I said, we'd come back into the office and that's when I got the phone call.

Q. I just want to trace the work that you were doing when you were a member of Special Branch. In your answer you referred to working with Detective Jefferies on the Croats?

10 A. That's right. That was about three years before that, about 76, when I first got there.

Q. I'm focusing on '76 to '79. How was Special Branch organised? Were there, like, different sections?

15 A. Yes.

Q. What were those sections?

20 A. Well, there was the Ananda Marga, there was Probations, there was - I don't know. There was other different groups there and everyone just worked allotted - certain area to work.

Q. The way you've described it, were there special groups which were focusing on either particular groups within the community? You described the Ananda Marga and then described the Croats?

25 A. I started with the Croats, and then I remember that Helson was working by himself on that and I was asked to give him a hand because a bloke by the name of McNamara, Paul McNamara, was being transferred there, and he went to work with Vic Jefferies.

30 Q. Your recollection is you moved from the Croatian group, or section of Special Branch, to work on the Ananda Marga section that Detective Helson was working on?

A. Yes.

35 Q. Your place in working with Croats was your replacement was Detective McNamara?

A. Yes.

40 Q. When you say you were working on the Ananda Marga, was that a particular investigation?

A. That was a general inquiry into that particular organisation and it was tied up in relation to the alleged - or trying to - bombing of Cameron.

Q. I'm sorry, I missed that?

45 A. The alleged - trying to - they were trying to bomb up - bomb Cameron. That's Alister, Dunn and - I forget the other bloke's name.

HIS HONOUR: Anderson.

50 WITNESS: And - and also tied up in relation to the Hilton Inquiry.

MCDONALD

Q. When you join Special Branch, you were working with Detective Jefferies on - you've described it as, "The Croatians".

5 A. Yes.

Q. When you joined, was Detective Jefferies already working within Special Branch?

10 A. Yes.

Q. He was more senior to you within Special Branch?

A. Definitely so.

15 Q. Was it your impression that at that time Detective Jefferies had developed, in a sense, an expertise, or a lot of knowledge in respect of Croatian and the Croatian community in Sydney or in New South Wales?

A. Yes. Well, we worked with the - the gentleman before I came along, and then that person retired or was transferred. So he'd spent a fair bit of time in that area.

20

Q. While you were working with Detective Jefferies in this Croatian area, what were the type of tasks or work that you were doing?

25 A. Well, you just monitor. If there's going to be a demonstration, you want to find out who and what was organising it, and what, if any, problems were concerning it. And also, you had areas, say, VIP escorts and all that, you'd be working on those sort of areas. Just things like that.

Q. Was it part of your work to develop contacts within the Croatian community?

30 A. If you could, yes. I mean, you'd try to cultivate contacts no matter what area you worked in.

Q. Did you develop contacts within the Croatian community?

35 A. No.

Q. Did you observe whether Detective Jefferies did?

A. That I don't know.

Q. When I use the word, "You develop contacts", what do you mean by that?

40 A. Well, a person you can ring, or know they can ring you, and they might have some sort of position in the community where they can tell you what's going on, or any problems or something like that.

Q. In developing a contact, would that include, at times, going and visiting them in the contact's house?

45 A. Yes.

Q. Having a conversation with them?

50 A. Yes.

Q. Within Special Branch, information that was obtained from contacts or other people, how was it recorded?

5 A. Well, you go out there on whatever information you've got. You put a report in. If it's relevant to anything like that, or it might have some sort of bearing on the community. It might be just there's nothing there, so that's the end of that, or it gets filed, or whatever the case may be. I don't know. And if it's something pertinent, or something like that, or it comes under some sort of notice, a card might be created.

10 Q. When you say a card was created, was that a series of index cards?

A. Yeah. Like - a card. That's right, yes.

Q. In addition, the Inquiry has heard that another record that was kept within Special Branch was a dossier?

15 A. Yes.

Q. What were dossiers?

20 A. Well, that was the accumulation of all the reports that were made on, say, that particular person. If, you know, he'd come under notice or continually for different things, but with a dossier. That's my understanding of it.

Q. Would a dossier contain, as you said, the accumulation of information about a particular person, but it could also contain a photograph of the person?

25 A. I can't say. I don't know.

Q. When you attended demonstrations, there would be an officer either of Special Branch or associated with Special Branch who would be taking photographs?

30 A. If we could, yes.

Q. Were those photographs that they took of people demonstrating, were those photos then included in the dossiers?

35 A. That, I can't - I don't know. I honestly don't know, but I know we'd get the photographs from the media. That we'd get those, so that's about it. But I don't know what - where they did. Where they went. I've got no idea. I can't answer that.

Q. Your move to the Armed Hold Up Squad, which was in October 79, who did you work with within the Armed Hold Up Squad?

40 A. Detective Ryan.

Q. Ryan?

A. Ryan. R-Y-A-N.

45 Q. Then, again, roughly from October 79 until you and some other officers moved to Penrith, how long were you with the Armed Hold Up Squad?

A. From then until - I went to the - until I went to the Drug Squad. I can't give a date on that. I don't know.

50 Q. You can't give a rough indication?

A. A couple of years, I'd think. Yeah.

Q. Mr Krawczyk, you were involved in a raid at Bossley Park on 8 February 1979.

5 A. Yes.

Q. At the premises at Bossley Park, Mr Brajkovic lived with his wife and daughter.

10 A. Yes.

Q. Also present on that night was his brother-in-law, Jack Hudlin.

A. Yes.

Q. You gave evidence at the committal of the Croatian Six?

15 A. Yes.

Q. You've been provided with a transcript of your evidence at the committal?

A. Yes, I have.

20 Q. Have you had a chance to read through it?

A. Yes.

Q. Reading through it, is there anything that you wish to change?

25 A. No.

Q. Anything that doesn't accord with your recollection of events today?

A. It's about the same.

30 Q. Reading it through, it's true and correct to the best of your knowledge and belief?

A. Yes.

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

35 A. Yes.

Q. You've been provided with a transcript of that?

A. Yes.

Q. You've had a chance to read through that?

40 A. Yes, I have.

Q. Any changes you wish to make?

A. No.

45 Q. Is it true and correct to the best of your recollection and belief today?

A. Yes.

Q. Also as part of the investigation into the Croatian Six, did you prepare a statement?

50 A. Yes.

Q. How many statements did you prepare?

A. One statement in relation to having a conversation with Brajkovic when he made enquiries at the Fairfield Police Station. We went out there and interviewed him then. And the other statement was in relation to the arrest, and the - there.

Q. Focusing on the statement for the arrest, was there only one statement you made?

A. Yes.

Q. In February 1979, what was the procedure with making a statement? Was there a particular form that the police used?

A. No. Just on statement paper.

Q. Do you recall a form P190A?

A. Is that a statement paper?

Q. Yes.

A. Well, that would be it then.

Q. Was it your practice to make, when you made statements, to use the pro forma P190A?

A. If you could, yes.

HIS HONOUR: I think there was evidence that there was a P190, which was the first page of a statement with the all the particular headings.

MCDONALD: Thank you, your Honour.

HIS HONOUR: And then the subsequent pages were 190--

MCDONALD: 190A.

Q. These, in a sense, statement documents that you're talking about, the first page was a P190?

A. If you say so. I've got no idea.

Q. But you do recall there was like a pro forma statement document?

A. Yes. It was a statement page. That's all, yeah. As far as I remember.

Q. When you say, "A statement page", does that indicate that it would have like a header with police statement and details?

A. "Police verse so-and-so" or - then the place, then your name, rank and station. That's all. And then you just - and it would be blank from then on, and then you go.

Q. Was it the procedure that upon completion of your statement you would sign it?

A. Yes.

Q. After the raid on 8 February, the ongoing investigation into the Croatian Six, including the compilation of the brief of evidence, that wasn't being undertaken by Special Branch?

A. No.

5

Q. Do you recall that it was Detective Sergeant Turner and Detective Milroy who were given that task?

A. I don't know.

10

Q. But it wasn't Special Branch?

A. It wasn't Special Branch.

Q. Do you recall around that time police also had access to what was known as an occurrence pad?

15

A. Yes.

Q. What was your understanding of when you used an occurrence pad?

20

A. Then? Well, if you went to a station, you could - they got an occurrence pad there, and that's just like an offence that might happen during a - from the - during at the trial, they'd put it in an occurrence pad. That was used, in those days - the synopsis of a night-time to be forwarded into town, and you just type it out. If it's a major incident, or some sort of incident that might come to notice, you could type it on that, but I'm talking about times before we had computers.

25

Q. In respect of your involvement with the Croatian Six, if an event occurred that you were involved in, would your practice be to enter up the details on an occurrence pad?

A. Where would I do that?

30

Q. Well, answer my--

A. If I was in charge - if I was in charge of the matter - I mean, if I was at a station, it would be my - say, if you - they could do it if they want to. They don't have to do it there. They can do it at their own patrol. I mean, I don't think I used the occurrence pad at the Special Branch.

35

Q. That was going to be my next question. At the Special Branch, you didn't use occurrence pads?

A. Not to my knowledge, no. I can't remember using it there.

40

Q. If something had arisen during your work on the Croatian Six investigation, would have you made a note of that on an occurrence pad?

A. I can't remember.

45

Q. Following on from one of the answers you just gave, was it generally the practice of Special Branch not to use occurrence pads?

A. Well, as I said, I don't know if it was a practice or what, but I can't honestly remember using an occurrence pad at the Special Branch. I mean, some police may have, I don't know, but I can't recall using it. Using an occurrence pad.

50

EXHIBIT 4.2-109, RED PAGE 708, SHOWN TO WITNESS

Q. Mr Krawczyk, exhibits will come up on the screen. If you would prefer a paper copy, that can be provided to you.

5 A. That's all right.

Q. If you go to the top of the page, can you see in the right hand top corner "P190"?

10 A. That's right.

Q. I've described it as a pro forma, but can you see it's got "New South Wales Police", and there are spaces for things like "statement in the matter of", the name of the statement maker, address, et cetera?

15 A. Yes.

Q. When I was referring you to a pro forma police statement, this was the first page that I was referring to?

A. Yes, that's the one.

20 Q. Then if we just go to the next page, which is red 709, I think the header has been cut off, but what I was going to suggest to you, this is actually P190A, so it's the subsequent pages of the statement?

A. Yes.

25 Q. If we go back to page 708, it's got a date 12 February 1979. You'll see in paragraph 1 there's a reference back to November 1976 where, "With Detective Jefferies I interviewed Mr Brajkovic at his home as a result of information obtained from Fairfield police earlier that day"?

30 A. Yes.

Q. That was the other statement that you just gave evidence about when I asked you about the number of statements that you provided for the Croatian Six where you set out conversations with Mr Brajkovic which occurred as a result of information from Fairfield police?

35 A. That's right.

Q. If you have a look at this document, and if we go to page 709 it becomes clearer, right down the bottom, can you see witness and signature is blank?

40 A. Yes.

Q. Then 710, witness and signature is blank?

A. Yes.

Q. And the same on 711? So this particular statement you didn't sign?

45 A. Well, all right, I guess I haven't. I - I can't answer that.

Q. No recollection of why you didn't sign it?

A. That's correct.

50 Q. Because it was part of the procedure that you would sign a statement?

A. Yes.

Q. And that's important, because it reflects that you have read the statement, and in a sense you were adopting the contents of the statement?

5 A. Yes.

Q. You were saying what's written in here is true and correct?

A. Yes.

10 Q. The date of 12 February 1979, if we go back to page 708, do you recall whether that was the date?

A. No, I couldn't remember. I couldn't tell you. If it's there, it probably is that date.

15 Q. The preparation of what you've described as the statement dealing with the arrest, do you recall you spoke of another statement that dealt with the arrest of Mr Brajkovic?

A. Yes.

20 Q. What I want to suggest to you - that deals with events on 8 February and 9 February 1979?

A. Yes.

Q. What were the circumstances in which you prepared that statement?

25 A. Sat down and I typed it up.

Q. By yourself?

A. I think Helson was there, yeah.

30 Q. That would have been at the offices of Special Branch?

A. Yes.

Q. Back in February 1979, this sitting down with another officer and writing your statements, was that acceptable procedure?

35 A. You can do that if you wish, yes.

Q. Do you recall on the early morning of 9 February being at CIB after you returned from Bossley Park and a group of officers who were at Bossley Park having a meeting and compiling a time line or summary of events?

40 A. Yes.

Q. You were part of the group?

A. Yes.

45 Q. The timeline only got to a certain part that morning; what I'm suggesting is it wasn't completed that morning?

A. In relation to the arrest, I think it was, yes.

Q. It what?

50 A. In relation to the arrest of Brajkovic.

EXHIBIT 11.89, RED PAGE 1287, SHOWN TO WITNESS

Q. If I could take you to the top of that document, do you see it's headed "9 February 1979, Armed Hold Up Squad Office, CIB"?

5 A. Yes.

Q. "Timetable of events and notes in relation to the arrest of Brajkovic"?

A. Yes.

10 Q. Do you see at 9pm it commences with, "Conference takes place in Armed Hold Up Squad"?

A. Yes.

15 Q. If we look at the first page, does this refresh your memory that these were the timetable of events or notes that were being compiled in the early morning of 9 February?

A. Yes.

Q. You were part of the group of officers who were participating at this point?

20 A. Yes.

Q. After these notes were completed, did you have access to them again?

A. I'm not too sure. I don't know. I can't remember.

25 Q. If we go to page 1291, and if we expand the top part, can you see it commences, "2am charged at Central Police Station"?

A. Yes.

30 Q. "Returned to this Branch and commenced these notes. Notes completed up end of first paragraph on page 2"?

A. Yes.

Q. Do you see you're one of the officers who is nominated as being present?

35 A. Yes.

Q. Further down on that page, "8.30am notes recommenced and completed"?

A. Yes.

Q. You're not recorded as being there?

40 A. Yes, I can see that.

Q. Does that accord with your recollection that this second time when the notes were being completed you weren't present?

A. That 8.30 one?

45 Q. Yes. Well your name's not there.

A. No, no, no. If that was done at 8.30 in the morning, I wasn't there. I don't know.

50 Q. Do you have a recollection of going back to CIB at 8.30am and contributing

to the completion of these notes?

A. No.

5 Q. Can you see under 2.30am, "notes completed up end of first paragraph on page 2"?

A. Yes.

10 Q. If we go back to 1287, I took you to this page. This is the first page of the notes?

A. Yes.

15 Q. You can see, for example in the 10.15, even in the 10.5pm, you're mentioned in the final sentence, "Krawczyk spoke with the group"?

A. Yes.

Q. Then 10.15pm, second line, it records you, Wilson, Bennett going to the rear door?

A. Yes.

20 Q. Then if we go across to page 1288, and this is the second page of the notes. As indicated on the last page, the notes were concluded at about 3.00am on 9 February, at the end of that first paragraph?

A. Yes.

25 Q. Which is dealing with events that you weren't present at?

A. Where's that?

Q. I'm sorry?

30 A. Where was that, sorry? Could you repeat that.

Q. The events recorded in that top paragraph, "At this stage, Helson turned the spot in his vehicle on Brajkovic and he was searched"?

A. Well I think that's a - this is just a random summary of what everyone was saying, like--

35 Q. No, I'm not asking you that. Listen to my question.

A. Yeah.

40 Q. The events that are being accounted in that top paragraph where Helson is outside in his vehicle, turned a spotlight on Brajkovic and he was searched, you weren't--

A. Yes, yeah, well I wasn't there.

45 Q. Yes, that was what I was asking you, you weren't present?

A. I wasn't there at that particular round when he was doing that. I've got no idea.

50 Q. So that is when the notes end at the end of, "Harding took possession of the bag containing different items, and Morris took possession of the binoculars"?

A. Yes.

Q. So your involvement in the compiling of the notes ended at that point?

A. Yeah. Well, I wasn't - I wasn't involved in any of that.

5

Q. What I'm asking you about is your involvement in the compilation of the notes, and I took you to the last page. You're present at CIB until 3.00am?

A. Yes.

10

Q. It records that the compilation of the notes at 3.00am stop at the end of that paragraph?

A. All right, yes.

15

Q. So what I'm saying to you is you were not present, and did not participate in the further compilation of the notes from that paragraph onwards?

A. Well, I didn't - didn't do any of that, so it's nothing to do with me.

20

Q. Well, because you weren't present at CIB at 8am the next morning, you did not participate in the compilation further of the notes?

A. No, I didn't, no. That's right.

25

Q. I'll take you to some evidence from the committal, Exhibit 2.3-19, red page 6816, and I think to put it in context, if we can go to the bottom of page 6815. This is in the context of you were being cross-examined about your statement and you were asked to produce a statement, and then down the bottom Mr McCrudden, who was appearing for one of the defendants, "While you are at it, did you have a notebook with you that day?"? Do you see that question right down the bottom?

A. Yes.

30

Q. You answer, "Yes"?

A. Yes.

35

Q. Then if we can go to 6816:

"Q. Did you write any notes of any of these conversations in that notebook?

A. No.

40

Q. Did you write any notes in relation to observations you carried out while you were there and being carried out while you were watching?

A. I didn't, no."

45

What I want to take you down to is the question that commences, "When did you first write up the notes, whether they were typewritten or another way?", and you answered, "I typed my statement out on 12 February. I didn't write any notes, but I think Detective Helson and I made some notes on the next morning".

50

A. Yes.

Q. Then you were asked:

5 "Q. Have you got those notes that you made the next morning?
A. I didn't make them; Detective Helson did, but I haven't got them
with me, no.

10 Q. You said "Detective Helson and I made some notes the
following morning".
A. That's correct, he wrote them down.

Q. He wrote them and you dictated them?
A. Not all dictated them, no.

15 Q. Well, what did you do? How did you assist Detective Helson
write his own notes?
A. He didn't write his own notes. We put our thoughts together
what happened, recalled it and he wrote it down.

20 Q. In what form did he write them down?
A. In longhand.

Q. On a police notebook?
A. No.

25 Q. Scrap of paper?
A. Some paper.

30 Q. Ordinary foolscap?
A. I believe so."
A. Yes, I can't see it here, but I agree with you.

35 Q. Does that suggest that after you returned to CIB late on 8 February, you
participate in this group discussion with other officers at Bossley Park and
contribute to the compilation notes, timeline, to a certain point?
A. I can't remember. Honestly, I can't.

Q. But looking at the documents that I showed you, do you agree with that?
A. Yes, I do.

40 Q. Then your evidence given on 16 August 1979 suggests the next morning
you and Detective Helson sit down by yourselves and write up some -
Detective Helson writes up some notes?
A. Well, that's what I've said there, yes.

45 Q. Then those notes, which you say, "I typed my statement out on
12 February", it would suggest that when you were typing out this statement,
you relied on the notes made by Detective Helson?
A. I would have relied on those notes, yes.

50 Q. There's no suggestion that you in typing out your statement of 12 February

that you relied on the compilation notes that were made at CIB?

A. I can't remember. Honestly, I can't.

Q. Special Branch was in a different building?

5 A. Sorry?

Q. Special Branch in February 1979 was in a different building to Breaking Squad and Armed Hold Up Squad?

A. Yes, it was.

10

Q. I should take you to this to be fair - Exhibit 2.3-52, page 8953.

EXHIBIT 2.3-53, RED PAGE 8953, SHOWN TO WITNESS

15 This is still at the committal. You're being asked, "Did anybody assist you with the earlier statement?", and I can take you to it, but do you assume the "earlier statement" is what I'm describing as the "arrest statement"?

A. Yes.

20 Q. You say, "As I said, it was information we wrote out on the 9th. We used that, and also I think part of the timetable of events from Sergeant Wilson"?

A. Yes.

Q. Your recollection back in October 1979 is that you thought you might have used those?

25

A. Yes.

Q. The next question about assisting you in making this statement of 12 February, that is a reference to the statement that I took you to which starts with information from Fairfield Police?

30

A. Yes.

Q. There you say, "No-one assisted me, but what we did was went over that part, Detective Jefferies, we dug the files out, we went through those files and information on that statement"?

35

A. Yes.

Q. In the lead-up to giving evidence at the committal, do you recall having a meeting or conference with Detective Sergeant Wilson?

40

A. Not that I can recall.

Q. When you read through the transcript of the committal, do you recall that there was a mistake that you had made about the registration of a car that was at Bossley Park?

45

A. Yes.

Q. Do you recall when you realised that there was such a mistake?

A. No, I don't, no.

50 Q. I'll take you to some transcript of the committal. This is Exhibit 2.3-19,

page 6823.

EXHIBIT 2.3-19, RED PAGE 6823, SHOWN TO WITNESS

5 Q. If I can first take you to the section under "Objection: - Question allowed", just to orientate you. Do you see the question, "So you arrive at 6.20 and you see a 1973 station wagon?"
A. Yes.

10 Q. You give the number?
A. Yes.

Q. Then you were asked, "Why did you in your original statement type out a different number?", and you give an explanation about prior to leaving police
15 headquarters you were given two numbers?
A. Yes.

Q. You say, "It was an honest mistake on my part when I typed my statement out"?
20 A. Yes.

Q. Then can I take you down to where you were asked, "And you typed that into your statement?", and you say:

25 "A. No. The number I told you, I transposed the wrong number into my statement. My honest mistake. Last Wednesday I brought it to the night of Detective Sergeant Wilson that I had put in the wrong number.

30 Q. Last Wednesday?
A. Yes.

Q. How did you last Wednesday realised you'd made a mistake?
A. Well, we had a conference at the CIB with Detective Sergeant
35 Wilson. I saw some photographs and the car – JMN 557 - and I realised I had put in - transposed the wrong number in my statement.

Q. What purpose were you looking at photographs with Detective
40 Wilson?
A. We just had a general conversation in relation to the enquiry.

Q. About the kind of evidence you were going to give?
A. No, not the kind of evidence I was going to give, no."
45

Then across the page on 6824:

"Q. But it was necessary to pull out photographs?
A. Just to have a look.
50

Q. To refresh your memory?

A. Possibly so."

5 And then it's confirmed that the "last Wednesday" was the Wednesday of the week before. Can I ask you about this conference at CIB with Detective Sergeant Wilson.

A. Yes.

10 Q. Why did you have a meeting with Detective Sergeant Wilson where you discussed the evidence that you were going to give at a current committal?

A. I've got no idea about it. I just can't remember.

15 Q. Was that standard procedure, that when you're about to be called to give evidence at a committal, you would have a discussion with your evidence with another officer who was also giving evidence at a committal?

A. No, that's not standard practice.

Q. It's actually quite wrong, isn't it?

20 A. Yes.

Q. It's quite wrong because it leads to allegations of contamination of evidence?

A. It could, yes.

25 Q. Informing you of certain evidence that you might not recall or might not have recorded but is important for you to give at a committal?

A. I agree with that, yes.

30 Q. By 16 August 1979 had you moved to the Armed Hold Up Squad?

A. What day was that again?

Q. 16 August 1979.

A. No.

35 Q. You were still with Special Branch?

A. Yes.

Q. So you must have been called specially to CIB for this meeting with Detective Sergeant Wilson?

40 A. I can't remember. Honestly, I can't.

Q. But sitting here looking at that account, do you agree that it doesn't appear to be appropriate procedure?

45 A. Well, I don't know if I - if he's brought it to my notice, or I brought it to his notice, I've got no idea, but I can't remember. But I made - I've made an honest mistake, I've crossed it out, and I've put the other number in there.

Q. You'd bring that to the attention of the Police Prosecutor, wouldn't you?

50 A. That I don't know. I can't remember that. I can't recall.

Q. But it's the Police Prosecutor who's asking you questions in Court, isn't it, at the committal?

A. Sorry?

5 Q. It is the Police Prosecutor who is asking you questions at the committal?

A. Yes.

Q. If there's something that you wish to correct, it would be the Police Prosecutor that you would inform?

10 A. Yes.

Q. Not another witness?

A. Well, I do not recall if I'd mentioned it to the prosecutor either. I've got no idea.

15

Q. No. I'm not asking you that.

A. No.

20

Q. What I'm saying to you is: in the circumstances, if there was an honest mistake, and nobody is challenging that, in your statement, the appropriate person to raise it with is the Police Prosecutor?

A. Yes, it is.

25

Q. And if for some reason the Police Prosecutor wasn't available, you could mention it to one of the officers in charge along the lines of, "Look, there's something in my statement, I've made a mistake. I've got to discuss it with the Police Prosecutor."

A. Yes.

30

Q. Those officers were Detective Sergeant Turner and Detective Milroy?

A. Well, I don't know that. That, I don't know. If they would.

Q. You knew they were the officers in charge who were compiling the brief of evidence?

35

A. No.

Q. You didn't?

A. No.

40

Q. Well, it definitely wasn't Detective Sergeant Wilson, was it?

A. Sorry?

Q. It wasn't Detective Sergeant Wilson?

A. Not to my knowledge, no.

45

HIS HONOUR

50

Q. Mr Krawczyk, you seem to be saying in this passage of evidence that your attention has been drawn to, that you realised the error in your statement when you saw a photograph in the course of this meeting with Wilson?

A. Sorry, I'm--

5 Q. Let's go back to the previous page on the screen. At the bottom of the page there's a question, "How did you last Wednesday realise you had made a mistake?" Just read the answer that you gave there?

A. Yes. Yes.

10 Q. Now, I understand from that, that you were saying you'd realised you'd made the mistake only when you saw the photograph in the course of your meeting with Mr Wilson?

A. Yes.

Q. So you didn't know before you saw the photograph, but when you saw the photograph, you realised--

15 A. When I saw the photograph, I'd made a mistake.

MCDONALD

20 Q. I want to ask you some questions about, I think you've described it as "the arrest statement".

A. The?

Q. Arrest statement?

25 A. I'm just hard of hearing also.

Q. That's okay.

A. I'm not being rude. I'm just--

30 Q. No. No. I'm just wondering if one of those hearing loops may--

A. I've got hearing aids in, but it's still a bit difficult.

Q. If you can't hear me, please speak up, Mr Krawczyk.

A. Okay.

35 Q. I want to ask you some questions about, let's describe it as "the arrest statement".

A. Yes.

40 EXHIBIT 11.153, RED PAGE 1430, SHOWN TO WITNESS

Q. Mr Krawczyk, if you want the paper copy, please speak up.

A. Okay.

45 Q. But I want to first just take you through the statement.

A. All right.

Q. You can see at the top it's got, "Police Headquarters. 12 February 1979. Police, Mr Brajkovic", your name, "Police Headquarters, Sydney. Detective Senior Constable of Police."

50 A. Yes.

Q. The paragraphs aren't numbered?

A. No. They're not numbered.

5 Q. I'll just show you the whole document to begin with. Can you see that's page 1?

A. Yes.

Q. Then can we go to page 1431?

10 A. Yes.

Q. Again, to orientate you, up the top it's got a "2"?

A. Yes.

Q. "Police", and "Mr Brajkovic", and then a number of paragraphs.

15 A. Yes.

Q. Sorry, can we go back to 1430. Can I draw your attention to the third paragraph. The second line, there's a reference to that 1973 Holden station wagon?

20 A. Yes.

Q. And a registration number?

A. Yes.

25 Q. That was your honest mistake, wasn't it?

A. Yes.

Q. That was the one that you corrected, and I think it became JMN, and I've forgotten the other numbers.

30 A. JMN-something, yes.

Q. If we go back to 1431. That's the second page?

A. Yes.

35 Q. Do you know off-hand the line through the statement, do you know who's done that?

A. I've got no idea.

Q. Again, looking at the bottom of the page, not signed?

40 A. Yes. I can see that.

Q. Then if you go to page 1432.

A. Yes.

45 Q. Again, this is the third page of the arrest statement?

A. Yes.

Q. Not signed at the bottom?

50 A. I can see that.

Q. Then if we go to 1433, page "4" at the top.

A. Yes.

Q. And that would appear to be the end of the arrest statement.

5 A. Yes.

Q. You've observed it's not signed?

A. Yes.

10 Q. Not witnessed?

A. Yes.

Q. Other than the typed date on the first page of 12 February, no other indication of a date? For example, if you signed on a different date than you typed?

15 A. No. There's nothing, no. Yes.

Q. Looking at it, it is not on that pro forma P190 and then P190A subsequent pages. You know that pro forma of a statement that I referred you to?

20 A. Yes. Yes.

Q. That your other--

A. Yes.

25 Q. Sorry.

A. No. That's all right. If you - if you go back to the first page, it's still a pro forma from the - the original P190, but it just hasn't got it on there. But, I mean, I can't understand it. I don't know, but it's still the same format.

30 Q. I'm not cavilling with that.

A. No.

Q. I'm just trying to work out this document.

A. Yes.

35

Q. It would appear that you have included all the information that you would include on a P190 on the first page?

A. Yes.

40 Q. But it's not on that pro forma? It would appear that it's been typed just on a blank piece of paper?

A. Well, it looks like that, but I can't see it being a blank - like, I can't - I can't explain it. Not unless it was, like, in the typewriter, I don't know. Electrical, I don't know. But you can just type it in and it just bangs that out

45 automatically. I don't know. I've got no idea.

HIS HONOUR

Q. Mr Krawczyk, looking at the first page of this, red number 1430--

50 A. Yes.

Q. --and looking at the heading where, "Police-v-BRAJKOVIC", "Police Headquarters" and the date appears, could this be a carbon copy of the statement that the original was on the P190 form, but the carbon copy went onto just a blank sheet of paper?

5 A. Well, it could be, yes. It could be that.

MCDONALD

10 Q. Was that the procedure that you adopted when you would type out your statement, you'd include a couple of pieces of carbon paper so you're getting a number of copies?

A. Yes. You can do that, yes.

Q. As his Honour suggested, this might be a carbon copy?

15 A. Well, it could be, yes.

Q. I know it's a number of years ago, but do you have a recollection of how you typed up this statement? Whether it was a blank piece of paper, or whether it was carbon paper?

20 A. Well, making a statement in those days with a typewriter, you'd have to make a couple of copies, so you'd have to use carbon paper.

Q. All right.

25 A. And your P - the one - the first sheet would go like that, and everything else would just be the blank, because otherwise if you tried to line up all that on the second page, it wouldn't work.

Q. I want to take you to another exhibit, which is 4.2-36. While it's being brought up, is it your recollection that - before it's brought up, if we can just pause. Your evidence is that you only made one arrest statement?

30 A. To the best of my knowledge, I think I did. Yes.

Q. The correction to the arrest statement that you made was to the registration of the Holden station wagon?

35 A. Yes.

Q. Can you recall any other amendments or changes?

A. No.

40 EXHIBIT 4.2-36, RED PAGE 378, SHOWN TO WITNESS

Q. At the top of this, it's not the best copy. If you want to see a paper copy, if it's going to assist you, but roughly it's got, and if you want to jump back to the previous exhibit I showed you, can you see it's got the same information up the top?

45 A. Yes. Yes.

Q. You've got the same date, "12 February"?

A. Yes.

50

Q. Your name, "Police Headquarters, Sydney". Your rank?

A. Yes.

Q. And, again, it's unnumbered paragraphs?

5 A. Yes.

Q. If we go down to the bottom of page 378 - sorry, there is a change. Can we just bring up the paragraph, "Arriving at those premises at 6.20". The second line. Can you see somebody has made an amendment?

10 A. Yes.

Q. Is that your handwriting?

A. I don't know.

15 Q. But it's an amendment where you made the honest mistake about the registration number.

A. Yes.

Q. It's now recorded there on this page?

20 A. Yes.

Q. If we go to page red 379. Again, looking at it, it's got "2" at the top?

A. Yes.

25 Q. As we've seen before, we've got different paragraphs, again, not numbered?

A. Yes.

Q. Again, not signed down the bottom?

30 A. Yes. Yes.

Q. Then if we go to page 380. We're now on page 3?

A. Yes.

35 Q. The first thing I want to draw your attention to is on the third line. Again, the handwritten change of the registration number?

A. Yes.

Q. I want to draw your attention to the top of the page.

40 A. Yes.

Q. What is depicted in the header is the pro forma from the P190A?

A. Yes.

45 Q. So, as you can see, "statement continued in the matter of police and Mr Brajkovic", and you can type that into the pro forma, and up the top you can type in "page 3"?

A. Yes.

50 Q. Then if we jump to page 381, final page of the statement?

A. Yes.

Q. Again, we've got page "4" at the top, but there is no header?

A. Yes.

5

Q. So, looking at this Exhibit 4.2-36, the header appears at page 3 of the statement, doesn't it, and doesn't appear anywhere else?

A. That's correct.

10

Q. If we jump back to Exhibit 11.153, page 1432, this was the first, I'm talking about arrest statements, and you can see, Mr Krawczyk, I've taken you to two arrest statements, two copies or versions of the arrest statement?

A. Yes.

15

Q. Can you see at the top of page 3, the pro forma header does not appear?

A. That's correct.

Q. Jumping back to 4.2-36, page 3, there is a difference in that you have the header?

20

A. Yes.

Q. Can you explain why this version of the statement, so this is Exhibit 4.2-36, page 3 has the header?

A. I can't answer that. I've got no idea.

25

Q. No recollection of whether page 3 was typed again?

A. No.

30

Q. You can see, again, just focusing on the third line, where we've again got the correction of the registration number?

A. Yes.

Q. That would suggest that again, that mistake has been picked up at that period between your conference with Detective Sergeant Wilson and then giving evidence?

35

A. Yes.

Q. Can we go down the page to the paragraph, "A short time"?

A. Yes.

40

Q. Just orientating you, as you've read your material, you will recall when you were at Bossley Park you, Detective Sergeant Wilson, and I think it was Detective Bennett went to the back of the house?

A. Yes.

45

Q. And went in, and you meet Mrs Brajkovic?

A. Yes.

Q. And also Mr Hudlin is there asleep on the sofa?

50

A. That's correct.

Q. You recall that at one point, I think shortly after, Detectives Harding and Morris arrive with Mr Brajkovic?

A. Yes.

5 Q. Mr Brajkovic is handcuffed?

A. Yes.

Q. If you look at this paragraph, "A short time later", this is where you give an account of when Detective Harding and Morris arrive with Mr Brajkovic?

10 A. Yes.

Q. I want to draw your attention to the final sentence, "I saw Detective Harding carrying a white plastic bag, which I later saw contained therein two sticks of gelignite", et cetera?

15 A. Yes.

Q. Can I take you back to Exhibit 11.153. I want to take you to page 380, but at the top of the page. If we can concentrate on the top of the page to begin with, page 1432 at the top. I just want to draw your attention to this. Again, we note there isn't the P190A header?

20 A. Yes.

Q. I want to draw your attention to the third line. There you've got the vehicle, the correction of the number plate, and then the words, "This vehicle was"?

25 A. Yes.

Q. If we jump back to 4.236, page 380, that top paragraph, can you see that line? Again, there's a handwritten correction, but this time the typing continues, "This vehicle was then kept under"; do you see that?

30 A. Yes.

Q. I know we're jumping from statement to statement, but you recall that in Exhibit 11.153 that I just showed you, that line ends with, "This vehicle was"; the typing ends there at the end of the third line? With the third line up there, it ends with, "This vehicle was then kept under"?

35 A. Yes.

Q. What I'm suggesting to you is the page 3 that's up there on the screen, which is part of Exhibit 4.2-36, compared with page 3 on Exhibit 11.153, they are different page 3's?

40 A. Well this one I've got in front of me, I've got my initials there when I changed that number on the car. That's my initial there, okay?

Q. Alright.

45 A. Now just go back to the other one.

Q. Exhibit 11.153, page 1432, and if we go to up the top. Now, correction of the number plate, but it doesn't appear your initials are there?

50 A. No. That's different handwriting too.

Q. Okay. That line ends with, "This vehicle was"?

A. Yes.

5 Q. So this page 3 is a different typed page 3 to the page 3 I just took you to.
A. It appears so.

Q. Can you assist the Inquiry as to how that occurred?

A. I've got no idea.

10 Q. It would appear to have been done before you had the conference with
Detective Sergeant Wilson, because you haven't corrected the number plate?
A. Well when I corrected it, I've - I've initialled it. There's no--

15 Q. Sorry, I didn't phrase that question properly. You didn't correct in typing the
number plate?
A. Sorry?

20 Q. You have never corrected on either page 3 when you were typing either of
the page 3's?
A. No, that's correct, yes. That's - I agree with you there, yes.

Q. But you've got no recollection of how this different has arisen?

A. I've got no idea.

25 Q. Can I take you down towards the bottom of page 1432, the second last
paragraph. Just read it to yourself, "A short time later".
A. Yes.

30 Q. You can see this is where Mr Brajkovic is brought in with Detectives
Harding and Morris?
A. Yes.

35 Q. "A bit of struggle, has quietened down, can I see you in another room", and
Detective Harding said, "Keep an eye on him Ron"?
A. Yes.

Q. Does that accord with your recollection of what happened that night?

A. Yes.

40 Q. Anything else happen at that point until Detective Sergeant Wilson and
Harding went into another room?
A. I put his handcuffs to the front and he sat in a - and he sat in a seat.

45 Q. I'll take you back to Exhibit 4.2-36. If we can start at the top of
page 380. Remember this, this first difference is that this appears to have
been written on; it's the page which has got the actual header of P190A?
A. Yes.

50 Q. You've agreed that it's a different page because of that difference on
line 3?

A. Yes.

5 Q. Can I take you down the bottom of the page, and we've got that paragraph I took you to a short time later, but there is an addition now. There is a deletion and an addition. The addition is, "I saw Detective Harding carrying a white plastic bag which I later saw contained two sticks of gelignite wrapped in a foreign newspaper, a number of flares and a brown coloured paper bag which contained detonators"?

10 A. Yes.

Q. That wasn't in the previous page 3?

A. I can see that, yes.

15 Q. Also, you deleted, "Detective Harding said, 'Keep an eye on him Ron'"?

A. I can see that, yes.

Q. The inclusion of the white plastic bag with the gelignite, that suggests this page 3 was typed after the first page 3?

20 A. Is this the one where I've got my initials on the car registration?

Q. Yes.

A. Well that's the one I've - that's the one I believe is. I can't understand it. I don't know.

25 Q. Do you agree that this page 3 must have been typed after the other - the first page 3 I showed you?

A. I don't know. I honestly don't know.

30 LUNCHEON ADJOURNMENT

Q. Mr Krawczyk, before lunch, I had taken you to two versions of your arrest statement.

A. Yes.

35 Q. It is clear that page 3 of those respective statements is different.

A. Yes.

Q. The page 3's must have been typed at different times.

40 A. Yes.

Q. When you gave evidence at the committal in August 1979, the procedure at that time was that when police officers were called to give evidence, you had to memorise your statement.

45 A. Yes.

Q. It wasn't a matter of you could refer to your statement and refresh your memory. It was really rote learning of it.

A. Yes.

50 Q. When you gave evidence at the committal, you actually forgot to give the

evidence of seeing the white plastic bag and seeing its contents later on.

A. I don't remember.

Q. I'll take you to the committal transcript.

5

EXHIBIT 2.3-19, RED PAGE 6808, SHOWN TO WITNESS

Q. If we can go to the top of the page. Mr Krawczyk, can you see the date of 16 August 1979?

10

A. Yes. I can.

Q. Your name, you're sworn, and the Police Prosecutor starts asking you a series of questions?

A. Yes.

15

Q. Looking at that, reflecting the evidence that you just gave that you had to memorise your statement, it would suggest that you've memorised your statement and you're repeating as your evidence your statement?

A. Yes.

20

Q. You can see that the magistrate at one stage interrupts you and says, "Has a conversation with whom?", and then immediately underneath that, you say, "The defendant Brajkovic"; do you see that?

A. Yes, yes.

25

Q. Then you continue giving your evidence which reflects your statement?

A. Yes.

30

Q. If we go then to page 6809, you can see there that you're continuing in the same vein of giving your evidence, and it's really you're recalling what was in your statement?

A. Yes.

35

Q. Then if we can jump to the top of page 6810, following that down, can you see again you're repeating what you had memorised was in your statement, and then can you see you finish at, "He was then placed in the interview room and I took part in other duties"? See where the cursor is?

A. Yes, yes.

40

Q. Which would suggest that's the end of your evidence-in-chief?

A. Yes.

45

Q. Then the Prosecutor says, "In the search of the premises, Detective, did you yourself personally take any articles from the premises?", and then you say, "No, but when I - oh, I missed this out, I apologise. When Detective Harding came in with the defendant Brajkovic, I saw he was carrying a white plastic bag, which I later saw contained the gelignite, flares, et cetera."?

A. Yes.

50

Q. So what I want to suggest is that when you were giving evidence at the

committal, you actually forgot that additional part, or the new addition to page 7 of the statement?

A. Yeah, I forgot - I forgot that, yes.

5 Q. And you had to be reminded by the Prosecutor?

A. Yes, I agree, yes.

10 Q. Do also recall that the procedure at committals at that point was that often when you were about to be cross-examined by a defendant's counsel, they would make a call for your statement; do you remember that procedure?

A. Not off hand, no.

15 Q. Within that Exhibit, 2.3-19, can I take you first to page 6814. When it comes up, you're being cross-examined by Mr McCrudden, who was representing one of the defendants.

A. Yes.

20 Q. Can you see Mr McCrudden at about point 5 of the page, he asks, "So you've made a statement in connection with this haven't you?" Do you see that?

A. Yes.

Q. Then there are questions:

25 "Q. You've refreshed your memory from it. Do you have your statement with you?

A. No, I don't.

30 Q. Why don't you?

A. Because it's back at work."

Then there are questions of when and where you refreshed your memory?

A. Yes.

35 Q. Then the last question, "And you left it at police headquarters when you got there?" "Yes, it's in my bag I think." Then if we go to the next page, 6815, up the top, "You know as a matter of practice statements are frequently called for, do you not?" "Sometimes." "They are frequently called for." Then there is some interchange, you were asked, "Did you deliberately leave it at your

40 headquarters?" Do you see that?

A. Yes.

45 Q. Then the bench at one point, the Magistrate say, "We've been through all this yesterday. I mean, if you want it, you can subpoena it, there is no problem about it." Then the Prosecutor, if we go down towards the bottom of the page, says, "It's ten to one, Your Worship. If I can suggest this, that I have no doubt the witness during the luncheon adjournment, and I assume we adjourn at one o'clock, will be able to produce it at two o'clock". Mr McCrudden says, "That's wonderfully cooperative, thank you sir", and then asks you, "Will you do

50 that for me, then, during the luncheon adjournment?" "Yes". "And while you're

at it, did you have a notebook with you that day?" "Yes". And then asks, the next page 6816, asks you some questions about if you made any notes in your notebook?

A. Yes.

5

Q. So we're at the stage where there's been a call for your statement; it isn't present in the courtroom, but an offer is made that you will retrieve it at lunch time and bring it back to Court?

A. Yes.

10

Q. And you agree to do that. Then if we jump to 6818, this is upon resumption after the lunch break, "Mr McCrudden: Do you have your statement now, Detective Krawczyk?" "Yes". "Calls for statement", and I would suggest that you then formally produce the statement, and it's made available to the defence?

15

A. Yes.

Q. Which version of the statement did you produce?

A. I don't remember.

20

Q. Did you produce both versions?

A. Well, as far as I'm concerned, I only made the one.

Q. But you can clearly see that you made two?

25

A. No. There was one for the - when we interviewed him in 76, and there was another one there on his arrest.

Q. But there are two versions of the arrest statement, aren't there?

A. Yes.

30

Q. Which version of the arrest statement did you produce to the Court?

A. As far as I know, it was the one that I've initialled on that changing of the car. To the best of my knowledge, that's all I know.

35

Q. The other version, did you produce that as well to the Court?

A. I don't know. I honestly don't know.

Q. The addition that was made to your statement on page 3 was rather important evidence, wasn't it?

40

A. What part was that?

Q. I'll bring it up again.

HIS HONOUR

45

Q. It has the appearance of you having retyped the entire--

A. Sorry?

Q. It has the appearance of you having retaped the entire page 3.

50

A. Did I retype it?

Q. No. I'm telling you it has the appearance of you having retyped page 3 entirely and slotted it in between existing pages 1, 2 and 4; do you agree with that?

5 A. Yeah, but I don't know who - I've got no idea, I've no knowledge of that. I don't know.

MCDONALD

10 Q. Exhibit 4.2-36, page 380. I took you in detail to, just looking at this page and comparing it with the other arrest statement page 3.

A. Yes.

Q. My recollection is you did agree with me. It's been retyped, page 3?

15 A. The other one would have to be by the looks of it, yeah.

Q. They're different. One of them's been retyped?

A. Yes.

20 Q. I suggest to you it was the current page that's up on the screen because if we go down towards the bottom of the page, the paragraph commencing "A short time later", it has the very important evidence in the last sentence that didn't appear in the other version of your arrest statement that you saw Detective Harding carrying the white plastic bag "which I saw later contained gelignite, flares and detonators"?

25 A. I don't know. I've got no idea.

Q. Was it the case that somebody involved in the investigation, ongoing investigation, into the Croatian Six, pointed out to you at some point the gap in your evidence?

30 A. No, not to my knowledge.

Q. Detective Sergeant Wilson was there when you realised your mistake with the registration number?

35 A. Possibly.

Q. I showed you the evidence before lunch where you said--

A. Yes.

Q. --"I was at CIB the Wednesday before"?

40 A. Yes.

Q. Was it then that it was noted that there was a gap or a hole in your evidence?

45 A. No, not that I can recall.

Q. You agree that it's rather crucial evidence?

A. Yes.

50 Q. It was being contested at the committal whether that white plastic bag with the explosives was actually found at Bossley Park, wasn't it?

A. Yes.

Q. Mr Brajkovic's account is that that was planted on him.

A. Yes.

5

Q. Or it was created subsequently at CIB?

A. Yes, that's what he suggests.

10 Q. By plugging this hole in the evidence, you're providing very important corroborative evidence for the police case, aren't you?

A. Well, no, I didn't - I'm not plugging a hole. That's what I've typed in that statement. That's the one I've done, that's the one I've initialled up the top up there, so I'm - that's all I know.

15 Q. But don't you agree you said nothing about that in the other arrest statement? Here you are plugging a hole, providing evidence of a gap in your account of what occurred that night?

A. Well, that's what occurred that night.

20 WOODS: I object to that. It better be made clear what the agreement is to. It's ambiguous.

MCDONALD

25 Q. Detective Krawczyk, there are two versions of the arrest statement?

A. Yes.

Q. I'm going to abbreviate it. One without any reference to the white plastic bag and explosives?

30 A. Yes.

Q. One with a reference to white plastic bag and the explosives?

A. Yes.

35 Q. What I'm suggesting to you is that the white plastic bag with the explosives, your inclusion in the statement reflected a gap in your evidence?

A. Well, if you're going to compare it to the other one, you know, it wasn't there, but, I mean, that was my statement, that one there, that I've initialled that car, changing of the numberplate, and I've got it there.

40

Q. But the other one was your statement as well, wasn't it?

A. Sorry?

45 Q. The other version of your arrest statement without the reference to the white plastic bag was also your statement? You typed it?

A. I can't follow you, sorry.

Q. The other version of your arrest statement--

A. Yes.

50

Q. --which I took you before lunch, and I can take you to it again--

A. Yes. Go on.

Q. --that also was your statement, wasn't it?

5 A. Well, I--

Q. You typed it?

10 A. I just - I don't know where it's come from, to tell you the truth. I know that one - I've made one statement. That's all I've made. I can't be more clearer than that.

Q. Mr Krawczyk, you agreed before lunch that you had typed - you had two arrest statements. One with different page 3's.

15 A. Well, I might have got you wrong there, but I - when you said, "two arrest statements", what I - the statements I made was in relation to one statement when we interviewed him back in 76. The other statement I made is in relation to when we arrested him - when he was arrested in 79, in relation to that - to that there. They're the only two statements I've made.

20 Q. You have made two versions of the arrest statement.

A. No. I've only made one version of the arrest statement.

25 Q. You made one version with a page 3 with no reference to "white plastic bag and explosives", and you made another statement with a page 3, which referred to, "white plastic bag and explosives", didn't you?

A. No. I made one statement.

Q. When I took you to your - bring it up.

30 EXHIBIT 11.153, RED PAGE 1430, SHOWN TO WITNESS

A. Yes.

Q. I showed you this statement earlier today.

35 A. Yes.

Q. I took you through the four pages.

A. Yes.

40 Q. You agreed that was a statement that you typed?

A. That was why I'm looking at it, and I'm saying, yes, that's a statement I typed. But as I said, go back - I go back - turn the next page. Go to page 3. Now, that car number there--

45 Q. Yes.

A. Right? That's been altered. That's not my handwriting. So I've got no idea - no idea about this one. Go to the other statement and you'll see that that's the one I've - I've initialled, and that was the one I made.

50 Q. Putting to one side the initial of the change in the car at the top, the

information about the white plastic bag and the explosive, putting that to one side, and your deletion of a sentence there, "Keep a look on him Ron." Those statements are identical?

A. Yes.

5

Q. You agreed before lunch that you typed this statement, and this was your statement.

10 BASHIR: I'm sorry, your Honour. My note is that the question was asked, "It looked like it's typed on a blank piece of paper." And that the answer was, "It looks like it, but I can't explain it." Then your Honour said, "Looking at that first page 1430, could that be a carbon copy?" And then he's answered, "It could be that." "Is that procedure that you would include a carbon copy?" "Yes. Could be, yes." Then he was asked, "Is that how you typed it up? With blank page or carbon?" "Normally, with a typewriter, you had to make a couple of
15 copies, so I had to do carbon copy." I'm just clarifying from my note, your Honour, when he was asked about the typewriter.

HIS HONOUR: All right.

20

MCDONALD

Q. The statement on the screen was your statement?

25 A. My statement is the one where I've initialled it. The car number changed. Now, I know it's the same sort of typing and all that sort of stuff there, but I don't know how that other part, or what's been put in there. I don't know. I've got no idea.

Q. Mr Krawczyk, are you now making this up?

30

A. No. I'm not making it up.

Q. Are you confronted by the fact that in existence were two arrest statements, made by you, one of which contained the white plastic bag explosive evidence; the other one that didn't?

35

A. I only made one statement. I'm sorry, and that's all I can say. I don't know.

HIS HONOUR

Q. Did you make one statement, but have two versions of page 3?

40

A. I don't--

Q. Taking one out and substituting another?

A. Sorry?

45

Q. Did you make one statement about the arrest--

A. Yes.

Q. --but take out the original page 3 and insert another page that differed--

50

A. No. I didn't insert another page. Honestly, I didn't.

MCDONALD

Q. Even though you forgot to give that evidence until prompted by the Police Prosecutor at the committal?

5 A. Yes.

HIS HONOUR: Just in relation to that suggestion of being prompted, the question the Police Prosecutor asks was whether you, yourself, personally take any articles from the premises. It doesn't relate to seeing a white bag, or prompt in relation to a white bag?

10

MCDONALD: No. But it prompts Mr Krawczyk to say, "Oh, I forgot." .

HIS HONOUR: He took the opportunity.

15

MCDONALD: Yes. I'm sorry, your Honour, your point is correct. It's really not responsive to the question, but it does operate as some kind of memory prompt for, "Well, that's what I suggested to Mr Krawczyk at that time."

20 Q. The way--

HIS HONOUR: The reason I raise that--

Q. Mr Krawczyk, which version of your statement did the Police Prosecutor have?

25

A. Sorry?

Q. Which version of your statement did the Police Prosecutor have? Did he have the one that had page 3 and the reference to a white bag, or did he have the earlier one which did not have the reference to the white bag so he was oblivious to it?

30

A. The one there where I've got my initials on the car number changed. That's as far as I know, to the best of my recollection.

Q. Do you have an actual memory of the Police Prosecutor having the second version, page 3 statement?

35

A. No, I've got no memory of that at all.

MCDONALD

40

Q. At the committal when you were giving evidence, did you observe the Police Prosecutor, as demonstrated on that page, ruling through pages when evidence was given?

A. No.

45

Q. You never made that observation?

A. No.

Q. Before you gave evidence at the committal, did you have a conference with the Police Prosecutor?

50

A. I can't remember.

Q. It was somebody Brady?

A. I can't remember.

5

Q. The typing of your statement, putting to one side page 3, you typed pages 1, 2 and 4?

A. 1, 2 and 4?

10

Q. Yes, of your statement?

A. What about 3? Oh, put that aside.

Q. Yeah.

A. I'd have to have done that, yes.

15

Q. It wasn't the case when you were at CIB and it was indicated that you had said nothing about the white plastic bag and explosives, that somebody else at CIB typed the different page 3?

A. No, not that I can recall, no.

20

Q. Do you recall that in 1979 Mr Brajkovic made complaints, and his wife and Mr Hudlin did as well, about their treatment during the raid at Bossley Park, and also subsequently at the CIB?

A. Later I did, yes.

25

Q. You became aware because it was referred to Internal Affairs?

A. No, I wasn't aware then.

30

Q. Were you involved in an Inquiry by Internal Affairs?

A. No.

Q. Does Detective Sergeant Shepard ring a bell?

A. No.

35

Q. The name Detective Sergeant Shepard?

A. No.

Q. So you weren't involved at all in some kind of Internal Affairs investigation in about June or July 1979?

40

A. Not that I can recall, no.

Q. I asked you earlier today about your reference to sitting down with Detective Helson and writing up some handwritten notes the next day?

A. Yes.

45

Q. And your recollection was that Detective Helson wrote them up?

A. Yes.

EXHIBIT 4.2-39, RED PAGE 389, SHOWN TO WITNESS

50

Q. It goes for a couple of pages, but would you just have a look at those notes? Can I just pause there, at 4.30 you talk about a Special Branch conference, and is it Perrin Crothers?

A. Yes.

5

Q. Who was Crothers?

A. He's a Detective Sergeant in the office.

Q. Within Special Branch?

10

A. Yes.

Q. Right, please keep on going. Right, that was the final page.

A. Yes.

15

Q. Is it 392, and can you see that it ends with the entry at 7.30?

A. Yes.

Q. As it records, that's when you left the premises and I think you rang back and reported and then you and Detective Helson started up at about 300 metres away doing further surveillance of the house?

20

A. Yes.

Q. The notes do not go into anything that happened post-7.30pm?

A. No.

25

Q. The rest of the account in your statement where you speak about what happened at the house and then what happened back at CIB, what did you rely upon in including that in your statement?

A. From the typed-up thing by Detective Sergeant Harding.

30

Q. The compilation notes?

A. Yes.

EXHIBIT 11.194, RED PAGE 1569, SHOWN TO WITNESS

35

Q. To take you to the beginning of that document, can you see "Police Headquarters, Police Internal Affairs Branch"?

A. Yes.

40

Q. This document is addressed to you?

A. Yes, it is.

Q. Can you see, "Memo: attached is a list of statements and documents which are attached to this report, refer to an alleged incident at Bossley Park and the CIB on 8 and 9 February"?

45

A. Yes.

Q. You're directed to peruse the statements and documents and to furnish a comprehensive report?

50

A. Yes.

Q. Does that jog your memory that there was an Internal Affairs investigation and a Detective Sergeant Shepard conducted it and asked for a report from you?

5 A. That jogs my number as far as that, but I've got no other memory of what it was, but yes.

Q. If we go down towards the bottom of that page, can you see that you start - this is your response; do you agree with that?

10 A. Yes.

Q. Your response goes for about seven or eight pages, and if we can jump to 1575, and right down the bottom can you see your signature and a date, 13 June 1979?

15 A. Yes.

Q. In compiling this response to the direction from Detective Sergeant Shepard, did you discuss it with other officers?

20 A. I can't even recall what had actually taken place, to tell you the truth, so no, I don't know.

Q. Do you recall, and I'll put it broadly, that there were allegations that Mr Hudlin was hit with a torch in the face at Bossley Park?

A. Yes.

25 Q. Do you remember allegations of Mr Brajkovic being assaulted or manhandled at Bossley Park?

A. Yes.

30 Q. Do you remember there at the CIB where the police said that he participated willingly in a Record of Interview; Mr Brajkovic's account was that, "No. What actually happened is I was assaulted at CIB"?

A. Yes, he did say that.

35 Q. Do you remember those allegations?

A. Yes, during the course of the thing, yes, I did.

Q. I'm just putting broadly to you, those allegations were then part of a complaint that was made to the Premier of New South Wales and then referred to Police Internal Affairs Branch.

40 A. All right.

Q. A number of officers who attended the Bossley Park raid produced reports to Detective Sergeant Shepard?

45 A. I don't remember. I can't remember it, but I'll say I agree, if they got a report like that, they would have done it, yes.

Q. That would have been part of the procedure if you were an officer.

A. That's right, yes.

50 Q. For example, somebody like Detective Helson would have been directed to

provide a report and provided a report?

A. Yes.

Q. Other officers like Detective Sergeant Wilson?

5 A. Yes.

Q. Detective Bennett?

A. Yes.

10 Q. Detective Morris?

A. Well, if they got the allegation, whoever is there, yes, they all would have been interviewed, yes.

15 Q. In compiling your account, did you speak to other officers who were at Bossley Park?

A. I can't recall. Honestly, I can't.

Q. Possibly you would have?

20 A. I doubt it, but I don't know.

Q. The timeline account of the compilation notes, I think we've described them, you were there for the first part to the end of first paragraph on page 2? I'm jumping around. Do you remember the timetable of events that you were present at CIB at about 2.30 in the morning when they started being compiled?

25 A. Yes.

Q. Did you have access to those notes when you were compiling your report?

30 A. I don't recall.

Q. If we can go to page 1572, paragraph 20. This is the account that you put in the report, and you do state there, "I saw Detective Harding carrying a white plastic bag, which I later saw contained...", and I'm jumping over it, "gelignite, flares and the detonators."

35 A. Yes.

Q. That was the account you gave at 13 June 1979--

A. Yes.

40 Q. --which would appear to include the additional material on one of the page 3's of the arrest statement.

A. Yes.

45 Q. Was that information, were you told that information, about the white plastic bag and the explosives that you included here, in one of the other offices when you were compiling your responses to the Internal Affairs Branch?

A. Honestly, I don't recall. I don't.

50 Q. Can I pick up on the way that you describe it? You say you "saw Detective Harding carrying a white plastic bag", and then you say, "which I later saw

contained two sticks of gelignite", et cetera.

A. Yes.

5 Q. You don't give any detail in it about where you saw it later, and where you later saw that it contained the explosives.

A. I didn't say it there?

Q. Mm-hmm.

10 A. No. Apparently not.

Q. And you didn't say it in the other version at page 3?

A. Well, I don't know.

HIS HONOUR

15

Q. I've just had a look at it. It seems to be word-for-word what appears in the second--

A. Right. Okay.

20 Q. --version of your page 3.

MCDONALD

25 Q. What I want to suggest to you, where this evidence is important, and by this time, because of the complaint, you know that Mr Brajkovic, and I'm putting it broadly, is basically saying, "I didn't have the explosives."

A. Yes.

30 Q. "This is all a load up, or something that the police have done to set me up."
A. Yes.

Q. That's what he's complaining about. In those circumstances where evidence about what was seen at Bossley Park, you've agreed with me, becomes important.

35 A. Yes.

Q. Because it's important, I would suggest that you want to include as much detail as you can about the circumstances in which you saw the explosives.

40 A. Possibly so, yes.

Q. But the way you've described it here, and in the other page 3, is it's ambiguous, "which I later saw contained the explosives." "Later saw" could have been back at CIB?

45 A. Well, that's the way I typed it.

Q. To be fair, at committal, you were asked what you meant by, "I later saw", and you referred to seeing it at the house.

A. Yes.

50 Q. But my point is: do you agree that it is a rather ambiguous way of

expressing it?

A. Well, if you say it is, I'd say - I'll agree with you then.

5 Q. And more detail could have been given along the lines of setting out the circumstances in which you saw the explosives at the house.

A. If you'd want more detail, I suppose you could.

10 Q. But more detail is an asset, isn't it, when there's a dispute about whether these explosives were actually at Bossley Park or not?

A. Yes.

15 Q. I want to ask you some questions about, if I can describe it as your other statement dated 12 February, and if we can identify it as the prior dealings with Mr Brajkovic.

A. Mm-hmm.

Q. That statement.

A. Yes.

20 EXHIBIT 4.2-109, RED PAGE 708, SHOWN TO WITNESS

Q. Have you read through this recently?

A. Not just recently, no.

25 Q. Page 708. If we can go up to paragraph 1. You refer to the date, "25 November 1976 with Detective Jefferies". You interviewed Mr Brajkovic at his home at Bossley Park, "...as a result of information received from Fairfield Police earlier that day."

A. Yes.

30 Q. Can I ask you: at that point, November 1976, were you relatively new to Special Branch?

A. Yes.

35 Q. As you gave evidence this morning, the first group or section that you worked in within Special Branch was dealing with Croatians?

A. Yes.

40 Q. Was Detective Jefferies at that time informally recognised as the Croatian expert within Special Branch?

A. He knew a lot, yes.

45 Q. I'm just going to take you very briefly through this statement. You then set out the various conversations that you and Detective Jefferies have with Mr Brajkovic on 25 November 1976?

A. Yes.

50 Q. It all kind of came about because Mr Brajkovic went to Fairfield Police Station, referred to a demonstration at the Yugoslav Consulate to be held on Sunday, and basically asked a question about how far can you go with a

demonstration without getting arrested?

A. Yes.

5 Q. I don't want to read it all out, but your account of what occurred at that time is in paragraphs 2, 3, 4 and 5; could you have a quick read of that? Again, if the paper version would assist, we can get that for you. Have you read that?

A. Yeah, I've read paragraph 3.

10 Q. Sorry, can we pop over to the next page, 709, paragraphs 4 and 5.
A. Yeah, I've read the paragraph 5.

15 Q. This statement was made in February 1979. That is referring to events in November 1976. It's a pretty detailed account. Was a report written up after you and Detective Jefferies visited Mr Brajkovic?

A. We would have put a report in, yes.

20 Q. That report then became either part of the dossier that I asked you about earlier in the day?

A. Possibly could, yes.

Q. During this exchange with Mr Brajkovic, was the impression that you gained that he was being quite honest with you?

A. To a certain degree, yes.

25 Q. He was telling you that he was attending the demonstration, what he was all angry about, et cetera?

A. Yes.

30 Q. In this statement, your next account, if we look at paragraph 6, is on 27 November 1976, and you attend Unisearch House at Kensington, and this was a ball for the Yugoslav National Day Committee?

A. Yes.,

35 Q. You recognised some people there, including Ilija Kokotovic, Mile Nekić and somebody else, and others?

A. Yes.

40 Q. You don't include Mr Brajkovic there?

A. No.

Q. Then paragraph 7, you then deal with what occurs on the next day, which appears to be a protest at Double Bay?

A. Yes.

45 Q. And again, maybe if you have a quick read of that and paragraph 8.

A. I've finished paragraph 7.

Q. We'll go across to 8, still dealing with this demonstration.

50 A. Yes, finished paragraph 8.

Q. You identify Mr Brajkovic participating in the demonstration, and indeed holding one of the banners you saw in his house when you and Detective Jefferies went there on 25 November, but it doesn't appear from this account that you spoke to Mr Brajkovic at the demonstration?

5 A. No.

Q. But you observed him and you observed some others?

A. Yes.

10 Q. Then if we go to paragraph 9, this is 15 December 1976 and you and Detective Jefferies return to Bossley Park and have another discussion with Mr Brajkovic?

A. Yes.

15 Q. Maybe if you could just read paragraphs 9, 10 and 11.

A. Yes.

Q. Then if we can go to the next page, the end of paragraph 10 and paragraph 11.

20 A. Yes.

Q. That second meeting at Bossley Park with you and Detective Jefferies and Mr Brajkovic, again, is he being quite upfront with what his complaints are and how he wants to try and resolve complaints that he has with the treatment of

25 Croatsians by Yugoslavia?

A. Well, that's what he was saying, yes.

Q. Indeed, he uses an example of Yasser Arafat with the PLO, and you raise with him, "What about all the innocent people that are being murdered and injured by the PLO?", and he says something like, "The ends justified the means"?

30 A. Yes.

Q. In a way he is being quite upfront with you?

35 A. Yes.

Q. In this statement that you gave, they're the only two instances that you report about going to Bossley Park and having some kind of meeting or interview of Mr Brajkovic?

40 A. Yes.

Q. Also before the Inquiry, if I can just give you some examples.

EXHIBIT 11.76, RED PAGE 619, SHOWN TO WITNESS

45

Q. If you look at the top of that document, Mr Krawczyk, you can see it's dated 21 January 1977 and it's addressed to the Officer in Charge of Police Special Branch, then the subject, and if I can just summarise, it's about a Yugoslav soccer team that's visiting Australia.

50 A. Yes.

Q. Then if you look at the content, particularly paragraph 2, it's stated:

5 "It's been ascertained from the usually reliable sources within the
 Croatian community that the Croatian Inter-Committee Council of
 New South Wales is going to boycott the proposed soccer match."

A. Yes.

Q. Then if you follow down, you can see that:

10 "However, our source went to great lengths to explain that not all
 Croatsians are governed by decisions taken by the Council, and that
 individual acts of violence or attempts by members of Croatian
 associations, which are not affiliated with the Council, to disrupt the
 game may still occur."

15 Then there's a reference to a previous tour by a soccer team, when such
 people, including Ilija Kokotovic ran onto the field and burned a Yugoslav
 flag. Do you see that?

A. Yes.

20 Q. Then if we just go to the bottom of that page, can you see you and
 Detective Jefferies sign it?

A. Yes.

25 Q. Is that January 1977, I'd suggest, you're still within the Croatian group
 within Special Branch?

A. Yes.

30 Q. Still working with Detective Jefferies?

A. Yes.

Q. And you've still got access to certain reliable sources within the Croatian
community.

A. Yes.

35 Q. I won't take you to them individually, but will you accept that in January
 1977, there are a number of similar reports provided by both you and Detective
 Jefferies? You both sign it as in that one, all about the soccer team that's
 coming?

40 A. I'll take your word for it. I - I can't even recall this one.

EXHIBIT 11.76, RED PAGE 642, SHOWN TO WITNESS

45 Q. Mr Krawczyk, would you have a look at this again. It's addressed to, "The
 Officer in Charge, Special Branch", and referring to an Annual General
 Meeting at the Ethnic Communities' Council?

A. Yes.

50 Q. You can see in paragraph 2, we're looking at August 1977, and it says,
 "We attended the 2nd Annual General Meeting".

A. Yes.

Q. If we jump to page 643.

5 EXHIBIT 11.76, RED PAGE 643, SHOWN TO WITNESS

Q. There's two signatures. Your signature and also a Senior Constable, is it Suchy?

A. Yes. Joanne Suchy.

10

Q. Now, does that indicate that by August, have you moved out of the Croatian group?

A. Possibly so.

15 Q. I didn't know whether when you moved out of the Croatian group you started working with Senior Constable Suchy, or whether this was just a task that was allocated to you to attend—

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

20 Q. Can I just note underneath, the handwriting, it looks like, "Record and file JP".

A. Record and file, yes.

Q. Is that a reference to Inspector Perrin?

25 A. I believe so. Possibly, yes.

Q. Was that part of the procedure that you would provide such a report, it would be given to Inspector Perrin, and he would then record in some way, A, that I've looked it, and what should happen to it?

30 A. Yes.

EXHIBIT 11.76, RED PAGE 867, SHOWN TO WITNESS

35 Q. We're jumping back a little bit in time, Mr Krawczyk. Can you see from the top of this, it's the subject matter - we're back in November 1976, and it's the various events concerning the celebration of Yugoslav National Day?

A. Yes.

40 Q. You may recall, there was some do at the round house, and then there was other do's at Double Bay with demonstrations.

A. Yes.

Q. I want to take you to page red 872. Now, again, you sign this with Detective Jefferies?

45 A. Yes.

Q. I'm looking at the handwriting which is, "Record and file".

A. Yes.

50 Q. Again, "JP", indicating Inspector Perrin?

A. I believe so.

Q. Then it's written, "Copy of this report", with a date, "to be forwarded to ASIO please".

5 A. Yes.

Q. As it is recorded, that would suggest that a copy of this report is going to be given to ASIO.

10 A. If that's got it on there, I presume so.

Q. Now, I know you weren't at Inspector Perrin's level at this time, but when you were working at Special Branch, were there contacts or dealings that you had with any ASIO officers?

15 A. I didn't personally, no.

Q. Did you have knowledge of such dealings maybe between officers like Inspector Perrin and ASIO?

20 A. I don't know what he's - what contacts he had over there, or what insofar as working relationships. I've got no idea.

Q. What about the Commonwealth Police. When you were part of Special Branch, did you have any dealings with any officers from Commonwealth Police about matters that arose during your work or investigations?

25 A. I spoke to one officer, I got to know him over there, as I think did Jefferies too, and someone else did. What was his name?

HIS HONOUR: Do we need a name?

30 MCDONALD: It's the Commonwealth Police.

HIS HONOUR: Commonwealth Police, yes.

WITNESS: Yeah, a Commonwealth Police officer and he was working on - I forget what area he was working in. We used to chat occasionally.

35 MCDONALD

Q. Was that in respect of a particular investigation or over a number of different matters?

40 A. No, it was roughly trying to find out information from - you'd be trying to argue and play each other off the break trying to get information out of them, and they'd be trying to do the same thing to you, and that's about it, of whether you'd got an informant in the camp, because you'd be given a smidgen of information, you can work out who the informant is, and what informant they've got. So that's what it boils down to. It's not losing an informant in that way.

45 Q. Your dealings with this Commonwealth Police officer, did they arise over a number of different matters, or did it arise in respect of your work with Croatians?

50 A. No. Well, when I worked with the Ananda Marga, we had the same

conversation with that same officer also, so.

Q. If I suggest a Commonwealth Police officer, Roger Cavanagh?

A. No, not me.

5

Q. Does that ring a bell?

A. No, not me.

Q. Did you know a Commonwealth Police officer, Roger Cavanagh?

10 A. No.

Q. If I mention, and I am going to mispronounce it, a Detective Sergeant Prytherch or Prytherch, P-R-Y-T-H-E-R-C-H?

A. No.

15

Q. This isn't this Commonwealth Police officer you've got in your mind?

A. No.

Q. What about a Commonwealth Police officer with the surname Blades?

20 A. Lance?

Q. Blades, B-L-A-D-E-S?

A. No.

25 Q. I've run out of names; you can't remember anybody else?

A. No.

Q. When you were working in the Croatian section, were you really partnered with Detective Jefferies at that time?

30 A. Was I partnered with him?

Q. Yeah. Is that the way it operated?

A. Yeah, you work - both of you work together in that area, yes.

35 Q. Was anybody else at your level working on Croatians, or was it primarily you and Detective Jefferies?

A. Just us, really.

Q. When you moved groups to work with--

40 A. Helson.

Q. --Helson on Ananda Marga, who replaced you working with Detective Jefferies?

A. McNamara.

45

HIS HONOUR

Q. Was the move to Ananda Marga before or after the Hilton bombing?

50 A. That I can't say, but I know at that stage, when this happened, McNamara had already been working with Jefferies, and I was working with Helson on the

Hilton bombing and all that.

Q. I'm wondering whether you were working on the Ananda Marga people before the Hilton bombing or only after?

5 A. Yes, Ananda Marga - in relation to the Ananda Marga on the Hilton bombing, yes, we were working over there then.

10 Q. Yes, but what I'm focusing on was – I'm focusing on whether you were working with the Ananda Marga people before the Hilton bombing or only after?

15 A. Oh yes, before the Hilton bombing I was working on the Ananda Marga, yes, before that, because that's when we were - we, Helson, myself, and I forget who else, Watson, I think, we moved over to the old - old CIB, and that's where the old taskforce worked over there, or worked on the Ananda Marga in relation to that. Even before that, I was working on the Ananda Marga.

MCDONALD

20 Q. Can I take you to 8 February 1979. On that day, you were on duty at Special Branch?

A. Yes.

25 Q. And at some point, you suggest at about 1.30pm you received a telephone call?

A. Yes.

30 Q. You received a telephone call from a Detective Ingram from Lithgow Police Station?

A. Yes.

Q. Did you know, before you received that call, did you know Detective Ingram?

A. No.

35 Q. Do you know why the call was put through to you?

A. The phone rang, and I was walking past the desk and I picked the phone up.

40 Q. In that conversation, I think it was actually Senior Constable Ingram, sorry, Senior Constable Ingram gave you some information that they had received at the Lithgow Police Station from a person who had just walked in off the street?

A. From what I can remember, I think so, yes.

45 Q. What do you recall about what you were told by Senior Constable Ingram during the conversation?

A. I can't really recall. I remember he mentioned, ah, jeez, about bombing, and then he mentioned Brajkovic down in Sydney.

50 Q. Who?

A. Vjekoslav Brajkovic - Brajkovic.

Q. Yes.

A. I can't recall the other names, and, honestly, I can't recall.

5 Q. Senior Constable Ingram referred to a person with the name Vico Virkez who'd arrived at Lithgow Police Station and informed Senior Constable Ingram about this plot to blow up several places in Sydney the following morning?

A. Yes. I can't recall that name, I've forgotten that, but he did mention that, yes.

10 Q. You recall that one of the names he referred to was Brajkovic?

A. Yes.

Q. At committal you also remembered the name Zvirotic being mentioned?

15 A. I can't recall. Honestly, I can't.

Q. You received this call with this information. What's the next step that you take?

A. I went to see Mr Perrin, told him. He made a phone call, I presume, and went over to see Mr Morey at the CIB.

20 Q. At that point when Senior Constable Ingram had mentioned Mr Brajkovic's name, did that, like, ring a bell or ring an alarm bell?

A. Yeah. That stuck in my head, that one.

25 Q. That was because of your previous dealings with Mr Brajkovic?

A. Yes.

Q. At that point did you seek access to any of the dossiers or index card dealing with Mr Brajkovic?

30 A. Not that I can recall, no.

Q. That was a resource that, obviously, was going to be very valuable that night?

35 A. Yes.

Q. You discussed it with Inspector Perrin and then with Inspector Perrin you then go over to CIB?

A. Yes.

40 Q. Who do you see at CIB?

A. Mr Morey.

Q. It's Inspector Morey?

45 A. Yes.

Q. Inspector Perrin?

A. Yes.

Q. And yourself?

50 A. To my recollection, yes.

Q. Anybody else at that first meeting?

A. I can't recall.

Q. What was discussed at that meeting?

5 A. Information that we got from Ingram.

Q. At that point you've got information from Lithgow Police. Did you get information that there were explosives or bombs actually at Lithgow?

A. I can't recall.

10

Q. But you had been told about some plot for bombs to be exploded in Sydney?

A. Yes, I believe so.

15

Q. You were also told that the bombs or explosives were going to come down from Lithgow and be delivered to various – the conspirators?

A. I honestly can't recall if that was told to me. I don't know.

20

Q. At that meeting what was decided about the way of progressing? What were going to be the next steps?

A. Well, I didn't have much say in it, but I presume they were going to send some people up to Lithgow to interview them or do what they have to do up there and we just had to stand by at that stage.

25

Q. After that meeting at CIB, you returned to Special Branch?

A. Yes.

Q. At about 4.30 you had a conference at Special Branch with Inspector Perrin?

30

A. Yes.

Q. Then I think it's Detective Sergeant - Crothers, is it?

A. Crothers, yes.

35

Q. Then Detectives Helson, Jefferies, McNamara and yourself?

A. Yes.

Q. What was discussed at that meeting?

40

A. I can't remember everything, but I know Col Helson, myself were going to go out to - had to go to Restwell Road, and go and see if he's there and have a talk to him and then just stay there and observe until we hear from the rest of what's happening.

Q. Go out, speak to Mr Brajkovic?

45

A. If he's at home, yes, if I was prepared to do that and I said yes.

Q. Then observe or--

A. Well, yeah, we'd just stay there and, yeah.

50

Q. Stay there, what, until other officers arrived?

A. Yes.

Q. That point was the last time that you had seen Mr Brajkovic early January 1977?

5 A. That's the last time I saw him, yes.

Q. Did you recall where he lived?

A. Yes.

10 Q. At that stage did you refer to the dossier to get any further information about Mr Brajkovic, update you from January 1977?

A. Not that I can recall.

Q. You and Detective Helson were assigned to go and see Mr Brajkovic?

15 A. Yes.

Q. You said Detective Jefferies was there?

A. Yes.

20 Q. How, or why, was it you and Helson were allocated to Mr Brajkovic?

A. Why were we?

Q. Mm?

25 A. We were just allocated to him, that particular - Mr Brajkovic. Jefferies was doing other things and enquiries, and he had more knowledge of it, so he'd probably update more, or anything like that, if he need be.

Q. At trial you recalled that Detective Jefferies and Detective McNamara, they went elsewhere after the conference.

30 A. Yes.

Q. Which would suggest that they've been allocated another possible suspect to do some surveillance or observation on.

A. I believe so.

35

Q. Again, do you recall who that was?

A. No. Not off-hand, no.

Q. You just outlined what you were instructed to do, which was to speak to Mr Brajkovic--

40

A. If he's there, yes.

Q. If he was there. Go to his home. Find out if he's there. If he's there, to speak to him?

45

A. Yes.

Q. Then continue observation?

A. Yes. Well, that's why I - and, like, if he's still there or at home, which I did, so I tried to - I made a phone call, and then we just sat off the place.

50

Q. What were your instructions about speaking to Mr Brajkovic?

A. Just small talk. If you can find out anything, that's about all.

5 Q. When you say, "find out anything", find out anything relevant to this alleged plot to blow up certain sites in Sydney?

A. No. That would be a bonus. It was just like small talk, and if then something comes out of it, we've got something.

10 Q. You and Detective Helson drive out to Bossley Park.

A. Yes.

Q. You drive into the premises, and go around the back. No, where do you first see Mr Brajkovic that first time you drive out?

15 A. At his house.

Q. Was he outside, or was it a matter of--

A. I think he's on the veranda.

20 Q. The veranda at the front or back?

A. Sorry?

Q. The veranda front or back?

A. The back. The back.

25 Q. When you go around to speak to him, what's the small talk that you engage in?

A. "G'day. How are you? I want to talk to you." We talked about anything, really.

30 Q. This idea of engaging in small talk, is that because you were really there, in a sense, for surveillance purposes?

A. Yes.

35 Q. You're there to see, A, is Mr Brajkovic at home?

A. Yes.

Q. B, if there's anybody else at the house?

A. Yes.

40 Q. And, C, which probably would be a bonus, if you could see any explosives or bombs evident by just kind of walking in the house?

A. Well, if you could find anything by just looking around, yes.

45 Q. There was no intention to, in a sense, raid the house at that point?

A. No. No.

Q. You went and you conducted the small talk with Mr Brajkovic?

A. Yes.

50 Q. It was very congenial?

A. Yes.

Q. Had a beer with him?

5 A. No. I didn't have a beer with him. Jack brought some beer back, but we didn't have any beer.

Q. Did Detective Helson have a beer with him?

A. No. Not to my knowledge. I didn't see him drink a beer.

10 Q. Did Mr Brajkovic have a beer in front of you?

A. I can't recall.

EXHIBIT 2.3-19, RED PAGE 6827, SHOWN TO WITNESS

15 Q. If you look at about point 6 on the page, you're offered some refreshments. Maybe that's a bit further down. Do you see that?

A. Yes.

Q. This is your evidence at the committal.

20

"Q. You were offered beer in fact?

A. That's correct."

A. Yep.

25 Q.

"Q. I suggest that you and Helson sat there for about half an hour drinking beer and chatting?"

A. Yes.

30

Q.

"A. We drank beer, yes."

A. Yes. I said that.

35

Q. "Who served that beer?" And then you say, "Mr Brajkovic."

A. Yes.

40 Q. Does that refresh your memory that you did have a beer with Mr Brajkovic that night?

A. Well, I must have had one, or half a can or something, yeah. Possibly. I can't recall. I didn't think I did.

45 Q. The conversation with Mr Brajkovic, you raised with a him a demonstration that you heard was occurring at the Elizabethan Theatre?

A. Yes.

Q. Concerning some Yugoslav dance troupe, or something, that was coming?

A. That's correct, yes.

50

Q. That was part of the small talk you engaged in?

A. Yes.

5 Q. But that, in a sense, was to conceal the real reason that you were there, which was some surveillance because he had been named as part of this bombing plot?

A. Yes.

10 Q. After you have a beer, and then you and Detective Helson leave, your evidence was you were trying to find a public telephone box?

A. Yes.

Q. There was one that was vandalised?

15 A. Yes.

Q. Does that all ring a bell, come back to you?

A. Yes, yes.

20 Q. You actually went into a private home and asked to use the phone?

A. Yes.

Q. Who did you ring?

A. The Hold Up Squad.

25 Q. I'm sorry?

A. The Hold Up Squad.

Q. Who did you speak to there?

30 A. I honestly can't recall. I just said, "We're there, he's at home", and they said, "Stay there", "Okay".

Q. That's when you and Detective Helson drove back, and I think you said you were about 300 metres away?

35 A. Yes.

Q. Can I just take you back to when you were at Special Branch on 8 February, and before you leave to travel to Bossley Park. Was anything mentioned or raised about some information that was received from the Commonwealth Police?

40 A. No, not to my knowledge.

Q. Anything about some intelligence that they had obtained about this bomb plot?

45 A. No, not to my knowledge, no.

Q. Anything about a telex that had arrived from the Commonwealth Police, again giving some details about information from the Yugoslav Consulate?

A. Not to my knowledge, no.

50 Q. Can I take you back. You were out at Bossley Park, and it's the case that

you and Detective Helson have the house under surveillance, you're 300 metres away, it becomes dark and you move a bit closer?

A. Yes.

5 Q. I'm sorry, I didn't ask you this, do you recall when you went for the small talk meeting with Mr Brajkovic that you were introduced to his brother-in-law, Jack Hudlin?

A. Yes.

10 Q. Who appeared to then be living at the house?

A. Yes.

Q. At some point, while you've got the house under surveillance, you saw one car leave, and then another car leave?

15 A. No, no. I didn't see any cars leave.

Q. You saw two cars come back?

A. Yes, yes.

20 Q. So you never saw, while you were conducting your surveillance, either of those cars leave the premises?

A. No, I didn't see them leave.

Q. The first car that came back, you saw Mr Hudlin in the car?

25 A. Yes.

Q. He seemed to pull up next to your car?

A. Slowed right down, yes.

30 Q. Your impression was that he looked in your car and recognised the two of you?

A. Possibly so.

Q. The second car was the car with Mr Brajkovic in it with his wife and daughter?

35 A. Yes.

Q. Again, was your impression that he either went past slowly, or pulled up, and your impression being that he saw that you were in the car?

40 A. He probably saw is in - I don't know if he saw us in the car, but he just - the road out there that - then was like the middle of nowhere, and like and you see a strange car in a street, you'd want to - want to know who it's there - who's in it, you know, whether it's us or some other bloke, I don't know. It's just a strange car in the area.

45 Q. But your impression was that he did identify that it was you and Helson in the car?

A. Yep.

50 Q. Which would suggest that he now knows you haven't gone home, that

you're still hanging around the street with the house under some kind of observation or surveillance?

A. I don't know what he's thinking, but if you - if you say that, okay, yes.

5 Q. Well that was obviously a possibility?

A. That's a possibility.

Q. Next in the sequence, another car arrives, and this time it's got two detectives from the Observation Squad?

10 A. I only can remember one, Detective Cook. I don't - I don't know if there were - I couldn't say if there was another one in the car. I don't know.

Q. Detective Robinson?

A. I don't know him, and I didn't - so I can't recall seeing him there either.

15

Q. Were you taken in Detective Cook's car to a rendezvous point with other officers from CIB?

A. Yes.

20

Q. I think it was at Prairie Vale Road and Polding Street.

A. Yes.

Q. When you arrive at that rendezvous point, there's Detective Sergeant Wilson?

25

A. Yes.

Q. Detective Bennett?

A. Yes.

30

Q. Detective McKenzie?

A. I don't know. Look, it was pitch black. I know I saw Wilson and Bennett - Bennett there. There were other police there; I wouldn't know their names, okay.

35

Q. When you meet up there, do you have a brief discussion in which you inform them of your observations when you visited the house and spoke to Mr Brajkovic?

A. Yes, we told him that.

40

Q. Did they give you any update about new information that had been received from Lithgow?

A. I honestly can't recall if that happened or not, I don't know, but we had waited there for a couple of minutes, but that's about it.

45

Q. Information such as confirmation from Lithgow that explosives had been found at a house up there?

A. Possibly so.

50

Q. That they have additional names of the conspirators who were located in Sydney?

A. I can't remember. Honestly, I can't.

Q. Names like Mile Nekić?

A. That may have been mentioned.

5

Q. The Kokotovic brothers?

A. I can't recall, honestly.

Q. The proposal at this point is that there's going to be a raid on the house?

10

A. Yes.

Q. What was going to be achieved during the raid?

A. Well, any raid there's first to secure the premises, make sure everything's all right, your suspects is confined, and then make a search of the area, the house, and all that sort of stuff.

15

Q. Was it anticipated that Mr Brajkovic would be arrested?

A. I don't know offhand, to tell you the truth, but all I know was that he was mentioned from Ingram and, I suppose, whatever was located there and that's a decision by other police what happened then, what their decision is.

20

Q. Detective Sergeant Wilson was the officer-in-charge?

A. Yes.

25

Q. Was it going to be, to your understanding, his determination?

A. Yes.

Q. When you talk about securing the premises and then searching, it was anticipated that explosives might be found?

30

A. Yes, possible.

Q. Also firearms?

A. Possible.

35

Q. Where you were in Bossley Park, if I describe it as residential as that point, that might not be an accurate description, but there were houses in the street, weren't there, though that there were still--

A. Far and few between, yes.

40

Q. Yes, that's what I'm suggesting.

A. Yes.

Q. But other houses around?

A. Yes.

45

Q. Was there any discussion about safety with other houses nearby if you're raiding a premises with explosives?

A. Not that I can recall, but, I mean, the houses weren't - like, a building - built-up area. I mean, it was a - it was rural, so you've got one home, you probably - the next one was probably 50 metres away, so.

50

Q. That wasn't a consideration at the time?

A. I can't recall. I didn't have that - it wasn't my job. It wasn't my job.

5 Q. What about safety for the police officers attending the premises? You've got the potential that you're going to come across explosives, you might come across bombs that have been made up. What discussion was there about precautions or safety put into place?

A. I can't recall if that - I can't recall that.

10 Q. Was anything discussed?

A. Well, that might have been that they had between the arresting - those police, other police, like, prior to my arrival there, that I don't know.

Q. But you were going to attend the raid?

15 A. Yes.

Q. You should have been party to any warning or instruction about how to be safe?

20 A. Well, I used a lot of common - you have to use a lot of common sense insofar as don't touch unless you know what you're touching, be very careful.

Q. Was that the extent of it, common sense and be careful?

25 A. Well, no. Well, as I mean, it's - a normal search is just, like, you go through, open up everything. If that sort of stuff's around, like, you have to be a lot more careful, a lot more slower and that's about it.

Q. Was there any police instruction back then about dealing with explosives or bombs?

30 A. I don't know. I honestly don't know.

Q. I keep on taking you through the chronology of what happened at the house. Again, part of when you met up at Prairie Vale Road, were different officers allocated an initial position to attend at the house?

35 A. Yes.

Q. You were allocated going around the back and entering the back door with Detective Sergeant Wilson and also Detective Bennett?

A. Yes.

40 Q. To get back to the premises, you came across with Detective Cook in his car?

A. Yes.

Q. Whose car did you go back in?

45 A. Back to CIB?

Q. No, back to Restwell Road?

A. Sergeant Wilson and Bennett. I drove.

50 Q. You drove because you knew the location?

A. I knew where the house was, yes.

Q. You drive back and you and Detective Sergeant Wilson and Bennett enter the back door?

5 A. Yes.

Q. What do you see?

A. It was open about 6 inches. Detective Sergeant Wilson said, "Police". Then I forget what else he said, and we just started to open the door and Mrs Brajkovic came out and she said, "What's going on?" And we said, "We're the police. We're after a man named Vjekoslav Brajkovic." And she said he wasn't there anyway, and she said she'd just come from the bathroom. Then we went inside, and we said, "Can we have a look?" And she said, "Yeah. Come on in." We went inside. Jack was on a bed in the corner, and a couple of minutes later Harding and Morris come in with Brajkovic.

10
15

Q. When you entered that back room area, you saw Mr Hudlin?

A. Did I?

20 Q. You saw Jack Hudlin?

A. Yes.

Q. Where was he?

A. On the bed.

25

Q. Did you go and have a discussion with him?

A. Yes.

Q. What did you discuss at that point?

A. Well, I just asked him - I told him, you know, "How are you?" And then, "Do you know where Victor is? Vic?" He's half asleep - he said, "No." And then all of a sudden he comes in with Harding and Morris.

30

Q. We've spent quite a bit of time about the additional piece of evidence in one version of page 3 of your statement.

35

A. Yes.

Q. Can I ask you some more details about what you've recorded there. You recorded that you saw Harding with a white plastic bag?

40 A. Yes.

Q. And then the account in the additional part of page 3 is that you say something like, "At a later time, I saw that there was", and I'm just going to paraphrase, "gelignite, detonators and flares in the bag."

45 A. Yes.

Q. When did you see it?

A. When I was in the house, it was – they took Vjekoslav. They were seated, and his handcuffs were taken off. I took his handcuffs off and put them in the front. He was seated in a chair. McKenzie was there. Harding and Wilson

50

went into one of the rooms, and they came out again. They took Vjekoslav in there anyway, but during the course of that evening, I went in that room and had - saw the explosives there.

5 Q. Where were they, and can I stop. The room that you went into, what kind of room was it?

A. Just - full of - just full.

Q. I'm sorry, I didn't hear that.

10 A. It was just full. A lot of stuff there, and there was just like a bench or a bed. I think it was a bench, and it was just on that.

Q. How was it placed?

A. Sorry?

15

Q. How was it organised or placed?

A. It was just in a - in a plastic bag, white plastic bag. I just opened it, had a look there, and that was about it.

20 Q. So the gelignite, detonators and flares, when you looked at it, were inside the bag?

A. Yes.

Q. The bag was on this bench or table?

25

A. Yes.

Q. You went over and either pulled the opening to the bag a bit apart?

A. Yeah. I just opened it a bit further, yes.

30 Q. And you could see in it?

A. Yes.

Q. What did you see in the bag?

35 A. Two sticks of gelignite wrapped in a foreign newspaper, a couple of flares, and a brown paper bag, and I saw bits of detonators with wires out of them. That was it.

Q. And the detonators, were they in the paper bag?

A. Yeah. And that was open, yes.

40

Q. So the paper bag was open, and you could see--

A. Yes.

Q. --in it, it had detonators and wires?

45

A. Yes.

Q. Just turning back to being at Bossley Park, and, again, the sequence of events. You've spoken about you, Wilson and Bennett going to the back door.

A. Yes.

50

Q. You've seen Mrs Brajkovic?

A. Yes.

5 Q. And then shortly after, Detectives Harding, and I think it's Morris, bring Mr Brajkovic in?

A. Yes.

10 Q. Then you gave an account that Detective Harding and Detective Sergeant Wilson go into another room?

A. Yes.

Q. Come back, take Mr Brajkovic in there?

A. Yes.

15 Q. And then bring Mr Brajkovic back?

A. Yes.

20 Q. At that point, you're still in this - I'm describing it as a back room, but it was kind of a joined area with a lounge room/kitchen?

A. Yes.

Q. You remained there?

A. Yes.

25 Q. Were you assigned a task then?

A. Just to search that area, yes. Around that area.

Q. So you were searching that area. Was Detective Bennett searching that area?

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

Q. What was Detective Sergeant Wilson and Detective Harding doing?

35 A. Well, when they took Brajkovic in there, I presume they showed him the explosives and--

Q. No. No. No. I'm not asking you about that.

A. Okay.

40 Q. At least one of them brings Mr Brajkovic back?

A. Yes.

Q. And he's put back on the chair?

A. Yes.

45 Q. You start searching that area?

A. Yes. I was searching that area, yes.

Q. Mr Brajkovic is back. To your knowledge, what were Detective Sergeant Wilson and Detective Harding doing?

50 A. I can't recall. I don't know. I can't remember.

Q. The front of the house had two rooms?

A. Yes.

5 Q. It had the room that you've spoken about which had, I think you described it as, "stuff in it"?

A. Yes.

Q. Did you see the other room?

10 A. I didn't see one of the rooms, that's correct.

Q. You didn't?

A. No.

Q. Did you search the room with all the stuff in it?

15 A. No.

Q. When you entered that other room, it was purely to have a look in the white plastic bag and see the gelignite, detonators and flares that you've described.

20 A. Yes.

HIS HONOUR

Q. Did you touch any of the items in the bag?

25 A. Sorry?

Q. Did you touch any of the items in the bag?

A. No. I just pulled the bag open, and I didn't touch them. No way, no.

MCDONALD

30

Q. The way you've described them, they were kind of separated by, I think you said, newspaper around the gelignite?

A. Yes.

35 Q. The flares seemed to be loose?

A. Yes.

Q. But the detonators with wires were in a brown paper bag?

40 A. Yes.

Q. And the top of the brown paper bag--

A. Was open.

Q. --was open so you could peer in that?

45 A. Yes.

Q. When you went in to have look at it, who was in the room with all the stuff?

A. I think Wilson was in there.

50 Q. Did you observe if - was he searching that room at that point?

A. I can't recall, I honestly can't.

Q. Was Detective Harding in there?

A. He may have been. I don't know.

5

Q. Your decision to have a look at the explosives, does that suggest that at some time after Mr Brajkovic was brought in handcuffed by Detectives Harding and Morris, that you were told that there were explosives in the white plastic bag?

10 A. In a white plastic bag?

Q. Yes.

A. I can't recall.

15

Q. Your account at the moment is you see the white plastic bag come in with Detective Harding. Then, after searching, you walk into that room and basically you have a stickybeak in the white plastic bag. What I'm suggesting to you is you must have been told at some time about the contents of the white plastic bag?

20 A. I probably was, but I can't recall.

Q. And you can't remember who told you?

A. No, no.

25

Q. You weren't invited by Detective Sergeant Wilson to have a look?

A. Not that I recall, no. He didn't stop me.

Q. You just took the initiative to go and have a look?

A. Yes.

30

Q. Did you observe any of the other police officers at the premises at that time having a look in the white plastic bag?

A. No. I just went back to my searching.

35

Q. Sorry, so you had a look, then you returned back to the kitchen/lounge area and continued searching?

A. Yes.

40

Q. At any stage, when you were in the room with all the stuff, did you observe the gelignite, flares or detonators taken out of the white plastic bag and kind of put along the bench table?

A. I can't recall.

45

Q. But you have a recollection of that peering into--

A. Yes.

Q. --the white plastic bag, and seeing what you've described?

A. Yes.

50

Q. When you were searching the lounge room and the kitchen, was there

anything that you found that you thought should be seized?

A. No.

5 Q. At some point, a decision is made that Mr Brajkovic is going to be taken back to CIB?

A. Yes.

Q. Can you recall how that came about? Was it obviously a decision by Detective Sergeant Wilson?

10 A. All I know is that Wilson came out and said, "John, you come back with us and sit in the back with Vic". I said, "Yeah, all right", and I said, "Come on Vic, let's go". And he said, "Will it be long", and he said, "I don't know, I don't know at this stage". And we took him out there and I put him in the car, and he sat there and off it went.

15

Q. The time while you were searching the lounge and the kitchen area, Mr Brajkovic was sitting on the chair?

A. Yes. A lounge sort of chair, I think it was. Anyway, it was a chair, yes.

20 Q. Did you have any discussion with him?

A. No.

Q. Did he say anything to you?

A. Sorry?

25

Q. Did he say anything to you?

A. No. I think he was - no, he didn't.

30 Q. Because, out of all the officers who were there, you were really the only one he knew?

A. Yeah, but it looks like I did the dirty on him, didn't it?

Q. Did he say that to you?

A. No. By the look on his face, I get - I get the message.

35

Q. You were invited by Detective Sergeant Wilson to travel in the same car with Mr Brajkovic?

A. Yes.

40 Q. Items that were being seized on that night, you can't recall seizing anything; do you remember the other items that were being seized?

A. No.

45 Q. The car that you travelled back to CIB in, obviously Detective Sergeant Wilson was in it, you were in it, and Mr Brajkovic?

A. Yes.

Q. Who was driving?

A. I don't know. It'd be Wilson or Bennett. I've got no idea. I can't recall.

50

Q. Do you recall was the car that you travelled back in the car that you, when you went to Prairie Vale Road, you hopped in the driver's seat and drove back because you knew where you were going?

A. That's correct.

5

Q. It was that car?

A. Yes.

Q. I'll suggest to you that it was Detective Bennett who was driving?

10 A. Oh, yes, I'd agree with that. You know, as I said, I can't recall who drove, but it had to be one of them.

Q. The various items that were seized, do you recall that there was quite a bit of material seized, including things like a typewriter?

15 A. I can't recall.

Q. Gestetner machine?

A. I can't recall. Honestly, I can't.

20 Q. The room with the stuff when you walked in there, do you recall that it had things like a typewriter and a Gestetner machine, and things like that?

A. I can't recall. I know it was full. It was a full house there.

Q. You went into that room, you see the white plastic bag, you peer in. When do you next see the white plastic bag?

25

A. At the CIB.

Q. How did it get back to CIB?

A. Wilson had it.

30

Q. When did you see Wilson with it?

A. Well, when he came into the interview room because Bennett and I took him up to the interview room.

35 Q. You're talking about at the CIB?

A. Yes.

Q. I'm asking you about how the white plastic bag got from Bossley Park to CIB.

40 A. In a car. Which car, I don't know.

Q. Was your understanding that Detective Sergeant Wilson took over, in a sense, possessional custody of the white plastic bag?

A. Yes.

45

Q. Do you recall that he had it with him when he was approaching the car that was going to drive you and Mr Brajkovic back to CIB?

A. He may have, but I can't recall. I can't recall.

50 Q. You can't recall whether he had it in the front with him or whether it was put

in the boot or anything like that?

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

5 Q. As you said, the next time you can recall seeing the white plastic bag is at CIB?

A. Yes.

10 Q. When you got back to CIB, you're there with Mr Brajkovic who is handcuffed?

A. Yes.

Q. We've got Detective Bennett and Detective Sergeant Wilson. Do you go as kind of a group back to level 3 of the CIB?

15 A. All I know is Bennett and I took him into the interview room. I can't recall - we parked in the basement and we got in the lift. I don't know, honestly, but I know Bennett and I took him into the interview room.

Q. You recall that you parked in the basement?

20 A. I recall that, yes.

Q. Was there any attempt in addition to taking Mr Brajkovic upstairs to take upstairs any of the other items that had been seized?

A. Sorry, what was that again?

25 Q. You parked in the basement?

A. Yeah.

Q. You've got to get Mr Brajkovic upstairs?

30 A. Yes.

Q. There's also a number of items that have been seized which are in the car?

A. Yes.

Q. How did those items get upstairs?

35 A. I don't know.

Q. Were you hauling a typewriter or a Gestetner machine?

40 A. No. I just had Mr Brajkovic and Ben - I think Bennett had him too and we just took him upstairs.

Q. The two of you had him on kind of either side, Mr Brajkovic?

A. I believe so, yes.

Q. Detective Sergeant Wilson, what did he have?

45 A. I can't recall. I honestly don't know.

Q. Do you remember seeing the white plastic bag emerging from the car?

A. No.

50 Q. Do you recall Mr Brajkovic actually, though handcuffed, carrying up a

briefcase that was seized?

A. No.

Q. You don't recall that?

5 A. No.

Q. You were in CIB, Mr Brajkovic is put in an interview room?

A. Yes.

10 Q. Do you and Detective Bennett remain with him?

A. Yes.

Q. Were you having any discussion with Mr Brajkovic at that stage?

A. No.

15

Q. What happened in the back of the car? You were sitting next to each other?

A. Nothing. He was very - he was very silent.

20 Q. You didn't try and engage him in any conversation?

A. No.

Q. You put him in the interview room. Both you and Detective Bennett remained there?

25 A. Yes.

Q. Then what happens next?

A. Wilson and Harding came in and then we left.

30 Q. Did they inform you that they intended to interview?

A. I believe so, yes.

Q. At that point were you assigned any other duties or tasks?

35 A. We all went out and just doing some other paperwork or whatever the case is there and then I was asked to give - go with Detective Bennett and take a statement off Mrs Brajkovic.

Q. Who told you to do that?

40 A. I honestly don't recall. It might even have been Bennett. I'm not - I can't recall, and we took her up to the women's police office and he started the interview and then he said, "We can go down and get the explosives", which I did, and I got them.

Q. You were on level 5?

45 A. Sorry?

Q. You were on level 5, was it?

A. I think it was level 5, yes, and I went downstairs and--

50 Q. Where did you go?

A. Interview room of the Hold Up Squad, banged on the door, knocked on the door. If its the explosives – I don't know if I had to wait a little while, and then I got them, took them back upstairs.

5 Q. Can I just stop you there. You knocked on an interview room door?

A. I believe I did, yes. I just wouldn't walk in. I know that.

Q. That was the interview room where Mr Brajkovic was?

A. Yes.

10

Q. With Detective Sergeant Wilson and Detective Harding?

A. Yes.

Q. You knocked on the door. Did you wait for the door to be opened?

15

A. Yes.

Q. Is that the etiquette?

A. Yes.

20

Q. Did you see the white plastic bag?

A. Yes.

Q. Where was it?

A. On the table.

25

Q. Was there anything next to the white plastic bag? For example, was the gelignite or the detonators out?

A. Yes, they were there. They - yes. When you said that, I thought you said it was everything in there and I said yes, well, yes.

30

Q. When you look in, you've got on a desk or a table, a white plastic bag, and then next to it detonators?

A. Yes.

35

Q. Gelignite and flares?

A. I said, "Jimmy wants them for the interview for Mrs Brajkovic", "Okay, then". He shut the door, got it all in, gave me the bag; I took it upstairs.

40

Q. Shut the door and then opens again and you're handed the white plastic bag?

A. He gave it to me, yes, with a dink in it.

Q. By that time the various explosives had been put back into the white plastic bag?

45

A. Yes.

Q. You took it upstairs?

A. Yes.

50

Q. It was shown to Mrs Brajkovic?

A. Yes.

Q. Then what happened to it?

5 A. I took them back downstairs because they were probably required for the interview too, hand them back, knocked on the door, hand them back, probably got Wilson took them, shut the door and I went back upstairs.

10 Q. When you were there in the interview room with Mr Brajkovic when you returned to CIB and you said Harding and Wilson walked in, did you see whether they had anything with them?

A. I can't recall. I honestly can't recall.

<THE WITNESS WITHDREW

15 ADJOURNED PART HEARD TO THURSDAY 15 AUGUST 2024 AT 9.30AM