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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 THIRTIETH DAY: MONDAY 23 SEPTEMBER 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

EPSTEIN: Your Honour, could I begin by tendering some documents that have been circulated to the parties since the last hearing that was held in August 2024? Could I provide your Honour with an updated tender bundle index and ask your Honour to mark that MFI 12?

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MFI #12 UPDATED TENDER BUNDLE INDEX

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As your Honour will see, the index includes the exhibits which have already been tendered in black, and new documents marked in red. The new documents include Tab 2.3-58 which is a letter dated 21 August 2024 from the Reporting Services Branch to the Inquiry in response to a request for audio tapes from the Croatian Six committal hearing.

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Tab 4.2-36A comprises committal hearing Exhibit 115 which is a version of the statement that Jan Krawczyk provided in the matter of Police v Brajkovic which Mr Krawczyk produced at the committal hearing. A clearer version of this document is at Exhibit 11.153. Tab 5.5-11 contains an advice authored by instructing officer John White on the question of Vico Virkez's legal representation at the trial on 14 April 1980, dated 12 February 1980.

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Tab 10.6 comprises further select documents obtained from the National Archives of Australia. Exhibit 11.50A contains occurrence pad entries produced by New South Wales Police. This exhibit has been supplemented to include the 21 attachments to those occurrence pad sheets. Exhibit 11.70 has been supplemented by the addition of three further letters from the New South Wales Police Force to the Inquiry concerning searches undertaken for various records, dated 6 August, 23 August and 4 September 2024.

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Exhibit 11.76A has been supplemented with better versions of documents contained in Exhibit 11.76. And, your Honour, further to those documents, Exhibit 10.2-9, which includes a submission from relevant proceedings in the High Court of Australia in 1982, has been supplemented with an additional page; that red page 55-1. Finally, I seek your Honour's leave to uplift and replace Exhibit 10.3-67 with the finalised version of that document which has been received by the Inquiry.

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DOCUMENTS ADMITTED AS EXHIBITS AS INDICATED, WITHOUT
OBJECTION

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HIS HONOUR: I grant leave in relation to the last matter.

.23/09/24

2318

EPSTEIN: Thank you, your Honour.

MCDONALD: Your Honour, we're resuming Mr Jefferies evidence.

5 HIS HONOUR: Yes?

10 MCDONALD: Your Honour, on the last occasion, Mr Buchanan had commenced his cross-examination. In the interim, a number of additional documents have been produced by the New South Wales Commissioner of Police and also, some Commonwealth documents. Your Honour, I would seek leave to resume my examination of Mr Jefferies to put those documents to him before my learned friend continues his cross-examination.

15 HIS HONOUR: Yes, any difficulty with that, Mr Buchanan?

BUCHANAN: No, your Honour, no.

HIS HONOUR: I grant you leave.

20 MCDONALD: Thank you, your Honour.

<VICTOR RAYMOND JEFFERIES, ON FORMER OATH(9.38AM)

<EXAMINATION BY MS MCDONALD

5 Q. Mr Jefferies, on the last occasion that you gave evidence, you spoke about being involved in a subpoena that was issued to the Commissioner of Police during the appeal proceedings in the Court of Criminal Appeal. And do you remember you were asked some questions about that subpoena?

A. No, I don't remember.

10

Q. Do you recall as part of your involvement, not only in the trial, but also, the appeal brought by the Croatian Six to the Court of Criminal Appeal, a subpoena was issued to the Commissioner of Police, and you attended the Court in answer of that subpoena?

15

A. I don't remember.

Q. What I want to ask you about is a subpoena that was issued before the trial or during the trial, and to assist you, I'll bring up a copy of the subpoena, and it's Exhibit 5.10-2.

20

EXHIBIT 5.10-2 SHOWN TO WITNESS

Q. And Mr Jefferies, at any time, if you would prefer the paper copy of the document, please speak.

25

A. All right.

Q. You can see there it's a subpoena in the Supreme Court of New South Wales, Central Criminal Court. At this point, it's in the prosecution of the Kokotovic brothers, Mr Nekić and also, Vico Virkez is referred there. And can you see it's a Subpoena to Produce addressed to the Commissioner of Police?

30

A. Yes, but I - I can't see what the subpoena's about. What's it about? It's producing documents?

Q. We're going to the next page, which is red page 1021, you'll see the schedule?

35

A. Yeah?

Q. And the schedule reads, "All records, files, documents, reports of any nature held by the New South Wales Police Department, any of its branches or squads, concerning or relating to the defendants"--

40

A. Yes.

Q. --and you can see the four defendants are listed there?

A. Yes.

45

Q. Also, can you see written on this version of the subpoena there's some handwriting, "Nil", "Yes, "?", "Yes", and then, "No"?

A. Yes, I can see that.

50

Q. Do you recognise that handwriting?

A. No, I don't.

Q. There was some legal argument about the breadth of the subpoena?

A. Yes?

5

Q. And it was eventually narrowed--

A. Yes?

10 Q. --and I'll bring up the judgment which is Exhibit 3.17. I'm sorry, it is on the first page.

EXHIBIT 3.17 SHOWN TO WITNESS

15 Q. As I said to you, there was some legal argument about the subpoena, and this is his Honour's judgment. And if we continue down towards the bottom of the page--

A. Mm-hmm?

20 Q. --can you see there there's a reference to an affidavit on behalf of the Commissioner of Police--

A. Mm-hmm?

25 Q. --where it refers to that the subpoena has been narrowed to "records, files and documents and reports as are in the possession of (a) the police Special Branch and (b) the police Internal Affairs Branch"?

A. Yes.

30 Q. So a very wide schedule to the subpoena to begin with, and then, narrowed and I'm concentrating on the various records and files that are in the possession of the Special Branch?

A. That's right.

35 Q. After that judgment was handed down, documents were produced to the Court, but they were put in two bundles; there was Bundle A and Bundle B--

A. That's right.

40 Q. --Bundle A, there was a claim of privilege, public interest immunity over those documents. Bundle B, there was no such claim. So Bundle B was produced to the Court, the parties were given access to it. Bundle A was produced to the Court in some kind of sealed fashion, and the judge upheld the claim of public interest immunity. And you'll recall that that would deny any of the parties having access to those documents?

45 A. I think - I think one bundle was redacted, was edited with necessary information blacked out. And the other bundle was for the judge to see. The reports didn't only refer to the Croatian Six, it referred to lots of people who were named in those reports, so it wasn't possible to produce them unredacted.

50 Q. What I want to show you now is what has been produced to the Inquiry of Bundle A and Bundle B. And what I'm going to do is actually show you the

paper volumes which are 11.76 and Exhibit 11.77, and they are contained in two volumes.

EXHIBIT 11.76 AND EXHIBIT 11.77 SHOWN TO WITNESS

5

Q. Mr Jefferies, if you could go to volume which - it's Volume 36C--

A. Yep? Yes?

10

Q. If you open that folder, there should be a Tab 11.76?

A. Yep?

Q. It commences at red page 616-1--

A. Yep?

15

Q. --which is a recent letter from the New South Wales Police Force. Jumping over that, and if you go to page 617--

A. Yep.

20

Q. --can you see there's a photograph of what appears to be a bundle of documents with some writing about, "Bundle A privileged"--

A. Yep.

Q. --and then it does say, "Now incomplete"--

A. Yep.

25

Q. --and then has ribbon or rope around it.

A. Yep.

30

Q. Then if you go to page 618 and then 619. In this volume, right through to page 1100, this appears to be some of the contents of Bundle A.

A. Right.

Q. If you just have a very quick look at them. You just said in evidence that some of the documents may have mentioned other people?

35

A. Yep.

Q. Just looking at them, if you even look at page 619 and 620.

A. Yep.

40

Q. They're dated January 1977. This appears to be a document that you have prepared--

A. Yep.

Q. --concerning a visit of a Yugoslav soccer team.

45

A. That's right.

Q. Just pausing there, looking at that two-page document, you gave evidence on the last occasion about reports that you would prepare.

A. Yep.

50

Q. Is that an example of a report?

A. Yep.

5 Q. I'm not going to take you through every document, but if you just flick through the documents--

A. Mm-hmm.

10 Q. --you can see that they consist of different reports and other documents, which would appear to at least refer somewhere in them to one of the Croatian Six.

A. Yep.

15 Q. When I asked you about the subpoena and took you to the fact that its breadth had been narrowed, you started speaking about, "Look, there were some redactions to documents, and then there was another bundle that only the judge could see."

A. Mm-hmm.

20 Q. That suggests that you were involved in some way in compiling the response?

A. I did.

Q. What recollection do you have? Were you notified by one of the investigating officers about this subpoena?

25 A. I can't remember. I don't remember. I might - I - I really can't remember.

Q. But you do have a recollection that you were given the task--

A. Yep.

30 Q. --of searching Special Branch--

A. Yes.

Q. --files and records?

35 A. Yes, I did.

Q. And compiling documents to answer that narrowed schedule.

A. Yes.

40 Q. Just to be complete, if you go to the next volume. It should be 36D.

A. Yep.

Q. Can you see it commences at page 1001?

A. 1?

45 Q. Red page--

A. Yeah. Yep. Yes, I'm sorry. You're right.

Q. This is Bundle A continuing.

50 A. All right.

Q. Again, a number of documents, and I think as you've given evidence, you can see from page 1101, there are some redactions.

A. Yep.

5 Q. Then also we've got Tab 11.76A--

A. Yep.

Q. --which appears to be, again, a continuation--

A. Mm-hmm.

10

Q. --of documents that were produced pursuant to the subpoena, but in that Bundle A.

A. Yep.

15

Q. Then can I take you to the next tab. Just before we leave that, you can see, just by comparing the first volume I took you to, 36C--

A. Yep.

20

Q. --and then these first two tabs in 36D, it's quite a substantial bundle of documents.

A. Yep.

25

Q. Would you then go to the tab in that volume I just gave you, 36D, and look at Exhibit 11.77.

A. Yep.

30

Q. These documents are the documents that have been produced to the Inquiry that at least consisted of Bundle B. Again, it's unclear whether it's a complete copy of Bundle B--

A. Right.

35

Q. --and I won't trouble you with the first document at 1171 or 1172. But you'll see at 1173, this is a Police Department Criminal Investigation Branch letter--

A. Yep.

Q. --or memo, I'm sorry--

A. Yep.

40

Q. --9 May 1980, communications from Vico Virkez concerning his imprisonment on charges.

A. Yep.

45

Q. If you go to page 1174--

A. Mm-hmm.

Q. --you'll see that's signed by a James F Foster.

A. Mm-hmm.

50

Q. Did you know him?

A. No. I've never heard of him.

Q. If you then go to page 1175--

A. 11?

Q. 75. Red. Down the bottom.

5 A. I'm going backwards.

Q. It's behind the Tab 11.77.

A. 1177.

10 Q. You'll see there's red numbers, the bottom right-hand corner.

A. 1171? What do we want?

Q. 1175.

A. 1175, yeah.

15

Q. Again, a police document.

A. Mm-hmm.

20

Q. 5 May 1980. "Communications from Vico Virkez concerning his imprisonment on charges relating to plant explosives in Sydney."

A. Mm-hmm.

Q. If you go to page 1177, you'll see that Detective Sergeant Turner has signed that.

25 A. Yep.

Q. I'm going to take you back to some of these documents, but if you have a look at page 1181--

A. 1181, yep.

30

Q. You'll see there that the New South Wales Police produce pursuant to this subpoena communication from the Department of Prime Minister and Cabinet to the Secretary of the Premier's Department, dated 13 February 1980, concerning "Representations by Virco Virkez".

35 A. Mm-hmm.

Q. I will take you to these, but what I'm going to suggest to you is that that indicates that the New South Wales Police had a copy of this document, because it was produced pursuant to the subpoena.

40 A. They may have. I had no knowledge of it.

Q. Were you the primary person who was--

A. No. The primary - the primary person in charge of the whole prosecution was Detective Sergeant Turner. After it became an obvious criminal matter, it was taken to the CIB. The Special Branch was not part of the CIB.

45

Q. I realise that.

A. It was given to - Detective Sergeant Turner took charge of the whole affair.

50 Q. Here a subpoena has been issued--

A. Mm-hmm.

Q. --which has been narrowed to documents in the possession of Special Branch.

5 A. Yep.

Q. Putting to one side Internal Affairs, I'm not concerned about that.

A. Mm-hmm.

10 Q. You have given evidence that your recollection is you were the one who was given the task of searching the Special Branch records--

A. That's right.

Q. --and compiling the documents?

15 A. Yes. That's correct.

Q. Then also, were you the one that then gave an initial indication that, "Look, this document is probably covered by, or there should be a PII claim over that."

A. No.

20

Q. You just compiled the documents?

A. I compiled the documents.

Q. Who did you give them to?

25 A. Well, initially they would have gone to the officer-in-charge of Special Branch, and--

Q. Can I just pause there. That was Mr Perrin?

30 A. I believe it was Mr Perrin at the time, and I think - I think it then went to Sergeant Turner at the CIB, or a copy thereof. I'm not quite sure.

Q. It appears from some of the court proceedings that the New South Wales Crown Solicitor may have been representing the Commissioner of Police in any argument before the court about the subpoena. Do you recall having any discussions or interaction with a solicitor from the Crown Solicitors?

35

A. No. I don't recall that.

Q. But at this document at page 1181 was part of the bundle, addressed to Special Branch, that would suggest that (a) it was in the possession of Special Branch?

40

A. I don't really follow.

Q. Well, it's really a--

A. I really don't--

45

Q. Mr Jefferies, I'm putting to you the proposition: the subpoena was addressed to Special Branch, documents in its possession?

A. I don't know.

50 Q. I've taken you to the terms of the subpoena, the judgment of his Honour--

A. Yep.

5 Q. --where his Honour said it's been narrowed; the defence agree to this; to documents in the possession of Special Branch and Internal Affairs. Now, the matter about Internal Affairs had nothing to do with Special Branch.

A. No.

10 Q. That was to do with a record of interview that was conducted with Mr Brajkovic. So Special Branch isn't -- my understanding would be that Special Branch wouldn't be concerned with that.

A. No.

15 Q. This document, as it's been produced in Bundle B, and pursuant to a subpoena, which is seeking documents in the possession of Special Branch, what I'm saying to you is, this document was in the possession of Special Branch.

20 WOODS: Your Honour, I object. Would my learned friend refer the witness to the annotations at the top left-hand and top right-hand side of the page which refer to it being received by the Premier's Department.

25 HIS HONOUR: Yes. But this is a document produced in response to a request for documents in the possession of Special Branch. So notwithstanding who may have received it at some earlier point in time, it seems to follow that at some stage it came, a copy of it, at least, came to be in the possession of Special Branch.

WOODS: Very well, your Honour.

30 MCDONALD

Q. Indeed, if you look at that document, there's lots of "received" stamps, and you can see at the top right-hand corner the Premier's Department, there's a stamp?

35 A. Yep.

Q. Immediately underneath, in a kind of a green colour, "Received New South Wales Police Department".

40 A. Mm-hmm.

Q. What I'm suggesting to you is subpoena, documents in the possession of Special Branch. This document was in the possession of Special Branch?

A. I don't know.

45 Q. You've given evidence you were the one given the task--

A. I was.

Q. --of compiling all those documents.

50 A. Yes.

Q. Do you recall locating, when you were compiling those documents, such a document?

A. As?

5 Q. The one in front of you.

A. No, I don't.

10 Q. The one that's talking about representations made by Mr Virkez, who you interviewed on 10 February 1979 for about two to three hours. If you look at page 1182, that's a translated copy of his letter to the Prime Minister, Mr Fraser.

A. Yep.

15 Q. It goes to the Prime Minister, it goes to his Department, it goes to the Premier's Department, then it goes to the NSW Police Department, and what I would suggest to you is it then goes to Special Branch because it's the type of matter that Special Branch would have an interest in.

A. I can't say. I really don't remember. I just don't remember.

20 Q. Still with the subpoena, you recall on the last occasion you were asked about the interview or your meeting or conference with Mr Virkez at Lithgow on 10 February.

A. Yes.

25 Q. You gave evidence that you didn't take any notes of it?

A. I didn't.

Q. Your practice at that point was to memorise things.

A. It was.

30 Q. You gave evidence that either the either the next day or the day after when you returned to Special Branch you typed out a report.

A. That's right.

35 Q. That report was produced to Mr Perrin.

A. Yes.

Q. Or was given to Mr Perrin.

A. Yes.

40 Q. Do you recall - and I can show you this document - that you were shown Exhibit 11.5, which was a report by you and Mr McNamara described as a preliminary report?

A. No, I don't remember it, but where is it?

45 Q. If we can just bring it up very quickly. See that, and if you want to have an opportunity to read through it please say so, Mr Jefferies.

A. Yes.

50 Q. If we can go to the next page, please.

A. Yes.

Q. You can see that was signed by you and also Constable McNamara on about 9 March '79.

5 A. Yep.

Q. If I can draw your attention to the last paragraph, you refer to "a comprehensive report will be submitted".

10 A. Yep.

Q. I can take you to the Inquiry transcript if you wish me to, but at transcript starting at 676, line 48, I took you to that final paragraph and "to the comprehensive report will be submitted".

15 A. Mm-hmm.

Q. Then at page 677 I asked:

"Q. Was such a comprehensive report prepared and submitted?

20 A. I believe so.

Q. When was that prepared?

A. It would have been sometime - I can't be accurate - but would have been sometime after this report. I'm not really sure. At least weeks. At least weeks et cetera."

25 Alright?

A. Yep.

30 Q. Those three reports - so the report of your interview of 10 February with Vico Virkez,--

A. Yep.

Q. --Exhibit 11.5 report that's up on the screen--

35 A. Yep.

Q. --and this subsequent comprehensive report - those reports would have been caught by the terms of the subpoena.

A. I should imagine so, yes.

40 Q. They should have been produced in some way to the Court.

A. Yes.

45 Q. You've seen Exhibit 11.5. The Inquiry has not been able to get a copy of your report detailing your interview with Mr Virkez on 10 February. We've sought, but we haven't been able to obtain a copy of it, and the comprehensive report that you've referred to, we haven't been able to find a copy of it. So can I ask you - my first question is, you've agreed that they would be caught by the terms of the narrowed subpoena.

50 A. Mm-hmm.

Q. The report, Exhibit 11.5, would have it been in Bundle A or Bundle B?

A. I have no idea.

Q. All right.

5 A. I have no idea. If - if - if the - if the report was at the Special Branch, it would have been produced in answer to the subpoena. Everything was produced.

10 Q. In 11.5 - you've just read it - is there anything that struck you that - oh look, this should have been covered by public interest immunity or there is some concern about it being given to the defence?

A. No. No. That - my only concern in producing the reports was the identification of other people or other sources or other methods, but if it was requested, it was produced.

15 Q. As you've given evidence, depending on the document, if it's referring to other sources or other methodology--

A. Their names were blacked out. It was edited.

20 Q. Edited?

A. Edited by me, but the document was produced.

Q. The edited document would then be produced, and the defence would be allowed to see it?

25 A. Yes.

Q. I know it is difficult because we don't have the document, but your report of your interview on 10 February with Mr Virkez--

A. Yeah.

30 Q. --do you recall would have that either been in Bundle A or would of it been redacted and in Bundle B?

A. I don't know. I don't know. It would probably have been edited by me, because he would have spoken about other people, but I really can't say. I don't know.

35

Q. The further or the subsequent comprehensive report - and again we have a difficulty in that we don't have a copy of it - --

A. Yep.

40

Q. --is your view that that again would have been Bundle A or redacted in Bundle B?

A. I've got no idea, ma'am.

45 Q. The Bundle A that has been produced to us, as you could see on the front cover--

A. Yep.

Q. --it records that it's not complete.

50 A. Right.

Q. But as you can see just from giving you the two volumes--

A. Yep.

Q. --many documents were contained in Volume A--

5 A. Yep.

Q. --or Bundle A, I'm sorry. Our review of Bundle A is none of the three reports are included. So not the, if I can call it the 10 February interview report, Exhibit 11.5 or the subsequent comprehensive report.

10 A. I can't explain it. They should be there.

Q. I know it's obviously a while ago. Do you have a recollection of putting those documents in the pile of documents that you were preparing?

15 A. I've got no idea, ma'am. That's how long, 45 years.

Q. I know that, but if I can ask you about your practice when you were issued with a subpoena--

A. Was to answer it.

20 Q. You would answer it.

A. In detail.

Q. Those documents, which I have suggest to you, would have been caught by the terms of the subpoena. Your view is they would have been produced?

25 A. Would have been produced.

Q. Maybe with some redactions?

A. Yes, possibly with redactions - probably with redactions.

30 Q. Could you just excuse me for a moment. This is a segue into the next topic I wanted to ask you about. You gave evidence on one of the last occasions - and we might bring this up - it was 3 April, transcript 528, please. Mr Jefferies, these were questions I was asking you at the beginning of your evidence about how Special Branch operated. I had been asking you
35 about how you identified people that you would speak to or how you would gather information, and then I asked you some questions about how that information would be recorded--

A. Yes.

40 Q. --at Special Branch.

A. Yes.

Q. If we can go to line 31, and if we could expand that, please. You can see I asked, "When you identify people of interest within an ethnic community, how
45 is the information concerning them maintained at Special Branch?" and you said, "Initially it would be a report that would go to -- that would go to via the officer-in-charge" - and can I pause there. At the relevant time, we're talking about Mr Perrin, are we?

50 A. I - I believe so, yes.

Q. Then, you said:

5 "He would decide whether just to file the report or create a card for an index - a card index system that was kept, and the information would be briefly put on the card and from then on that - that person would be noted as having a card in the index. Once they got to, I think, four or five cards, a dossier was created, and then, any further reports would go to their dossier".

A. That's right.

10

Q. Could Exhibit 11.76, red page 912 be brought up? It's going to be brought up on the screen, Mr Jefferies, the quality isn't very good, so I would suggest if you want to look at the paper version as well?

15

EXHIBIT 11.76, RED PAGE 912 SHOWN TO WITNESS

A. 11 seven - 11.76?

Q. And red page 912.

20

A. 11.76, I think that's - 11.76--

Q. And red page 912 and 913. Actually, the screen might be okay, it might be better than the paper copy. Can you see this appears to be a card?

A. Yep.

25

Q. The name is Vitomir Misimovic--

A. Yep.

Q. --and you can see if you look in the body of the card, there's a reference to Virkez, Vico Virkez?

30

A. Yep.

Q. And you can see the card starts on 21 March '79, but then, says, "Information relative to the nine Croatians arrested on 8 February '79 at Lithgow and various suburbs of Sydney"?

35

A. Yep.

Q. And you can see it then records different events, including that Mr Misimovic aka Vico Virkez?

40

A. Mm-hmm?

Q. Then, you've got details of where he lived, when he arrived in Australia, which Qantas flight?

A. Yes.

45

Q. And then, can you see that we then have a date right down the bottom--

A. Yep?

Q. --in relation to conspiracy, he was remanded to appear at Central CPS on, I think, it's 12 June '79. Then, there's a reference to, "see file 243 in 123/55"?

50

A. Yep.

Q. Just before I ask you some questions about that, can we go to page 913? Then, it says, "Also, subject was refused bail" and "see a file"?

5 A. (No verbal reply)

Q. Then, there's a date, 8 May '80, "An article appeared in newspapers concerning Vico Virkez"?

10 A. Yep.

Q. And then, another date, and there's a reference to the sentence he received?

A. Yep.

15 Q. And then, finally, another file number.

A. Yep.

Q. If we can go back to page 912, the page before, is this an example of one of the cards you were referring to?

20 A. Yes.

Q. Did you compile this card?

A. No. No, that - the cards were compiled by clerical staff.

25 Q. Right--

A. I would submit the report, the report would go to - go to the officer-in-charge and then, he would direct what was to happen to it, whether it was a card - a card to be--

30 Q. But the inclusion of certain facts or information in the card--

A. Yep?

Q. --I would suggest that wouldn't have been determined by a clerk--

35 A. No, no, that would--

Q. --that--

A. --that's information taken from my report.

40 Q. But who determined what information that was contained in your report would be put on the card?

A. Normally, the officer-in-charge would receive the report. He would determine what was to happen, whether it was just to be filed or - or whether a card to his - was to be created. That's the way it worked.

45 Q. Was the card to include relevant information?

A. Yeah.

Q. Important--

50 A. Briefly, briefly.

Q. I'm sorry?

A. Briefly, the card - the card was a reference; you'd go and look up the index, get the card out and it had briefly why that person was on record. Then, you could go and get the file or the dossier and read the details.

5

Q. It would contain relevant information, would it? And I know it's in summary form--

A. Yeah.

10

Q. --would it also contain important information?

A. Well, yes.

15

Q. There's nothing in this card about the fact that you learned during your interview on 10 February that Mr Virkez was a Serb, or that Mr Virkez had - I think you described it on the last occasion - had infiltrated the Croatian community--

A. No. I think it was still - still - I think it was still a work in progress at that time.

20

Q. What was a work in progress?

A. The inquiries in relation to Vico Virkez. I think perhaps this was a preliminary report.

25

Q. It's not a preliminary because the second page of the card takes us right up to some in May 1980 when he was sentenced?

A. Well, so your question is?

30

Q. When I asked you why what I would suggest to you was important information--

A. Yes.

Q. --that he was a Serb, that he'd infiltrated the Croatian community--

A. Yeah?

35

Q. --that wasn't recorded on the card, and I'd suggest to you it should have been, one of your answers was, "Look, it was a work in progress"--

A. Yeah.

40

Q. --but the work in progress - if I can take you back to page 913 - the card ends at his sentence in May 1980?

A. Yeah, I've got no explanation, I don't know.

45

Q. Can I just ask you, right down the bottom of the page, can you see "CJ"?

A. That is Connie Jennings.

Q. Is she one of the clerks?

A. She's the clerk, yeah.

50

Q. All right--

HIS HONOUR

Q. Was it the practice to put the initials of the person making the entry at the end of the entry?

5 A. Yes, I - I believe so.

Q. So in these two pages, there are three points where the initials, "CJ", appeared--

10 A. Connie Jennings.

Q. Sorry?

A. That was Connie Jennings, she was a clerk, a civilian clerk.

15 Q. Does that indicate that there were three entries made not necessarily on the same occasion, but at the conclusion of each of the three entries, she put her initials?

A. Yep.

MCDONALD

20

Q. So in a sense, this was a work in progress, that when new, relevant information was obtained, for example, details of sentence--

A. Mm-hmm?

25 Q. --that would somehow be given to the clerk. Was it Ms Jenkins?

A. She'd been - well, all--

Q. CJ?

30 A. Her - her name was Mrs Connie Jenning - Jennings--

Q. Jennings, sorry.

A. But not necessarily go back to her, no. It might go to another clerk.

Q. It's just coincidental that--

35 A. Yeah, just depending on the workload, I should imagine, at the time.

Q. While we're still on this page, right down the bottom, it has, "see file 243 in 123/55"?

40 A. Yeah.

Q. Can I ask you, the 123/55, what's that referring to?

A. The dossier.

Q. Then, file 243?

45 A. File 243 in one - in dossier 123/55.

Q. The reference to file 243--

A. Yeah?

50 Q. --for example, if you provided a report, would that report be given a number

like 243?

A. I believe so, yes.

Q. Dossier 123/55--

5 A. Five, yeah?

Q. --did that dossier - who did it concern or what did it concern?

A. I'm not sure. I'm not sure, I'm - I can't tell you, don't know.

10 Q. In the evidence I took you to, your first day of evidence, you referred to the index card--

A. Yep?

15 Q. --and then, if a particular person accumulated about three or four cards, it became--

A. Four or five.

Q. Four or five, it became a dossier?

20 A. Yeah.

Q. This would suggest that Mr Virkez--

A. Yeah?

25 Q. --there's already some dossier opened where some report that has been made has been included?

A. Yep.

Q. Now, it would suggest that at this time, Mr Virkez's - this is his first card? First--

30 A. Yes, I think--

Q. --index card?

A. I think so, yes.

35 Q. That would suggest it's not a dossier that's concerning him--

A. No.

Q. Do you have any recollection of 123/55? I know--

40 A. No, I don't really.

Q. Well--

A. I don't. I'm - I'm a - I can't help you.

45 Q. Can I suggest was there a dossier, for example, on the Croatian Republican Party?

A. (No verbal reply)

Q. So not individuals, but more institutions or organisations?

50 A. There - there were dossiers on organisations as well as individuals, but whether there was one on the Republican Party, I - I really don't know, I can't

remember.

Q. This time, can I take you to what I suspect is another index card.

5 EXHIBIT 11.76, RED PAGE 914, SHOWN TO WITNESS

A. Yep.

Q. Sorry, Mr Jefferies.

10 A. Yep.

Q. Looking at that document, does that appear to be an index card for Joseph Kokotovic?

15 A. Yep.

Q. Again, it's got personal details, and then a very brief description, "Active in demonstrations. Member of Croatian Republican Party."

A. Yep.

20 Q. Then there's a reference to, "Dossier 45/79".

A. Yep.

EXHIBIT 11.76, RED PAGE 915, SHOWN TO WITNESS

25 Q. If we can expand this, and, again, Mr Jefferies, you might just want to have a look at the whole document, but you can see it's headed, "Dossier 45/79".

A. Yep.

Q. "Joseph Kokotovic".

30 A. Yep.

Q. It then goes in chronological order, and it's got on the left, "File 1 Within", and we've got, "9.4.78".

35 A. Yep.

Q. We continue down. On 22 March, we've got, "Information concerning the arrest of nine Croatians..."?

A. Mm-hmm.

40 Q. Then there's an entry on 17 May about his parents?

A. Mm-hmm.

Q. If we can continue down the page, we've got, "End of information taken from blue cards for Joseph Kokotovic."

45 A. Yep.

Q. Could we go to the bottom of the page, please. Then chronologically we jump to 1 August '79, and then 9 April 1980.

50 A. Mm-hmm.

Q. Just looking at that document, and if you want to go back up to the top, please say so. Is this an example - I showed you the index card for Joseph Kokotovic. Now, this is the dossier?

A. Yep.

5

Q. When there's references to, "file 1 within" and then, "file 2 within", do you know what that's referring to?

A. They'd be - they'd be the individual files within the dossier. So that - you know, you could find - you'd refer to the dossier, and then find the file, which would also be stored.

10

Q. Were they stored together?

A. No. The dossiers were kept separate.

15

Q. The reference to, "End of information taken from blue cards for Joseph Kokotovic", what's that referring to?

A. Well, that's - that's the - the previous information was contained on cards, and they recorded that and started a dossier.

20

Q. For example, I won't take you back to it, but 914, that's referred to as a "blue card".

A. Yeah, a blue card.

25

Q. That index card. If you look at the entry for 22 March '79, can you see right at the end we've got the same, "File 243 in 123/55", and, again, "cj" has made the entry.

A. Yep.

30

Q. This is Mr Kokotovic. The previous reference to "file 243 in 123/55", that was referred to in Mr Virkez's card?

A. Yep.

35

Q. The same file number, and then reference to 123/55, does that suggest it might be some kind of collection of documents dealing with the Croatian Six or members who were involved in that conspiracy?

A. I don't know.

40

Q. Can you confirm, file 243 in 123/55, that was a reference, what, to another dossier or another file or another compendious file?

A. It led to another file - another - another dossier.

Q. All right.

A. See file 243 in dossier - it should be "in dossier 123 of 55".

45

MCDONALD: And just to complete this.

EXHIBIT 11.76, RED PAGE 916, SHOWN TO WITNESS

WITNESS: Yep.

50

MCDONALD

Q. This is headed, "Precis Sheet 1979".

A. Mm-hmm.

5

Q. If we can just scroll through it. Can you see that there's more personal details about Joseph Kokotovic?

A. Yep.

10

Q. Not only "place" and "date of birth", et cetera, but also, going down the page, "occupation", "driver's licence", "photograph index", which says, "yes". What's that referring to?

A. It meant there was a photograph of him in the photograph index, which was separate.

15

Q. So we've got index cards, we've got dossiers, we've got files, and we also--

A. You've got a photo index.

20

Q. I'm sorry?

A. A photo index.

Q. I did show you, when you last gave evidence, some photographs that were taken at demonstrations?

A. Yep.

25

Q. Is that an example of something that would be contained in the photograph index?

A. Yep.

30

HIS HONOUR

Q. Just going back to the previous page, 915, it's the one that at the top has, "Dossier 45/79".

A. Yep.

35

Q. It starts out, it seems, by repeating all of the information that is contained on cards for that person up until the date of the creation of the dossier.

A. Yes.

40

Q. Do I infer from that, that the dossier number, having a "/79"--

A. Yep.

Q. --means that this is a dossier created in 1979?

A. It's dossier 45 of 1979.

45

Q. Does it follow that a dossier that has the number "123/55", was a dossier that first commenced sometime in 1955?

A. It does, yes.

50

Q. And similarly, I think there was one referring to a dossier with a number

"/48".

A. Yep.

Q. That would be 1948 when that dossier came into existence?

5 A. It would have been.

Q. Thank you.

A. Those dossiers might be in relation to either groups, or demonstrations or not particularly him.

10

Q. Yes. Thank you.

A. It might be - you know, he might be mentioned. He might not even be mentioned. It might be - I'm struggling here. Dossier 165 of 48 obviously doesn't refer to Joseph Kokotovic. It refers - it probably refers to Croatian nationalist organisations, or something else.

15

Q: On that, just following on from that last answer, Mr Jefferies, can I take you to Exhibit 11.76, page 627.

20 EXHIBIT 11.76, RED PAGE 627, SHOWN TO WITNESS

A. Yes.

Q. It's cut off at the top, but can you see it's something, "...in 123/55"?

25 A. Yep.

Q. This is dealing with - it's your report, if you want to look at page 628--

A. Yep.

30 Q. --but it's your report after you attended the Sydney Town Hall for the "Celebration of Croatian National Day".

A. Yes.

Q. The reference up the top to "123/55", would that suggest that this report was put in that dossier?

35

A. In that dossier, yeah.

Q. If we can jump to, in the same Exhibit, page 780. Having a look at that, again, you can see it's one of your reports--

40

A. Yep.

Q. --in 1978 about a "National folk dance"?

A. Yep.

45 Q. What I'm drawing your attention is up the top, "File 235 in 123/55".

A. Yep.

Q. Consistently with the answers that you gave to his Honour's questions, dossier 123/55 seems to be a file looking at Croatian activities.

50

A. Yep.

Q. Could we jump back to red page 626, I'm sorry. The same exhibit.

EXHIBIT 11.76, RED PAGE 626, SHOWN TO WITNESS

5 Q. This is dated 14 February 1977. Can we just go down to the bottom of the page to begin with. It's cut off, but does that appear to be, at least, some of your signature at the right-hand bottom?

A. Yes.

10 Q. Then, again, it's cut off on the left, but it's got something like, "Record and file".

A. Yep.

15 Q. Again, is that the reference that whoever the officer-in-charge at the relevant time, his directions?

A. Yes. Yep.

Q. If we can go, again, to the top of this page. You can see, "Subject: Professor Katalinic"?

20 A. Katalinic, yes.

Q. "(n.p.r) world leader of the Croatian Republican Party".

A. Yep.

25 Q. Then we have in brackets, "(123/55)"--

A. Yep.

Q. --"at present visiting this country..."

A. Right.

30 Q. Does that suggest that file 123/55 could have been concerned only with the Croatian Republican Party?

A. Yes. Yes.

35 Q. Was the Croatian Republican Party in existence in 1955?

A. I don't know. It very possibly was.

Q. Looking at what's recorded there, can you recall was 123/55 specifically about the Croatian Republican Party and it's members, or was it broader?

40 A. Well, looking at that I'd say 123/55 was to do with the Croatian Republican Party.

HIS HONOUR

45 Q. What about the references to that same dossier number in paragraph 3 and in paragraph 7?

A. Yep. I'm in a bit of a loss, sir. It might have been - they're two separate organisations. So why they've got the same number I don't know.

50 Q. At paragraph 6 as well.

A. Can you show me 6, please.

MCDONALD: Probably scroll down, thanks.

5 WITNESS: 123/55 must have been a dossier - I can't understand it. It must have been a general dossier in relation to Croatian organisations. I'm at a loss to tell you the truth, sir. I don't know.

10 HIS HONOUR: Okay.

MCDONALD

Q. Mr Jefferies, on the last occasion you gave evidence of about 19 organisations that you knew--

15 A. Yeah.

Q. --that were agitating in different ways for in a sense the liberation of Croatia.

20 A. Yes.

Q. You gave evidence that maybe not all 19 but a number of them were in operation in Australia.

A. Yes.

25 Q. So does that in a sense support what you've just suggested that file 123/55 may have been concentrating on these quite disparate organisations which at least were united by some desire for an independent Croatia?

30 A. It may have been. It may have been. Yes. Sort of a general dossier concerning the existence of the various organisations. But what it was I really can't - I can't explain that.

Q. Excuse me for a minute, your Honour.

35 A. If you go down King Tomislav Club's got the same number, so it must have been something like that. General dossier for Croatian organisations without going into too much detail.

Q. I just wanted to take you to a couple of other documents that were contained within Bundle A. I just want to ask you about some other sources of information that would be kept--

40 A. Yep.

Q. --either on the file or as part of the dossier. Can I take you to Exhibit 11.76, page 639.

45 A: Yes.

Q. Can you see this is a report on an occurrence pad, and right down the bottom it's by a Gian Maloney Senior Constable. Then if you go towards the top of the page, it records, "Three Yugoslavs arrested for cause obstruction outside the Consulate at Double Bay".

50 A. Mm-hmm.

Q. You can see there there's a reference to the three Yugoslavs, and the second name, that's a reference to Maks Bebic.

A. Yep.

5 Q. On the right-hand corner it's got, "Record, Special Squad to be informed", something "am", is it, "this date"?

A. Yes.

10 Q. Again, this was one of the documents produced in Bundle A pursuant to the subpoena. So is that an example again of other information that would be provided to Special Branch from other branches or parts of the NSW Police?

A. Yes.

15 Q. That was dated June 1977.

A. Yep.

Q. At that point you were working for Special Branch, and you were developing your expertise in Yugoslav/Croatian matters?

20 A. Yes.

Q. This would have been information that was drawn to your attention?

A. Yes.

25 Q. So at least in around June 1977 you had come across the name Maks Bebic, and his involvement in a demonstration?

A. Yes.

30 Q. In the same Exhibit could we first go to red page 897, please. That's 897. Can you see it's--

A. Yep.

Q. --an envelope with--

A. Yep.

35 Q. --I think it's "photostat 2A copies of ASIO running sheets".

A. Yep.

Q. Does that then say, is that "Jefferies"?

A. Where?

40

Q. I'm just trying to read the handwriting.

A. "Photostat 2A, copies of ASIO running sheets, dossiers, cards".

45 Q. "Dossiers", sorry, okay. Looking at the handwriting, is that your handwriting?

A. Yes.

Q. Just to give you an example of one or two of these documents, could we just bring up red page 898. So we're still in Exhibit 11.76.

50 A. Yep.

Q. It would appear that there's a reference to Ilija Kokotovic.

A. Yep.

5 Q. Then if we continue down the page under "distribution", there are a number of listings, and you've got "police", with a tick next to it.

A. Yep.

10 Q. I'll just give you another example of one of these documents at red page 899. This is the "Croatian National Council Wollongong". There's some kind of meeting. Again, if we look at the people present we've got, Ilija Kokotovic, Joseph Kokotovic, Mr Nekic, some agents' comments concerning Mr Kokotovic. Then again down the bottom, "distribution" is "1-police" with a tick next to it.

A. Yep.

15

Q. I've just given you those two documents as an example. There were a number of documents. Do you recall that you were getting those types of reports from ASIO?

A. Yes.

20

Q. When they were received, how did you then gain access to them? Did they come directly to you via one of your contacts?

A. No, they went straight to the officer-in-charge.

25

Q. Then the officer-in-charge would determine--

A. Who saw it.

Q. --for example, it involves Croatians, and you were the Croatian expert.

A. Yep.

30

Q. Then you would be forwarded a copy of that?

A. Yes.

Q. What would you do with any relevant information in it?

35

A. Well, the document - the document would be filed at Special Branch. So there wasn't - there wasn't any need for me to do anything with it really apart from note the contents and then the document would be filed at Special Branch.

40

Q. Would it be filed in a particular--

A. Yep.

Q. --dossier - for example, the dossier 123/55?

45

A. Well, yeah, it would go - the officer-in-charge would send it to the clerical staff with a recommendation as to what to do with the information, and the document would be filed, and perhaps certain information would be extracted and put onto our records.

Q. That exchange of information--

50

A. Yeah.

Q. --so an agent from ASIO is providing Special Branch with information. Was it reciprocated?

A. Yes.

5 Q. Was it reciprocated in that way that one of your internal reports would then be provided to ASIO?

A. At the discretion of the officer-in-charge. He would decide what was to go to ASIO and what was not.

10 Q. Were you told whether any of your reports went to ASIO?

A. Not always. No, not always. Often. Often I was told.

Q. Your report of your conversation with Mr Virkez on 10 February--

A. Yeah.

15

Q. --that went to your OIC--

A. Yep.

Q. --to your knowledge was it referred to your sent to ASIO?

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

Q. I want to take you back to some documents that I showed you this morning. They're part of Exhibit 11.77, and they were part of Bundle B. If we can return to Exhibit 11.77 and we'll start with red page 1181.

25

WOODS: Is this Bundle B or Bundle A?

MCDONALD: Bundle B.

30 Q. Now--

A. Mm-hmm?

Q. Mr Jefferies, I took you to this before--

A. Yeah.

35

Q. --but there are just a couple of documents that I want to see if it jogs your memory. I took you to this in terms of the documents that were produced by Special Branch pursuant to the subpoena.

A. Yep.

40

Q. This is all to do with a letter that Mr Virkez sent to the Prime Minister.

A. Mm-hmm?

Q. This probably really doesn't assist, but if we can bring up page 1185? That's a copy of the letter which needed to be translated?

45

A. Yeah.

Q. Then the translation, if we jump back to page 1182? This letter is just over two pages long--

50

A. Yep.

Q. --and you can see it gives his background, what, in his view, occurred on 8 February. I should ask you, on page 1182, the last paragraph, he says, "On the third day, on 10 February, they interrogated and beat me again. I told them what I knew"; do you see that?

5 A. No, I don't see that, ma'am, whereabouts is that?

Q. It's the final paragraph which commences on 8 February, and the cursor is on the right-hand side, next to, "On the third day"?

10 A. On the third day, right.

Q. And he refers to an interrogation where, "they beat me again"?

A. Yeah.

15 Q. Did you beat or assault Mr Virkez during your meeting with him on 10 February?

A. No, I did not, no.

20 Q. If you then go to the next page, he then sets out, "I am not a Croat, I do not have anything against anyone. If the Croats want to fight, they should go to Yugoslavia and fight there, not here". And then, he sets out a number of particular matters that he wants to raise for the notice of the Prime Minister?

A. Yep.

25 Q. That letter and translation--

A. Mm-hmm?

Q. --was forwarded to Special Branch.

A. I can't recall ever seeing it, ma'am.

30 Q. I took you through the sequence of the subpoena--

A. Yep.

35 Q. --the schedule to the subpoena being narrowed, and these documents being produced in Bundle B, it's not Bundle A, but Bundle B that the defence had access to.

A. Mm-hmm?

Q. And what I suggest to you is, as the subpoena had been narrowed--

40 A. Yep?

Q. --as this document, we can see by the stamp on page 1181, was at least received by the New South Wales Police Department--

A. Mm-hmm?

45 Q. --and I would suggest to you that it's actually the type of information that would be forwarded to Special Branch?

A. Perhaps so, ma'am, but I can't - I can't recall ever seeing this before.

Q. All right--

50 A. I think at that time, as I said, the CIB - Detective Sergeant Turner was in

charge of matters with the CIB. So I can't say it didn't come to Special Branch, but I can't remember ever seeing it.

5 Q. If it went to CIB alone, wouldn't have been produced pursuant to the subpoena, would've it?

A. I don't know.

10 Q. Well, the subpoena - I keep on emphasising putting to one side the Internal--
A. Yes.

Q. --Affairs, which--
A. Yes.

15 Q. --doesn't concern--
A. Right.

20 Q. --Special Branch, that would seem--
A. I can't remember ever seeing the letter.

Q. Do you recall that Mr Virkez also made a complaint to the Commissioner of Police?
A. No.

25 Q. Could we bring up in this Exhibit, 11.77, red page 188? Now--

HIS HONOUR: Was that 1188?

30 MCDONALD: Yes, your Honour, 1188.

Q. Could we go to 1191, I'm sorry, to begin with? This again is in - it needs to be translated--
A. Yep.

35 Q. --but can you see it's to the Commissioner of Police?
A. (No verbal reply)

40 Q. Received - and then there's the stamp, 30 January 1980?
A. Yep.

Q. And then, if we jump back to 1188, we can see at the top, "Translation from Serbo-Croatian"?
A. Yeah.

45 Q. And if you would just have a very quick read of this document?
A. Mm-hmm? Could you - could you scroll it up, please? Again? Again? Mm-hmm.

50 Q. Mr Jefferies, have you read that?
A. Yes.

Q. Can you just see down the bottom, there's a reference to the woman who translated?

A. Yes. Yes, ma'am.

5 Q. And if we just go to page 1190, there seems to be some kind of "with compliments" slip, or something, which includes a reference to Mr Turner, which may have been this translation being forwarded to the police?

A. Yeah, forwarded to Detective Turner.

10 Q. You've got before you two complaints by Mr Virkez, one addressed to the Prime Minister, one to the Commissioner of Police. Do you have any recollection of being told about those two complaints by Mr Virkez?

A. No, I - I don't remember being told about those.

15 Q. Do you recall any involvement in trying to work out how to respond to either--

A. No.

Q. --complaint or--

20 A. No, no, no, that - that was strictly a matter for Detective Sergeant Turner.

Q. Could we bring up Exhibit 19.3, please? And if we can expand this? This isn't your document, it's a Commonwealth document--

A. Yeah?

25

Q. --but can you see - and it refers to a Mr Cunliffe?

A. Yeah.

30 Q. Who was employed in Prime Minister and Cabinet, and you'll recall one of those documents referring it to the Premier's Department was from Prime Minister and Cabinet. And can you see there, there's a reference to if he could borrow - there was:

35 "Chief Inspector Cook of the AFP rang me this morning and asked if he could borrow the original of the Virkez letter. He said the New South Wales Police wanted it. I asked why they needed it, and Chief Inspector Cook said he did not know but would find out and phone me back. I believe we should tread carefully, we don't want the letter used in proceedings".

40

And then, there's the particular reference to, "I agree - certainly not without giving the matter careful thought. What games are the police playing?" The reference to the New South Wales Police wanting the original, again, does that jog your memory about this particular letter and--

45 A. I don't know anything about it, ma'am.

Q. The letter to the Prime Minister has involved Prime Minister and Cabinet, and without taking you to other documents, that also meant the involvement of the AFP and ASIO as well when they're discussing what to do with this. Any of
50 your contacts at the AFP that you were dealing with, was it ever raised with

you?

A. No. Not to my memory, no.

Q. Or any of your contacts with ASIO ever raised with you?

5 A. Not that I remember, no.

Q. Again, the letter that was sent to the Commissioner of Police by Mr Virkez, again, any recollection of you being asked about that?

10 A. No, ma'am. No.

Q. Again, if we take it through the subpoena, the narrowing of the subpoena, focusing just on documents in the possession of Special Branch, because this was part of Bundle B produced pursuant to that subpoena, that would suggest very strongly that it was in the possession of Special Branch?

15 A. I don't remember it. I don't remember it at all.

Q. When you were compiling the documents, where did you look? Like how did you undertake it?

20 A. With a great deal of effort. I - well, I went to the card index first, of course. Then I went to the dossiers. Then I compiled them and edited them.

Q. You did the redactions if you thought it was necessary.

25 A. Redacted them. I prepared - I think I prepared several copies. I can't remember, but that's how I did it. It was a tremendous amount of work.

Q. What about documents that made have come to your officer-in-charge, but either not had filtered down to either the files or the dossiers? Did you check with, if it was Inspector Perrin at this stage?

30 A. Well, he was - he was aware of the subpoena, and if that was the case, he would have decided what to do. I should imagine he would - he would have made me aware of it. I think the subpoena called for all documents in the possession of Special Branch, so they would have been included.

35 Q. One thing I should have asked which I failed to do, I took you to the index card for Mr Virkez--

A. Yep. Yep.

Q. --which, I think, commenced with the observations of being arrested in February 1979.

40 A. Mm-hmm.

Q. That would appear to be the beginning of his index card?

45 A. Yes. I didn't - I didn't know him. I didn't know Vico Virkez at all before the Lithgow incident.

Q. I was about to suggest to you: does that accord with your recollection that you didn't know this name? You didn't know this person?

A. No. Not at that time. Not at that time.

50 Q. I asked you about the three reports that, it would appear, that you

produced. So there's the 10 February interview, Exhibit 11.5, and then the comprehensive report that you prepared?

A. Yep.

5 Q. The 10 February report, the Inquiry has issued a number of Orders for Production, and that report has never been produced.

A. I can't understand that.

Q. I was going to ask you: do you have any knowledge of it being destroyed?

10 A. No. No. Well, there was a big change to Special Branch years after I left, and lots of things were destroyed, but, no. I've got no knowledge of it being destroyed.

Q. Was this around the time of the Wood Royal Commission? I know you said you weren't there--

15

A. No. I wasn't there at that time.

Q. How did you know that documents were destroyed?

A. Well, because I kept in touch with my old workmates.

20

Q. And they informed you?

A. They told me, you know, that they weren't very happy with what was going on.

25 Q. Can you recall at any time during the committal, the trial, the appeal in the Court of Criminal Appeal, was there any deliberate decision made to withhold the 10 February report?

A. No. Not to my knowledge.

30 MCDONALD: Your Honour, I was about to turn to a different topic. Would that be an appropriate time?

HIS HONOUR: Yes, that's fine.

35 SHORT ADJOURNMENT

MCDONALD

Q. Mr Jefferies, I want to take you back to one of your other reports that was included in Bundle A, and this is at Exhibit 11.76, page 619? This was one of your reports, written in January 1977, concerning a proposed visit by a Yugoslav soccer team?

40

A. Yes, ma'am.

Q. What I want to draw your attention to is the final paragraph, five, where you record, "Perhaps this report might now be filed at this Branch with previously submitted reports concerning the same matter and returned in due course for further comment"?

45

A. Yes, ma'am?

50

Q. So in this report that you have prepared, you specifically refer back to other submitted reports concerning the particular topic?

A. Mm-hmm.

5 Q. And what I want to suggest to you is that in a number of your reports which appear in Exhibit 11.76, that is something you regularly do in your reports; if there was a previous report that was relevant, you'll refer to previous reports and suggest a reading together?

A. Sometimes, yes.

10

Q. If we can bring up Exhibit 11.5 again? And I've been asking you questions about your three reports, this is the one that we've got a copy of. Sorry, 11.5, page 10? I took you to this this morning--

A. Mm-hmm?

15

Q. --but it's reporting, it's a preliminary report concerning the arrest of the nine Croatsians?

A. Mm-hmm?

20

Q. And Mr Virkez is mentioned?

A. Mm-hmm.

Q. And then, across the page, this has been - at least there was a record and file of it being 9 March 1979?

25

A. Yep.

Q. Nowhere in this report do you refer to your 10 February interview report.

A. No.

30

Q. And in this, from your account from last time you gave evidence of what would have been included in that report, your conversations with Mr Virkez, that he was a Serbian, his real name et cetera--

A. Mm-hmm?

35

Q. --that would have been relevant information - well, it was relevant information for Special Branch?

A. Yep.

40

Q. And would have been relevant information for a superior or another officer picking up this report and trying to get an understanding of what was going on?

A. Exactly, yeah.

Q. But the practice that you seem to adopt often of cross-referencing to previous reports, you haven't done here?

45

A. I think the final paragraph does that, doesn't it? "Further inquiries are continuing in relation to this matter and a comprehensive report will be submitted--

Q. Yes.

50

A. --at the first practicable opportunity".

5 Q. Yes, but do you remember I outlined to you before the break, there were three reports that you prepared that you gave evidence about. There was the 10 February report, there was this report and then, there was the foreshadowed "comprehensive report" that you refer to in your last paragraph, that's a third report?

A. Yeah.

10 Q. From your evidence, the 10 February report had already been completed when you had completed this report?

A. Probably, yes.

Q. But you don't cross-reference it or mention it in this report?

A. No.

15 Q. Which is different from a practice that we see in Exhibit 11.76 that you often adopt in your reports?

A. Mm-hmm.

20 Q. Can you give a reason why you didn't do that in this report?

A. No, I can't. I can't. Perhaps I just didn't think it was necessary at the time. I don't know, ma'am, I can't explain it.

Q. Was--

25 A. But "further inquiries are continuing". That was my - that was sort of my way of getting the initial information on record, brought to the attention of the boss, and then I'd move on to something else and perhaps come back to this later on, when I had time.

30 Q. But the boss had already been told about what you'd discovered during 10 February?

A. Yeah. He'd been told, but I think this may have - you know, this contained more information.

Q. It contains more information about other of the accused--

35 A. Yeah.

Q. --or other conspirators?

A. Who they were and so forth.

40 Q. Was there any sensitivity about the information that you obtained from Mr Virkez on 10 February?

A. In which way?

45 Q. The information you obtained from him on 10 February in the interview--

A. Mm-hmm.

Q. --that he was a Serb, was known by a different name, had infiltrated the Croatian community--

A. Yes.

50

Q. --was there any sensitivity about that information that meant access to it should have been restricted or was restricted?

A. I think at that point in time there was a degree of restriction on who knew what at that particular point in time.

5

Q. That restriction, was that only within Special Branch or did it go further?

A. I think it would have gone further at that point in time.

Q. When you say, "That point of time", are you talking about 10 February?

10

A. Yeah.

Q. You've given evidence that after 10 February, you did attend a meeting, at least with Detective Sergeant Turner--

A. Mm-hmm.

15

Q. --when you informed him about what was discussed at that meeting?

A. Yes. Yes.

Q. So at least Detective Sergeant Turner was allowed to be given sensitive information.

20

A. Yes.

Q. Did that treatment of the information as sensitive, did that continue?

A. Yes. I believe so.

25

Q. Because you'll recall on the last occasion, I took you to some answers you gave at the committal that were contrary to the evidence that you gave of what you learnt during that interview.

A. Mm-hmm.

30

Q. You may recall that I said to you, you know, I put to you you were mistaken, it was incorrect, and I also put to you that you were lying.

A. Yep.

35

Q. And your answer was I think along the lines of, "Look, I was confused. It was a long cross-examination."

A. It was, yes. That's - that was the situation.

Q. Was it the case that at the committal, some of that information you obtained from Mr Virkez was still under that umbrella of sensitive, and that you were reluctant to inform the defence legal representatives about?

40

A. No. I don't think that was the case. I really can't remember.

Q. When you described some of the information as being sensitive--

45

A. Mm.

Q. --who made that determination? Was that you?

A. Yes .

50

Q. In your determination that it was sensitive, when you provided your

10 February report to Inspector Perrin, did you indicate or note that in some way on the report or to Inspector Perrin?

A. I probably discussed it with him.

5 Q. The, in a sense, the release of the information being described as "sensitive", is that something you decided or was that decided by Inspector Perrin?

A. I think it was decided by me.

10 Q. When did you determine that that information was no longer sensitive?

A. I can't remember.

Q. Was it before you gave evidence at the committal?

15 A. I don't really remember, ma'am. Probably. I don't - I can't recall.

Q. Why did you determine that at least some of the matters discussed with Mr Virkez were sensitive?

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

20 Q. Do you recall back in 1979 when you've obviously, in a sense, alerted to information you might gather that may be described as sensitive?

A. Mm.

25 Q. And it would appear that the consequence of that is that at least for some time there should be restricted access to that information?

A. That may have been the case. I can't remember.

Q. When this concept of "sensitive"--

30 A. Well, that often rose in a lot of inquiries. There's sensitive information that you didn't want to necessarily reveal.

Q. But why? Why is it sensitive?

35 A. Well, it might be to do with endangering other people. It may have to do with revealing sources or methods or future operations. There are all sorts of reasons for information to be sensitive.

Q. Here you've got Mr Virkez revealing his real name, and that he was a Serb, and that he had infiltrated the Croatian community.

40 A. Yep.

Q. In your mind, were they matters that if there was more general exposure of those facts, may put Mr Virkez at risk?

A. Yes. Most certainly.

45 Q. Did you take any steps to make sure, for example, that Mr Virkez was separated from the other co-conspirators?

A. No. That was up to Detective Turner.

50 Q. In discussing with Detective Sergeant Turner what you had learnt from the interview on 10 February--

A. Yep.

Q. --telling him those facts like name, Serbian, what he'd been up to--

A. Mm-hmm.

5

Q. --was part of your rationale that Detective Sergeant Turner could take action to protect Mr Virkez?

A. I was - well, I just thought it was something that Detective Sergeant Turner should know and be aware of. It was up to him as to what he did.

10

Q. Did you raise with him, "Look, if this information gets out and he's in on remand with the other members of the Croatian Six, they might get nasty" or--

A. Not in those words, but I would have certainly discussed with Detective Sergeant Turner, you know, that it was a sensitive matter, and that he would be in danger.

15

Q. Then your view is informing Detective Sergeant Turner of that information, he would take appropriate steps?

A. It was his responsibility, yes.

20

Q. Since you've given evidence, we've gained access to some duty books or notebooks of Detective Sergeant Turner and also Detective Milroy.

A. All right.

25

Q. I want to take you just to a couple of the entries. The first one is from Detective Milroy.

EXHIBIT 11.71, RED PAGE 326, SHOWN TO WITNESS

30

Q. This is for Tuesday, 27 February.

A. Yep.

Q. Can you see in his narration of or summary of what he did on that day--

A. Mm-hmm.

35

Q. --we've got, "attend Croatian Inquiry". Then we've got a lunch break, and then, "To Special Branch attend same."

A. "Inquiry". "Attend same inquiry office."

40

Q. As you were the person within Special Branch with the Yugoslav/Croatian expertise, it would have been likely that Detective Milroy and Detective Sergeant Turner would have been speaking to you at Special Branch?

A. Probably, yes.

45

Q. Was it around this time that you were informing them about your discussions with Mr Virkez on 10 February?

A. No. I think - I think I would have discussed it with them before then. That's 27 February?

50

Q. Yes.

A. No. I think I would have discussed that with them before that.

Q. Before that?

A. Yeah.

5

Q. I think I know what your response is going to be, but do you recall what they were discussing with you on 27 February?

A. No, I don't. I don't - I don't remember any of it, actually.

10

Q. When you gave evidence on the last occasion, I asked you about Detective Sergeant Turner and you could recall him and that he was the - I used the term "officer-in-charge". I think you described him as, "the senior investigating officer".

A. Yeah.

15

Q. You didn't have a recollection of Detective Milroy?

A. I - no. I think I had a recollection of Detective Milroy. You asked me where his desk was.

20

Q. I asked at transcript 598, you didn't recall, and I'm sorry, I didn't express that correctly. You didn't recall having any dealings with Detective Milroy?

A. No. I didn't have any dealings with him. I knew him to say hello, but that was about it. I had no proper contact or dealings with him.

25

Q. Well, this would suggest that you might have?

A. Probably from that point on. I don't really remember having much to do with Jock Milroy at all. I may have.

30

Q. On the last occasion, I asked you about some of the Australian Federal Police contacts you had--

A. Yeah.

Q. --and I mentioned Roger Cavanagh.

A. Yeah. I didn't have much to do with him.

35

Q. You knew him?

A. I didn't really know him. I knew his name. I don't think he was in Sydney, was he? I think he was from Melbourne or Canberra?

40

Q. He was in Canberra, but as we'll see in a minute, he did have dealings with Turner and Milroy.

A. Yep.

45

Q. Did you know that?

A. No.

Q. Sorry, dealings in respect of the Croatian Six and the trial et cetera.

A. No, I didn't know.

50

Q. Could we bring up, please, Exhibit 11.71, page 338. This is 16 March

1979. Can you see about six lines down, "then to Commonwealth Police Headquarters see Inspector Cavanagh re Croatians"?

A. Yeah.

5 Q. Then lunch and then goes back and "attends records re Croatian matter". So this is quite early on. This is on 16 March 1979.

A. Who's entry is this?

Q. I'm sorry?

10 A. Who's entry is this?

Q. Detective Milroy.

A. Oh. Yes.

15 Q. Did you know about this contact between--

A. No, I didn't.

Q. --the two investigating officers and Mr Cavanagh?

A. No, I didn't.

20

Q. Really occurring quite early in the investigation.

A. I didn't know anything about it, ma'am.

25 Q. I'll take you to another entry from Mr Milroy, Exhibit 11.71, page 436. We're in 1980 now, 8 April, and this records Detective Sergeant Turner and Detective Milroy flying to Canberra.

A. Mm-hmm.

Q. They're met by Roger Cavanagh.

30 A. Mm-hmm.

Q. Then to AFP Headquarters. Again, it would appear as it's got, "Further conference re Croatian matter", that that's why they're in Canberra.

A. Mm-hmm.

35

Q. Again, going to AFP Headquarters, dealing with Mr Cavanagh.

A. Yep.

40 Q. And it's round this time that you've got Mr Virkez's letters of complaint to the NSW Police and also the Prime Minister.

A. Mm-hmm.

Q. Again, did you have any knowledge that Turner and Milroy were going to Canberra having these dealings with Mr Cavanagh?

45 A. No, ma'am. The CIB and Special Branch were completely separate, and once I'd made Detective Sergeant Turner aware of what was going on, it became his responsibility, his job so to speak. I didn't know anything about it.

Q. Isn't it treading on your toes or Special Branch's toes a little bit?

50 A. Not really. No, not really. Not really. Our role - our role is mainly to gather

the information, not to - well, as far as possible not to engage in criminal proceeding - criminal prosecutions. We gathered the information. That was our role.

5 Q. Even though they're having meetings with, in a sense, your equivalent within the AFP--

A. No, that was--

Q. --the expert on Yugoslav affairs.

10 A. That was completely a determination of Sergeant Turner. I knew nothing about it.

Q. Could we go to page 437, the next page. They're still in Canberra.

A. Mm-hmm.

15

Q. This time can you see they're back at AFP Headquarters, but they have a conference with Assistant Commissioner Farmer--

A. Yep.

20

Q. --and Mr Cavanagh.

A. Yep.

Q. So an Assistant Commissioner--

A. Mm-hmm.

25

Q. --they're moving up the hierarchy of the AFP.

A. Yep.

30

Q. Mr Cavanagh again is there. Then they're off to the Department of Immigration.

A. Mm-hmm.

Q. "Re further meeting with" a Mr somebody or other "re Virkez".

A. Mm-hmm.

35

Q. Again, did you have any knowledge that--

A. No, I had no knowledge of any of that.

40

Q. --they're meeting with an Assistant Commissioner of the AFP--

A. No, ma'am. No.

Q. --clearly dealing with some issue about Mr Virkez and the Department of Immigration?

45

A. No, as I explained to you once the information went to Detective Sergeant Turner it was his case.

Q. Did you know at the time that Mr Virkez was pressing to be released and deported--

A. No, I didn't.

50

Q. --from Australia?

A. No, I didn't.

Q. That he'd renounced his Australian Citizenship?

5 A. I didn't know that.

Q. I want to just take you to two entries in Detective Sergeant Turner's duty books, and this is Exhibit 11.74, red page 568. Can you see 10 February, 9.15am?

10 A. Yep.

Q. There is a reference to Jefferies and McNamara.

A. Yep.

15 Q. Vic Jefferies, Paul McNamara.

A. Yep.

Q. I know this isn't your document, but does that suggest that might have been an earlier meeting with Detective Sergeant Turner?

20 A. It suggests it, but I don't remember it. I don't know. It's rather hard to read it.

Q. Yes.

A. Paul McNamara.

25

Q. The entry underneath seems to be something like "Explosives at Penrith", is it?

A. "Explosives at" - I don't know.

30 Q. I was going to suggest Penrith.

A. Yeah, it could be Penrith.

Q. The next entry--

A. Yeah.

35

Q. --which is something I would suggest "victims".

A. Victims, Tomo Mlinaric and Fabian Lovokovic, they were named as intended victims, yes.

40 Q. When did you become aware that they were named as intended victims?

A. When I - I think when I spoke to Virkez at Lithgow.

Q. This was something he told you on 10 February?

A. I think so, yes.

45

Q. If we can just jump across to page 569, this is another entry from Detective Sergeant Turner, this time the 12 February, and can you see at the top it's "Vic Jefferies, two victims"?

A. Two victims, yeah - Mlinaric.

50

Q. With details of addresses and other details.

A. Yes, I've obviously given him that information.

5 Q. That information are their addresses and details about what would appear to be cars?

A. I'm sorry, "would be"?

Q. Details about cars, registration of cars?

10 A. Yeah, yeah.

Q. See the first one after "Marrickville Croatian Club".

A. "Vehicle, 66 Valiant", yeah, that's right. I've probably given them that information.

15 Q. That information would have been obtained from the index cards or dossiers that you maintained?

A. Yeah, I might have - I might have given some of it just off the top of my head. I don't know. I can't remember.

20 Q. I'm sorry--

A. It's either come from a card or my memory at that time.

Q. You gave evidence last time that you did memorise things like--

25 A. Yeah.

Q. --addresses and maybe dates of birth.

A. Yep.

30 Q. So on 10 February there's a reference to you and Mr McNamara and then something, it might be murder victims, I'm not too sure, with those two gentlemen's names.

A. Show me the 10th again, please.

Q. I'm sorry, back to page 568.

35 A. "Explosives"--

Q. There's something about explosives in the next--

A. Is it, "murder victims intended". It's something "victims", isn't it?

40 Q. Yes.

A. Tomo Mlinaric and Fabian Lovokovic, yeah.

Q. Did you volunteer the names, or did they come from Detective Sergeant Turner?

45 A. No, I think I volunteered the names.

Q. Was that based on the information that you received--

A. From Virkez.

50 Q. --from Mr Virkez on 10 February?

A. Yes. As I remember, yes.

Q. This may be the meeting that you had with Detective Sergeant Turner where you were giving him some details about 10 February?

5 A. It could be, yes. Could be.

Q. Is it your recollection that Detective Sergeant Turner didn't know about these intended victims before you told him?

10 A. No, I don't think he knew about it at all.

Q. So this was new information that you were providing to him that Virkez had informed you that there were these--

A. There was a list, yeah.

15 Q. --there was a list. Then on 12 February you provide Detective Sergeant Turner with more details about the two possible victims?

A. Yeah.

20 Q. Detective Sergeant Turner didn't say anything to you along the lines of, "Look, we learnt about this previously" or "We knew about this"?

A. I don't remember what he said, ma'am. I can't recall.

Q. But your evidence that you gave just shortly before now was that it was your recollection was that you were told that by Virkez--

25 A. Yep.

Q. --and then you're telling Detective Sergeant Turner?

A. Yep.

30 Q. Do you recall at anytime being informed about a plot to hijack a plane from Sydney Airport?

A. I remember something about being told that, but I think that came from Virkez too.

35 Q. During the interview of 10 Feb?

A. Yeah, I - I think - I think that's where that would have come from, yeah.

Q. All right--

40 A. Because he went through a great list of stuff and - and I - yeah, I think that came from Virkez.

Q. I assume that was produced or in your 10 February interview report?

A. Yeah, I think so, yes.

45 Q. Which was forwarded to Inspector Perrin?

A. Oh, yes.

Q. Did you tell anybody else, for example, Turner or Milroy about that plot?

50 A. Yes, I - I believe so.

Q. And when did you tell them?

A. Fairly soon after I was told. I can't really recall, but I - I do remember there was talk of it, Virkez mentioned it.

5 Q. We've got 568 up there. This meeting must have been before you went to Lithgow?

A. Yes, it probably would have been. Well, it would have been, 9.15am.

Q. Because your evidence was the interview was in the afternoon.

10 A. Mm-hmm, on the ninth.

Q. And at that point, there was some kind of discussion which involved you, and also, Mr McNamara?

15 A. Well, he was my workmate at that time, so we would have been discussing things, yeah.

Q. But Mr McNamara didn't go to Lithgow with you, Mr--

A. No.

20 Q. --Hogue did, or Detective Hogue?

A. Yeah, Detective Hogue, yeah.

Q. Which again would be unusual that your workmate is there--

A. Yeah.

25

Q. --in the morning, but doesn't go out to Lithgow with you?

A. Yeah, I can't - I can't reconcile that. I don't know what happened. There was a reason for it, Timmy Hogue was - was the Special Branch man in Newcastle and he happened to be in Sydney at the time. And I don't know - I

30

Q. Looking at that entry, that would suggest that Mr Turner had the business victim names before you went to Lithgow?

A. It looks that way, yeah.

35

Q. Which would suggest that there was a source about the plot or the proposal to kill those two men--

A. Yeah.

40

Q. --separate from your discussion with Mr Virkez?

A. I - well, it's a possibility, but I can't - I can't explain that.

Q. On the last occasion, I asked you questions about your attendance at the raid at - was it Ashfield, Chandos Street?

45

A. Chandos Street, yeah.

Q. After the raid ended, you went back to CIB?

A. Yeah.

50

Q. And you were on the Armed Hold Up / Breaking Squad floor for--

A. Yeah.

Q. --at least some period of time?

A. Yes.

5

Q. And do you recall that there were several raids that night?

A. Yes.

10 Q. And several of the Croatian Six were brought back to that floor and were being interviewed?

A. Yes.

Q. And you were on the floor, you weren't participating in any of the interviews?

15

A. No.

Q. But you were wandering round, having a look--

A. Yeah.

20 Q. --at what was happening, discussing things with people?

A. Yep.

Q. Do you recall during any time when you were on that floor after the raids, it being discussed about this plot to murder two people?

25

A. No, I don't remember that.

Q. Do you recall at any time the information about the hijacking? Suddenly, somebody obtained some information, and it was, in a sense, being passed round to the different rooms where people were being interviewed?

30

A. About hijacking the plane?

Q. Yes, about a plot to hijack a plane?

A. No, I don't remember that.

35 Q. When you were on the floor that night, do you recall how long you were there?

A. I was there - I was there for some time, but I can't - I can't really recall how long. I was there for some time, yes.

40 Q. Did you observe anything about different members of the Croatian Six being interviewed which concerned you?

A. No.

Q. For example, any evidence of any of them being hit or bashed or--

45

A. No, no, they were - they were - they were interviewed in interview rooms, they just weren't on the floor and all in the one room.

Q. No, they were in separate interview rooms--

50

A. They were in separate interview - with the doors closed, so I didn't see anything like that.

Q. And didn't hear anything like that?

A. No.

5 Q. I've just been referred to some evidence you gave at trial about Mr McNamara not going to Lithgow--

A. Mm-hmm?

10 Q. --and there was a suggestion that there was a demonstration on that afternoon and that Mr McNamara attended that demonstration while you went up to Lithgow?

A. That could have been the case, I don't really remember.

15 MCDONALD: Could the witness be shown Exhibit 11.77 commencing at page 1175?

EXHIBIT 11.77, RED PAGE 1175, SHOWN TO WITNESS

20 Q. You'll recall I took you to a letter that was--

A. Oh, yeah.

25 Q. --translated, by Mr Virkez to the Police Commissioner, and then, this is a memo produced by Detective Sergeant Turner about it. What I want to draw your attention to is page 1177, paragraph 18. Now, here, Detective Sergeant Turner says, "Reliable information has been received to the effect of Virkez's life being in danger because of him being an informant and this is the reason for his isolation in gaol". Then, he says, "I am of the strong opinion Virkez would be murdered upon his release from gaol, therefore I support any move to have Virkez leave this country".

30 A. Yes.

Q. Now, that final sentence, "He would be murdered upon his release from gaol", did you have any intelligence or information that would support that statement?

35 A. No, I - I - I didn't have any - didn't have any formal information, but I think it was bandied about at the time amongst the Croatian community that he - he was not very popular.

Q. When you say, "bandied about the Croatian community"--

40 A. Mm-hmm?

Q. --did this include some of the people within the community that you used to go and have a cup of tea with and a discussion?

A. Yes.

45 Q. So you had heard of such views being discussed or bandied round the community?

A. Yep.

50 Q. And did you inform Detective Sergeant Turner of that?

A. (No verbal reply)

Q. Would you assume that that formed the basis of the statement he's made?

A. That may have been the case, ma'am, I - I don't remember, but that may very well have been the case.

5 Q. You see there he finishes or concludes with, "I support any move to have Virkez leave this country"?

A. Yeah?

10 Q. Do you recall that after giving evidence, Mr Virkez was released and then, was ultimately deported from the country?

A. I believe that was the case. He - he spent some time in gaol.

Q. And then, was released?

15 A. Released and I - I understand he was deported.

Q. Did you have any involvement with him after he was released?

A. No.

Q. Or any involvement in his deportation?

20 A. No.

Q. Did you know that he'd made that request?

A. I believe - I believe I - no, I can't say that I - that I - I'm not sure about that.

25 Q. Could the witness be shown Exhibit 10.1-13?

EXHIBIT 10.1-13, RED PAGE 23, SHOWN TO WITNESS

Q. This is a Department of the Prime Minister and Cabinet document?

30 A. Yep.

Q. It's dated March 1980?

A. Mm-hmm?

35 Q. And you can see from the first couple of lines, it's referring to that letter Mr Virkez sent the Prime Minister, complaining about his treatment?

A. Mm-hmm.

40 Q. It then refers in the next paragraph to information obtained from the Australian Federal Police. There it says, "AFP believes that Mr Virkez has been operating in Australia as an agent of the Yugoslav Government."

A. Yep.

Q. In 1979/1980, had you formed that view?

45 A. Mr Virkez wanted to be an agent for the Yugoslav Government, and my understanding was that he approached them twice and was rejected twice.

Q. The understanding of him being rejected twice, is that based on what he told you during 10 February?

50 A. No. It comes from somewhere else.

Q. Where did that come from?

A. I can't say.

Q. Why can't you say?

5 A. Well, because it's from a sensitive area.

WOODS: Your Honour, he appears to be claiming public interest immunity of some sort.

10 HIS HONOUR: Yes. Well--

MCDONALD: I was just going to try and explore a little bit further, your Honour.

15 Q. You've described it as, sorry, Mr Jefferies, a sensitive source?

A. Mm-hmm.

Q. Can I ask, is the sensitive source within a New South Wales authority or a Commonwealth authority?

20 A. A Commonwealth authority.

Q. When did you gain access to that information?

25 A. It wouldn't have been until after the events in Lithgow. Sometime after his arrest. Sometime after the arrest it was. I'd never - I'd never heard of Mr Virkez, I don't think, before the Lithgow incident.

Q. The sequence was you hadn't heard of him?

A. No.

30 Q. 10 February you go and speak to him?

A. Mm-hmm.

Q. This information about applying twice, or seeking twice and being rejected, that was information you obtained after 10 February?

35 A. Yes. Yes, it was.

Q. Was it information that you obtained in an oral discussion with somebody?

A. Yes. I believe it was.

40 Q. So not in a document?

A. No. I don't think so.

Q. If I can just take you back to a broad chronology. In 1979, there was the committal hearing that you gave evidence at?

45 A. Mm-hmm.

Q. Then the next year there was the trial, again that you gave evidence at. Can you recall this conversation with somebody in that chronology? When did it occur?

50 A. I can't say. I don't - I don't remember. It was - it was sometime after the

events at Lithgow, but I can't remember when. That - you know, that went on for quite a long time.

Q. I'm sorry, I missed that?

5 A. That went on for quite a long time.

Q. When you say, "the events in Lithgow"--

A. Yeah.

10 Q. --there was the raid on the 8 February--

A. Yeah.

Q. --and then it moved into a sequence of investigation, brief of evidence, committal, trial, appeal, et cetera.

15 A. Yeah. Yeah.

Q. Were you told this information during that timeframe at some time?

A. Yeah. Yeah. Sometime in that time.

20 Q. You were told by somebody associated with the Commonwealth?

A. Yes.

Q. You were told this during an oral discussion?

A. Yes.

25

Q. The organisation the person was involved in, was it the AFP?

A. No. It wasn't.

Q. Was it ASIO?

30 A. Yes, it was.

WOODS: Your Honour, that would seem to substantiate the claim for public interest immunity, would it not, given the terms of it being ASIO, your Honour.

35 MCDONALD: Your Honour, I haven't asked for the particular person to be identified.

HIS HONOUR: That's right.

40 MCDONALD: He's identified, in my submission, as Mr Jefferies can, the organisation that the person came from. I am about to ask him about what was said and whether that's covered, or suggests some kind of claim, of public interest immunity or some other secrecy claim over that, your Honour, I think
45 would be a matter that maybe the representative of ASIO might be able to assist your Honour with.

HIS HONOUR: Yes. I would add that Mr Jefferies seems to be well aware of where the boundaries are, so at the moment I'm feeling quite comfortable that you can ask him questions and he'll indicate whether he's in a position to
50 respond or not.

MCDONALD: Your Honour, my only hesitation is that a number of ASIO documents have been declassified, and whether, not wanting to be rude about Mr Jefferies, but what he perceived to be either classified, or protected in 1979/1980, may be different today.

5

HIS HONOUR: Yes. That's true. So what do you suggest? Mr Jefferies should have a conversation with somebody, so that he can be made aware of what is out and what is not out?

10 MCDONALD: Your Honour, maybe if I ask the question and see what Mr Jefferies--

HIS HONOUR: All right.

15 MCDONALD

Q. Mr Jefferies, the conversation you had with this person from ASIO, and I don't want you to identify that person, this conversation, did it arise during your usual interactions that you've described that you'd occasionally speak with somebody from ASIO?

20

A. Yes.

Q. What did this ASIO officer say to you?

A. That - I think he told me that Virkez had offered his services as an agent to the Yugoslav Government twice but had been rejected. He - which contradicts the report here that says, "the AFP believes that Mr Virkez has been operating in Australia as an agent of the Yugoslav Government."

25

Q. When it was accounted to you that he'd offered his services as an agent to the Yugoslav Government twice, were you given any details? For example, was that in Australia through an embassy or a consulate?

30

A. No. It was through the Yugoslav Consulate in Double Bay.

Q. That information that you obtained, the offered and was knocked back, was that something that you included in a report that would have been sent to Inspector Perrin?

35

WOODS: I'm sorry, your Honour, could that question be clarified?

40 MCDONALD

Q. You obtained this information from this person from ASIO?

A. Mm-hmm.

45 Q. Did you record it in some kind of report within Special Branch?

A. I probably did.

Q. And a report that would have been sent to Inspector Perrin?

A. Yes.

50

Q. Is that information, do you recall whether you informed Detective Sergeant Turner or Detective Milroy about it?

A. No. I don't remember. Probably not.

5 Q. I might take you to some evidence that you gave on 4 April. This is transcript page 584, please. Could we go to about line 12, please. These are some questions about the 10 February meeting. I asked:

10 "Q. During this meeting with him, did he give you details about other involvement he might have had with the Yugoslav community or the Yugoslav Consulate in Sydney?

15 A. No. I can't remember exactly. I know he'd - I know that he'd approached the Yugoslav Consulate twice and been rejected and told to go to the police in relation to this matter. I don't think they were impressed with him at all."

A. Mm.

20 Q. Now, there's that answer, which is a little bit ambiguous in that you said that you knew he'd approached the Yugoslav Consulate twice.

A. Mm-hmm.

Q. Then down at line 34, I ask this question:

25 "Q. You said during this meeting, he also referred to approaching the Yugoslav Consulate on two occasions.

A. Yep.

Q. Did he say how he approached them?

30 A. I'm trying to remember. I know they told him to go away and to go to the police."

A. Mm-hmm.

35 Q. Those questions, which started with a broad question about involvement with the Yugoslav community or the Yugoslav Consulate--

A. Mm-hmm.

Q. --you then seem to answer about him contacting the Consulate about the explosives at Lithgow.

40 A. Yeah.

Q. Can I ask: that information that you got, is it different from the information you got from the ASIO person about him offering his services on two occasions as an agent?

45 A. If you just go back, I think we're talking here about he offered his services to the Commonwealth Police?

Q. No, I was asking you about--

A. He approached the Yugoslav Consulate on two occasions.

50 Q. It starts broadly--

A. Yeah.

Q. --with about involvement with the Yugoslav Consulate--

A. Yeah.

5

Q. --and then you say, "I know that he'd approached the Yugoslav Consulate twice and had been rejected, and told to go to the police in relation to this matter."

A. Yeah.

10

Q. So that answer--

A. Yeah.

Q. --refers to approaching the Yugoslav Consulate--

15

A. Yes.

Q. --sorry twice on this and going to the police in relation to this matter.

A. Yeah.

20

Q. The evidence you've just given about the ASIO officer and your discussion with him or her, is it in a sense broader than contacting the Consulate about the bombs at Lithgow or a more general inquiry by Mr Virkez about being an agent?

25

A. I'm sorry I've lost my train of thought. I don't know what we're talking about. What are we talking about? Go back to the beginning.

Q. You've given evidence that you've had this discussion with an ASIO agent--

A. Yeah.

30

Q. --who informed you that Virkez offered his services--

A. That's right.

Q. --on two occasions--

A. Yes.

35

Q. --as an agent to the Yugoslav Government--

A. Yep.

Q. --and you said that that was through the Consulate at Double Bay.

40

A. Yep.

Q. I've now taken you to some evidence you gave back in April--

A. Yep.

45

Q. --and you were talking about, "this is my discussion I have with Mr Virkez on 10 February".

A. Yep.

50

Q. It would appear there that your account is that he approached the Consulate on at least two occasions and was told to go to the police--

A. That's right.

Q. --in relation to this matter.

A. That's right.

5

Q. This matter being the bombs.

A. Yep. That's right.

10 Q. So my question is, is there Virkez tells you about approaching the Consulate about the bombs,--

A. Yep.

Q. --is that separate--

A. That's why he went to - that's why he went to Lithgow Police.

15

Q. But that account--

A. Yep.

20 Q. --is that separate from the account that the ASIO agent told you that he'd offered his services as an agent to the Yugoslav Government twice?

A. Yep. It's separate.

25 Q. Separate. Could we go back to I think it's Exhibit 10.1-13, please. If we can expand it. That line of questioning arose because you disagreed with the first dot point that the AFP believes Mr Virkez has been operating in Australia as an agent. That didn't accord with your knowledge?

A. No, that didn't accord with - no, that did not, no. As we just said, the Yugoslav Consulate rejected his offers.

30 Q. I wanted to ask you about the next dot point. This is the dot point starting:

35 "We understand that for tactical reasons the New South Wales authorities want Mr Virkez to be convicted of the offences with which he has been charged, that is in order that his evidence against the co-conspirators would not be 'tainted' by any charge of 'agent provocateur'."

40 I know this is a Commonwealth document from an official within the Department of Prime Minister and Cabinet, but did you have any knowledge of these tactical reasons that have been referred to?

A. I had nothing to do with it. That was all under the control of Detective Sergeant Turner.

45 Q. Just while we're on Commonwealth documents, could Exhibit 11.1 be brought up, please. Again, we'll expand this. This is a telex from the Commonwealth Police to Commonwealth Police in Sydney. It's dated 8 February 1979. What I'm interested in is the first paragraph and it's referring to information received from Vice Consulate Cerar--

A. Yep.

50

Q. --and you can see that this sets out - I think you've given evidence that Virkez told you about this on 8 February, that he contacted the Consulate.

A. Yep.

5 Q. Now, why I'm taking you to this, in the Court of Criminal Appeal, Roger Cavanagh gave evidence that this telex was sent to Special Branch and that Special Branch also made inquiries of the Commonwealth Police as to whether they had any information about any of the defendants.

A. Mm-hmm.

10

Q. If you want to have a look at the full document, but the second part is dealing with some security arrangements for a particular concert or something. But looking at that telex, do you recall seeing it around February?

A. I don't, no.

15

Q. If the telex was sent to Special Branch, as the expert in Yugoslav/Croatian matters--

A. Yep.

20

Q. --it would have been brought to your attention.

A. Yeah it would have been.

Q. Looking at it, particularly that information in paragraph 1, does that ring any bells or jog your memory at all?

25

A. No, it doesn't really. I can't - I can't - I can't remember seeing it, but I probably did.

Q. If you had been provided with a copy of it, is it something that would have been kept in the relevant file?

30

A. Yes, it would, but I can't say I - I can't say I remember seeing it. It would have been kept in the file in ACIC.

MCDONALD: Your Honour, is that an appropriate time?

35

HIS HONOUR: Yes. Mr Jefferies, take a break. See you at 2 o'clock.

WITNESS: Thank you, sir.

LUNCHEON ADJOURNMENT

40

MCDONALD

Q. Mr Jefferies, previously you gave evidence about suspected UDBa operations in Australia?

45

A. Yes, ma'am.

Q. You referred to bombings of statues in Canberra?

A. Yes.

50

Q. In churches in Canberra.

A. Yes, ma'am.

Q. That included Saint Sava Serbian Church in Canberra.

A. Yep.

5

EXHIBIT 11.234, RED PAGE 1643, SHOWN TO WITNESS

Q. This is a telex sent on 26 December 1977. You can see in the first main – and it seems to be going to Sydney Criminal Branch. There's a reference to damage caused to the statue in a Serbian church in the ACT.

10

A. Yes, ma'am.

Q. Then do you see in the next paragraph, there's a reference to a priest who:

15

"...reported to the police that he had received a telephone call from a male person anonymous informed Father Arcon that a male person Vito Misimovic of 10 Macaulay Street, Lithgow would be coming to Canberra, blowing up the statue...then he would then blow up a restaurant...in Cabramatta N.S.W."

20

A. Yep.

Q. Then, "Lithgow C.I.B. Notified and in the process of checking whereabouts of Misimovic...".

A. Yep.

25

Q. This isn't addressed to Special Branch, but do you recall seeing this before?

A. No. I don't.

30

EXHIBIT 11.238, RED PAGE 1647, SHOWN TO WITNESS

Q. We'll expand this. It is a very poor copy, but you can see at the top it's dated 27 December 1977.

A. Yes, ma'am.

35

Q. A reference to "Vito Misimovic". If you just have a look at that first paragraph, you can see a reference to where he resides.

A. Yep.

40

Q. Some other background about him. Then in the second paragraph, there's a reference to a receipt and a doctor's script.

A. Tulevski.

45

Q. You can see from the first paragraph, there's a reference to, "A loaded shotgun was found in his bedroom...". It's a little bit unclear whether there was some kind of raid or warrant executed, but there seems to be a shotgun. There's a reference to receipts. Then in the next paragraph a reference to apparently a slab of concrete fell on him injuring him. Then in the next paragraph there's a reference to Jack Marheine and Ross Clark of Lithgow. Ross Marheine was one of the police officers you dealt with when

50

you went to Lithgow?

A. Yes.

5 Q. Then there's some further references, but I want to take you down to the paragraph, "Neville Ireland of Sydney Special Branch--

A. Yep.

10 Q. --made" - and then it's blacked out - it might be "inquiries", then "all the names, Club et cetera, negative result." Then it records, "He said that", and what I want to suggest is your name appears,--

A. Yep.

15 Q. --"is the Yugo expert at the Branch and he will be on duty" at I think a date in the future. "Follow up the same."

A. Probably afternoon shift. Probably "be on duty later today", I'd say.

20 Q. Then you can see there's some other mention of other inquiries or information that they've obtained. The name at the bottom, if we can just scroll up slightly, is O'Brien.

A. Mm-hmm.

25 Q. Looking at this document, and we acknowledge it's not your document, it seems to arise from this anonymous tipoff that it's Vito Misimovic who's responsible for the bombing of the statue in Canberra.

A. Mm-hmm.

30 Q. Then it seems there's a number of inquiries or compilation of other information that's being obtained, including Mr Ireland of the Special Branch advising that you should be contacted.

A. Yep.

Q. Did you know a Neville Ireland?

A. Yes, I did.

35 Q. He worked at Special Branch when you did?

A. He did.

Q. Was he was the same section or--

40 A. Yes - ah, no, he wasn't. He wasn't working on Croatsians at that time, but later on he took over my job on Croatsians.

Q. But at this stage he wasn't. But you were the -- as he describes you - the "Yugo expert."

45 A. Yeah.

Q. Reading this. Do you recall that when you did arrive for duty, sometime after or on 17 December or soon after, that these inquiries were asked of you or referred to you?

50 A. I don't remember. I just don't remember that.

Q. Does it jog your memory in any way?

A. Not really. No. Sorry, it doesn't.

Q. The person O'Brien, do you know who that is?

5 A. No, I'm not sure who that would be. I don't know.

Q. The information that it would appear that Mr Ireland has received, and it would seem that then he's made some calls, names, clubs, et cetera, and got a negative results. The fact that he's been contacted about a suspect Vito Misimovic, in your experience would have that prompted at least the creation of some kind of index card within Special Branch?

10 A. No, probably not.

Q. Why not?

15 A. Well, I don't think there's sufficient information there. It was simply an inquiry.

Q. You've got a name. You've got an address.

20 A. Yeah, but - can you show me the information again about it? Just scroll down.

Q. Sorry. Do you want to go back to the top of the document?

A. Yes please.

25 BASHIR: Your Honour, I wonder if the witness could be asked to keep his voice up.

HIS HONOUR: Yes. A little bit louder or closer to the microphone or both, thanks, Mr Jefferies.

30 WITNESS: OK. No, well that would be enough to cause a card to be raised, but it would depend at that time if they referred it to Special Branch at the beginning. You're talking about why would he have a card at the beginning?

35 MCDONALD

Q. Well, no, it's more - looking at the information--

A. Yeah.

40 Q. --you can see that Neville Ireland of Special Branch has been contacted.

A. Yep.

Q. Although not explicit, you would assume that if he's contacting club and names, he's been given some information about the suspect Vito Misimovic?

45 A. Yeah.

Q. Then there's the recommendation to contact you.

A. Yeah.

50 Q. What I'm asking you is, given this contact that there's a suspect Vito

Misimovic at Lithgow. Suspected of blowing up a Serbian statue in Canberra, that would have been sufficient under Special Branch procedures for at least an index card to be created for Mr Misimovic.

5 A. Not at that stage. Not at that stage. Later on perhaps, but not at that stage.

Q. When you say, "Not at that stage", why is that?

10 A. Well, it's an inquiry. I don't think we knew anything about Vito Misimovic at that time.

Q. But wouldn't that prompt - even though I agree it's--

A. Not necessarily.

Q. --it's sparse information--

15 A. Just because he had a Croatian or Yugoslav name didn't mean we'd raise a card on him.

Q. I think it's more--

20 A. I don't think we knew - knew much - I don't think we knew anything about him up until this point.

Q. I think it was more the fact that he was a suspect in blowing up a statue at a Serbian church in Canberra?

25 A. We didn't - we didn't know that at that time.

Q. How do you know "we didn't know that"?

30 A. Well, as I say, I - I'd never heard of - of Vito Misimovic, and I - I think - I don't know, ma'am. I don't think we knew enough about him to worry about raising a - a card at that time.

MCDONALD: Can the witness be shown Exhibit 11.35, please? Expand it a little bit more?

35 EXHIBIT 11.35 SHOWN TO WITNESS

Q. Mr Jefferies, I don't think you've been shown this document before, it goes for about nearly three pages; can you see it's headed, "Croatian Terrorists Arrested on 8 February"?

40 A. Yep.

Q. It commences with, "The seven terrorists mentioned in this report are members and associates of the Sydney branch of the Croatian Republican Party"?

45 A. Yeah.

Q. And some further details.

A. Mm-hmm.

Q. Then, paragraph 2 sets out the seven offenders.

50 A. Yep.

Q. And after name number 7, can I pause there? "Photographs attached."

A. Mm-hmm.

5 Q. Not clear what photographs. Then, in paragraph 3, "The informant in this matter is Vico Virkez whose correct name is Vitomar Misimovic"?

A. Mm-hmm.

Q. And then, if you just read paragraph 3 to yourself?

10 A. Mm-hmm.

Q. Now, if we go to the next page, commencing with paragraph 4, I think it would be quicker if you just read it to yourself, Mr Jefferies?

A. Mm-hmm. Mm-hmm?

15 Q. Can we move the page, please?

A. Yes.

Q. I think we've got to finish, there's a couple more paragraphs.

20 A. Yes, ma'am.

Q. If we could go to page 3?

A. Yes.

Q. And then, just paragraphs 15 and 16, that's it.

25 A. Yes.

Q. Have you seen this document before?

A. No.

30 Q. You didn't write it?

A. No, I certainly did not, I'd disagree with--

Q. I'm sorry?

35 A. I'd disagree with - I'd disagree with parts of it, it's - I don't think where it came from, I wouldn't have written such a thing.

Q. I wanted to suggest to you that there were some paragraphs where the source may be Special Branch; could we just go back to paragraph 9. There's a reference to:

40

"In the event of mentioned acts of terrorism being successful in Sydney it was their intention to instruct similar groups in Victoria in acts of terrorism."

A. No. We had no such knowledge.

45

Q. Could we go back to paragraph 12. The reference to, "...the Croatian Inter-Committee Council". You had dealings with it?

A. Yep.

50 Q. Special Branch had dealings with it?

A. Yes.

Q. Was it the case that it refused to assist the police?

A. No. It--

5

Q. Sorry, in respect of the Croatian Six?

A. No. I don't - my recollection is that the Croatian Inter-Committee Council was ashamed - was ashamed of the actions. The alleged actions, anyway.

10

Q. Looking at paragraph 14, the document isn't dated, but it would appear from what's in paragraph 14 that it's after committal but before the trial proper starts in April 1980.

A. Paragraph 14?

15

Q. Yes. Just the way it's drafted. I'm trying to pinpoint the date of this document. You can see there it's obviously after committal.

A. Fourteen weeks after 7 May, yep.

20

Q. After committal but before the trial started?

A. Yep.

Q. Paragraph 15:

25

"it is obvious had the planned Conspiracies of the seven terrorists been successful it would have created an extreme holocaust unparalleled in the history of terrorist activities throughout the world."

A. It sounds like a Carter Brown novel. I don't know who wrote that, but that's - you know, that's - that's rather extreme, isn't it? It's not correct.

30

Q. You didn't write it?

A. No. I didn't write it.

35

Q. Does it remind you or is it reminiscent of anybody else within Special Branch?

A. No. No. It doesn't look like a Special Branch document to me.

Q. Why do you say that?

A. It's just not the style that we used.

40

Q. You could see - if we could just go back to paragraph 16, it says, "The within information is to be strictly confidential and not made available to the general public for obvious reasons."

A. That's not - that's not something Special Branch would write. I don't know where that came from.

45

Q. Looking at it, have to got any idea of who - it was a document that was produced pursuant to an order for production by the New South Wales Police?

A. I've got no idea where it came from.

50

Q. When you first looked at it, you made a comment that there are inaccuracies?

A. Yeah.

5 Q. Which inaccuracies?

A. I think it had to do with the - can we go back? Back to the first page, I think. I think the first page.

Q. Page 1? You've got in paragraph 3 some information about Mr Virkez.

10 A. Yeah. No. That wasn't the point.

Q. Do you want the next page?

A. Yes, please. Yeah. I've never heard of Vjekoslav Brajkovic travelling overseas to receive instructions in terrorism. I've never heard of that. I don't--

15

Q. This is towards the end of paragraph 5?

A. Yeah. The last - the last sentence in paragraph 5. I've got absolutely no knowledge of him travelling overseas to receive instructions in terrorism, and I doubt that happened.

20

Q. Would have that been information that Special Branch would have been interested in and--

A. Yeah. We'd be greatly interested in it, but I seriously doubt that ever happened.

25

Q. Can we continue through the document?

A. Yeah.

Q. If we move to paragraph 6.

30 A. The two members they were talking about assassinating weren't elderly, they were middle aged.

Q. This is in paragraph 7?

35 A. Yeah. They weren't elderly. And I've never heard the allegation about them planning to abduct American businessmen and hijack commercial American aeroplanes and demanding \$2 million. I don't know where that came from. I've never heard of that.

Q. That's set out in paragraph 8.

40 A. Yep.

Q. If we continue to 9 and 10. I asked you about 9. You hadn't heard of that?

A. 9, I've never ever heard of that, and I doubt that - I doubt that very much. Yep.

45

Q. If we go to the next page, I think you've - what about paragraph 11, "Whilst searching their homes Yugoslav literature relating to the construction of time bombs was found".

A. Yep.

50

Q. Putting that to one side. "Together with newspaper cuttings referring to various hijackings". Had you heard of that?

5 A. No, I hadn't. I hadn't heard of - about the hijacking. That's new to me. And, "Since their arrest the Croatian Inter-Committee Council has refused to assist police". The Croatian Inter-Committee Council, they wanted nothing whatsoever to do with them.

Q. I think you just gave evidence that they didn't have sympathy.

10 A. Not at all.

Q. Your evidence is you didn't write it. Looking at the document you say it's not in the style of a Special Branch document.

A. No, it's not.

15 Q. Can you assist the Inquiry in any way about who within the Police Force would have written this and for what purpose?

A. What was the date of it again?

Q. Well, there's no date.

20 A. Oh there's no date.

Q. The date I think--

A. But it's after?

25 Q. You look at paragraph 14 and you say it's after committal, pre-trial.

A. 14 weeks after 7 May. What's that, three and a-half months after 7 May. No, I don't know.

30 Q. Mr Jefferies, they're my questions. Mr Buchanan will ask you some questions, but it might be more comfortable if those two volumes are returned.

A. Yep.

BUCHANAN: Could the witness, please, be shown Exhibit 11.35 again. Sorry about this, but just while it's fresh in the witness's memory.

35 <EXAMINATION BY MR BUCHANAN

Q. Just focusing on what you can see there on the first page. Paragraph 2 contains a list of seven offenders.

40 A. Yep.

Q. Can you see that the numerals 1 to 7 in the left-hand column, the names of the offenders next, the birth dates next, and then the right-hand column there's more data.

45 A. Yep.

Q. Do you recognise the format of that data, or does it look familiar to you?

50 A. It's pretty standard sort of a layout I think, with the exception of the reference to the photographs on the side. But it's, yeah, it's a pretty standard sort of a layout.

Q. The data in the right-hand column looks as if it has been formatted to fit the system of an institution in compiling data of this sort.

A. It does, yes.

5 Q. Have you ever seen data from the Australian Federal Police that appears in that fashion?

A. No, I haven't.

10 Q. Do you know whether it's possible that this document was given to the NSW Police perhaps by somebody outside the Police Force?

A. It's possible - oh outside the Police Force?

Q. Outside the NSW Police Force?

15 A. Well, it's possible, yes, it could have come from other places.

Q. Is it possible that this document was compiled by Roger Cavanagh?

A. I wouldn't know. It's possible I suppose, but I really wouldn't know. I'm not familiar with his work.

20 Q. I'll come back to Mr Cavanagh later.

HIS HONOUR

25 Q. Just in relation to that information that you've been asked about. The reference in the right-hand column, "NSW SP 1979/" and then a number. Is that a photograph index reference?

A. I'd say it would be a NSW special photo.

30 Q. Is it likely that somebody, not within the NSW Police Force, would have that information?

35 A. Yes, it is possible. It could have been forwarded in other reports, and they've collated it/recorded it. It could have been - for instance, you know, it could have been a report sent really of Kokotovic with that information. They've recorded it, and when they've done this they've gone back to their records. It's possible, yes.

BUCHANAN

40 Q. Do you recognise the terminology in the policing context of "special photo"?

A. Yep.

Q. Where do you recognise that from?

45 A. Well, it's just a normal term, New South Wales Special Photo. It's their record. It's just common parlance.

Q. What institution used that terminology?

A. Probably the Modus Operandi Section would have that.

Q. Of the New South Wales Police?

50 A. Yeah, and perhaps the Fingerprint Section.

Q. Of the New South Wales Police?

A. It could come from Special Branch. We had our own - had our own photo index.

5 Q. Did the Special Branch photo index include the terminology on occasion, "Special Photo"?

A. Not that I remember now.

Q. What's the meaning of "Special"--

10 A. Don't know.

Q. --in the terminology, "Special Photo"?

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

15 Q. Can I change the subject? That's all at the moment in relation to that Exhibit, thank you. Mr Jefferies, can I ask you some questions about Mr Roy Whitelaw?

A. Yes?

20 Q. You told the Inquiry that he was your original officer-in-charge?

A. He was, yes.

Q. And for what length of time was Mr Whitelaw your officer-in-charge at Special Branch?

25 A. I really don't remember, I started there in 73. I left there at about - I left there in about 82/83. I'd say Whitelaw was there in - yeah, probably six years, something like that. Five or six years.

Q. And for those years, while you were reporting to Mr Whitelaw, you physically provided him with verbal and written reports?

30 A. Yes.

Q. And did any of those reports to Mr Whitelaw - either written or verbal - include reference to the Croatian Republican Party?

35 A. Yes, probably, yes.

Q. And therefore, they would have included reference to people that you considered to be members of the Croatian Republican Party; is that right?

40 A. That's right.

Q. You've told the Inquiry - inquest transcript day 10, page 658 - that your opinion of the men whom you believed to be members of the Croatian Republican Party was that they were troublemakers and too radical?

45 A. Yes.

Q. You considered those men were a danger because they risked radicalising the Croatian Nationalist Movement in New South Wales?

A. They were trying to, yes.

50 Q. Did you convey to Mr Whitelaw your opinion about the Croatian Republican

Party or the people you thought were its members?

A. Yes.

5 Q. And when you conveyed that opinion to Mr Whitelaw, did you get the impression from him that he understood your opinion?

A. Yes.

Q. Did you get the impression from him that he accepted your opinion?

A. Yes.

10

Q. While you were at Special Branch - just changing the subject slightly - were there social functions for officers of the Branch from time to time?

A. Yes.

15

Q. After Mr Whitelaw was promoted to the rank of Assistant Commissioner, he would have moved offices upstairs--

A. Yes.

20

Q. --above the floor, was it one floor that had Special Branch?

A. One floor had Special Branch, yeah.

Q. It would have been natural for him to have been invited to social functions for his old Branch?

A. Occasionally, yes.

25

Q. Did you ever see Mr Whitelaw at any Special Branch social functions that you attended?

A. I can't remember.

30

Q. After Mr Whitelaw's promotion to Assistant Commissioner, and he'd left Special Branch, did you and Mr Whitelaw ever communicate again?

A. No.

35

Q. Can I take you to Inspector Perrin, and ask--

A. Yes.

Q. --you similar questions?

A. Yep.

40

Q. Your opinion of the men you believed to be members of the Croatian Republican Party was that they were troublemakers and too radical. You thought they were a danger because they were risking radicalising the Croatian Nationalist movement in New South Wales?

A. Yes.

45

Q. Before 8 February 1979, you would have provided a number of verbal and written reports to Mr Perrin, conveying that opinion?

A. Yes.

50

Q. Did it appear to you that Inspector Perrin understood your opinion?

A. Yes.

Q. Did it appear to you that he agreed with your opinion?

A. Yes.

5

Q. Changing the subject now, Mr Jefferies. Thinking of the three men who were arrested in Burwood, Nekic and Ilija and Joseph Kokotovic?

A. Yes?

10

Q. Before that, the names of the Sydney dwelling suspects that came from Lithgow in the first place were Brajkovic and Zvirotic, weren't they?

A. Yes, I believe so, yep.

15

Q. Thinking of the call you received from Mr Helson--

A. Yes?

Q. --on the morning or late morning of 8 February--

A. Yes?

20

Q. --and he told you that there was some trouble, information from Lithgow, names and he rattled off Brajkovic and Zvirotic at that time?

A. He - yeah.

25

Q. Do you know who it was, what police officer it was in Sydney that was said to have received the information from Lithgow identifying Nekic and the Kokotovic brothers as part of the bomb plot?

A. No. I don't remember.

30

Q. Do you remember when it was that the information was said to have been received from Lithgow identifying Nekic and the Kokotovic brothers as part of the bomb plot?

A. I was at home, I think. I was going - I was going to do an afternoon shift, and from memory I was rung at home.

35

Q. Yes. You told us that previously, and it was Mr Helson who rang you?

A. Yeah. I think so, yeah. But I--

Q. But the names that he gave you at that time were the names Brajkovic and Zvirotic?

40

A. Yeah.

Q. There was no mention of Nekic or Kokotovic?

A. No.

45

Q. What I'm asking you, I suppose, is what's your best memory of when the names "Nekic" and "Kokotovic" hove into view, or that you heard, on 8 February in relation to the bomb plot?

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

50

Q. Did you first hear those three names on 8 February at Special Branch, or at

CIB, or on a telephone call, or can't you say?

A. I think - I can't remember. I don't know.

5 Q. You told us in April, transcript day 8, page 520, that before the afternoon of 8 February, Maks Bebic had never actually come to your attention?

A. I didn't - I didn't know him. He wasn't familiar to me.

10 Q. In fairness to you, I think that you have at some stage identified that there was a record at Special Branch of Maks Bebic, but thinking of your state of mind on 8 February, it wasn't a name that was at the forefront of your mind--

A. No. No, it wasn't.

Q. --as being a likely suspect?

15 A. No. No. No. He--

Q. You believed Zvirotic and Brajkovic to be members of the Croatian Republican Party?

A. Yes.

20 Q. You believed Nekic and the Kokotovic brothers to be members of the Croatian Republican Party?

A. Yes.

25 Q. As far as you were aware, that was also the view of Detective Inspector Perrin?

A. What--

Q. That is to say that Nekic and the Kokotovic brothers were members of the Republican Party?

30 A. Well, it would have been, yes, because that would have been his view because they told him.

Q. Can I take you back to the preliminary report, Exhibit 11.5, pages 10 to 11.

35 EXHIBIT 11.5, RED PAGE 10, SHOWN TO WITNESS

Q. This is the preliminary report with, as authors, you and Constable McNamara identified.

40 A. Right.

Q. There is a passage. You see there, where the cursor is, "Police from the Special Branch and the Special Breaking Squad, then went to a number of homes at Ashfield, Burwood and Bossley Park, and the following persons were arrested."

45 A. Yep.

Q. It then has a list of Nekic, Kokotovic--

A. Yep.

50 Q. --Kokotovic, and--

A. Yep.

Q. --if you could scroll further, please.

A. Brajkovic.

5

Q. And Brajkovic. Thank you. You believed Joseph Stipic also to be a member of the Croatian Republican Party as at 8 February 1979?

A. Yes, I did.

10

Q. As you understood it, was a decision made at Special Branch to take the opportunity of the information reported as coming from Virkez in Lithgow to roll up the Croatian Republican Party? To lock them up?

A. No. No. That was not the case.

15

Q. Is it possible that the information about the Kokotovic brothers and Nekic was not received from Lithgow, but rather that information concerning those three men was communicated to detectives in Lithgow by officers in Sydney?

A. I don't know.

20

Q. Was anything said within your presence or were you made aware of anything being said by either Perrin or Morey that those were three names that were communicated to detectives in Lithgow?

A. No.

25

Q. On 8 February, to your knowledge or belief, was a CIB raiding party sent to arrest the Kokotovic brothers and Mile Nekic as the result of a decision made by Inspector Perrin?

A. No, that wouldn't be correct.

30

Q. As you understood it on 8 February, did Inspector Perrin take the opportunity of the information that came from Virkez in Lithgow to organise for the rolling up of the Croatian Republican Party or at least men the Special Branch believed were members of the party?

A. No.

35

Q. On the afternoon of 8 February, however, you and/or Mr Perrin would have told CIB detectives that the men Zvirotic and Brajkovic were members of the Croatian Republican Party, wouldn't you?

A. Probably would of, yes.

40

Q. You and/or Inspector Perrin would have told the CIB detectives your opinions of the men you believed to be members of the Croatian Republic Party. That they caused trouble. That they were extremists. That they were radicals. That they used violence.

45

BASHIR: I object, your Honour. It's very general, CIB detectives. Is there anything - is it being put in that general way or is there a more specific--

HIS HONOUR: Yes, can you be more precise, Mr Buchanan.

50

BUCHANAN: Well, not at this stage. It depends on whether the witness says, "Yes" or "No". There were numerous occasions on which this could have been communicated. I could go through in chronological order the various events that occurred on 8 February, but we're all familiar with them.

5

HIS HONOUR: Put it broadly, and we'll see what happens.

BUCHANAN: May it please.

10

Q. Did you or Inspector Perrin, to your knowledge, convey to any CIB detective on 8 February your or Perrin's opinion of any of the Croatian Six?

A. We probably would have offered an opinion, yes. Offered information.

15

Q. You would have conveyed the information, would you, to CIB detectives that one or more of those men were troublemakers?

A. I don't know that we'd put it like that. We would have - we probably would have told them along the lines - voiced an opinion along the lines that they were radical and that they'd been talking about violence and violent acts, and that the Croatian community had more or less expelled them because of their propensity for violence. We would have probably told them in general terms something like that.

20

Q. You and/or Inspector Perrin would have told the police that first of all at the first meeting at CIB, early in the afternoon after 2 o'clock, with Inspector Morey and other police, to give a picture of who you and they were to be dealing with?

25

A. Yes.

Q. But later when you came back from Ashfield the second time.

30

A. Yes.

Q. --Inspector Perrin was on the third floor of CIB at that time as well?

A. I believe so, yes.

35

Q. You would have talked with--

MCDONALD: Your Honour, could I just object. You returned the second time from Ashfield.

40

BUCHANAN: Sorry, I'll-

MCDONALD: Is that after the raid or?

BUCHANAN: Yes, after the raid. Sorry, I'll take it bit by bit.

45

Q. You went to Ashfield to conduct surveillance--

A. Yep.

Q. --in the late afternoon after the 4.30 meeting at Special Branch?

50

A. Yep.

Q. As you came back from there--

A. Yep.

Q. --before about 8.30--

5 A. Yep.

Q. --and you went to the third floor of CIB, and you spoke amongst other people to Inspector Morey?

A. Yes.

10

Q. Then you ultimately were a part of the team that raided Mr Zvirotic's boarding house at Ashfield.

A. Yes.

15

Q. After Mr Zvirotic was taken away, there was a search conducted of Mr Zvirotic's room--

A. Yep.

Q. --and then police left the building and returned to CIB.

20 A. Yep.

Q. You were one of those police that returned to CIB on that occasion.

A. That's right.

25

Q. So having returned to CIB from the raid at Ashfield, did you convey to CIB detectives or any CIB detective, any opinion that you held of any of the men who had been arrested?

BASHIR: Sorry, your Honour. Sorry, I could just ask, arrested at Ashfield or
30 arrested generally?

HIS HONOUR: Generally.

BUCHANAN: That was my intention, but if I'm being vague then I'll re-ask the
35 question.

Q. You came back from Ashfield the second time--

A. Yep.

40

Q. --and that was after there had been a raid at Ashfield. Is that right?

A. Yep.

Q. You came back with the other police who had been involved in that raid. Is that right?

45

A. Yep.

Q. Then you were - tell me if the word's wrong - but roaming around the third floor of CIB for some hours. Is that right?

A. That's right.

50

Q. Did you talk to CIB detectives during that time that you were roaming around the third floor?

A. Yes.

5 Q. And did you look through piles of goods and papers, documents that you understood had been brought back from sites that had been raided?

A. Yes.

10 Q. In talking to CIB detectives, at that time, did you convey your opinion of any of the men who had been arrested?

A. I probably would have. I can't remember but I probably would have.

Q. They wouldn't have been favourable opinions that you conveyed to CIB detectives at that time, would they?

15 A. No, they wouldn't have been.

Q. And you would have said that at least one or two of them were violent men?

20 A. I don't know if I would have said, "violent", I would have probably said "troublemakers". I don't think I would have used - I don't think I would have said, "violent".

Q. Were any of those men who had been arrested, as you understood it, violent?

25 A. Violent? No, I don't think so.

Q. But they did things like throw eggs, throw flares?

A. Yeah, it's hardly violence.

30 Q. Urge on crowds?

A. Yeah.

Q. That sort of thing?

35 A. That sort of thing, but--

Q. In 1979, as at 8 February 1979, you would have known that as a group of police, detectives from the Armed Hold Up Squad and the Special Breaking Squads, had a reputation for investigative skills which involved regularly finding suspects in possession of illicit goods and firearms and explosives?

40 A. Yes.

Q. You would have known that some people called those skills "loading up suspects"?

45 A. I've heard the term.

Q. Fabricating evidence that they were found in possession of such goods?

A. I've heard that term, yes.

Q. But you knew that they had that reputation at the time, didn't you?

50 A. Yes.

Q. You knew as at 8 February 1979 that CIB detectives had a reputation for investigative skills which involved regularly obtaining confessions from suspects whether signed or not?

A. Yes.

5

Q. And you understood that some people called that "verballing" suspects?

A. Yes.

10 Q. You nominated Joseph Stipic to be searched and arrested - I'm sorry, to have his place of residence searched, and for him to be arrested?

A. Yes.

15 Q. As far as you were concerned, Joseph Stipic was arrested on 8 February and prosecuted to achieve the goals of Special Branch?

A. No.

Q. Why is that not correct?

A. Because Special Branch didn't have that goal.

20 Q. What was the goal that you hoped to achieve by nominating Joseph Stipic to be raided and arrested?

A. Well, as I understood it, he was part of the Republican Party, Croatian Republican Party, and - and a fairly prominent - prominent member, and I think that was the reason.

25

Q. I'm sorry, I?

A. I think that was the reason.

30 Q. But you deny, do you, that as far as you know or were concerned, Nekic and the two Kokotovic brothers were raided and arrested on the same basis, that Special Branch believed them to be members of the Croatian Republican Party?

A. Yes.

35 Q. Isn't it possible that Nekic and the Kokotovic brothers were in the same boat as Joseph Stipic as far as you were concerned; they were being arrested on 8 February 1979 because you thought they were dangerous men who were members of the Croatian Republican Party?

A. (No verbal reply)

40

Q. I should add or Inspector Perrin thought that?

WOODS: Well, your Honour, that's a confusing question.

45 BUCHANAN: Well, I'll break it up.

50 Q. Leave aside Perrin for the moment. What do you say to the proposition that Nekic, Kokotovic brothers and Stipic were all arrested and their houses raided because Special Branch considered those men to be dangerous and to be members of the Croatian Republican Party?

A. No, I don't think that was the case. I really don't remember what the situation was there--

HIS HONOUR: Sorry, I can't hear you.

WITNESS: I'm sorry, I - I - I really don't remember what the situation was as to why they were raided. I can't help you.

BUCHANAN

Q. And the aim of Special Branch, isn't this the case to your knowledge on 8 February, so far as you and Mr Perrin were concerned, was to have these troublemakers from the Croatian Republican Party put away in gaol so they didn't continue to cause trouble?

A. No, no, that was not the case at all. It was not the case at all. Our intention was to try and keep peace within the Croatian community.

Q. And by removing the troublemakers, you would achieve that goal, or you would certainly work towards that goal?

A. Well, that was not the case.

Q. Can I take you to the preliminary report again.

EXHIBIT 11.5, RED PAGE 10, SHOWN TO WITNESS

The list of names that were there--

A. Yep.

Q. --you'll see that - can you see after the three names, Misimovic, Bebic and Topic--

A. Yep.

Q. --the sentence:

"Further information was received from Lithgow, and it was ascertained that a number of other Croatians in Sydney, all members of the Croatian Republican Party (H.R.S.) were involved in a conspiracy with the three at Lithgow."

A. Yep.

Q. What was the source of the information there that they were all members of the Croatian Republican Party?

MCDONALD: Sorry, can I just confirm my learned friend is referring to the "number of other Croatians in Sydney, all members of the Croatian Republican Party"?

BUCHANAN: Yes.

WITNESS: They, "...were involved in a conspiracy with the three at Lithgow."

BUCHANAN

Q. I'm sorry, I didn't hear that, Detective. I'm sorry, Mr Jefferies.

5 A. I'm reading it. Well, I think that information came from Lithgow. I don't know.

Q. The names of the detectives who interviewed Mr Virkez in Lithgow--

A. Yeah.

10 Q. --both at midday--

A. Yeah.

Q. --and in the evening of 8 February were Ingram and Marheine?

15 A. Yeah. That's where it would have come from.

Q. On the evidence of those two men, Virkez did not mention "Croatian Republican Party" at all in talking to them, and it was not alleged by Detectives Simmons and Musgrave, who say that Bebic made a confession to them. The Croatian Republican Party wasn't mentioned by Bebic, according to them. It was not in the evidence of Turner and Milroy as to the confession they said that Bebic made in the living room of the house at Macaulay Street, and it was not in the first or the second record of interview conducted of Mr Bebic by Turner and Milroy. Isn't the only possibility that that information came from Special Branch?

20 A. Well, it's a possibility, but I don't know whether it did or not. "Further information received from Lithgow, and it was ascertained that a number of other Croatians in Sydney, all members of the Croatian Republican Party..." - well, it was received from Lithgow.

25 Q. From whom in Lithgow?

A. I don't know.

HIS HONOUR

35 Q. Well, the sentence you're focusing upon, Mr Jefferies, is somewhat ambiguous. "Further information was received from Lithgow."

A. Yep.

Q. Then it goes on to mention multiple things. One is, it was ascertained that a number of other Croatians in Sydney were involved in a conspiracy with the three at Lithgow.

40 A. Mm.

Q. That was received from Lithgow, wasn't it?

45 A. Mm.

Q. Do you agree?

A. Yes.

50 Q. Now, with commas there is inserted a second subject, "...all members of

the Croatian Republican Party (H.R.S.)".

A. Mm-hmm.

5 Q. Is that a comment that's inserted? It being the belief of the author or authors, or is it also information that was received from Lithgow?

A. No. I think the situation was that - I think the three at Lithgow - I don't really know, sir. "...from Lithgow and it was ascertained that a number of other Croatsians in Sydney, all members of the Croatian Republican Party...". I don't know.

10

BUCHANAN

Q. Can I approach it another way?

A. Yep.

15

Q. Before 10 February, you had no idea that Virkez was a member of the Croatian Republican Party. Is that fair to say? 10 February is when you speak to him.

A. Yes. I think that's correct, yeah.

20

Q. You've told us that Virkez told you that he was a member of the Croatian Republican Party, on 10 February?

A. Yeah.

25

Q. Mr Bebic hadn't crossed your radar until his name came up on 8 February?

A. I wasn't familiar with him. Apparently he had been - he'd taken part in a demonstration I think prior to that, but I hadn't paid any attention to it.

30

Q. You didn't know of him as a member of the Croatian Republican Party as at the 8th?

A. No, I don't think so.

Q. Steven Topic, T-O-P-I-C, had he crossed your radar as at 8 February?

35

A. I do believe - I knew the name. I just can't place the context in which I knew Topic. I think he had come to some attention before then. I'm not sure. I'm not sure.

Q. I promise this will be the last question on that phrase, "all members of the Croatian Republican Party", in that paragraph underneath the list of three names, was it your intention there to say, "and we have since learned that Virkez, Bebic and Topic are members of the Croatian Republican Party", or--

40

45 MCDONALD: I object. Your Honour, it probably arises from your Honour's comment about the ambiguity of it. I hasn't been established who Mr Jefferies was referring to when he wrote or agreed with Mr McNamara in writing, "all members of the Croatian Republican Party". One reading of it is that it's referring to the other Croatsians in Sydney.

50 HIS HONOUR: Well, that's the most logical explanation for it, that that was intended to relate to a number of other Croatsians in Sydney.

MCDONALD: Not--

HIS HONOUR: Not the names appearing earlier in the document.

5 MCDONALD: Yes, your Honour.

HIS HONOUR: That's the way I read it.

MCDONALD: Yes.

10

WOODS: Your Honour, in relation to that objection, might I just make the point that this report is in March I think it, isn't it, the 8th? 8 March.

HIS HONOUR: I thought 8 March. Yes, 8 March. Yes, Mr Buchanan.

15

BUCHANAN

Q. As at 8 February, you believed that Mr Stipic was a member of the Croatian Republican Party?

A. Yes.

20

Q. Is it possible that that information was not accurate?

A. It is possible.

Q. That belief was not accurate?

25

A. Yes, it's possible, yes.

Q. I wonder if we could go, please, to Inquiry transcript day 8, page 536. If I could take you, please, to line 23. Maybe we should go maybe a little bit above line 15, please. Just at the top of the page you can see there,

30

Mr Jefferies, this is your evidence the last time you were--

A. Yep.

Q. --and you said you thought information had been received that certain people were going to do certain things, "and Helson asked me if I knew the names, which I did".

35

A. Yep.

Q. This is the phone call that you referred to earlier when you were still at home.

40

A. Yep.

Q. Then if we could skip over the names down to line 20:

"Q. You can recall Mr Brajkovic, Zvirotic and Virkez?

45

A. Yep.

Q. Was that the limit of the names?

A. No, I think three more. I think - I think - I think Nekic was - I think Nekic was named. I think a man named Joseph Stipic and I think the Kokotovic brothers.

50

Q. At this time?

A. I think so."

A. Yep.

5 Q. I just want to suggest to you that that's not correct. That is to say at that time when Mr Helson was giving you information that he understood it come from Lithgow, the names that he had been given that he told you about were Virkez, Zvirotic and Brajkovic. But there was no mention of Stipic or Nekić or the Kokotovic brothers.

10 A. No, I think they were named at the time.

Q. Is that because you said that before or you have a belief now--

A. I don't really - I don't really remember, but I think if I said that that would probably be correct. The Kokotovic brothers, yeah.

15

BASHIR: I'm sorry, we didn't hear that answer. I'm sorry, your Honour. We just can't hear the witness.

20

HIS HONOUR: Yes. You're going to have to keep the voice up or sit closer to the microphone or both, please.

WITNESS: Yes.

BUCHANAN

25

Q. Would you like to repeat the answer? Sorry.

A. What was the question again?

30

Q. Is it possible that you made a mistake in saying that Mr Helson said that information from Lithgow included the names Stipic, Kokotovic and Nekić?

A. No, I think that was the case. I think that was the case.

35

Q. As at 8 February, you believed, didn't you, that the membership of the Croatian Republican Party was broader than the six men, Brajkovic, Zvirotic, Nekić, Kokotovic, Kokotovic and Stipic?

A. I thought it may be. I thought it may be. I tried to - I tried to - I tried to ascertain if it was broader, but I don't think it was.

40

Q. Do you remember a name called Mile Bobanovic?

A. Mile Bobanovic, yeah.

Q. You thought he was a member of the Croatian Republican Party, didn't you?

A. I can't remember but I - but if you say so, yes.

45

Q. B-O-B-A-N-O-V-I-C. I'll come back to Mr Bobanovic, but my question at this point is why Stipic? Why did you select him as being a person who should be raided and arrested rather than someone else you believed to be a member of the Croatian Republican Party?

50

A. Are we talking about Joseph Stipic?

Q. Yes?

A. I think I'd seen him - I think I'd seen him at demonstrations, and I believed him to be an active - very active - member of the party. And I think - I'm not sure, I won't say that. It's a - not a - somebody else.

5

Q. Did you know a man called Rhegib - R-H-E-H-I-B? I'll probably mispronounce it - Rhegib--

A. Rhegib Avdic?

10

Q. --Avdic, A-V-D-I-C?

A. Yes, I did. Knew him well.

Q. Did you believe him to be associated with the Croatian Republican Party?

A. No, Rhegib Avdic was the president of the Croatian National--

15

Q. Council?

A. --Council, HNV. And I think - I think Mile Nekic was his son-in-law.

Q. Yes, well--

20

A. I think so.

Q. --Kokotovic? Ilija Kokotovic?

A. Ilija Kokotovic was his son-in-law.

25

Q. Yes--

A. But I think Nekic was married to Kokotovic's sister, wasn't he? We're getting off the track--

Q. No, no, that's okay, this is another relationship.

30

A. Rhegib Avdic, yes, he was--

Q. You thought that Avdic, however, was an associate with or an ally of the Croatian Republican Party?

35

A. No, no, I didn't. I didn't - I didn't think that at all from memory, I think he was - maybe was opposed to them because they were so radical, he was - he was trying to achieve his aims through moderate means, and I think he - I think he thought - but I don't think he was very fond of them.

BUCHANAN: Could the witness please be shown Exhibit 11.76, red page 784?

40

EXHIBIT 11.76 SHOWN TO WITNESS

Q. If we could go to the page 786 so that the witness can see it. You can see that's one of your reports?

45

A. Yeah.

Q. The report is dated 31 October 1978?

A. Yeah.

50

Q. And at red page 786 at the bottom--

A. Mm-hmm? Yeah?

5 Q. --do you see the paragraph commencing, "At the conclusion of the speeches, and if you just go towards the bottom of that, five lines from the bottom of that paragraph, commencing, "This incident"?

A. (No verbal reply)

10 Q. "This incident", where the cursor is?
A. Oh, "This incident"? Yes, I see now.

Q. "This incident is significant in that Bobanovic is a radical member of the Republican Party"--

15 A. Yeah.

Q. --and one of those who initially advocated the use of violent tactics"?

A. Yep.

20 Q. So why did you nominate Stipic to be raided and arrested and not Bobanovic?

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

Q. Stipic was the information officer, wasn't he, that sort of propaganda officer?

25 A. I'm - I'm not sure. I'm not sure. I - I can't remember why we raided Stipic.

Q. Well, if you took him out, then--

30 A. I think he might have come to notice earlier for something else or - I'm not quite sure, so I shouldn't say that.

Q. I'm not saying he wasn't arrested.

A. No.

Q. He was certainly arrested at demonstrations.

35 A. Yeah. I think - I think we just regarded him, you know, as - as being radical. Whether it - you know, perhaps a propensity for violence.

Q. That's all in relation to that document at this stage, thank you.

40 A. Right. Bobanovic--

Q. Sorry, do continue?

A. No. You're right.

45 Q. When you gave evidence in April, you said that when it came to the conduct of the police raid at Ashfield, and when it came to the conduct of the police investigation and the preparation of the brief of evidence, as a Detective Senior Constable in Special Branch, you were "lowly", day 8, page 571. Or, "Subservient", day 9, page 605, in relation to the CIB detectives.

50 A. That's right.

Q. You gave evidence to the Inquiry, day 9, page 575, that while you were at CIB, you were unable to talk to Anton Zvirotic on 8 February 1979, once it had become a criminal matter--

A. That's right.

5

Q. --because doing so, you might be interfering in the purview of the investigating police in Sydney.

A. Yes, that's right.

10

Q. You said that in order to speak with Zvirotic, you would have had to have had the permission of the officer-in-charge in CIB.

A. Yes.

15

Q. Page 576. That didn't mean, however, did it, that you could not provide intelligence to CIB detectives who were dealing with Mr Zvirotic?

A. No. Yes, I could. I could provide intelligence, yes.

Q. Did you?

20

A. I would have provided some information, I think. In general terms as to who they were, and what they were about.

25

Q. You were able to intervene in a criminal investigation to the point that you nominated a suspect to be raided and arrested; and as a result of you doing that, a group of detectives went out and raided and arrested this man, Stipic?

A. Yes.

30

Q. So you weren't loathe to intervene or interfere in the CIB investigation, at least insofar as it concerned the information from Lithgow, were you?

A. No.

35

Q. You weren't so lowly or subservient in relation to CIB detectives that you couldn't point CIB in a particular direction and get CIB detectives to conduct an investigation in that direction?

A. I could certainly point them in the right direction, but what they did after that was a matter for them.

40

Q. You could get CIB detectives to accept what you said and to do what you suggested in relation to this investigation on that night, couldn't you, because that's what you did?

A. Yes.

EXHIBIT 11.36, RED PAGE 131, SHOWN TO WITNESS

45

Q. This Exhibit, and I'm not having a go at those who assist you, your Honour, but I'm going to suggest that it involves a number of different documents that have been put into one document, but they should, in fact, be treated as separate from each other, but I'll try and do it through the witness, if I can.

50

Exhibit 11.36, commencing at page 131 going through to page 138. First of all, at page 131, we have a page that has been described as a "screed" or "the first screed", that was distributed by Inspector Morey to his detectives

when they went out on the raids.

BASHIR: Your Honour, I think that the evidence is that it was given to some detectives; that is, the sort of lead detectives of each team.

5

HIS HONOUR: Yes. All right.

BUCHANAN

10 Q. Looking at that document, and going down to, "All the above". Can you see, "All the above"?

A. "All the above", yeah.

15 Q. So it refers to "Virolich" spelt on this occasion with a "V". "Brajkovic", "Kokotovic", "Kokotovic" and "Nekic"?

A. Yep.

Q. It also refers to "Bebic" and "Virkez". Do you see that?

20

A. Bebic and--

Q. After the five names--

A. "Bebic and Virkez", yeah.

25 Q. "Bebic and Virkez were allegedly going to meet all the above listed persons in Sydney...", et cetera. Then it goes on to say, "All the above are members of the Croatian Republican Party in Sydney...".

A. Yeah.

30 Q. Those words from the words, "All the above" to "in Sydney"--

A. Mm-hmm.

Q. --that is information that was supplied to Inspector Morey by you, wasn't it?

A. Yes. Probably, yes.

35 Q. But you didn't have any sort of basis, let alone a reasonable basis, to say that of Bebic and Virkez, did you?

A. No. No, I didn't - I didn't know--

Q. Could it be possible that you assumed--

40

HIS HONOUR: Wait. He was still answering.

BUCHANAN: I do apologise.

45 Q. Sorry, I apologise, Mr Jefferies.

A. No, "other men alleged to be involved in Sydney" - what was the question?

Q. You didn't have any basis, let alone a reasonable basis, for saying that Bebic and Virkez were members of the Croatian Republican Party, did you?

50

A. I think - I think I suspected Maks Bebic was a member of the Republican

Party, but I didn't know Virkez.

Q. What was the basis for suspecting that Maks Bebic was a member of the Croatian Republican Party?

5 A. Well, I think I'd seen him - seen him with them, at demonstrations perhaps. I can't remember, but I think his name is Maksimilian Bebic, isn't it?

Q. Yes.

10 A. Yeah. I knew him as Maks Bebic. I thought - I thought I suspected him of being in the HRS, but I didn't know Virkez at all.

Q. Are you saying that your state of belief as to membership of the Republican Party shifted over the day, perhaps after you consulted cards or dossiers?

15 A. Probably I guess from observations. I wouldn't have needed to consult cards, so my information for a start.

Q. So do you say that at some stage on 8 February you had a light bulb moment, and you thought, "Bebic, Maks Bebic, I can remember him"?

20 A. Yeah. Perhaps.

Q. Perhaps.

A. Perhaps. It's 50 years ago. I don't know.

25 Q. Fair enough. I'm just going to the next sentence that's underlined, "Members of the Special Branch have identified the above suspects as being:", and then 1 to 5--

A. Yep.

30 Q. --Zvirotic down to Nekic. All of that information would have been supplied by you?

A. It would have been, yeah.

Q. Can I take you then to red page 136, and can you see here that the page is numbered "3" at the top.

35 A. Yep.

Q. And it's headed, "Addresses to be visited".

A. Yep.

40 Q. And it appears to be somebody's list of detectives assigned to--

A. Yep.

Q. --participate in particular raids.

45 A. Yep.

Q. You would have provided the details of the address.

A. Yep.

Q. In the case of Mr Zvirotic the description of the residence.

50 A. Yep.

Q. In the case of Burwood, you wouldn't have supplied the information about Nekić and others being there at 6pm, because you wouldn't have known that.
A. No.

5 Q. But you would have provided the information that as to address, date of birth of Mr Nekić--
A. Yeah.

10 Q. --and his residential address at Eurella, E-U-R-E-L-L-A, Street, Burwood.
A. Eurella Street.

Q. Going down to the next one. 16 Restwell Road, Bossley Park.
A. Yep.

15 Q. Suspect, Vjekoslav Brajković, "born 31-8-49". You would have supplied that information?
A. Yep.

20 Q. Likewise, on page 4, standby team at the address of 33 Discovery Avenue, Mount Druitt, and the name and birth date of Joseph Stipić.
A. Yep.

25 Q. You would have supplied the information, "other addresses nominated", which is underlined, so far as it read, "9 Livingstone Street, Burwood. An address used by Mile Nekić".
A. Yep.

30 Q. And as well, the sort of backup address for Anton Zvirotić in Newtown.
A. Yep.

35 Q. Can I change the subject slightly, but I'm still interested in the extent of which you were able to become involved in the investigation, the criminal investigation in this matter. You went up to Lithgow on 10 February. You were able to have an up to three-hour meeting with Mr Virkež--
A. Yep.

Q. --and a shorter interview with Mr Bebić at Lithgow Police Station.
A. Yep.

40 Q. You knew that Virkež and Bebić had been charged with serious offences by other police.
A. Yep.

45 Q. You persuaded somebody at Lithgow Police Station separately to release Virkež and Bebić so that you could interview them--
A. Yep.

50 Q. --and to allow you to talk to them for some hours in an office in the police station.
A. Yes.

Q. That showed, didn't it, that you could both could and did interfere in the purview of other investigating detectives when it came to dealing with men arrested on 8 February?

A. Well, it wasn't--

5

Q. You interfered, didn't you, in the purview - I'm using your word - of other investigating detectives when it came to dealing with men arrested on 8 February?

A. Yeah.

10

Q. I want to ask if I can - just changing the subject slightly - did you talk to Sergeant Webster on the night of 8 February 1979 on the third floor of CIB after you'd come back from the raid at Ashfield in the understanding that Sergeant Webster would be interrogating or interviewing Mr Zvirotic?

15

A. I don't - I don't remember. I don't remember doing that. I obviously would have spoken to Sergeant Webster, but I - I don't think I - I don't think I discussed those matters.

Q. Did you suggest to him any questions that he could usefully ask Zvirotic?

20

A. I don't remember, I don't think so. I don't think so.

Q. On 8 February, apart from his address and date of birth, did you provide any intelligence you had to CIB detectives about Vjekoslav Brajkovic?

A. I may have, I - I don't remember.

25

Q. Did you tell any CIB detective on 8 February that Brajkovic was an admirer of Yasser Arafat?

A. No, I don't think so.

30

Q. Now, you smile?

A. I -I--

Q. I'm not suggesting that it's wrong to smile, I'm just asking--

A. I--

35

Q. --I'm just asking what that means?

A. I - I've got an idea. I've got an idea that Mr Brajkovic discussed Yasser Arafat with me at one time, but no, I - I - I didn't - I didn't tell anybody about--

40

Q. You made a statement in relation to this matter dated - the commencing date was 9 February?

A. Yeah.

45

Q. And in that, you refer to having interviewed Mr Brajkovic on two dates in 1976?

A. Yeah.

Q. And that on one of those occasions, he had expressed admiration for Yasser Arafat and for the Red Army?

50

A. That's - that's what - that's what was in my memory, yeah.

Q. And you also made a report in which--

A. Yeah, I--

Q. --you referred to--

5 A. Yes.

Q. --that interview?

A. Yes, yes, Mr - Mr Brajkovic said that they were the tactics that the Croatsians should adopt--

10

Q. Right--

A. --the same as Yasser Arafat and - and the Red Army.

Q. I'll come back to the actual interviews in 1976--

15

A. Yeah.

Q. --later--

A. Yeah.

20 Q. --but did you tell any CIB detective on 8 February that Brajkovic was an admirer of the Japanese Red Army?

A. No, no, I - I don't think so, I don't think so.

Q. But you might have told them that he was an admirer of Yasser Arafat?

25

A. No, I - I - I don't think I would have. I don't think they would - no, I don't think they would--

Q. Did you tell any CIB detective on 8 February that Brajkovic had thought that the tactic of hi-jacking aeroplanes was a good thing?

30

A. I may have. I may have. I - I can't recall, I know he - he certainly said it. But I can't remember.

Q. Those were discreditable things for him to have said if he said them, weren't they?

35

A. Well, I think they were rather revealing of--

Q. I'm sorry?

A. I think they were rather revealing comments--

40 Q. Yes?

A. --of his - of his attitude and state of mind but he certainly said - he said that.

Q. Did you endeavour to convey to any CIB detective on the night of 8 February that Brajkovic was a terrorist?

45

A. No.

Q. Did you tell CIB detectives on 8 February anything that might make them think that Brajkovic was a terrorist?

A. I - I - I don't think--

50

WOODS: Your Honour, I object to that question, that's almost impossible to answer. How can he know what they might have thought?

5 HIS HONOUR: I think it was his intent in saying something that would engender in them the thought that he was a terrorist. I think that's the question, isn't it, Mr Buchanan?

BUCHANAN: Yes, sure.

10 WITNESS: So the question is?

BUCHANAN

Q. Yes.

15 A. What?

Q. Did you say anything to any CIB detective on the night of 8 February that would engender in them the idea that Brajkovic was a terrorist?

20 A. No. No. No, I - I don't think I ever - I can't - I can't ever remember using the term "terrorist" in relation to Brajkovic. More concerned with the possible criminality of his actions than anything else.

Q. Did you gee them up to give him a hiding?

25 A. No, I'm sorry, but - you've - you've got my role completely confused, I couldn't gee up anybody to give anybody a hiding in the CIB, that - that was a long way out of my pay scale.

Q. Or that this was a man that would be - it'd be worth getting stuck into, physically?

30 A. No, no, no, no, I wouldn't never do such a thing.

Q. Can I change the subject?

A. Yep?

35 Q. Mr Jefferies, thinking of Mr Virkez's - the words used in the trial were "true status"?

A. His true status, yeah.

40 Q. By the end of March of 1979, you had three different sources of information about Mr Virkez that indicated he had a relationship with the Yugoslav Consulate, if not also the Yugoslav Intelligence Service, I want to suggest to you, and I'll give you those three. First - sorry?

A. Go on.

45 Q. Firstly, what Mr Virkez told you on 10 February about having made two approaches to the Yugoslav Consulate on 8 February. Secondly, the information from Sergeant Prytherch of the Commonwealth Police on 8 and, I'd suggest, 9 February--

50 A. Prytherch, yeah.

Q. --which confirmed what Virkez told you on 10 February that he'd rung - he, Virkez - had rung the Consulate on the morning of 8 February and told them about the bomb plot.

A. Mm-hmm.

5

Q. Then there's also the ASIO Special Interdepartmental Committee Protection Against Violence Report, Exhibit 9.1-21, of which we have an extract. I might just put this up to refresh your recollection of it. This is a document which I think you said you either remembered seeing or you would have seen. It's a one-page document--

10

A. Yep.

EXHIBIT 9.1-21, RED PAGE 30, SHOWN TO WITNESS

15

Q. --headed, "Secret. Extract from ASIO SIDC-PAV Report--

A. Yep.

Q. --of 28 February 1979. Arrest of extremists in New South Wales".

A. Mm-hmm.

20

Q. And if can take you to - you can see it's actually paragraph 32, 33, 34. If we can go to the bottom. 35.

A. 35.

25

Q. Can you see what it says there?

A. Yep.

Q. "The incident reveals the depth of the penetration of Croatian extremist groups by the YIS in Australia."

30

A. Yep.

Q. You had all of these different pieces of information by the end of March--

A. Mm-hmm.

35

Q. --about Virkez's relationship with the Yugoslav Consulate.

A. Mm-hmm.

Q. Had you so chosen, you could have worked with CIB to ensure that the defendants in the Croatian Six case were informed of the information you had learned from Virkez on 10 February, couldn't you?

40

A. I'm sorry, could you repeat the question?

Q. You could have worked with CIB--

A. Yeah.

45

Q. --to ensure that the defendants in the Croatian Six case--

A. Yeah.

Q. --at that stage the committal hearing was going to occur at some stage in 1979--

50

A. Yep.

Q. --to ensure that they were informed of the information that you had learned from Vico Virkez on 10 February 1979, couldn't you?

5 A. Yes.

Q. Because, and just going back over it, you had these extra sources of information from Prytherch?

10 A. Prytherch, yeah.

Q. I do apologise, Prytherch. Thank you. And the ASIO SIDC-PAV Report--

A. Yeah.

15 Q. --that confirmed what Virkez had said about his contacts with the Yugoslav Consulate?

A. I didn't always agree with the information from ASIO or the Federal Police, the Commonwealth Police.

Q. But it was piling up, wasn't it?

20 A. They seemed to be taking, yeah, a position on it, but I was still uncertain.

Q. More than a coincidence that they confirmed what Virkez had told you on that subject, that more likely than not he was right?

25 A. Perhaps.

Q. That he wasn't leading you up the garden path?

A. Perhaps.

30 HIS HONOUR: Mr Buchanan, these questions seem to be focusing on the pre-committal and committal timeframe--

BUCHANAN: Yes.

35 HIS HONOUR: --at which stage Mr Virkez was just a co-accused.

BUCHANAN: That's right, your Honour.

40 HIS HONOUR: But you're suggesting that there was information that should have been passed on to Mr Virkez's co-accused about Mr Virkez himself.

BUCHANAN: Well, yes, your Honour. But if not at the stage of the committal hearing, then certainly by the stage of the trial in 1980.

45 HIS HONOUR: Certainly that's a different phase when--

BUCHANAN: I take your Honour's point.

HIS HONOUR: --he had a different status.

50 BUCHANAN: Yes.

Q. You could have taken up with Inspector Perrin, couldn't you, to get him to intervene with the CIB to ensure that the defendants in the Croatian Six case were informed of Virkez's--

5 WOODS: Your Honour, when is my friend speaking about, the trial or committal?

BUCHANAN: I'll take your Honour's lead, if I may, and talk about 1980.

10 HIS HONOUR: Thank you.

BUCHANAN

15 Q. You could have in 1980, could you not, have taken up with Inspector Perrin to get him to intervene with CIB to ensure that the defendants in the Croatian Six case were informed of Virkez's true status as an informant to the Yugoslav Consulate?

A. I don't remember what the situation was at the particular time. I think - I simply don't know.

20 Q. Was it the case that you could not take this up with Perrin, nor could you intervene on your own account, because you understood that Perrin had made a decision that that information was to be concealed?

A. No. I don't think that was the case at all. I don't think that was the case.

25 Q. Had you received any sort of message, or nod or a wink, from Mr Perrin that indicated that Virkez's true status was not to be revealed?

A. No.

30 Q. I'm going to change the subject again, Mr Jefferies.

EXHIBIT 8.1, RED PAGE 1, SHOWN TO WITNESS

35 Q. This is a document, Mr Jefferies, that was apparently contained in a court file relating to the prosecution of Mr Stipic, and you can see that it's headed, "Brief antecedence relative to Joseph Stipic born on 15.8.56".

A. Yep.

40 Q. Just reading the information to yourself - all of it is on the screen in front of you.

A. Yeah.

Q. Do you know who was responsible for creating this document?

A. No I don't actually.

45 Q. You'd accept that--

A. I don't remember it.

50 Q. --it appears that all the information came from a source or sources in Special Branch?

A. Probably, yeah.

Q. Do you know who was responsible for creating the document?

A. No. Have you got a date for the--

5

Q. No.

A. It might have been me. I don't know. It sort of rings a bell with me, but I can't be sure.

10 Q. Might you have been asked to provide what information you could in relation to Mr Stipic's background for the purpose of use in the criminal proceedings against him?

A. I don't remember.

15 Q. Sorry, if I didn't make it clear, the criminal proceedings in 1979.

A. I don't really remember it. As I say, I could have written it, but I'm not sure. I don't know why I'd write that, "Brief antecedents". I don't know.

20 Q. Changing the subject again. On the night of 8/9 February 1979 you told us you were moving around the third floor of CIB. Did you see Mr Stipic?

A. No, I don't believe I did.

Q. Did you see Detective Sergeant Wick?

A. Wick?

25

Q. Wick.

A. No, I--

Q. Peter Wick.

30 A. No, I don't know - I don't remember a Peter Wick.

Q. Do you remember a Detective Senior Constable Harvey?

A. Rod Harvey, yeah, I remember him.

35 Q. Did you see him on that night?

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

Q. Did you have any conversations with either of those men about Stipic that night?

40 A. No. Not that I remember.

Q. Did you have conversation with any CIB detective about Stipic that night, apart from talking to Morey before the raids occurred?

A. No, not that I recall.

45

Q. The Inquiry has a witness statement from Mr Perrin, Exhibit 11.142, red page 1399, where he is recorded as saying, at paragraph 4, that he saw various of the accused brought to CIB that evening, and he worked with Morey on, "administrative matters concerning the arrests of the defendants".

50 A. Yes.

Q. Can you tell us what Mr Perrin did that night after the accused were brought back to CIB. Did or said?

A. No, I - he was there - he was there with Mr Morey. They were the officers-in-charge. No, I really can't tell you what they did.

5

Q. Do you remember whether Inspector Perrin's appeared to be speaking with any of the CIB detectives who had brought suspects back from the various raids?

A. No, I can't tell you.

10

Q. Plain Clothes Constable McNamara--

A. Yeah.

Q. --he was there present on that floor that evening after the raids were over?

15

A. Can't remember.

Q. A Constable Millingen?

A. I can't remember whether he was there or not.

20

Q. He was Special Branch?

A. Yeah, he was for a short while, yeah.

Q. Detective Helson?

A. Colin Helson, yeah.

25

Q. Did you see him on the floor that night after the raids were over?

A. I can't remember.

Q. Detective Senior Constable Krawczyk, did you see him on the floor after the raids were over?

30

A. I really can't remember the night to tell you the truth.

Q. Detective Senior Constable Crothers, did you see him on the floor?

A. Who?

35

Q. Crothers. C-R-O-T-H-E-R-S. Crothers.

A. Detective Sergeant Crothers. Crothers. I don't know.

Q. You don't remember whether you saw him?

40

A. No, I don't remember it.

Q. What were the Special Branch detectives who were there, doing there?

A. Well, some of us had accompanied the CIB detectives on the raids, so as to be able to identify, visually identify, the people.

45

Q. Yes?

A. And came back to the CIB. Was about it.

Q. Isn't the most likely thing that they were doing apart from going through property that had been brought back from the raids--

50

A. Yeah?

Q. --that was lying around the floor--

A. Yeah?

5

Q. --was providing intelligence about the suspects to various of the CIB detectives who were assigned to deal with them?

A. No, not really, because they wouldn't have had the knowledge. They wouldn't have had the knowledge of the - of the Croatians. Special Branch was split up into sections--

10

Q. Yes, you told us.

A. --and we all worked on different sections, so the - the other - other detectives didn't really have much knowledge.

15

Q. But every single one of those, Perrin, McNamara, Helson, Krawczyk--

A. Yeah.

Q. --Crothers - spelt with an "O"--

20

A. Yeah.

Q. --had seen if not been involved with various of the suspects--

A. Yeah.

25

Q. --historically--

A. Yeah.

Q. --by attending demonstrations?

A. They'd seen them at demonstrations, yeah.

30

BUCHANAN: I note the time, your Honour.

HIS HONOUR: Thank you, Mr Buchanan. Mr Jefferies, we'll continue this at 9.30 tomorrow.

35

WITNESS: Thank you, sir.

<THE WITNESS WITHDREW

40

ADJOURNED PART HEARD TO TUESDAY 24 SEPTEMBER 2024 AT 9.30AM