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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 THIRTY-SECOND DAY: WEDNESDAY 25 SEPTEMBER 2024

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

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<VICTOR RAYMOND JEFFERIES, ON FORMER OATH(9.35AM)

<EXAMINATION BY MR BUCHANAN

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Q. Mr Jefferies, I'll just revisit something that you have told us. That you found out from Virkez on 10 February that he had another name, Vitomir Misimovic?  
A. Vitomir Misimovic, yeah.

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Q. Having regard to the message from Sergeant Prytherch that had been received on 8 February about a call by a man called Misimovic to the Yugoslav Consulate, by the time you were driving to Lithgow on 10 February wondering whether Virkez was Misimovic?  
A. Oh, no, I don't think so.

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Q. Was there any particular reason why not?  
A. Oh, I really don't remember.

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Q. Turning to the information about Virkez having contact at the Consulate, if you take a combination of the message from Sergeant Prytherch that you had by the end of 8 February, and then the information that Mr Virkez provided to you on 10 February, there was a question, wasn't there, as to whether Mr Virkez had a pre-existing relationship with an officer of the Consulate in Sydney?  
A. I don't remember.

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Q. You told the Inquiry, Day 10, page 711, that you were aware that two or three of the officers of the Consulate in Sydney were intelligence officers?  
A. That's what I've been told, yes.

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Q. In the context of what Mr Virkez told you on 10 February, the message from Sergeant Prytherch raised a question of whether Virkez had a motivation to do what he did on 8 February, other than as a disaffected bomb-plotter, didn't it?  
A. I don't remember. I don't know.

45

Q. It raised a question, didn't it, as to whether he had a motive to setup, to frame, the men who comprised the Croatian Six, in the interests of the Yugoslav Intelligence Service or the Yugoslav government more broadly?

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A. I don't remember, but that was always a - that was always a consideration in all of my dealings with Croats and Yugoslavs.

Q. I'm sorry, could you just say that a bit louder.

A. You were never sure who was who and who was - who was doing what for what reason.

5 Q. In this sphere?

A. In that sphere.

Q. You reported the contents of the Prytherch message to Inspector Perrin on 8 February?

10 A. I think it might have been the other way around. I think Mr Perrin would have probably got that before I got it.

Q. You have told us before that you reported it to Inspector Perrin, but--

15 A. I certainly discussed it with him.

Q. What is it that makes you posit a different proposition that Inspector Perrin raised it with you?

20 A. Well, messages would normally come - would normally go to Mr Perrin before it went to anybody else.

Q. Except that this, according to your occurrence pad entry of 12 March--

A. Mm-hmm.

Q. --was a message left for you.

25 A. Yes.

Q. Which suggests that in the normal course you would follow up the message to find out what it was--

30 A. Yep.

Q. --and given the nature of its contents, you would have taken it up with Inspector Perrin?

A. Yes, that'd be right.

35 Q. Were the contents of Sergeant Prytherch's message disseminated to anyone other than Inspector Perrin and Detective Senior Constable Krawczyk?

A. I don't know. I can't say for certain.

40 Q. Was a record made of Sergeant Prytherch's message beyond the occurrence pad entry?

A. I don't know.

Q. Do you have a memory of ringing Sergeant Prytherch to discuss it with him?

45 A. I think I may have, yes.

Q. Did you discuss the contents of his message with anyone else from Commonwealth Police?

50 A. I can't be sure but I may have spoken to a - I can't be sure but I may have spoken to Sergeant West.

Q. Are you able to say whether as at 8 February Sergeant West was still working on Croatian matters as far as you were aware?

A. No, I can't say with any certainty, but that was his special field.

5 Q. There was a Commonwealth Police officer named Blades--

A. Yeah. He worked--

Q. --Detective Blades?

A. He worked with West.

10

Q. By the time you had finished speaking with Mr Virkez at Lithgow on 10 February, isn't it the case that Special Branch needed to know whether, despite his denial to you on 10 February, that he was with UDBa, Sergeant Prytherch, whether Virkez was functionally in effect an agent of the Yugoslav Intelligence Service?

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A. Yes.

Q. You needed to know that, or Special Branch needed to know that--

A. Yes.

20

Q. --because it was relevant to the authenticity of Virkez and the information he'd provided?

A. Yes.

25

Q. If there was a doubt about it then CIB needed to be told?

A. Yes.

Q. Changing the subject slightly, you told Counsel Assisting - Day 10, page 6498 - that you couldn't recall discussing Virkez with some of your ASIO contacts?

30

A. That's correct, yes.

Q. Thinking of information flowing the other way, from ASIO to Special Branch--

35

A. Yep.

Q. --however, there was the ASIO report to the SIDC-PAV of 28 February 1979 of which an extract has been shown to you--

A. Yes.

40

Q. --about Virkez?

A. Yes.

Q. You told Counsel Assisting - Day 10, page 650 - that you would have seen it shortly after it was produced?

45

A. I probably would have, yes.

Q. I'm happy to put it up on the screen if it would assist, but can I just read to you an extract from it at paragraph 34 of the report. I do apologise, yes, Exhibit 9.1-21. Perhaps it should go up on the screen. You can see that the

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heading is "Arrest of Extremists in New South Wales"?

A. Yep.

Q. Paragraph - what amounts to 32 talks about the arrests--

5 A. Mm-hmm.

Q. --the searches--

A. Mm-hmm.

10 Q. --the explosives found and the police allegation as to what the men planned to do?

A. Yep.

15 Q. Paragraph 33, five of those arrested were members of the HRS, a militant nationalist movement dedicated to the overthrow of the Yugoslav government et cetera. Can I take you to the next paragraph, please, paragraph 34. One of those arrested was to act as driver for those involved in the proposed bombing operation?

A. Yep.

20

Q. Pausing there, you reading that understand that to have been a reference to Virkez?

A. I don't remember.

25 Q. I'll have to find material--

A. If we go on a bit further--

Q. --that indicates that but--

A. Yes.

30

Q. --if you could assume--

A. Yeah.

Q. --for a moment that there was information to that effect--

35 A. Yeah.

Q. --the paragraph continues--

A. Yep.

40 Q.

45 "For a period of at least six months prior to the arrest, that person also acted as an informer on Croatian Nationalist activities to a person suspected by ASIO of being an intelligence official attached to the Yugoslav Consulate-General in New South Wales. Some hours before his arrest that person contacted officials at the Consulate-General and passed them detailed information about the proposed bombings."

A. Yes.

50

Q. This paragraph that you would have read shortly after it was produced; that is, shortly after 28 February 1979--

A. Mm-hmm.

5 Q. --suggested that at least at the time that Mr Virkez told Lithgow Police about this alleged Croatian bomb plot--

A. Mm-hmm.

10 Q. --he was an informant of an officer of the Yugoslav Intelligence Service. If not, in fact, working for them?

A. Well, he wanted to be. He wanted to be. He approached the Consulate - to my understanding, he approached the Consulate, and he was refused.

15 Q. If he had, for a period of at least six months prior to the arrests, acted as an informer to a person suspected of being an intelligence official, functionally he was an agent for the Yugoslav Intelligence Service, wasn't he? Assuming the correctness of that sentence.

20 A. My understanding is that he approached the Consulate, offered his services and was refused. Whether he continued to supply them with information as it is, is a different matter to being an agent. He just became an informant. A casual informant, perhaps. It's not the same as being an agent.

25 Q. In your scheme of things, what is the functional difference between an "informant" and an "agent"?

A. Well, an agent is a - you might term an "agent" as an employee. An "informant" is just a casual person that passes information. I mean, if you go to the police station and tell them there's an accident down the road, you're an informant.

30

Q. Have you never heard of a person working for a foreign intelligence agency for free?

A. Yes.

35 Q. Nothing?

A. Yes.

Q. Because they have their own motive to serve?

40

A. Well, they've got their own motives, yes.

Q. Such a person, notwithstanding the fact that they're not paid, can functionally be an agent, can't they?

A. Well, yes. Of course.

45 Q. You told the Inquiry that after talking with Mr Virkez on 10 February, and after considering the matter, your view was that his information about the bomb plot was genuine information.

A. Yes.

50 Q. Transcript Day 9, page 592. If, as at 8 February 1979, and I'll use your

terminology, Virkez was an informant for the Yugoslav Intelligence Service, if not, in fact, working for them, did this not call into question that veracity of anything you understood he had told police? For example, on 8 February before the raid? Before the raid at Lithgow?

5 A. Well, everything he told me was very carefully considered.

Q. I'm sorry, everything he told?

A. Me.

10 Q. Yes.

A. Was very carefully considered by me.

Q. Yes. We've accepted that.

A. Mm-hmm.

15

Q. The question I am asking you is: logically, what were the consequences of the information that you have about him, and the information that he had given you? Was it not to call into question the veracity of what he had told police? I'm just confining you at the moment to what he had told police at

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Lithgow on 8 February before the raid on his house.  
A. Well, as I say, whatever he told us, or whatever he told me, was always carefully considered. As to the veracity, it was something that we seriously considered.

25 Q. You told us that having considered it, you considered that he was authentic?

A. Yes.

30 Q. And you expressed that opinion to Inspector Perrin, when you could see that he was turning over in his mind--

A. Yes.

Q. --the veracity of this person?

A. Yes.

35

Q. But what I'm putting to you is a different proposition. Wasn't the reason that you had to consider the veracity of Mr Virkez, in light of what you knew about him, an indication that there was the possibility, at least in your mind, later in Inspector Perrin's mind, that the man was telling a pack of lies? That he was setting people up?

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A. Yes. That obviously occurred to me.

Q. The information in the SIDC-PAV report of 28 February 1979 was that Virkez had had much greater contact with the Yugoslav Consulate than he disclosed to you on 10 February; that's right, isn't it?

45

A. I'm sorry, what was the question again?

Q. The information in that report, the SIDC-PAV report--

A. Yeah. Yeah.

50

Q. --was that Virkez had had much greater contact with the Yugoslav Consulate than he disclosed to you 10 February, wasn't it?

A. Yes. But I don't accept what's written there.

5 Q. You don't accept?

A. No.

Q. Could you tell us what you don't accept?

10 A. Well, it was - my information was that he wanted to be an informant, he wanted to be an agent, and the Yugoslav Consulate rejected him, and it just says:

15 "For a period of at least six months prior to the arrests, that person also acted as an informer on Croatian nationalist activities to a person...intelligence official attached to the Yugoslav Consulate-General."

That conflicts with what I understood at the time.

20 Q. I do apologise, could you just say that a bit louder?

A. That conflicts with what I understood to be the case at the time. My understanding was that he'd approached the Consulate-General wanting to be an informer, wanting to be an agent, and they told him to go away. They wanted nothing to do with him.

25

Q. But Virkez had told you that?

A. No. He didn't tell me that. That came from another source.

Q. Who did that come from?

30 A. It came from ASIO.

Q. When did you receive that information?

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

35 Q. In what form did you receive that information from ASIO?

A. I think it was verbally. I think it was verbally. I can't be sure. It was--

Q. As best as you can--

A. Yeah.

40

Q. --and I appreciate you won't be able to give us a date--

A. Yeah.

45 Q. --but in terms of the timeline of the events we've been talking about, when was it?

A. I can't - I can't remember. I can't remember. I understood - as I say, my understanding was he approached the Consulate and they told him to go away. They didn't want anything to do with him. The Consulate had their own system and their own people, and they were very, very, very cautious.

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Q. They were very?

A. Cautious.

Q. Cautious, yes. Because they had an intelligence background?

5 A. They had an intelligence system, yeah.

Q. You must have been alarmed to read paragraph 34 of the SIDC-PAV report, because it was at odds with the information you say you received from ASIO yourself?

10 A. I wasn't alarmed. I just - I often just - I often disagreed with the information in these reports.

Q. Did you do something about it?

A. No.

15

Q. You didn't contact your contact at ASIO and say, "Hang on a sec. There's this SIDC-PAV report which says something different from what you told me."

A. No. But I think I may have discussed it. Whether they raised it with me verbally - I know - I'm pretty sure we had a discussion about it.

20

Q. When you say, "it", do you mean the contents of paragraph 34?

A. Yes.

Q. What was the outcome of that discussion?

25 A. Just a general agreement to disagree, I think. These reports often contain wrong information. They were compiled by somebody not connected in the field, and they often came out with statements that weren't quite correct.

Q. The information commencing in the second sentence of paragraph 34 stipulates a period, a minimum period of six months prior to the arrests that Virkez--

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A. Yeah.

Q. --had also acted as an informer, et cetera.

35

A. Yeah.

Q. It suggests that the person who was writing it had a basis--

A. Yep.

40

Q. --for writing it.

A. Well, it would suggest that, wouldn't it.

Q. Did your ASIO contact indicate that there was technical data upon which ASIO was able to base this--

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A. No.

Q. --opinion?

A. No.

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Q. You say, do you, that SIDC-PAV report, you discard it as being information

that you didn't regard as being of any use?

A. No. I didn't discard it.

5 Q. Maybe I should make myself clearer. Are you saying, are you, that after speaking with your ASIO contact about paragraph 34 of the report, you discarded it as being information of no use?

A. No. I didn't discard it completely. It was information that had some value.

10 Q. It didn't cause you, in combination with the information that you had received from Mr Virkez and your assessment of him, as strange to revisit your view that Virkez's information about the bomb plot was genuine?

A. No.

15 Q. Did you convey the gist of paragraph 34 to Sergeant Turner at any time?

A. (No verbal reply)

20 Q. In as much as, "We have some information which is a bit different to the information I reported in that report I showed you". You might have even said, "It's information from ASIO, but I talked to somebody about it and we're discounting it"?

A. I may have, but Sergeant Turner was talking to ASIO independently of me.

Q. And how did you know that?

25 A. Because I - I saw ASIO - ASIO agents talking to Sergeant Turner at the CIB.

Q. Do you know whether Sergeant Turner would have seen paragraph 34 of the SIDC-PAV report?

30 A. I don't know.

Q. Can I take you to another document now, please? Exhibit 10.3-97? This is another ASIO document that I'd like to take you to, please? 348, it's got at the bottom.

35 EXHIBIT 10.3-97 SHOWN TO WITNESS

40 Q. I don't need to take you to that document, Mr Jefferies, I've taken down a wrong reference number to the document I want to take you to, and I might see if I can come back to it before you've finished giving evidence. Can I turn to the Yugoslav Intelligence Service? In the period you worked on the Croatian community at Special Branch, apart from being aware of suspicions and rumours, did you ever do any work on the Yugoslav Intelligence Service? And I don't mean counter-intelligence, I mean efforts to identify potential sources of conflict, violence, in New South Wales or misinformation originating from the Yugoslav Intelligence Service?

45 A. Yes.

50 Q. Were you, in the period you worked on the Croatian community, aware of reports that the Yugoslav Intelligence Service operated in a number of countries that had Croatian émigré communities?

A. Yes.

Q. And did you ever receive information on what were believed to be the activities of the Yugoslav Intelligence Service in a foreign country?

5 A. Yes, I believe I did.

Q. In the period you worked on the Croatian community for Special Branch, you were aware, were you, that reports that the Yugoslav Intelligence Service carried out violent activities in some of those countries, for example, the assassination of Bruno Busic in Paris in late 1978?

10 A. Yes.

Q. And you're aware that a former UDBa agent, Vinko or Virko Sindicic, was arrested and prosecuted for that murder?

15 A. I don't remember that, no.

Q. Had you heard during your time at the Special Branch of a person who was understood to be a YIS agent called Sindicic? I might be mispronouncing it, so I apologise if I am.

20 A. No, I - I can't remember that name, no.

Q. In the period you worked on the Croatian community, were you aware of a Yugoslav Intelligence Service modus operandi, in countries with émigré communities of interest to it, to conduct activities which discredited those communities?

25 A. Yes.

Q. And in the period, you worked on the Croatian community, you understood, didn't you, or believed that the Yugoslav Intelligence Service operated in New South Wales in as much as at least there were suspected officials of the Consulate--

30 A. Yes.

Q. --that were intelligence officials?

35 A. Yes.

Q. You've told the Inquiry that you had an understanding in February '79 that Veljko - I apologise if I mispronounce it - Grce--

40 A. Grce.

Q. --G-R--

A. C-E.

Q. --C-E, thank you.

45 A. Grce, Mr Grce.

Q. Was suspected of being a Yugoslav Intelligence Service official?

A. Yes.

50 Q. You met Mr Grce from time to time?

A. Yes, often.

Q. Did you see him at any official Yugoslav function?

A. Yes, I believe I did.

5

Q. Celebration of Yugoslav National Day, for example?

A. Yes. Yes.

10 Q. Did you attend any Yugoslav official function other than keeping an eye on the demonstrators outside?

A. Yes, I did.

Q. You attended as a guest?

A. (No verbal reply)

15

Q. As an invited guest?

A. I - I do believe on some occasions, yes.

20 Q. And you believed, didn't you, the people in Australia sometimes provided information to the suspected intelligence officers stationed, for example, at the Consulate in Sydney?

A. Yes.

25 Q. Did you in the period you worked on the Croatian community for Special Branch ever consider that there was a risk that your work, including intelligence collection, might be contaminated or poisoned or influenced by what the YIS did in Australia?

A. Yes.

30 Q. In 1979/1980, to your knowledge, was consideration given in Special Branch to the prospect that the YIS might seek to frame members of the Croatian community in New South Wales?

A. Yes.

35 Q. Was consideration to that effect given in respect of the things done by and information provided by Vico Virkez?

A. I believe it was considered, yes.

Q. Was it considered in any report?

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A. I can't remember.

Q. Was it considered in the report you gave to Mr Perrin shortly after having spoken to Mr Virkez on 10 February about what Mr Virkez had told you and what you had learned about it?

45

A. I can't remember.

Q. You told the Inquiry - Inquiry transcript, Day 9, page 583 - that when you were talking with Mr Virkez on 10 February, it was obvious he was not being genuine, that he was trying to impress you - Day 9, page 583?

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A. Yes.

Q. You said he told you about - amongst other things - a plan to bomb a huge reservoir at Petersham?

A. Yes.

5 Q. Transcript page 585. And plans to murder about ten people?

A. Yes.

Q. Page 585. While you were listening to Mr Virkez telling you these things, did it pass through your mind that this sounds lunatic?

10 A. No.

Q. It didn't pass through your mind that Virkez might be confabulating? Might be making things up in order to impress you?

A. Yes, it did.

15

Q. The information that the Croatian Six had been planning to blow up Sydney's water supply and the information that there was a plan to bomb the reservoir at Petersham, took your understanding of measures that Croatian nationalists might consider taking in New South Wales to a level measurably different from, more serious, more severe than the efforts that had been made to draw attention to their cause; would that be fair to say?

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A. Yes.

Q. And murdering about ten people, likewise?

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A. Yes.

Q. Did that not raise a large question mark in your mind about the other claims that he had made to bomb a theatre full of people and to explode bombs at numerous Yugoslav travel agencies? And to murder two leaders of the Croatian community?

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A. Yes.

Q. You tell the Inquiry that you would have considered the question of whether Virkez was engaging in an elaborate set-up?

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A. Yes.

Q. But you decided he was genuine?

A. Yes.

40 Q. Transcript Day 9, page 592. It seems something of a contradiction - can I put this proposition to you and invite your response - in what you thought about Virkez, having told the Inquiry that you thought when you were talking with him on 10 February, that he was not being genuine?

A. Yes.

45

Q. How do you reconcile that contradiction?

A. (No verbal reply)

Q. Or how did you reconcile that contradiction, is perhaps the question I should actually ask you?

50

A. I think he provided more details. He was more specific in what he was telling me.

5 Q. So did he go into details about the plan to bomb the reservoir at Petersham?

A. Well, he - well, he talked about why they would do it and where it was, and where it was situated, and the damage it would cause it. He seemed - he seemed to know what he was - what he was talking about. He just didn't talk about the reservoir at Petersham--

10

Q. Didn't--

A. --he - he--

Q. I'm sorry, go on?

15

A. --knew where it was and how it was - it's quite - do you know the reservoir?

Q. Well, I'm asking you--

A. It's quite - it's quite a distinctive - quite a distinctive building.

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Q. Certainly?

A. And he's - it struck me that - he obviously knew what he was talking about in that regard.

Q. All that meant, surely, was that he had thought about this in some detail?

25

A. Well, perhaps so.

Q. Because you haven't told us that he said, "Oh, Nekić was going to do this and Zvirotić was going to do that, and we had the meeting where we talked about it at Brajković's place" or anything like that--

30

A. No.

Q. --on your account? All the details that you've just told us about mean is that he, Virkez, had thought about it deeply?

A. Yes.

35

Q. It will still remain the case when thinking of reasons to give you and Special Branch pause before acting on what Virkez alleged, that he said he was a member of Croatian Republican Party which was not something that, despite your experience with that entity, you were able to confirm?

40

A. Yes.

Q. I want to suggest to you that the contradiction that I've suggested that existed between your understanding of Virkez and your assessment of his genuineness on the one hand, with the nature of the information he was providing and your understanding of that, was resolved by a decision that the main game for NSW Police was rolling up the Croatian Republican Party?

45

A. No.

Q. Locking up the people who'd been arrested?

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A. No.

Q. That the decision was made that the priority was to get them locked up, not properly investigate these allegations?

A. No.

5 Q. I just want to be clear about something and we did talk about this yesterday, but you don't have a memory of having talked to Detective Sergeant Marheine on 10 February after you'd spoken to Mr Virkez and saying, "Look, this man's just given me information that is different from, more serious than, the information I understand that he gave Lithgow Police earlier"?

10 A. No, I don't have a memory of that at all.

Q. It does seem strange that you wouldn't have told the police investigating Virkez what Virkez had told you about the plots?

15 A. I'm not saying I didn't. I'm just saying I don't remember doing it. I probably did but I can't remember it.

Q. You see there's nothing to indicate that Sergeant Marheine took any such information if you had given it to him, and taken Mr Virkez out and put him in front of a typewriter and said, "We're going to do a fourth record of interview now because I've got some fresh information, and I want to put it to you." Nothing like that is before the Inquiry?

20 A. No.

Q. Which suggests that you didn't tell Sergeant Marheine what you tell us Mr Virkez told you about these targets for murder and bombing, in your conversation with him on 10 February, doesn't it?

25 A. No, not really.

Q. It would have been a dereliction of Sergeant Marheine's duty, having been given that information by another police officer, who knew what he was talking about, who had just been talking to Mr Virkez, to endeavour to get this on the record?

30 A. No, I don't think so.

35 Q. I want to talk about the decision-making processes in Special Branch, particularly with Inspector Perrin, but also with Sergeant Turner in CIB on this subject, that it would have been very difficult to abandon Virkez by 10 February as the NSW Police informer on the Croatian Six for the following reasons: police had charged the men who had been arrested with various offences; correct?

40 A. Correct.

Q. The evidence before the Inquiry is that after 8 February there was considerable publicity in the media about bombs and explosives having been found, and about the arrested men having plotted to explode bombs and kill people?

45 A. Yes.

Q. If police decided, with the benefit of your information about what Virkez had told you on 10 February, that it doesn't look as if we really can rely on this man

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Virkez, he's too strange, police would have been in a little bit of difficulty. It would have blown a hole through the police case, as you understood it, because Virkez was the source, the instigator, the catalyst for everything that occurred from the afternoon of 8 February onwards?

5 A. Yes.

Q. If Mr Virkez was abandoned as being a reliable witness, if the charges had been withdrawn, police would have looked very silly having regard to the publicity that had been broadcast around Australia, about what NSW Police had achieved in terms of locking up these terrorists?

10 A. Yes.

Q. Was that a factor in the thinking of Mr Perrin as you understood it, when he decided, as you understood it, to run with Virkez notwithstanding the issues about his veracity on which you reported?

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MCDONALD: Your Honour, I object. I don't quite understand the reference to the decision of Mr Perrin to run with Mr Virkez.

20 HIS HONOUR: It was really the CIB officers who were running with the prosecution on the police side of things.

BUCHANAN: I'll withdraw that question.

25 Q. Mr Perrin, you've told us, appeared to you to consider the question of the authenticity of Mr Virkez and the information he'd provided; is that right?  
A. I'm sorry what was the question?

30 Q. Sure. I think you told us in April that having taken your report to Mr Perrin, or given it to him in advance and then gone in and spoken with Mr Perrin, shortly after the 10th, likely 11 or 12 February, you could see that Mr Perrin was troubled - considered the question had some doubts about whether Mr Virkez was authentic, in other words, whether what he was saying was true or not? You tried to urge Mr Perrin to the opinion that Virkez was authentic and you believed you succeeded in that. Is that a fair summation of the evidence you've given us about--

35 A. Yes.

40 Q. --what happened in response to your report, and what happened after talking with Mr Perrin?  
A. Yes.

Q. It was the job of Special Branch to collect political intelligence--  
A. Yes.

45

Q. --and to share it with CIB, where appropriate?  
A. Where appropriate, yes.

50 Q. Here, there was an ongoing criminal investigation into the information that had been supplied by Special Branch on 8 February?

A. Yes.

5 Q. If Mr Perrin had decided we've got problems with Virkez, he won't be able to be relied upon, CIB need to know that, he wouldn't have kept that to himself, would he? He would have, as you understood his role, taken it to CIB and shared that opinion with them and given them the reasons?

A. He would have, yes.

10 Q. That didn't happen as far as you know?  
A. Not as far as I know, no.

15 Q. The decision Mr Perrin made as you infer from what happened after that conversation with Mr Perrin on 11 or 12 February, was that Mr Perrin had decided, "No, there's no reason to intervene in the ongoing criminal investigation. CIB, as far as I'm concerned, can continue to use Mr Virkez as an informer"?

A. Yes.

20 Q. Indeed can - don't have to withdraw charges against anyone including Mr Virkez?  
A. Yes.

25 HIS HONOUR: I'm a little bit unclear as to this, in that whilst he might have been the initial source of information, he wasn't an informer in terms of being an informer/witness for the prosecution until some significant time later, so there was no question of relying upon him as a credible witness, at least in the first 12 months or so.

30 BUCHANAN: Can I perhaps explore that to see how far I can take it with the witness?

HIS HONOUR: Yes.

35 BUCHANAN

40 Q. Mr Jefferies, when you had your discussions with Sergeant Turner over the months from February through to the end of the committal hearing, towards the end of December and then into early 1980, was anything ever said about whether it would be desirable to have Mr Virkez as a witness for the Crown, to give evidence for the Crown, against the Croatian Six?

A. No, I don't remember anything about that.

45 Q. Nothing was said by Mr Turner to indicate that he had thoughts about it would help the case, it would strengthen it, if the person who was an informer told the Court that was trying the Croatian Six what he told police?

A. Oh, Sergeant Turner wouldn't have discussed that with me.

50 Q. He never discussed with you what you thought of the idea of trying to get Virkez--

A. No.

Q. --to give evidence for the police?

A. No.

Q. To the Crown?

5 A. No.

Q. I asked you questions yesterday, transcript page 2476, about your knowledge of the Chetniks.

10 A. Chetniks, yes.

Q. Can I ask you now about another organisation. I've told you about the Four Corners broadcast in August 1991--

A. Yes.

15 Q. --where the journalist Chris Masters interviewed, as he was calling himself then, Mr Misimovic.

A. Mm-hmm.

Q. You said you didn't see that?

20 A. No. I never saw it.

Q. Can I ask, in 1991, what was your status in relation to say the Police Force?

25 A. I was out of the Police Force.

Q. Were you living in New South Wales?

A. Yes.

30 Q. Did you read, or have your attention drawn, to a print interview in the Sydney Morning Herald, also in August 1991, written by another journalist, a Paul McGeough?

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

35 Q. He spoke in an interview of the man, Misimovic, and of talking to him, himself, and learning things similar to what Mr Misimovic was recorded on tape as telling Mr Masters. You didn't see a Sydney Morning Herald article?

A. No. No, I don't believe I did.

Q. Can I take you back then to the Masters interview of Misimovic.

40

EXHIBIT 13.5-1, RED PAGE 31-1, SHOWN TO WITNESS

45 Q. In the Four Corners interview, if you listen to it, in response to this question, "When you were in Australia, what political organisations, if any, did you belong to, secret or otherwise?" And Virkez said, "Well, I was belonged to Black Hand."

A. Mm.

Q. Did you ever have an understanding of what the Black Hand was?

50 A. No. There was an Italian Black Hand.

Q. An Italian one?

A. Mm.

Q. Yes?

5 A. But I - no, I - I did hear the phrase, I've heard the phrase, but I've got no knowledge of what that was about.

Q. You didn't hear of it in the context of internecine Yugoslav politics? That is to say, between ethnic groupings?

10 A. No. I don't believe so.

Q. Can I take you to the second conversation that you had with Sergeant Turner about the report you had written for Inspector Perrin, a copy of which you had shown him previously.

15 A. Mm-hmm.

Q. I think you say that on the second meeting where that was discussed, there was an actual discussion. As in, Sergeant Turner asked questions; you gave him information. Amongst other things, you explained to him your understanding of Yugoslav politics 101.

20 A. Yep.

Q. In your report, you would have indicated for Sergeant Perrin's benefit, the reasons for your concerns about the authenticity of Virkez, arising from your conversation with Virkez on 10 February.

25 A. Probably so, yes.

Q. Well, that would have been important, wouldn't it?

A. It would have been, yes.

30

Q. To a decision that your officer-in-charge was going to make--

A. Yes.

Q. --about what should be done with that information.

35 A. Yes.

Q. Sergeant Turner would have read that same information?

A. I believe so.

40 Q. Was there any discussion with Sergeant Turner on the second occasion that you spoke to him about the contents of your report to Inspector Perrin of reasons to consider whether the information then supplied by Virkez, or whether Virkez himself, was a false flag operation?

A. I don't remember.

45

Q. You would have ascertained though, as a result of these discussions with Sergeant Turner, of the basic issues in internecine Yugoslav politics, that he was aware of the significance of Virkez being Serbian but masquerading as Croatian.

50 A. Yes. I believe so, yes.

Q. It would have been in your report that Turner read that it appeared to you that Virkez had an agenda in supposedly informing against the Croatian sector?

A. Probably so, yes.

5

Q. You'd agree, wouldn't you, that if Virkez had an agenda, then there was a risk that in pursuit of that agenda he might twist the truth?

A. Yes.

10

Q. Was it your intention, amongst other things, amongst other reasons, in speaking with Sergeant Turner on this second occasion about, amongst other things, the contents of your report, that you wanted to make sure that CIB understood the risks of relying on Virkez?

A. Probably so, yes.

15

Q. Your assessment was, having regard to Virkez's activities and the role he was playing of being an informant and a defendant at that stage, that CIB needed to know about this, to take whatever steps, if any, they thought desirable or necessary in--

20

A. Yes.

Q. --dealing with Virkez and his information.

A. Yes.

25

Q. Can I just ask you a different question now. You had more than two conversations with Sergeant Turner after 10 February--

A. Yes.

30

Q. --but they weren't all necessarily about what Virkez had told you on 10 February; is that right?

A. That's correct.

Q. What was your involvement in the preparation of the matter for Court, if any, beyond your conversations with Sergeant Turner?

35

A. I believe I compiled a - I believe I compiled a report, a statement. I think it was a lengthy statement.

Q. We've seen that. The one that commenced on 9 February 1979.

A. Yep.

40

Q. It has matters relating to Ashfield and Zvirotic--

A. Yeah.

45

Q. --and then at the end of those, you go into the historical matters, which included the conversations with Mr Brajkovic--

A. Yep.

Q. --in 1976.

A. Yep.

50

Q. So certainly you had to do that?

A. Yeah, I did that.

Q. And provide it to Detective Jameson or Sergeant Turner or whoever?

5 A. Sergeant Turner, yeah.

Q. Did you liaise for CIB with any witnesses who were to give evidence in Court?

10 A. No. I don't believe so. I don't believe - I can't remember, but I don't think so.

Q. Did you ever talk to Mr Virkez after 10 February 1979?

A. No. Not that I remember.

15 Q. You didn't go to a gaol to see him?

A. No. I never went to a gaol.

Q. You didn't see him in the cells underneath the Court at any stage during the trial in 1980, or did you?

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

Q. Thinking now of the night of the 8th, 9 February 1979, did you take part in a conference with other detectives that night? A meeting or a debriefing?

25 A. What happened on that occasion? I can't remember.

Q. That's okay. 8 February was when the raids occurred.

A. Right.

Q. And you'd been involved in the raid at Ashfield--

30 A. Yep.

Q. --and you'd told us you came back to CIB after that raid.

A. Yep.

35 Q. And there were other Special Branch officers there. You remembered, at least vaguely, Detective Inspector Perrin--

A. Perrin was there.

Q. --being present.

40 A. Yep.

Q. And there were CIB detectives there--

A. Yep.

45 Q. --and you, I think, and tell me if I'm wrong, thought it was possible that you had talked to one or more of them--

A. Yep.

Q. --providing information that you had about an arrestee or arrestees.

50 A. Yes. I probably did.

Q. Of the people there, the people who had the most information about the arrestees, were you and Perrin?

A. Yep.

5 Q. And of the people there, the people who had the most information about the Croatian Republican Party--

A. Yep.

Q. --were you and Inspector Perrin.

10 A. Yes.

Q. You'd been a detective for long enough to understand that if a suspect is to be interviewed, it is best practice for the detectives undertaking the interview to be armed with as much intelligence about the person they're interviewing as possible.

15

A. Yes. Yes.

Q. Did you, however, take part in a different sort of meeting with possibly Sergeant Webster and the rest of the team that went to Chandos Street, Ashfield to review what the evidence should be as to what had happened there?

20

A. I can't remember, but we - we certainly would have discussed it, yes.

Q. As you sit there now, have you heard the term "scrum down"?

25

A. No.

Q. Okay--

A. Only in - only in rugby.

Q. You haven't heard the term used in relation to police having a meeting after an incident in which they'd been involved and working through the events involved in the interview and deciding upon their version of those events that should be the subject of their evidence?

30

A. I've never heard it referred to as such.

35

Q. Did you ever see a screed or other document as to what the events were that occurred at Chandos Street on the night of 8 February, and maybe also subsequently at CIB, so far as they related to Mr Zvirotic?

A. A screed?

40

Q. Yes, but I'm not wedded to the term, a narrative--

A. Yeah--

Q. --a timetable?

45

A. No, I can't - I can't say I did. I can't - I - I don't remember seeing one, I don't think.

Q. Was Detective Sergeant Jameson a person who took a lead role in the compilation of the statements for the brief of evidence--

50

A. He was a - he was a senior constable.

Q. Right?

A. Yes, he - he was prominent. He was prominent in the inquiry, yes.

5 Q. Do you know whether he prepared a narrative or a timetable, typewritten or handwritten, about the events of the night?

A. No, I - I - I don't remember. I don't remember that.

Q. Could the witness please be shown Exhibit 11.50A-12, red page 229?

10 EXHIBIT 11.50A-12 SHOWN TO WITNESS

Q. Could we go to red page 230, please? 229-23? No, it's after 229-24, I apologise. Now, looking at the top, you can see that's headed, "Summary of events re the arrest of Joseph Kokotovic, Ilija Kokotovic and Mile Neki  
15 at" - and it has an open parenthesis symbol, but that on a typewriter, I think, is above the numeral 9 - "Livingstone Street, Burwood on Thursday, 8 February 1979"; do you see that just at the top there - I'm not asking you to read the whole thing - but the nature of it is--

A. Yeah.

20 Q. --is that, it's a timetable of events?  
A. Mm-hmm?

Q. And if we could go to the bottom of the page, please? And then, to  
25 page 229-25? Just the second page of that document?

A. Mm-hmm?

Q. And you see that it continues in what could be called a timetable or--

30 A. Yep.

Q. --chronological narrative form. And--

A. Mm-hmm?

Q. --it says that at 3am, police conclude duty. And then, at 8am, police  
35 resume duty?

A. Mm-hmm.

Q. And then, it has events after 8am--

40 A. Mm-hmm.

Q. --two events?

A. Mm-hmm.

Q. And that's all in relation to that document. Can I show you another  
45 document, please? Exhibit 11.89?

EXHIBIT 11.89 SHOWN TO WITNESS

Q. This is dated 9 February?

50 A. Mm-hmm.

Q. It says at - it's the Armed Hold Up Squad office, and it's headed, "Timetable of events and notes in relation to the arrest of Brajkovic", and if we could scroll through this, please? Can you see it's in very similar format?

A. Yep.

5

Q. As to what happened and what police did--

A. Mm-hmm.

Q. --what Brajkovic said, what people said to Brajkovic?

10

A. Mm-hmm.

Q. And going down to the next page, please? "At this stage, Helson turned the spot in his vehicle on Brajkovic and he was searched", it's at the top of the next page, and it continues on in like manner.

15

A. Mm-hmm.

Q. "Harding informed Wilson of what had taken place outside and showed him the white plastic bag and contents. Harding then left the room and said to Brajkovic"; can you see that at the bottom of the page?

20

A. Mm-hmm. Mm-hmm.

Q. Continuing onto the next page, please? And "Harding returns Brajkovic to lounge room where he is left with Bennett and Morris".

A. Mm-hmm.

25

Q. Bennett and Morris are police officers. Continuing down to the bottom of that page, please? So it says what each officer did and what--

A. Yeah.

30

Q. --a number of nominated people did or what was done with them?

A. Yep.

Q. Turning to the next page, please, 1290? It refers to a record of interview being commenced and concluding?

35

A. Yep.

Q. Gives the times for that.

A. Yep.

40

Q. And then, it tells the reader what various detectives did in terms of moving around the CIB--

A. Mm-hmm.

Q. --that night. At the completion of the interview, if we could keep going, please, then there is more conversation--

45

A. Yep.

Q. --between Wilson and Brajkovic, and it continues on. And if we could go down to the bottom, to page 1291, please? Then, after two events at 2am and 2.30am, it says, "At 3am, off duty", just like the previous one did?

50

A. Yep.

Q. Then, it says, "At 8.30am, notes recommenced and completed". And could I just ask you to note back-up page - the item at 2.30am?

5 A. 2.30?

Q. 2.30am.

A. Yep?

10 Q. It records being present when the notes are typed. Amongst others, Detective Helson and Detective Krawczyk?

A. Helson, Harding, Bennet, Morris, Helson and Krawczyk; yep?

Q. So two Special Branch officers took part in this exercise?

15 A. Yeah.

Q. And a difference between this narrative document and the other one about the raid at Burwood is that this one is signed by the senior officer leading the raiding team and--

20 A. Yeah.

Q. --the person who told us he typed this--

A. Yeah.

25 Q. --Detective Harding. So are you aware of whether any document like that were - or like those two documents was compiled in respect of the raid at Chandos Street, Ashfield?

A. No, I'm not.

30 Q. Were you asked to take part but unable to in an exercise of compiling such a document in relation to the raid on Ashfield?

A. No, I wasn't.

35 Q. Did you take part in any meeting at CIB after February that was convened to check on the evidence that detectives were going to give in the committal hearing or in the trial?

A. I don't remember. I don't think I did, but I can't remember, I can't be sure.

40 Q. You can't remember being asked to attend a meeting at CIB and taking a copy of your statement over with you for review of people's statements at a meeting that might have been led by Sergeant Webster?

A. No, I can't remember.

Q. You've heard the expression, "Load up" before, haven't you?

45 A. Yes, I have.

Q. And you know that it means to give evidence which is false that a suspect has illicit items in their custody, in their possession?

A. Yes.

50

Q. Were you ever aware of any police officer loading anyone, any suspect, up in your career as a police officer?

A. No, I had no personal knowledge, no.

5 Q. When you say, "no personal knowledge", had you heard of it occurring from other police officers?

A. Yes.

Q. What had you heard on that subject?

10 A. As you say, it was alleged that police loaded up criminals, gave them guns and knives and whatever.

Q. You didn't hear any police officer indicating that someone would have to be loaded up, or that they would load someone up?

15 A. No.

Q. Or that someone had been loaded up?

A. No.

20 Q. You have heard the expression, "verbal"?

A. Yes.

Q. You understood it to mean police fabrication of evidence of confessional material attributed to a suspect?

25 A. Yes.

Q. Were you aware of any police officer in your career having verballed any suspect?

A. No.

30

Q. Had any police officer indicated in your presence that a suspect had been verballed or would need to be verballed?

A. No.

35 Q. Were you aware of the Report of the Wood Royal Commission into the New South Wales Police Force at the time it was running, or when it reported?

A. All I remember there was that, yeah, a Royal Commission.

Q. Were you aware of what the Royal Commission found in terms of practices of--

40

A. I - I apologise.

Q. That's okay.

A. I'm sorry--

45

Q. That's all right. Were you aware that the Wood Royal Commission found that the elite squads at CIB, including the Armed Hold Up Squad and the Special Breaking Squad, were known to fabricate confessional evidence and loading up suspects?

50

WOODS: I object, I object. I object, that's too general a proposition.

BUCHANAN: All right.

5 HIS HONOUR: Well, let's start with the general and we can see how specific it can get.

BUCHANAN

10 Q. Were you aware that the Wood Royal Commission reported on practices of fabricating evidence of confessional material and people being in possession of illicit items?

A. Yes.

15 Q. And particularly on the part of the elite squads at CIB?

A. Yes.

Q. Did that cause you to consider whether that had occurred in matters in which you had been involved?

20 A. No.

Q. It didn't cause you to review in your mind your involvement in the Croatian Six case, as to whether or not there had been any practices like that by the CIB detectives that you'd been involved with?

25 A. No.

Q. You fabricated evidence against Tony Zvirotic, didn't you?

A. I don't believe so.

30 Q. You attributed to him what might misleadingly be called "a soft verbal", didn't you?

A. I don't believe so.

35 Q. You alleged that you came down from the room that Mr Zvirotic had lived in at the house at Chandos Street, and told detectives with Mr Zvirotic in a police car, that two sticks of gelignite, a detonator and a pistol had been found in Mr Zvirotic's room, and you said that Mr Zvirotic nodded in seeming acquiescence with that--

A. Yes.

40

Q. --allegation?

A. Yes.

Q. That was fabricated, wasn't it? That never happened?

45 A. I believe it did happen.

50 Q. In April this year - Day 9, transcript pages 572 to 573 - you reiterated a denial you'd made in the trial of "using the opportunity of the arrests of the men at Lithgow to get rid of Croatian Republican Party activists, or people you considered to be activists in that party, in respect of whom you had ill-will or

whom you had been told to concentrate on”?

A. No, that's - that's right. I had - that's - that was never my motive.

5 Q. You appreciate that I have been putting to you that your preference was to get these men off the streets, and that you and your colleagues took the opportunity of Mr Virkez's information--

A. No.

10 Q. --using CIB to do so?

A. No, that was never the case.

Q. You particularly disliked Mr Brajkovic, didn't you?

15 A. No. No, I don't particularly dislike Mr Brajkovic. He's, or he was - he was - he was quite pleasant and interesting to speak to. I don't dislike Mr Brajkovic at all.

EXHIBIT 2.3-32, DAY 32, RED PAGE 7692, SHOWN TO WITNESS

20 Q. I just need to be able to show you that this is evidence you gave--

A. Mm-hmm.

Q. --and you can see that at the bottom, and a solicitor, Mr McCrudden, is asking you questions.

25 A. Mm-hmm.

Q. You can see that there?

A. Yep.

30 Q. Will you scroll up a little bit please. The question is you told Stipe Granic--

A. Mm-hmm.

Q. --that Mr Brajkovic could be a Yugoslav agent, and you said, "No, sir"?

A. No, sir.

35 Q.

"Q. Do you know a man called Mr Babanovic?

A. Yes, sir.

40 Q. I suggest that you told Mr Babanovic that Brajkovic was a very stupid man?

A. Yes, sir.

45 Q. I suggest you said the same words to a Mr Popovic?

A. Which Popovic, sir?

Q. Is it possible that you said it to more than one Popovic?

A. I've had a number of discussions with a number of Popovic's.

50 Q. Marcus Popovic?

A. I may have, sir.

Q. I suggest that you said it to Ivan Juric?

A. I may have, sir.

5

Q. Do you know a man called Audic?

A. I'm sorry, could you--

Q. Abdic. Do you know Mr Abdic?

10

A. Mr Argo Abdic, yes, sir.

Q. I suggest that you told Mr Abdic that Mr Brajkovic was a very stupid man?

A. I may have said something similar to that, sir."

15

A. Mm-hmm.

Q. Those were opinions that you genuinely held--

A. Yes.

20

Q. --about Mr Brajkovic?

A. Yes.

Q. Did you share such opinions with Inspector Perrin?

A. Yes, I probably did.

25

Q. Did you share such opinions with detectives at CIB on the night of 8 February 1979?

A. No, I don't think so.

30

Q. Why wouldn't you have conveyed your opinion of Mr Brajkovic to detectives, for example, who you understood were going to be dealing with Mr Brajkovic at CIB?

A. I don't think I had the opportunity.

35

Q. You had a number of hours there, didn't you?

A. I did, but they were conducting their own enquiries and own interviews and - in separate rooms, and I wasn't about to interfere in that.

Q. You contributed intelligence to detectives you understood were going to be interviewing arrestees, didn't you?

40

A. Background information, yes.

Q. It's your opinion of Mr Brajkovic is background information about Mr Brajkovic; correct?

45

A. Yes.

Q. Your understanding of best practice for interrogation of suspects is to have an understanding of the psychology and the level of intelligence of the suspect to be interviewed, yes?

50

A. Yes.

Q. Do you know whether Inspector Perrin passed on similar opinions about Mr Brajkovic to any CIB detective on the night of 8 March?

A. No, I don't know.

5 Q. I'm changing the subject now. In April this year you said - Inquiry transcript Day 8, page 531 - that at one anti-Yugoslav demonstration you attended things got really out of hand?

A. Yes.

10 EXHIBIT 10.1-17, RED PAGE 35, SHOWN TO WITNESS

Q. You can see that it's headed, "Sydney 26.11.77"?

A. Yeah.

15 Q. It talks about pamphlets being distributed?

A. Yep.

Q. The arrest of Kokotovic and Brajkovic?

A. Yep.

20

Q. "27.11.77" is the next heading and it says, "Between 700 to 800 Croatians gathered in Double Bay Park before moving off after speeches to the vicinity of Yugoslav Consulate-General."

A. Mm.

25

Q. "Prior to the beginning of their march, Brajkovic was recognised from the previous night, and was arrested by NSW Police."

A. Mm-hmm.

30 Q. "But after being placed in their car, the crowd surrounded it, breaking a window, the aerial and windshield, kicking the sides and attempting to release him."

A. Yep.

35 Q. "The crowd's purpose was distracted when COMPOL members seized the person who kicked in the window, and as he was forcibly released from them, the NSW Police car managed to drive off."

A. Yep.

40 Q. Do you remember that event?

A. Yeah, I was in the car.

EXHIBIT 11.76A, RED PAGE 1170-116, SHOWN TO WITNESS

45 Q. This is an occurrence pad entry. It bears the date 27 November 1977 and can I take you to the bottom of it. I think it actually goes over to page 1170-117. The author is identified not by name but as Detective Inspector Third Class.

A. Mm-hmm.

50

Q. My suggestion to you - tell me if I'm wrong - is that Inspector Perrin was a Detective Inspector Third Class?

A. Yeah, I'd say that's Mr Perrin's report.

5 Q. Can we go to the top, please. It's headed, "Arrest of Yugoslav Brajkovic" - it gives his birth date - "for possession of a prohibited article."

A. Yep.

Q. I'm actually having difficulty reading that.

10 A. So am I.

Q. You tell me if I get any of this wrong - "for possession of a prohibited article and offensive behaviour and damage"--

A. "Caused to police vehicle".

15

Q. --"caused to police vehicle" and then it gives a serial number.

A. Yep.

20

Q. The occurrence pad entry reads: "At about 1.30pm this date and in company with Detective Constable First Class Jefferies and Detective Constable First Class Helson, we saw Yugoslav Brajkovic at Marine Park, Double Bay."

A. Yeah.

25

Q. "Brajkovic was the leader of a demonstration that took place at Unisearch House, Kensington on the 26th instant"--

A. Mm.

30

Q. --"on the occasion of the Yugoslav National Day Ball. During that demonstration he was seen by Detectives Jefferies and Helson to be in possession of, and in fact discharged, a distress flare which he threw into the hall."

A. Yeah.

35

Q. "On that occasion Brajkovic decamped, although pursued."

A. Yep.

Q. If we could scroll.

40

"...pursued by police he could not be arrested at that time.

45

Later on the 26th instant, Detective Jefferies received reliable and confidential information that BRAJKOVIC would be the leader of younger group of Croatians taking part in a demonstration at the Yugoslav Consulate, Double Bay at approximately 2.30pm this date. BRAJKOVIC was spoken to at the abovementioned time in relation to the offence committed by him on the 26th instant and indicated his extreme opposition to the Yugoslav government and the Consulate. When further spoken to concerning any activities

50

that might take place at today's demonstration, he merely indicated

that the Police would have to wait and see what would eventuate.

BRAJKOVIC was then arrested for the offences of the 26th instant and conveyed to Police car."

5

And then it gives a serial number.

A. Yep.

Q.

10

"...and placed in that vehicle.

Detective Helson was the driver of that vehicle and when he attempted to start it was unable to do so due to a mechanical failure.

15

A number of young Croatians who were attending the demonstration then encircled the vehicle and demanded BRAJKOVIC's release.

20

In an effort to free him they commenced to kick the car. They in fact kicked the doors on both sides and also kicked in the front nearside window. They attempted to open both nearside doors to free him and in so doing I alighted from the car to prevent them getting the back door open. During the struggle with the demonstrators my suit coat was torn. At that stage Detective Helson was able to start the motor and I in the process of getting back into the car and closing the door I sustained lacerations to the middle and ring finger of the right hand.

25

The prisoner was then conveyed to Waverley Police Station and charged."

A. Mm.

35

Q. If we go back to the previous page and focus on the right-hand column, and if we could enlarge that. Under the heading, "RECORD", "copy to Special Branch." "Copy to Superintendent 'C' District." "G.I.O. Forms re damage to Police vehicle to be submitted... ". That was for the claim on insurance, I take it?

40

A. Yep.

Q. "Detective Inspector Perrin to see P.M.O."?

A. Police Medical Officer.

45

Q. "BRAJKOVIC still in custody at 5pm this date, unless bailed will appear at Waverley Court 28th instance."

A. Yep.

50

Q. For Inspector Perrin, that incident, you imagine, don't you, would have been a humiliation?

A. No.

Q. It was a humiliation of Special Branch?

A. No.

5

Q. Isn't it the case that in the police car, Perrin said to Brajkovic, at some stage during the incident, words to the effect, "If it's the last thing I do, I'll get you."

A. No.

10

Q. Did he say to Brajkovic words to this effect, "Look, idiot, I will get you, even if it is the last thing I do in my life."

A. No. Mr Perrin barely knew - Mr Perrin barely knew Brajkovic, apart from my reports.

15

Q. He would have known him well enough--

A. No.

20

Q. --and, more to the point, he would have seen what the response of the crowd was to Brajkovic being arrested and placed in the police car. He experienced it?

A. Yes. But I don't think he - Mr Perrin barely knew Brajkovic at all. He would not have said that. As a matter of fact, I think--

25

Q. I'm sorry?

A. --that may - that may have been the very first time Mr Perrin actually met Brajkovic. He barely knew him. He wouldn't have said that.

30

Q. But he would have known, from what you had told him, that he was an idiot? Brajkovic was an idiot?

A. Yeah, he knew him from reputation and from my reports, but that was all. That was the extent of his knowledge.

35

Q. I want to make it clear to you, obviously what happened in that incident was a humiliation--

A. No.

40

Q. --to - not the whole of the officers of Special Branch present--

A. No.

Q. --then certainly Inspector Perrin in what happened to him and what he experienced?

A. No. It wasn't - no. No. No. I wouldn't class that as the case at all.

45

Q. I want to suggest to you that you and Inspector Perrin had a motive to take part in a fabrication of a case against Mr Brajkovic?

A. No.

50

Q. That you had a particular bias against Mr Brajkovic in particular, and the Croatian Republican Party in general.

A. I was concerned about the Croatian Republican Party's activities and their intentions, and Mr Brajkovic was part of that party.

5 Q. You looked with favour upon the representatives in Sydney and the people who associated with, for example, the Yugoslav National Day?

A. No. No. I knew some of the people. I didn't view them with favour.

Q. They viewed you with favour, otherwise you wouldn't have received invitations to their celebrations.

10 A. I was invited as a policeman to prevent or attend to any problems or troubles. I never flattered myself that they invited me because they liked me.

Q. You were invited to attend with your esteemed spouse?

15 A. I was, yes. But--

Q. You weren't invited in your capacity?

A. I wasn't, but that's the capacity that they understood. I wasn't invited because they liked me. As Mr Jefferies, they invited me because I was a detective at Special Branch that they could deal with.

20

<EXAMINATION BY MS GLEESON

25 Q. Mr Jefferies, my name is Gleeson. I represent the Commissioner of Police in New South Wales. I just have a few questions in relation to questions that you were asked by Counsel Assisting. First of all, you were asked a few questions about times at which you could have gone to Inspector Perrin in relation to providing information to the CIB for the purposes of the investigation.

30 A. I can't hear you.

Q. I'm so sorry. You were asked some questions by Counsel Assisting about occasions on which you could have gone to Inspector Perrin to ask for permission, effectively, to pass information over to the CIB for the purposes of their investigation.

35 A. Yes.

40 Q. I'll just take you to a couple of those examples. The first is at transcript 2904 to 2905. This was a suggestion that in 1980, as at the time of the trial, you could have taken up with Inspector Perrin to ensure that Virkez's true status as an informant to the Yugoslav Consulate was communicated to defence.

A. Yes.

45 Q. Do you remember that?

A. Yes.

Q. The second occasion is as at 25 March 1980, when you were aware that Mr Virkez was now going to give evidence for the prosecution, you could have gone to Inspector Perrin then?

50 A. Yes.

Q. Then the third occasion is, and this is at transcript 689, so in your earlier evidence to this Inquiry, consulting with Inspector Perrin in relation to producing documents to the Court of Criminal Appeal in response to the subpoena. Do you remember giving that evidence?

5 A. Yes.

Q. Can I just take you to a particular date. Do you remember that Inspector Perrin, in fact, left the Special Branch as at about 30 November 1979?

10 A. I don't remember it, but that would probably be correct, yes.

Q. Who was Inspector Perrin's replacement as the head of Special Branch after that time?

15 A. I think it was - I can't be sure. It may have been Detective Sergeant Parsons. I think it was Detective Sergeant Parsons. I'm not sure.

Q. On each of the occasions I took you to, you agreed that it was possible for you to consult with Inspector Perrin in relation to passing information on to the CIB.

20 A. Yes.

Q. Would you have undertaken the same process in relation to Detective Sergeant Parsons?

A. Yes.

25 Q. Finally, you gave evidence in relation to a comprehensive report that you had prepared a few weeks after the preliminary report that you and Detective McNamara--

A. Yep.

30 Q. --prepared on 8 March 1979.

A. Yes.

Q. You gave evidence, and this is Day 10, page 677, that you don't recall providing a copy of that report to Detective Sergeant Turner.

35 A. Yes.

Q. You've also given evidence that you had passed information to Turner from Special Branch to the extent that it was relevant to CIB's investigation in the preparation of the prosecution brief?

40 A. Yes.

Q. You also gave evidence that you had shown Detective Sergeant Turner the report of your interview with Mr Virkez--

45 A. Yes.

Q. --in February 1979?

A. Yes.

50 Q. Do you think it's likely, in those circumstances, that you would also have shown him a copy of the comprehensive report in one of your visits to the CIB?

A. I can't say. I may have, but I really can't say.

5 Q. You gave some evidence to Counsel Assisting in relation to, and this is in relation, again, to your production of documents under subpoena. This is at transcripts 2349 to 2350. The effect of your evidence was that there had been some big changes at the Special Branch as a result of which some documents had been destroyed.

A. Yes.

10 Q. Are you able to elaborate on the circumstances of those documents being destroyed, as far as you had been informed?

A. There was a new officer-in-charge appointed to the Special Branch who knew very little about Special Branch, and he carried out a review of the records and documents, some of them, and formed the opinion that they were  
15 unnecessary. So they were destroyed.

Q. I think the effect of the evidence you gave was that this information was passed on to you by people who were still at Special Branch after you had left.

20 A. Yeah.

Q. Do you remember about what time period this review occurred?

A. No. I really don't remember, but it was some time after I'd left. Probably 12 months or something like that after I left. Within 12 months, I'd say, that  
25 occurred.

Q. And remind me, you left Special Branch in what year?

A. Yeah, that's a good question.

Q. I'm sure it's one that I have better records of than you.

30 A. I think '73, maybe 2. I really don't remember, but it was about '82, somewhere around there, 1982, perhaps--

Q. Thank you--

35 A. --I think? I got there in '73, I think I was there nine years, so it was probably around 1982.

Q. Those are my questions, thank you.

A. Thank you, ma'am.

40 GLEESON: I might just before I sit down, the reference I gave to the cessation of employment date of Inspector Perrin comes from a document produced to the Commission, but not currently in evidence. It's number is NPL.4000.0057.0001.

45 HIS HONOUR: Thank you, Ms Gleeson. We'll take the morning break at this point. Thank you, step down.

SHORT ADJOURNMENT

50 <EXAMINATION BY MR BROWN

5 Q. Mr Jefferies, my name is Mr Brown. I appear for the Director of Public Prosecutions. I'm just going to ask you some questions on a few topics, starting with your meeting with Mr Virkez on 10 February 1979. You've given some evidence to this Inquiry that you prepared a report in relation to that meeting, and you've been told by Counsel Assisting that this Inquiry has been unable to locate a copy of any report that seems to match the description of a report of that meeting. You've also been taken to Bundles A and B, which were the documents produced in response to a subpoena issued on the New South Wales Police back in 1982. You recall that?

10 A. Yes.

Q. You recall you were taken to the schedule of that subpoena?

A. Yes.

15 Q. You agree that on that schedule, it should have captured any report of the meeting between yourself and Mr Virkez on 10 February 1979?

A. Yes.

20 Q. You were still at Special Branch when you assisted in responding to that subpoena; is that correct?

A. Yes.

25 Q. This was prior to the destruction of documents at Special Branch when a new person came in that you became aware of; is that right?

A. Yes.

30 HIS HONOUR: Just a minute. That subpoena that he was involved in gathering documents to produce to the Court, wasn't that the subpoena to the Supreme Court rather than the Court of Criminal Appeal?

MCDONALD: Yes. It was during the trial, your Honour.

HIS HONOUR: During the trial. So that was 1980.

35 BROWN: 1980, yes.

40 MCDONALD: I'm sorry, the ones that I asked questions about the other day was in respect of the trial, though Mr Jefferies did give evidence about another subpoena that he was involved in during the appeal to the Court of Criminal Appeal.

HIS HONOUR: Right. So there was two exercises of gathering documents in response to subpoenas. One in 1980 for the trial; another in 1982 for the appeal.

45 MCDONALD: Yes, your Honour.

50 BROWN: But I think my learned friend is correct that what Mr Jefferies was taken to was the schedule referred to in the judgment from the trial, so that is what he's given his answer in response to--

HIS HONOUR: Yes. The document that you're asking about, the report about the meeting with Mr Virkez on 10 February, would have been caught by the subpoena, as it was confined, during the course of the trial.

5 BROWN: Yes. In the judgment, Exhibit 3.1-7, red page 67. Yes, your Honour.

HIS HONOUR: Okay.

10 BROWN

Q. You were provided with copies of Bundle A and Bundle B, which were the documents that were produced in response to that subpoena?

A. Yes.

15

Q. You've seen that Bundle A, albeit marked "incomplete" on the cover, doesn't contain a copy of any document that seems to match a description of that report?

A. Apparently so.

20

Q. Likewise with Bundle B, it doesn't appear to contain a document matching that description?

A. Apparently so.

25

Q. You've been taken to your preliminary report dated 8 March 1979, being Exhibit 11.5, red page 10, which doesn't appear to contain any cross-referencing to a report of your meeting dated 10 February 1979?

A. Yes.

30

Q. You've also been taken to evidence that you gave both at committal and trial proceedings in 1979 and 1980 respectively in relation to your meeting with Mr Virkez and any report or note of that meeting.

A. Yes.

35

EXHIBIT 2.3-32, RED PAGE 7672, SHOWN TO WITNESS

Q. As you see on the screen there, Mr Jefferies, this is a transcript from the committal proceedings on 13 September 1979, and Mr McCrudden begins cross-examination. Slightly down the page. "Q. You first interviewed Virkez in 1979 at 10 February, is that correct?" "I interviewed him on 10 February Sir." "Lithgow." Then if we can scroll down a little bit further on the page. Do you see about a third of the way down the question:

40

"Q. Did you make a subsequent report on this meeting?

45

A. No Sir.

Q. Did you make an oral report at any time on the meeting?

A. I may have discussed it Sir with my officer-in-charge."

50

You were specifically asked at committal, "Did you make a subsequent report

on this meeting?", and your answer in September 1979 was, "No Sir." Do you see that there?

A. No. I'm sorry, I lost it. Where is it?

5 Q. Just where the cursor is on the page?

A. Yeah. Right.

Q. You were specifically asked about whether you made a report on this meeting, and your answer in September 1979 was, "No Sir."

10 A. Yes.

Q. As a general proposition, your memory of events that took place in 1979 would have been better in September 1979 than it is today?

A. Yes.

15

Q. Bearing all of those matters that I've just taken you to in mind--

A. Yep.

Q. --is it possible that you did not, in fact, prepare a physical report in relation to your meeting with Mr Virkez on 10 February 1979?

20

A. Well, it's possible I didn't - I didn't compile it on 10 February.

Q. My question, Mr Jefferies, wasn't confined to whether you compiled a report on 10 February. Is it possible that you didn't prepare a physical report at all in relation to your meeting with Mr Virkez on 10 February 1979?

25

A. It's possible, yes.

Q. Do you have a specific recollection as you sit there of having prepared a report of your meeting with Mr Virkez on 10 February 1979?

30

A. I think I did, yeah. I think I compiled a report, yes.

Q. Is it possible that you're recalling some kind of draft document or notes as opposed to a finalised report?

A. It's possible, yes.

35

Q. There's also been reference to a "comprehensive report"--

A. Mm-hmm.

Q. --that you, at least, stated that you intended to prepare at the first practicable opportunity.

40

A. Yep.

Q. Do you specifically recall, as you sit there now, whether you did prepare such a comprehensive report?

45

A. I don't remember.

Q. One explanation as to why this Inquiry has been unable to locate a copy of a comprehensive report is that you may not, in fact, have prepared a comprehensive report. Is that fair?

50

A. It's possible, yes.

Q. Just focusing back on your meeting with Mr Virkez on 10 February 1979. That was not a formal interview that you were conducting as an investigator?

A. No.

5

Q. You didn't caution Mr Virkez at the outset--

A. No.

Q. --of that meeting?

10

A. No.

Q. You were not intending to use what he said to you as evidence against him?

A. No.

15

Q. You did, though, find out from Mr Virkez and from other sources, that he'd made contact with the Yugoslav Consulate on 8 February 1979?

A. Yes.

20

Q. It appears from the occurrence pad entry of 12 March 1979, Exhibit 11.50, red page 208, that you attended the Consulate and attempted to take a statement, firstly from Bozo Cerar?

A. Yes.

25

Q. You also attempted to take a statement from the member of the consular staff who had spoken to Mr Virkez on 8 February 1979.

A. Yes.

30

Q. Do you recall whether you went to the Consulate of your own volition, or whether you went at the direction or request of either Detective Turner or Detective Milroy?

A. No. I would have gone on my own volition.

35

Q. Do you recall whether you reported back to either Detective Turner or Detective Milroy the results of your enquiries at the Consulate?

A. I don't remember, no.

Q. The occurrence pad entry, being Exhibit 11.50, red page 208, records that consular staff did not agree to provide any statements?

40

A. Yes.

Q. But had they agreed, your expectation would have been, based on your conversation with Mr Virkez on 10 February 1979, that those statements would have disclosed the status of Mr Virkez, or at least the name Vitomir Misimovic, as someone who had informed on the group's plans?

45

A. No. I don't know that - I don't know that I expected them to say that.

Q. Would you have expected that those statements would have disclosed an association between Mr Virkez and the Yugoslav Consulate?

50

A. No. I wouldn't expect them to do that.

Q. What would you have expected these statements to contain if they weren't going to contain that kind of information?

A. I've really forgotten the incident. I don't - I can't - I can't recall what it was all about, to tell you the truth.

5

Q. Mr Virkez had not pleaded guilty to any offences as at March 1979, had he?

A. No.

10

Q. And evidence of admissions made by Mr Virkez to the Consulate official of plans to bomb various sites would potentially have been significant evidence in the case against Mr Virkez; is that right?

A. Yes.

15

Q. The status of Mr Virkez changed once he pleaded guilty and it became apparent that he was going to be giving evidence as a witness in the cases against the Croatian Six; you'd agree?

A. Yeah.

20

Q. When did you become aware that Mr Virkez was going to be pleading guilty and giving evidence as a witness in the trial?

A. I don't remember. That was a matter for - those matters were handled by Detective Sergeant Turner.

25

Q. Was it before the trial began, can you recall?

A. No, I can't - I - I don't remember.

Q. You can't remember the circumstances in which you found out that information?

30

A. I think I - no, I really don't know, but I probably would have been told by Detective Sergeant Turner at some time, some point.

Q. Do you recall whether, when you found that information out, you turned your mind to whether there was any information that you had that might be relevant to Mr Virkez's credibility as a witness?

35

A. I don't remember.

Q. Do you recall having any discussions with Sergeant Turner about that, after becoming aware that Mr Virkez was going to be giving evidence as a witness?

40

A. No.

Q. Just moving back to your meeting with Mr Virkez on 10 February 1979, you were asked some questions by Counsel Assisting about the content of what was discussed at that meeting, and if we can just have the transcript of 4 April, Day 9, brought up at page 587, please? And just starting from line 16 on that page, you were asked by Counsel Assisting:

45

"Q. Did he set out by joining the Croatian Republican Party how he intended to further the Yugoslav cause?

50

A. Well, he was going to inform on - on the Republican Party and

their aims and objectives and their actions, and the membership, that sort of thing.

5 Q. This informing on the Republican Party, did he give any examples or any indication about whether he had informed on them before this consulate police - consulate police?

A. No, no, he hadn't. Well, I won't say he hadn't, he didn't give any indication.

10 Q. Was the indication at the meeting - was this the first time he was going to inform on the other members of the party?

A. Yes".

15 Now, just in relation to your answer there, starting a bit below line 16, "he was going to inform on the Republican Party and their aims and objectives and their actions, and the membership", is that something that he expressly said to you, or is that an impression you formed, based on the information that you'd received at the meeting more generally?

20 A. I - that was - that was, I think, that was my conclusion from speaking to him.

Q. Can you recall what, if anything, he said specifically on that subject?

A. No, I can't - I can't - I can't recall anything.

25 Q. You see there at the questions I've just taken you to that you agreed that the indication at the meeting was that this was the first time he was going to inform on the other members of the party. By that, did you mean inform on them in connection with the bomb plot or inform on them in some other sense?

A. No, I think it - no, I think it was - it - inform on them in any way. That's what I think I meant there.

30 Q. So independent of him informing on them in connection with the bomb plot? Inform--

A. Mm-hmm.

35 Q. --on them in relation to these matters, that was your understanding?

A. Yeah, in relation to being anti-Yugoslav and so forth.

40 Q. I'm just going to move to a different topic now. That can be taken down, thank you. You were asked some questions about your understanding of the membership of the Croatian Republican Party, as at--

A. Yes.

Q. --February 1979?

45 A. Yes.

Q. And at transcript page 573 from 4 April, I don't need that to be brought up, starting from line 20, you told Counsel Assisting that you could not recall any people other than the Croatian Six and Mr Stipic that you knew or suspected were members of the Croatian Republican Party as at February 1979; do you recall giving that evidence?

50

A. Yes.

5 Q. Mr Buchanan's already asked you about Mr Bobanovic, and he's taken you to a report that you prepared in November of 1978, Exhibit 11.76, red page 786. Was he someone else who, as at February 1979, you knew or suspected was a member of the Croatian Republican Party?

A. Is that Mile Bobanovic?

Q. Yes?

10 A. Yes, I - I think - I think from memory, I - I thought he was a member. Or he was at least associated with them, yes.

Q. I'll just take you to another of your reports from the late 1970s. If we can please have Exhibit 11.76, red page 693 brought up?

15

EXHIBIT 11.76, RED PAGE 693, SHOWN TO WITNESS

Q. Mr Jefferies, you recognise from the top left of that document that that's a report prepared to the officer-in-charge of Special Branch?

20

A. Yes.

Q. And if we can just briefly scroll down to the next page, page 694? Just to establish the date? You see there, 24 November 1977?

A. Yep.

25

Q. So this is about 15 months prior to February 1979?

A. Mm-hmm.

Q. And shortly before the event at which Mr Brajkovic was arrested on 27 November 1977, which Mr Buchanan took you to--

30

A. Mm-hmm?

Q. --recently? And you're the author of this report?

A. Yep.

35

Q. If we can scroll back up to page 693?

A. Mm-hmm?

Q. And just focusing on the third paragraph there, commencing, "Information from confidential sources within the"--

40

A. Mm-hmm.

Q.

45 --"Croatian community now reveal that the Croatian Republican Party has been expelled from the Croatian Intercommittee Council of New South Wales. It is alleged that the expulsion of the Republicans was based on their publication and distribution of a 'slandorous' pamphlet, attacking Tomo Mlinaric and Ante Saric"--

50

A. Mm-hmm?

Q.

5                   --"other accusations have been made against Raghieb Avdic and  
Ivan Butkovic. There's also the suggestion that the Republicans  
were expelled because of their advocacy of the use of violence  
against the Yugoslav community over the forthcoming period, 25 to  
29 November 1977".

A. Mm-hmm?

10           Q. Was it your understanding, based on information you'd received from  
community sources that the Croatian Republican Party had been expelled from  
the Croatian Intercommittee Council of New South Wales in 1977?

A. Yes.

15           Q. If we go down to the following paragraph, you've recorded, "The following  
persons are alleged to be either members or at the least sympathisers of the  
Croatian Republican Party in this state--

A. Yes.

20           Q. And the first listed name is Mile Nekic?

A. Mile Nekic, yeah.

Q. The second name is Vjekoslav Anic?

A. Yes.

25           Q. Your view in November 1977 was that Vjekoslav Anic was either a  
member, or at least a sympathiser of the Croatian Republican Party. Can you  
recall whether you held the same view in February of 1979?

A. Yes.

30           Q. Similarly with the next name, Rusica Andric?  
A. Yep.

35           Q. As at February 1979, did you believe Mr Andric to be either a member, or  
at least a sympathiser, of the Croatian Republican Party?

WOODS: It's a woman.

BROWN: Sorry?

40           WOODS: It's a woman.

BROWN: Sorry.

45           WITNESS: It's a woman.

BROWN

Q. It's a woman? Okay, my apologies to Ms Andric.

50           A. Yeah, did I believe she was still a member? Yes, I think so, yes, yes, she

was a - yes, I think so, yes.

Q. The next name is Mr Brajkovic?

A. Yep.

5

Q. And then, Mr Joseph Kokotovic?

A. Yeah.

Q. And then, Marco Popovic?

10

A. Yep.

Q. Did you still believe that Marco Popovic was either a member or at least a sympathiser of the Croatian Republican Party in February 1979?

A. I did.

15

Q. The next name appears to be--

A. Zvirotic.

Q. --Mr Zvirotic; yes?

20

A. (No verbal reply)

Q. And then, the following name is Stanko Zelenika?

A. Yep.

25

Q. Did you still believe Stanko Zelenika to be either a member or at least a sympathiser of the Croatian Republican Party in February 1979?

A. I can't say I remember him. I can't give an answer, I can't remember Stanko.

30

Q. And then, the next name recorded - or the next paragraph - states, "Ilija Kokotovic was at one time a prominent member of the party, but there now appears to be some doubt if he's still involved with the"--

A. Yeah. Yep.

35

Q. And then, in the following paragraph, you record your view that, "Of the above mentioned persons, Nekic, Anic, Andric, Brajkovic and Ilija Kokotovic are well-known to me, and I consider them to be extremely radical and potentially dangerous Croatian nationalists"?

A. Yeah.

40

Q. Did your view of those individuals remain the same through to February 1979?

A. Yes, I believe so.

45

Q. Mr Buchanan asked you some questions about why you raised the name on 8 February 1979 of Joseph Stipic as opposed to, for example, Mile Bobanovic; do you recall those questions?

A. No, I don't recall the question, actually.

50

Q. I've taken you to a number of names in this document of people who you

either believed were members or sympathisers of the Croatian Republican Party.

A. Yes.

5 Q. Bearing in mind those names and the name of Mr Bobanovic, can you recall why it was that you raised the name of Joseph Stipic as distinct from some of those other names?

A. No. I can't.

10 <EXAMINATION BY MR MELICAN

Q. Mr Jefferies, my name is Melican; I appear for the Commonwealth as instructed by the ASIO in this matter. I want to ask you a couple of questions about one specific issue that arose first in response to some questions  
15 Counsel Assisting asked you on Monday, and again in response to some questions that Mr Buchanan asked you earlier today, and I will just orientate you as to the topic and then ask my questions in relation to that. You may recall, and this need not - I should just query whether the microphone is picking this up - your Honour, I gather that may not have been picked up on  
20 the microphone. If your Honour would like me to start again, I can do that.

HIS HONOUR: Probably for the best. Yes.

MELICAN

25 Q. I will start again, Mr Jefferies. My name is Melican and I appear for the Commonwealth - excuse me - I should check, Mr Jefferies, can you hear or do I need to speak up a bit for you?

A. You need to speak up a bit.

30 Q. Yes. I will do my best.  
A. Yes. It's a bit difficult.

MELICAN: I might relocate, your Honour. Yes, thank you.

35 Q. Mr Jefferies, can you hear me now?  
A. Yeah.

40 Q. Mr Jefferies, my name is Melican, I appear for the Commonwealth government as instructed by ASIO in this matter.  
A. Right.

45 Q. I have a couple of questions that I want to ask you about some evidence that you gave first in response to some questions Counsel Assisting asked you on Monday and then again some further questions that Mr Buchanan asked you this morning. Just to orientate you in relation to that topic, you were shown a document - it doesn't need to be brought up on the screen but just for others' benefit, it's Exhibit 10.1-13 - this was a memorandum or a report that had been prepared by the Department of Prime Minister and Cabinet, it was  
50 directed to the Prime Minister and it included in it a statement which says:

"The AFP believes that Mr Virkez has been operating in Australia as an agent of the Yugoslavian government."

Do you remember being taken to a document of that kind?

5 A. Yes, I do.

Q. That was a document dated March 1980 and in response to that and some questions that you were asked about that by Counsel Assisting, and this is on Day 9, page 584, you were asked - sorry, I'll go back a step. You were asked:

10

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

15 A. No. I can't remember exactly. I know that he'd - I know that he'd approached the Yugoslav Consulate twice and he'd been rejected, and told him to go to the police in relation to this matter."

A. That's right.

20 Q. Just to orientate you again, Mr Buchanan this morning took you to a document - again, it doesn't need to be brought up on the screen but is Exhibit 9.10-21 - and this was a document that was described as the SIDC-PAV report; do you recall seeing that document earlier this morning?

A. Yes, I do.

25 Q. Mr Buchanan took you through, in particular, paragraph 34 and that included this statement:

30 "For a period of at least six months prior to the arrest, that person also acted as an informer on Croatian nationalist activities to a person suspected by ASIO of being an intelligence official attached to the Yugoslav Consulate-General in New South Wales."

You recall seeing that passage?

35 A. I do.

Q. In response to both of those documents, you gave evidence that what had been recorded there was inconsistent with your understanding of Mr Virkez's position, vis-à-vis the Yugoslav government and Consulate; do you recall giving that evidence?

40 A. I do. Yeah.

Q. At transcript from Day 30, which was Monday, page 2365, you were taken to the first document I mentioned and you were asked, at line 27:

45 "Q. Had you formed the view that Mr Virkez had been operating in August [1979] as an agent of the Yugoslav government?

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."

50 A. Yes.

Q. Later on you confirmed that that information had been provided to you by your contact at ASIO?

A. Yes.

5 Q. I want to ask a broad question and I can drill down further if need be. In response to questions you've been asked on several occasions in the Inquiry you have noted quite understandably that many years have passed between the events you were being asked about and today.

A. Yes.

10

Q. As a way of explaining that you may not have a complete or accurate, or any memory of certain events; do you recall making that point from time to time?

A. Yeah, I certainly do.

15

Q. Do you accept it's possible that after 45 years you may be mistaken about what this ASIO officer told you insofar as you recall him saying Mr Virkez approached the Yugoslav government or Consulate offering to be an agent and was twice rejected?

20

A. No. I'm fairly sure that's what was said.

Q. Can I just take you back in fact to the evidence I've already referred to; I've done this a bit out of order, but in April this year - and this is the transcript from Day 9 at page 584 - you were asked about a series of questions about your interview with Mr Virkez on 10 February 1979?

25

A. Yes.

Q. It was in response to those questions that you were asked by Counsel Assisting:

30

"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?

35

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

Q. The Consulate wasn't?

40

A. Mm."

Indicating agreement to that.

A. Yes.

45 Q. You've used very similar language in your account of what Mr Virkez told you about his approaching the Consulate twice in relation to the bomb threat or the bomb plot, and your account of the information provided to you by the ASIO officer in relation to two approaches to the Consulate to become an agent.

50

A. Yes.

Q. In both instances you've said, "He approached them twice and he was rejected twice"?

A. Yes.

5 Q. Is it possible, in the many years that have passed since these events, that you may have conflated those two conversations or instances, such that you have conflated the information which Mr Virkez gave you on 10 February about that matter with your other conversations with ASIO officers?

A. Yes, it is possible.

10

Q. One final matter. In your evidence on Monday - and again this is at, for others in the room, Day 30, page 2368, starting at line 26 - this was in the context of Counsel Assisting asking you some questions about the information the ASIO officer had provided to you that we're talking about at the moment. Counsel Assisting said you obtained this information from this person from ASIO, you indicated agreement to that. Counsel Assisting asked, "Did you record it in some kind of report with Special Branch", and your answer was, "I probably did". Then the final question was, "And a report that would have been sent to Inspector Perrin", and you said, "Yes".

15

20

A. Yes.

Q. Take it from me that in the vast body of material that's been produced to the Inquiry in response to requests for documents, I suppose, to the New South Wales Police, no report recording this account has been provided and, if you assume that to be the case, does that again cause you to accept the possibility again that this conversation with the ASIO officer may not have happened?

25

A. No.

30 NO EXAMINATION BY MS BASHIR

<EXAMINATION BY DR WOODS

Q. Mr Jefferies, you gave evidence at the committal and at the trial, and you've given evidence here; have you at all times done your best to remember and to tell the truth?

35

A. Yes, sir.

Q. It's been suggested to you that you, in 1979 and continuing into 1980, were seeking to suppress or conceal information; did you do that?

40

A. No, I did not.

Q. You've been asked a number of questions about the Croatian Republican Party with its initials in Croatian language. In the role you performed in this matter, were you seeking to wrap up or roll up the Croatian Republican Party to get them out of the way?

45

A. No, I was not.

Q. In the large volume of documents which have been produced to the Court, you at numerous points refer to the Croatian Republican Party and you refer to

50

a large number of people having linkages to it.

A. Yes.

Q. Do you have a clear recollection of all those names now?

5 A. No. No, I don't. Probably if they were presented to me in a written form, I'd identify them, but I haven't got a clear recollection.

Q. One of the documents presented is a communication from ASIO at 76.1 at  
10 page 908. I won't take you through it in detail except to say that there are a number of names here which were said to represent a list of the members of the Croatian Republican Party known to ASIO or confirmed by ASIO. It includes most of the members of the group who were charged in this case--

A. Yes.

15 Q. --but it also includes names Bobanovic?

A. Bobanovic.

Q. Babic.

20 A. Babic, yeah.

Q. Do you recognise that name? Babic?

A. Yep.

Q. Jerkovic?

25 A. Jerkovic, yeah.

Q. M Popovic?

A. Marco Popovic, yeah.

30 Q. Marco. Popic?

A. Yep.

Q. Jerman?

35 A. No. I don't remember that name.

Q. Anic?

A. Yes. Vjekoslav Anic.

Q. Pandzic?

40 A. Pandzic, yep.

Q. Bilic?

A. Ante Bilic, yeah.

45 Q. Bakmaz?

A. No. I don't remember him.

Q. Those are all names that ASIO nominate as confirmed members. None of those were wrapped up or rolled up in these proceedings, were they?

50 A. No. No.

5 Q. You've been asked how you came to nominate Mr Stipic. Again, I'm not going to take you through chapter and verse of the bundle of materials that's in the proceedings, but would you accept from me that there are a significant number of mentions of Stipic by you in your various reports as presented in the materials before the Court.

A. Yes.

10 Q. Before 1979.

A. Yes.

15 Q. You've been asked questions about Mr Bebic--

A. Yep.

20 Q. --and Mr Buchanan took you through an exercise of showing you photographs from a demonstration, or demonstrations, and he invited you to attempt to nominate Mr Bebic--

A. Yeah.

25 Q. --but you either said he wasn't there or you couldn't--

20 A. I couldn't identify him, no.

25 Q. You will appreciate well and truly, after five days in the witness box, that what is being put by the petitioners in this case is that the allegations which formed the basis of the convictions, against which they protest, were false, were invented and were part of a scheme to get them. You understand that, don't you?

A. I understand that.

30 EXHIBIT 11.50, RED PAGE 223-1, SHOWN TO WITNESS

35 Q. This document, as I understand it, and I think you can take it from me, Mr Jefferies, was obtained by the Inquiry staff under their powers to have material produced. Could you read the first long paragraph to yourself. Have you read the first 10 lines?

35 A. I have, yes.

40 Q. This letter, which I ask you to assume, was a letter written by Mr Bebic to Mr Brajkovic from Parramatta Gaol on 7 March 1979. Can I take it that you've never seen that document before?

40 A. No. I haven't.

Q. You'll see in the sixth line down it starts out:

45 "It is clear to me that someone betrayed us, but I will take all the responsibility. It is better for only one of us to take responsibility instead of all of us."

A. Yep.

50 Q. From your knowledge of the situation in 1979, as at 7 March 1979, both Mr Bebic, Mr Brajkovic, and as well Virkez or Misimovic, were in custody.

A. Yes.

Q. To your knowledge, was Mr Bebic facing any other charge for which he might take responsibility, other than the charges which are before this Inquiry?

5 A. Not that I know, sir. No.

Q. To your knowledge, was your Mr Brajkovic facing any charge, other than the charges that come before this Inquiry?

10 A. No. Not to my knowledge at the time, no.

EXHIBIT 11.76, RED PAGE 756, SHOWN TO WITNESS

A. Yep.

15 Q. Mr Jefferies, if you cast your eye over that document--

A. Yep.

Q. --and read the first two paragraphs and tell us whether it refreshes your recollection.

20 A. Yep. Yep.

Q. Do you recall the circumstances in which this report, which you've signed, came into existence, or is it sufficiently clearly explained in the first two paragraphs, or would you like the opportunity--

25 A. Mrs Andric was the widow of one of the Andric brothers who attempted an incursion into Yugoslavia.

Q. Was that 1972?

30 A. There were two incursions, and I can't remember which one it was, but she was the widow, and she - there were two brothers, and I can't remember which one she was the widow of.

Q. Ambrose? There were two. Ambrose and Adolf.

35 A. It was Ambrose? Ambrose and?

Q. Adolf.

40 A. Yeah. And I can't remember. She was the widow of one of them, and she'd fallen on hard times, and she felt that - whether Croatian radical community, if we can put it like that, had forgotten about her. She felt hard done by.

Q. The date of this document which you prepared--

A. Yeah.

45 Q. --as a result of interviewing her on 25 September 1978--

A. Yep.

Q. --was just a few weeks after an event on the south coast of New South Wales, at Eden--

50 A. Yeah.

Q. --where some 19 or 20 people of Croatian background had been arrested while drilling or training?

A. Training, yeah.

5 Q. Did she tell you that she had communicated with the officer-in-charge of the raid at Eden to tell her things about this group? I'll just give you a chance to read down.

10 A. Yeah. That was her knowledge of the Croatian Revolutionary Brotherhood, which was the - the most extreme group who attempted the incursion into Yugoslavia and she's completely disillusioned with the treatment she so far received from the Commonwealth Police.

Q. Did she tell you that she had gone to Europe with this group as a kind of advance party?

15 A. I can't remember that. I think perhaps she did, I'm not sure.

Q. You can take it from me that that's what you've written in your statement there.

20 A. Right, yeah.

Q. Just if you could--

A. She later fled Yugoslavia.

Q. Could you take it a bit further down?

25 A. Yeah. Yeah?

Q. And then, further down?

A. To where, sir?

30 Q. Have you read to the bottom of the page there?

A. No. I'm trying.

Q. Then further down?

35 A. Yeah.

Q. You see that there's a paragraph starting, "Upon their arrival in Europe"?

A. Yeah?

Q. Which refers to the beginning of the exercise--

40 A. Yeah.

Q. --to invade or--

A. Invade the - Croatia, yeah. Joseph Stipic. Yeah?

45 Q. And then, the last paragraph on the bottom of the page there, if that could be brought up a bit? Mention is then made - now, the terms "mention is then made"--

A. Mm-hmm?

50 Q. --refers to a document which follows on from this which is a number of

pages long, but which is very hard to read. So the document that you're looking at now--

A. Yeah.

5 Q. --is your summary of what was in the previous document and what she told you; is that right?

A. Yeah.

10 Q. And the document that was prepared by her earlier and which is attached to this, but which is very faint was, according to your report here, prepared in 1975?

A. Mm-hmm.

Q. If you could carry on reading?

15 A. Mm-hmm. Mm-hmm, yeah?

Q. There's a paragraph there which starts, "It might be noted"--

A. Yeah?

20 Q. --do you see that?

A. Yeah.

Q. Could you read that first sentence out?

A.

25

"It might be noted that during the interview, Rusica Andric said that she had been told that Mile Nekić, one of the leaders of the Croatian Republican Party, HRS, intends to stage a raid upon Yugoslavia during European spring".

30

Q. Very well, now that--

A. Which is in April.

Q. This is what she told you as her thought?

35 A. Yep.

Q. And I suppose that you would have taken it as you told us you do with a lot of information at that time, as possibly relevant, possibly helpful, but you'd have a grain of salt with it?

40 A. Yes.

Q. In any event, in the last part of that paragraph, there's a sentence which begins with the words, "When"?

A. Yes.

45

Q. Could you read that sentence out?

A.

50 "When it is considered that usually reliable information suggests that the Republican party has secretly joined forces with the HRB, some

credence might be afforded the information of Mrs Andric"

Q. Thank you. Could we scroll down? And that signed by yourself on--

A. Yep.

5

Q. --3 October 1978--

A. Yep.

Q. --and also, signed by your colleague, Mr McNamara?

10

A. Yes.

Q. And if you could scroll down a bit further? Does the bottom scrawl--

A. Yeah.

15

Q. --look as if it's been noted by somebody? Do you know what that is?

A. I think it says, "Record and file", and I think that would be the initials of John Perrin.

20

Q. You knew from your understanding of Croatian affairs generally that a lot of the things that she said were true, that there had, in fact, been an incursion into Yugoslavia?

A. Yes.

25

Q. You knew that only two or three weeks before this, on the third of the month, there'd been a training exercise interrupted on the south coast of New South Wales?

A. Yes.

30

Q. Are these matter that you regarded as significant in your - the state of mind that you brought to bear on issues on 8 February 1979?

A. (No verbal reply)

Q. Are these matters that were background to you and--

A. Yes.

35

Q. --judgments you made at Lithgow--

A. Well--

Q. --and thereafter?

40

A. Yes, well, they - they were - they were proven incidents, yes.

Q. And the series of events involving the Consulate--

A. Yeah?

45

Q. That's all we need from that report, thank you. The Consulate is central in this case to some extent?

A. Yes.

50

Q. Now, it's been suggested to you that you were a guest at the Consulate, and--

BUCHANAN: No. What I suggested and I think the witness agreed was that he had been a guest at Yugoslav National Day celebrations.

WITNESS: Yes.

5

WOODS

Q. I wrongly thought that--

10

BUCHANAN: Been invited to attend along with his esteemed wife.

WOODS

Q. Was that at the Consulate itself or somewhere else?

15

A. No, no, that was at--

Q. Another event, was it?

A. I think that was at Unisearch House.

20

Q. And it was suggested to you that there was some favour as between yourself and the Consulate. Was there any favour from your perspective?

A. No, there wasn't.

25

Q. You weren't a secret admirer of the economic philosophy of Karl Marx as applied by Marshall Tito?

A. No, the Consulate - I kept the Consulate at arm's length, they - they tried to ingratiate themselves or at least, two - two or three of the consuls tried to ingratiate themselves but while we spoke to them, we also kept them at arm's length.

30

Q. And did you in fact have some sort of role as the police--

A. Mm-hmm?

Q. --in assisting in the protection of the Consulate?

35

A. From time to time, yes.

Q. And I think the law is - and I'll stand to be corrected - that most of the protection of embassies and consulates falls to the Commonwealth--

A. Yes.

40

Q. --but the police force of the state often assists in various ways?

A. Yes, the - in those days, the Commonwealth Police had very restricted powers in terms of criminal offences in a state, and while the Consulate - the Consulate was the responsibility of the Commonwealth Police, they relied on us if there was any likelihood of offences being committed, demonstrations and such outside their - outside the property.

45

Q. Were you aware that at some point, the Sydney Consulate had to be moved because of trouble?

50

A. It was originally at Knox Street, Double Bay, and I can't remember it being

moved, to tell you the truth, sir.

Q. Very well, all right, okay--

A. --it was - I - I - I don't remember it being moved.

5

Q. Your Honour, I'll only be a moment or two. Just a couple of matters of background or atmosphere, as Mr Buchanan described it, not long before these events, there was a threatened deportation not long before 8 February 1979, there was a threatened deportation of a gentleman from Germany back to Yugoslavia which provoked agitation in the community in Sydney?

10

A. Yes.

Q. Croatian community?

A. Yeah.

15

Q. And did you learn that that deportation was subsequently scrapped?

A. I can't remember, sir.

Q. Do you happen to know, after the events near Eden on 3 September 1978, what happened to those prosecutions?

20

A. (No verbal reply)

Q. There were prosecutions under the Foreign Incursions Act--

A. Yeah.

25

Q. --do you know what the outcome was?

A. No, I don't.

Q. And there was a man called Busic who was--

30

A. I'm sorry, his name was--

Q. Do you remember B-U-S-I-C? Not an Australian, a Croatian of--

A. Busic?

35

Q. B-U-S-I-C, yes?

A. No.

Q. Do you remember him being convicted of the hijacking of a TWA airliner in 1976?

40

A. I remember the hijacking, I can't - I don't remember his name.

Q. And the references that you've made to several people talking in conversation with you about the powerful political effect of the PLO's violence and Yasser Arafat's violence and the Red Army, did those conversations actually occur?

45

A. Yes, yes, most certainly.

Q. And were these some of the things that you had in your mind when you were assessing the authenticity of otherwise of the man, Virkez or Misimovic during 1979?

50

A. Yes, to some extent.

Q. Thank you, Mr Jefferies.

A. Thank you.

5

HIS HONOUR: Do you have--

WOODS: I'd be about 15/20 minutes, your Honour.

10

HIS HONOUR: I think we'll leave that for 2 o'clock. 2 o'clock, Mr Jefferies.

WITNESS: Thank you, sir.

LUNCHEON ADJOURNMENT

15

WOODS: Your Honour, before Counsel Assisting continues, may I seek your leave to deal with two brief topics?

HIS HONOUR: Yes. Certainly.

20

WOODS: My learned colleague will do that.

HIS HONOUR: Yes.

25

<EXAMINATION BY MR HAVERFIELD

Q. Mr Jefferies, I want to take you back to, and have you shown, Exhibit 11.35. You've seen it before, which is red page 125. If that could be shown.

30

EXHIBIT 11.35, RED PAGE 125, SHOWN TO WITNESS

Q. You're probably familiar with this document now; you've seen it a number of times.

35

A. Mm-hmm.

Q. I want to draw your attention to that column on the far right-hand side--

A. Yes.

40

Q. --where it's got, "N.S.W. S.P.".

A. Yes.

Q. We'll use Mr Brajkovic as an example. "N.S.W. S.P. 1979/3927."

A. Yes.

45

Q. Are you aware of the term, "A special photograph"?

A. Yes, I am.

50

Q. A special photograph is where a person is charged, it's a photograph taken at the time of their charging?

A. I believe so.

Q. If you remember the "1979/3927", remember the "3927", if the witness should be shown Exhibit 4.1-WW, which I think is red page 89.

5

EXHIBIT 4.1-WW, RED PAGE 89, SHOWN TO WITNESS

Q. Do you recognise that as being a charge photograph of Mr Brajkovic?

A. I do, yes.

10

Q. If you have a look at the bottom line there, it says, "9.2.79", which is the date of charging.

A. Yes.

15

Q. You'll see the numbers on the right-hand side, "3927"?

A. Yes.

Q. That identifies the photograph of being 1979, photograph 3927.

A. Yes.

20

Q. Again, that was the reference that was made on that report that I showed you--

A. Yes.

25

Q. --that we don't know the provenance of.

A. Yes.

EXHIBIT 11.81, RED PAGE 1220, SHOWN TO WITNESS

30

Q. If we go back one page, sorry.

A. Yep.

Q. You'll see that that's what appears to be the criminal record of Mr Brajkovic?

35

A. Yep.

Q. If we go down to the next page, you'll see in the right-hand column, it's got, "NSW PHOTO"?

A. Yep.

40

Q. The first one is "78/6866"?

A. Yep.

Q. That would relate to a charge that was laid in 1978?

45

A. Yes.

Q. Which sounds like it might relate to the charge of the flare out at Unisearch house?

A. Yes.

50

Q. Then if we go to "79/3927", that's the photograph I showed you earlier. Would you agree with that?

A. Yes.

5 Q. So it's the situation that a New South Wales special photograph gets recorded on the criminal record?

A. Yep.

Q. And it's been referred to in this document that was 11.35--

10 A. Yes.

Q. --which would suggest the document was an internal document as opposed to something that came from outside the New South Wales Police Force?

15 A. Yes.

Q. That can be taken down. You were shown this document earlier, it's 11.76; if you could have a look at that?

20 HIS HONOUR: What page is it?

HAVERFIELD: Red 693, I have it as.

EXHIBIT 11.76, RED PAGE 693, SHOWN TO WITNESS

25

Q. This was a document you saw earlier today--

A. Yep.

Q. --and if we go further down to the bottom of it, it was created by you on 24 November 1977?

30

A. Yeah.

Q. If we keep going?

A. Yep.

35

Q. If we go back to page 1, and the list of names?

A. Yeah?

Q. You'll see there it starts off with Mile Nekić and then, Anić?

40

A. Yep.

Q. And then, Mr Brajković gets a mention, Joseph Kokotović--

A. Kokotović, yep?

45 Q. Then we go down to Sviretić?

A. Yeah?

Q. And then, you've got - it's the phonetic?

A. Yeah.

50

Q. And you've got, "Christian name, possibly Ante", is it?

A. Yep.

5 Q. This was created in 1977, 24 November, did you later understand that Sviretic spelled phonetically like that was the same as Anton Zvirotic or Ante Zvirotic who was one of the petitioners?

A. Yeah, it's the same person.

10 <EXAMINATION BY MS MCDONALD

Q. Can the witness be shown Exhibit 9.1-21; if that can be brought up, please?

15 EXHIBIT 9.1-21 SHOWN TO WITNESS

Q. While it's being brought up, Mr Jefferies, this is the SIDC-PAV report.

A. Mm-hmm?

20 Q. You've been taken to this again on a number of occasions.

A. Yep.

Q. And could we see paragraph 34, please? You were asked about the information contained in this paragraph. In particular, the reference to the term "informer"?

25 A. Yep.

Q. And you were asked a series of questions about the difference or your understanding of the difference between an agent associated with the Yugoslav Consulate or the Yugoslav government, or--

30 A. Mm-hmm.

Q. --an informer.

A. Yep.

35 Q. Now, one of the matters that you referred to, you described an agent as being something like an employee?

A. Yes.

40 Q. Also, in one of your answers, you suggested that they would be paid for their services?

A. Yes.

45 Q. Are there any other differences in your mind between what is included in a person acting as an agent in comparison to a person acting as an informer or informant to the Consulate?

A. Yes, well, I think I said anybody can come forward and give information, they become an informant. Whereas an agent is very much more a full-time occupation.

50 Q. And with an established and continuing relationship with at least somebody

within the Consulate?

A. More than likely, yes.

5 Q. And the evidence that you've given previously that you were cross-examined about by Mr Brown, your recollection is that you were informed by an ASIO source that Mr Virkez in a sense applied or sought to be appointed as an agent but got knocked back?

A. Yes.

10 Q. But in your mind, that is in a sense consistent with him continuing to provide information to the Consulate?

A. Yes.

15 Q. You were also asked some questions following from this document that your evidence has been you recall that you read it, or you were provided with it, the document on the screen?

A. Yes.

20 Q. And you were asked by Mr Buchanan whether you gave the gist of paragraph 34 to Mr Turner, or Detective Sergeant Turner?

A. Yes.

25 Q. And in an answer to that, you said that you had observed Detective Sergeant Turner speaking with an ASIO officer or an ASIO contact?

A. Yes.

Q. That was when you were attending CIB?

A. Yes.

30 Q. Did you participate in the discussion between Detective Sergeant Turner and the ASIO officer?

A. No, I - no, I didn't.

35 Q. You just observed them speaking--

A. Yeah.

Q. --at the CIB?

A. Yes.

40 Q. Can you recall when that was?

A. No, I can't. It was some time after the event, but I can't recall when it was now.

Q. Before committal or early on in the investigation?

45 A. I think, yeah, early in the investigation.

Q. Your observation of Detective Sergeant Turner and the ASIO contact speaking, was that only on one occasion or more than one occasion?

A. No, I think it was only on one occasion that I saw that.

50

Q. You knew the ASIO contact?

A. I can't remember, actually. I can't remember who it was.

Q. I don't want you to identify the person.

5 A. No, no, no, I'm just trying--

Q. But you have given evidence that--

A. Yeah.

10 Q. --as part of your work as a Special Branch officer, you had contacts within ASIO?

A. Yes, of course.

15 Q. My question is the person you observed, was he one of your contacts within ASIO, or another person that you could identify as an ASIO officer?

A. I can't remember, to tell you the truth. I can't remember. I can't remember who it was.

20 Q. You were asked some questions about the relationship between Special Branch and CIB--

A. Mm-hmm?

Q. --and the exchange of information?

25 A. Yes.

Q. Can the witness be shown Exhibit 11.76A, red page 1170-89?

A. Mm-hmm?

30 EXHIBIT 11.76A, RED PAGE 1170-89, SHOWN TO WITNESS

Q. If we have a look at this document, can you see it's about the meeting of a particular organisation on 19 January 1975?

A. Yes. Yes.

35 Q. If you continue through the document - could you just excuse me? Sorry, 11.76A, red page 1170-67?

EXHIBIT 11.76A, RED PAGE 1170-67, SHOWN TO WITNESS

40 Q. This is one of the many reports that have been identified and put before the Inquiry of the Special Branch reports, but can you see in the second paragraph, it refers to, "information was recently received from Detective Sergeant Turner--

A. Yeah.

45 Q. --Special Breaking Squad to the effect that the following persons attended a meeting of the Croatian Intercommittee Council on particular dates?"

A. Yes.

50 Q. What I'm interested in is that this was information that you received from

Detective Sergeant Turner--  
A. Yeah.

5 Q. --whose identified not as being part of Special Branch at this particular point--  
A. Mm-hmm.

10 Q. --but being a member of the Special Breaking Squad?  
A. Mm-hmm.

Q. That provision of such information--  
A. Mm-hmm?

15 Q. --about the - and in this instance, the Croatian Intercommittee Council--  
A. Yep?

Q. --by a non-Special Branch officer--  
A. Mm-hmm?

20 Q. --was that unusual?  
A. I find it very unusual. I'm at a - a loss; I've never seen it. I don't believe I've seen it, have I?

25 Q. Could we continue down?  
A. I obviously did, I've signed it. I don't know where - I don't know where Detective Turner would get that from. Don't know, it's a mystery to me.

30 Q. But in your experience unusual?  
A. Yeah, completely, very, very unusual. I don't know where Detective Turner would have got that from.

HIS HONOUR

35 Q. There appears to be a report of something that occurred about 18 months before.  
A. Yeah. I'm at a loss, sir, I - I - I don't know how Detective - 18 months before the incident, Detective Turner wouldn't have known a Croatian from an Argentinean.

40 MCDONALD

45 Q. To your knowledge, was a search warrant executed at the National Committee premises?  
A. I don't think the National Committee had premises. The Croatian National Committee, I don't think they had premises.

50 Q. The Intercommittee, I'm sorry?  
A. Croatian Intercommittee? Well, they didn't have premises, the Croatian Intercommittee, let me think? No, I don't believe they had premises, I think they would have met - I can't remember, I - I can't be sure, but I think they

would have - they would have met at the Croatian Marrickville Club, I think. I don't - the Croatian Intercommittee, or National Committee, didn't have premises.

5 Q. You can't assist the Inquiry as to--  
A. No.

Q. --why Detective Sergeant Turner was the source of the information?  
A. Of this? No, I - I don't know. He - I've got no idea.

10 Q. A different topic, Mr Jefferies. In cross-examination, you were asked a number of questions about your report that we've described as, "The report on 10 February interview".  
A. Mm-hmm.

15 Q. During cross-examination, it was suggested to you that possibly you did not create such a report.  
A. Yep.

20 Q. And you agree that that was a possibility?  
A. I did.

Q. The evidence that you gave back in April when you were first called, and I can take you to the particular transcript references, but it included your evidence when you were asked at transcript 514, intelligence that the branch obtained, "How was that recorded?" --  
25 A. Yes.

Q. --and you referred to it was initially recorded by way of report. "Reports submitted to the officer-in-charge. They would decide what to do with the report."  
30 A. Yes.

Q. The day before, I showed you Exhibit 11.76 and 76A, which was Bundle A of the subpoena.  
35 A. Yep.

Q. Just looking at it, it was one folder and I think about a third of another folder. There were many reports produced.  
40 A. Yep.

Q. As you gave evidence, that was the standard way of recording the information, and then getting it up to Inspector Perrin, for example.  
A. Yes.

45 Q. Again in April, I was asking you questions about your interview with Mr Virkez on 10 February.  
A. Mm-hmm.

50 Q. I asked, "Did you keep notes of it? Did you observe Detective Hogue

keeping notes?" And I asked, "Why didn't you keep notes?", and you gave your evidence that you didn't like taking notes.

A. That's right.

5 Q. It inhibited people answering questions.

A. It did.

Q. You'd trained yourself to memorise it--

A. Yep.

10

Q. --and you would do a report afterwards.

A. Yep.

15 Q. Then I asked, "In respect of the interview with Virkez, did you produce a report about it?", and you answered, "I did."

A. Yes.

Q. Then I asked, "When?", and you said, "I don't know if it was immediate, but within a couple of days."

20

A. Yes.

Q. Mr Jefferies, I don't want to take you to other answers that you've given over the number of days you've been giving evidence, but can I suggest to you that one of the matters that you have been strong about in your evidence is that you did prepare a report after the 10 February interview--

25

A. Yep.

Q. --and that that report was then sent to Inspector Perrin?

A. Yes.

30

Q. You gave evidence that you discussed it with Inspector Perrin?

A. Yes .

Q. And you also gave evidence of your recollection that you took it to Detective Sergeant Turner--

35

A. Yes.

Q. --allowed him to read it but not keep a copy.

A. Yes.

40

Q. What I would suggest to you is that the evidence that you've given consistently in April and during this week, is that you did prepare a written report--

A. Yes.

45

Q. --of that interview with Mr Virkez.

A. Yes.

Q. What I'd suggest to you is that it's really not a matter of, "Possibly I didn't", but your evidence is quite strongly supports the proposition that you did.

50

A. Yes.

Q. Would you agree with that?

A. Yes, I would.

5

Q. You've been asked questions by Mr Buchanan and also Mr Brown about your nomination to Inspector Morey on 8 February that there should be either enquiries or a raid made on Joseph Stipic's house.

A. Yes.

10

Q. You were asked, "Why did you nominate Mr Stipic?", and your answer has been, "Look, I really can't remember."

A. I reflected on that and I think - I think Mr Stipic had come to notice previously and I think he was the fellow that Detective Krawczyk and I searched his house and found a firearm. That's my recollection.

15

Q. The searching of his home--

A. This was a separate matter altogether.

20

Q. After 8 February--

A. Yes. Yes.

Q. --or afterwards?

A. No. No. No. No. A fair while before 8 February.

25

Q. His home, he lived with his family out at Mount Druitt?

A. Yes. That's right.

30

Q. I think his mother, father, grandfather and a number of siblings lived there.

A. Yep.

Q. I'll take you--

A. Is that--

35

Q. Just excuse me.

A. Yeah.

Q. Before the Inquiry there is a statement from Mr Stipic. I'll just bring that up for you.

40

EXHIBIT 8.5, RED PAGE 32, SHOWN TO WITNESS

Q. I'll show you the first page to begin with.

A. Yep.

45

Q. You can see, "Statement of Joseph Stipic"--

A. Yep.

Q. He refers to his current address, and then in paragraph 4, "I make this statement knowing that it is to be used in an Inquiry..."?

50

A. Yep.

Q. The first matter I wanted to bring to your attention is paragraph 23 at red page 35.

5 A. Mm-hmm.

Q. He's talking about 1977.

A. Mm-hmm.

10 Q. He'd been arrested for causing a public nuisance by throwing leaflets to the audience, and there he says:

15 "When I was in the police station cell, during the second arrest, I met Detective Jefferies for the first time. He interviewed me in an office in the police station, it was just he and I, the conversation lasted about five minutes. He asked me am I a member of the Croatian Republican Party..."

20 Et cetera. Mr Stipic's recollection, that was the circumstances in which you'd first met, and it's what appears to be an unofficial interview at the police station.

A. Yep.

25 Q. If we could then go to the next page. Red page 36, paragraph 24. He then talks about attending mass down near Haymarket or Chinatown. He sees you from the other side of the street, you cross the road and you say, "How do you plan to liberate Croatia?"

A. I don't remember that at all.

30 Q. Paragraph 35 deals with seeing you in 1985, which I won't go to.

A. Mm-hmm.

Q. If we could just go to back to paragraph 23 on page 35. I don't know if you had an opportunity to read that in full.

35 A. That's paragraph 23.

Q. Sorry, paragraph 23.

A. Yep.

40 Q. Does that jog your memory, or do you recall any dealings with Mr Stipic in those circumstances?

A. No. I don't remember it at all.

Q. Could we go to the next page and return to paragraph 24.

45 A. Mm-hmm.

Q. Running into him in George Street.

A. I don't remember that either.

50 Q. In this statement, if we could then go to page 43, and paragraph 58. He

gives evidence about a police raid at my parents' house in 1980. If you then, going down to paragraph 61, you can see there's a reference, "We have a tip off there is a gun in the house.", and they search his brother Marinko's room, and an officer walks out with a gun.

5 A. Mm-hmm.

Q. Pausing there. When you spoke about you recall having some previous dealings about Mr Stipic and possessing a gun or something--

10 A. That would be--

Q. --is that what you're referring to?

A. That would be the incident, yeah.

Q. That really involved his older brother, Marinko?

15 A. I don't know.

Q. If we go to the next page, page 44. Can you see, "They took my oldest brother Marinko and charged him with gun possession", et cetera?

20 A. Mm-hmm.

Q. This all occurred in 1980, which obviously is after 8 February 1979.

A. Mm-hmm.

25 Q. The evidence that you gave a little while ago that you've been thinking about it and you remember there was something to do with a gun and Mr Stipic--

A. Yep.

30 Q. --do you agree that that appears to be in 1980, and ultimately it involved his older brother, or do you have another recollection?

A. I remember going there with Detective Krawczyk, and - I can't remember why. I think somebody told us that he had a gun. I don't remember very much about it except I went there with Krawczyk and Krawczyk found a gun.

35 Q. Is your recollection that that was before--

A. I don't really remember when it was.

Q. I wanted to take you to some evidence you gave at committal.

40 EXHIBIT 2.3-32, RED PAGE 7655, SHOWN TO WITNESS

Q. You're being asked questions by Mr Goldberg, and just to orientate you, can you see he asked:

45 "Q. And did you stay in Detective Morey's office for some time then?

A. I was there for some minutes.

Q. Where did you go then?

50 A. I went back into the general office and then I left and returned to

Chandos Street."

A. Yep.

Q. If we can then go right down the bottom of the page. It's put to you:

5

"Q. And I suppose he also mentioned Stipic too?

A. No, sir.

Q. No mention of Stipic. No mention of Topic?"

10

And then, the bench says, "'I mentioned Stipic' was his answer", then, if we can go to page 7656? "Then, you mentioned Stipic?", "Yes", "Why did you mention Stipic?", "Because I know him to be an associate of the defendants, sir".

15

A. Mm-hmm.

Q. "What did Morey say to that?", "Asked me what I knew about Stipic", "Known to be an associate of which defendants?" and you can see there, you nominate--

20

A. Yeah.

Q. --a number of the Croatian--

A. Mm-hmm.

25

Q. --practically all of the Croatian Six.

A. Yep.

Q. And then, as associate except for Mr Bebic and Mr Virkez?

A. Yeah.

30

Q. That evidence was given in September 1979; does that refresh your memory as to what your thinking was on 8 February 1979 when you suggested or nominated to Inspector Morey that there should be a raid on Mr Stipic's premises or home?

35

A. No, I don't recall. I don't recall what my thinking was at the time, ma'am.

Q. And that doesn't refresh your memory?

A. No - no, not really. 1979? No.

40

Q. You were asked questions about your involvement on 8, 9 and 10 February, and if I can just summarise it leading to a question. You were obviously involved with CIB at this stage, or attending the premises, you're providing some information, and you also attend the raid at Ashfield?

A. Yes.

45

Q. You knew that there were going to be a number of raids at different premises?

A. Yes.

50

Q. Involving, for example, Mr Brajkovic?

A. Yes.

Q. The Kokotovic brothers, Mr Nekić?

A. Yes.

5

Q. And of course, Mr Zvirotic because you were--

A. Yeah.

Q. --attending?

10

A. He was at Ashfield.

Q. During the time that you're either at CIB and coming back after the raid, it's fair to say that your knowledge of who was involved and what the targets were was developing?

15

A. Yes.

Q. And in particular with the information that you were receiving, you were told that there was this person called Virkez who went to Lithgow Police Station--

A. Yes.

20

Q. --and informed them about the conspiracy?

A. Yes.

Q. You'd had the information through the Commonwealth Police that this person called Misimovic was also involved in some way?

25

A. (No verbal reply)

Q. In contacting the Consulate?

A. Yes.

30

Q. And your evidence was at 8 February, you didn't know Virkez and you didn't know a Misimovic?

A. No, I didn't know them.

35

Q. I won't take you to it, but you were taken to a number of the reports in Bundle A where there a number of different members of the Croatian National Party nominated--

A. Mm-hmm?

40

Q. --other than the Croatian Six?

A. Yep.

Q. And sometimes, names appear, then at the next report, they disappear and there might be a new name?

45

A. Yep.

Q. So it's fair to say that the knowledge of the Croatian Republican Party--

A. Mm-hmm?

50

Q. --was in a sense, your knowledge was in a state of flux?

A. Yes.

Q. It wasn't an organisation where you could arrive and say, "I want to see your membership log", or anything like that, was it?

5 A. No, it wasn't, no.

Q. Given that uncertainty of the knowledge--

A. Mm-hmm?

10 Q. --when you realised that various of the people alleged to be involved, including this Virkez, had been interviewed, potentially there was information in that record of interview that Special Branch would have been very, very interested in?

A. Yes.

15

Q. That might have nominated somebody else--

A. Yes.

Q. --who could have been a member of the Croatian Republican Party?

20 A. Yes.

Q. They might have nominated another bomb site or possible target?

A. Yes.

25 Q. Given that, you would have been very interested to read the records of interview?

A. Yes.

Q. You didn't ask to see any of them?

30 A. No.

Q. There's really no impediment in terms of interference with the criminal investigation by you simply sitting down at a desk at CIB, having a read through, memorising anything that you think was really relevant, going back to Special Branch and including that on a dossier or in a report?

35

A. That just wasn't done.

Q. Did you turn your mind to it?

A. Not at that time. I - I think I explained before, we - we didn't want to intrude upon the criminal investigation in any way at all. That was a matter for Detective Sergeant Turner, and at that point in time, it had become a criminal matter, and we were - we were not in - not really included in that.

40

Q. Not included--

45 A. Well, not--

Q. --I can understand the--

A. --not really included--

50 Q. Sorry, to the extent that you were preparing statements--

A. Yeah.

Q. --et cetera?

A. Yeah.

5

Q. In that answer, you were saying "we"--

A. Mm-hmm, Special Branch.

10

Q. But was it your decision, I don't want to ask because I don't want to interfere or is your recollection there was some directive or instruction from Inspector Perrin?

A. No, it was - it was more my decision.

15

Q. And the way that you've described it, you were really being super cautious--

A. Yeah.

20

Q. --in not interfering with the criminal investigation?

A. Exactly.

HIS HONOUR

25

Q. Has it been suggested to you--

A. Sorry, sir.

30

Q. It's been suggested to you that there might have been some benefit in you having a look at those interviews, what these people were supposed to have told police?

A. There might have been so, yes.

35

Q. --it could have been beneficial?

A. I acknowledge that that was a possibility but it - I don't know how to put it, sir, just wasn't the done thing to go and interfere in somebody else's enquiry.

40

Q. What do you mean "interfere"?

A. Well, they had their - they had their own enquiry, they had their own - own - own methods, and own plans and it just wasn't done.

45

Q. Does it make sense?

A. (No verbal reply)

50

Q. Looking back on it, does it make sense?

A. It was - it was just the practice at the time.

Q. No, but looking back on it, does it make sense?

A. Well, it does to some degree because you - you don't want to interfere in any way in somebody else's enquiry, you don't want to run the risk of

becoming a witness yourself.

MCDONALD

5 Q. But you were a witness?

A. I was a witness, but I was a witness from the Special Branch point of view.

Q. Well, no, sorry. You were a witness because you attended a raid?

A. Yeah.

10

Q. And you were also a witness as you've just said because of your Special Branch input?

A. Yeah.

15

Q. Following up on one of his Honour's questions, really, what - reading, sitting down at a desk at CIB--

A. Yeah?

20

Q. --really, that was just obtaining intelligence, wasn't it?

A. (No verbal reply)

25

Q. Something you'd do all the time? You take it back to Special Branch, it's recorded. Now, I could agree that if when you read a record of interview, they suddenly nominated Joe Blogs, if you wanted to go and talk to Joe Blogs or something like that, that might interfere with a criminal investigation--

A. Yeah.

30

Q. --but to guard against that, you could have just gone to Mr Turner and said, "Look, Joe Blogs has been mentioned, he's been on our radar, I really want to go and talk to him", and Detective Sergeant Turner could have said, "Yeah, look, we're not interested in him" or "No, please don't do that", but--

A. Yes, I - I can only reiterate it, it wasn't the done thing at the time.

35

Q. On 10 February, you knew from what you had been told on 8 February by Inspector Morey that Vico Virkez was part of the conspiracy?

A. Yes.

40

Q. Whether or not he then turned informant and why he went to the Lithgow Police Station--

A. Mm-hmm?

45

Q. --but he's part of the conspiracy, he's arrested and basically charged as--

A. Yes.

Q. --being part of the conspiracy?

A. That's right.

50

Q. Why did you think it was okay to go to Lithgow on 10 February and interview him?

A. (No verbal reply)

5 Q. Isn't that interfering with a criminal investigation?

A. We didn't view it as such at the time. We wanted to find out--

Q. I'm sorry?

10 A. We - we wanted to find out exactly who he was and what it was all about, and apart from the criminal aspect of it, we wanted to ascertain what the political input - implications and associations were. That was what we - why we went.

Q. So in your mind, you're saying that you could demarcate--

15 A. Yeah.

Q. --Special Branch--

A. Yeah.

20 Q. --enquiries and criminal enquiries?

A. Yes.

Q. Why couldn't have you employed that same ability to demarcate in sitting down and reading other records of interview with Mr Virkez and records of interview with all the other defendants?

25 A. Because it was Sergeant Turner's case, and he wasn't altogether approachable in that manner.

Q. What, approachable in allowing you to read--

30 A. Yes, Detective Sergeant Turner had his own - own - own methods and we were - he was not very interested in what we were concerned with.

Q. Have you ever read the records of interview?

35 A. (No verbal reply)

Q. Of, for example, Mr Brajkovic?

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

Q. Mr Bebic?

40 A. I can't remember to tell you the honest truth, I can't remember. I may have, I would have been interested, of course, but I don't know whether I ever - ever - ever got to see them.

Q. Because they were tendered at the committal?

45 A. Yeah, well--

Q. They were relevant evidence at the trial?

A. Yeah. But--

50 Q. In the public domain. If somebody was sitting in the back of the courtroom,

they probably would have read or heard of them?

A. They were Detective Turner's property.

5 Q. Did you have a discussion with Detective Sergeant Turner along those lines, or is that the impression that you got of the way he operated?

A. That was the impression.

10 Q. You were asked some questions this week by Mr Buchanan where you were asked, and this is transcript 2389. You were asked about: "The Armed Hold Up Squad and the Special Branch Squad had a reputation for investigative skills which involved regularly finding suspects in possession of illicit goods, firearms and explosives."

A. Yes.

15 Q. And you said, "Yes." Then you were asked:

"Q. You would have known that some people called those skills 'loading up suspects'?

20 A. I've heard the term.

Q. Fabricating evidence that was found in the possession of such goods?

A. I've heard that term, yes.

25 Q. But you knew that they'd had that reputation at the time, didn't you?

A. Yes."

30 Just on those series of questions about "loading up", you were asked some further question this morning by Mr Buchanan, and you referred to, I think, other police officers telling you that this allegation had been made against them?

A. Yes.

35 Q. But your answer that you knew they had the reputation at the time--

A. Yes.

Q. --that seems to go further than just being told by police officers, "Look, this allegation was made in this trial. That was one of my matters."

40 A. Yes. Yes.

Q. When you answered that they had the reputation at the time, what were you relying upon in agreeing with that proposition?

45 WOODS: Your Honour, I think that's a misstatement of the evidence, with respect.

HIS HONOUR: I think that the evidence has been quoted to him.

50 WOODS: Well, I alerted to my friend - if you quoted directly--

MCDONALD: Your Honour, I was. It was page 2389, and I'm sorry, we can bring it up, but I just was trying to just read it.

WOODS: No. Can I--

5

HIS HONOUR: I was following it through. You quoted it exactly.

10

WOODS: Yes, your Honour, that's so. But it doesn't mean a reputation for planting things. It's a reputation for finding things. That was what the witness agreed to.

HIS HONOUR: In the context of skills, that some people refer to as "loading up suspects", yes.

15

WOODS: Very well.

MCDONALD

20

Q. Mr Jefferies, if you need the questions and answers again, or if you'd like to see them, we can do that. What I was putting to you, the series of questions started with a general question about the reputation for investigative skills which involved regularly finding suspects in possession of illicit goods, and you say, "yes". What I'd suggest to you, in those terms, that's quite, can I say, an innocuous statement. They've got these investigative skills, they regularly find suspects in possession of illicit goods, firearms and explosives. Then there's a series of questions, which I just quoted to you, where Mr Buchanan introduces this idea of, well, those skills actually mean "loading up". You've heard that term. He defines the term to you, and then puts to you, after he defines the term of fabricating evidence, that, "You knew that they had that reputation at the time, didn't you?" And you said, "Yes."

25

30

A. Yes.

35

Q. Putting that to one side, I reminded you of your evidence today, when you spoke about some fellow police officers saying to you, "Look, it's been alleged"--

A. Yes.

40

Q. --"that I planted something."

A. Yes.

45

Q. What I wanted to explore with you is your agreement that the Armed Hold Up Squad, the Special Branch Squad, had the reputation at the time of doing that. What I want to suggest to you is that "reputation at the time" may suggest that that's common knowledge gained by police officers in other areas of the Police Force.

A. Yes.

50

Q. Yes, they've got that reputation, those two squads, that they'll plant a gun, they'll plant some drugs, or something like that. The way I've just described it, is that what you understood Mr Buchanan was saying to you when he said,

"They had that reputation at the time"?

A. Yes. Yes.

5 Q. Had you, other than police officers, in a sense, complaining about, "Look, this allegation was made in a trial I was involved in." --

A. Mm-hmm.

10 Q. --had you heard of accounts by police officers that, look, I'll say, "Roger Rogerson planted a gun.", or, "This officer planted this." Is that what the reputation that you refer to is based on?

A. Yes.

Q. Can you give us some assistance in what you heard that allowed you to form the opinion that they had the reputation at the time?

15 A. Well, it was - it was simply their reputation at the time. It was often alleged during court matters, allegations made by any number of defendants.

20 Q. I'm more interested in information that you gained from other police officers. Whether anything you can recall about being told, or overhearing or discussions about, because you're not part of those two squads; you're quite separate, but that doesn't mean police officers talk amongst themselves from different branches about what other officers may have got up to .

25 A. It - well, they were all allegations. Allegations I didn't know whether it was true or it wasn't true, but it was often alleged, as I say, by defendants and other people, that this - these sorts of things happened. That - as far as I was concerned, they were allegations. They had no personal knowledge of.

Q. You gave that evidence today.

30 A. Yeah.

Q. I understand allegations made by defendants and accused in trial.

A. Mm-hmm.

35 Q. I was just exploring whether there might have been another source that allowed you to agree that that was their reputation made by fellow police officers.

A. No. Not really. Not that I can - no. Not that I can specifically indicate, no.

Q. When you said that you knew that they had the reputation at that time--

40 A. Mm-hmm.

Q. --February 1979--

A. Mm-hmm.

45 Q. --you're really relying upon your knowledge of allegations made by defendants/accused and others--

A. Yep.

Q. --in the context of trials, hearings, et cetera.

50 A. I have no - no personal knowledge of such things.

HIS HONOUR

Q. What you're really saying is that you were aware that they had the reputation--

5 A. Yes.

Q. --of being the subject of allegations. Not a reputation for actually doing such things. Is that what you mean?

10 BASHIR: Sorry, your Honour, I heard, and I might be wrong, I think your Honour may have put a "not aware" - that your Honour might not have mentioned--

HIS HONOUR

15

Q. That you were aware - is this what you're meaning to say: you were aware at the time that the members of these two squads had a reputation for being the subject of allegations of--

A. Yes.

20

Q. --this form of misconduct?

A. Yes, sir.

Q. Not that you were aware that they actually engaged in such misconduct?

25 A. I had no knowledge of them engaging in that conduct, sir, but they had a reputation.

Q. I'm not sure that I can read your evidence given on Monday in quite that way.

30 A. I'm sorry, sir.

MCDONALD

35 Q. You were also asked on the Monday about the CIB detectives having a reputation for investigative skills which involved regularly obtaining confessions from suspects whether signed or not, and you answered, "Yes." Then you were asked:

40 "Q. And you understood that some people called that 'verballing suspects'?

A. Yes."

A. Yes.

45 Q. Can I ask you about "verballing of suspects". Again, you agreed with the proposition of "reputation of investigative skills". On its face, that's probably neutral, but did you have any personal knowledge or involvement with CIB detectives verballing suspects?

A. No.

50 Q. Had you been told by any other, and we're talking about February/March

1979, had you been told by any other police officers of their experience either observing, or being told or learning about verballing?

A. No.

5 Q. When you answered that you knew CIB detectives had a reputation for investigative skills which involved regularly obtaining confessions from suspects whether signed or not, what were you referring to there when you agreed about having a knowledge of their reputation?

A. Well, I was simply aware of their reputation.

10

Q. Of what?

A. Of verballing people.

Q. Again, that reputation, what was the reputation based on?

15

A. Well, it was based on allegations. I can't say more than that.

Q. So the same basis that you just gave evidence about concerning the reputation of loading up suspects?

A. Yes.

20

Q. Mr Jefferies, you've been asked a number of questions about what you did after the interview with Mr Virkez on 10 February.

A. Yep.

25

Q. Again, if I can broadly draw your mind to the area that I'm interested in. You've said that you had an issue about - he was a strange man, some of his answers, and you were asked at transcript 2436:

30 "Q. What did you do with the information that you obtained on 10 February?

A. I tried to ascertain the veracity of the information."

A. Yep.

Q. You remember that?

35

A. Yes.

Q. Then at 2437, you gave an answer that you made further enquiries about Mr Virkez and his antecedents?

A. Yep.

40

Q. You would have made enquiries of ASIO about him?

A. Yep.

45 Q. And also the likelihood of the information he provided was correct. You made some enquiries about that.

A. Yep.

Q. So your interview with Mr Virkez and what he told you didn't stimulate you to undertake some further enquiries?

50

A. Yes.

Q. I'll just take you to some evidence you gave at the committal, Exhibit 2.3-32? We'll commence at page 7677.

EXHIBIT 2.3-32, RED PAGE 7677, SHOWN TO WITNESS

5

And if we go to the top of that page? Just to orientate you, can you see the question, "Tell me before you commenced your interview with him on the tenth, why did you not read the records of interview?" and you say, "I wasn't interested in discussing incidents, wanted to discuss Croatian political affairs" et cetera. So we're talking about 10 February interview?

10

A. Sorry, I - where - whereabouts are you on the page?

Q. I'm terribly sorry, yes, can you see the question, the cursor's near it--

A. Tell me, yeah?

15

Q. --"Tell me before you commenced the interview"?

A. Yeah.

20

Q. So I just want to orientate you to the questions that you're being asked. Then, can we go across to page 7678? There are a number of questions about information that you learned, for example, "Did you enquire from him about the use of the name", and I asked you about this back in April. It's typed as Misovivic--

A. It's - yeah, it's misspelt, yeah.

25

Q. But it was--

A. Misimovic.

30

Q. --I think you agreed it was Misimovic?

A. Misimovic.

35

Q. If we go down there, there's a reference to an address book, and then, you were asked, "I take it then that your interview with Virkez didn't stimulate you to one single further investigation?", and your answer was, "No, sir".

A. Mm-hmm?

40

Q. Your evidence during this week is - and as you just answered - it did stimulate you to undertake further investigations about Mr Virkez?

A. Mm-hmm.

45

Q. Your answer that's on the screen at the committal--

A. Mm-hmm?

Q. --is not correct.

A. No, it's not correct.

50

Q. I'd suggest to you, Mr Jefferies, it's a lie?

A. I don't think it's a lie, it's a misunderstanding, I think.

Q. Why is it a misunderstanding?

A. Well, because I did - I did undertake further investigations. So I - I don't know, I can't explain why it's got "no" there.

5 Q. You've been asked questions by me and also, Mr Buchanan, which are along the lines of was there some reason why - I'll put it broadly to begin with - Special Branch or the police wanted to keep, in a sense, quiet some of the revelations about Mr Virkez, that you didn't want to disclose it.

A. No, I don't believe that was the case, no.

10 Q. That answer which isn't correct and I would suggest is a lie is consistent with a decision by Special Branch at least to keep information about Mr Virkez in-house?

A. No, I don't think that was the case.

15 Q. If you did answer that truthfully, "Yes, I did make further investigations", the next question would have been, "Well, what about?"--

A. Mm-hmm.

20 Q. --and you would have had to have told Mr McCrudden--

A. Mm-hmm?

Q. --"Well, he had this other name, and then, he said he was a Serb, and you know, he was so strange, I had to contact ASIO about it"--

A. Mm-hmm?

25 Q. --but your answer shuts down those further enquiries by the defence counsel?

A. I can see that, but I - I don't understand why I'd say no. I really don't.

30 Q. All right--

A. That's - it - it - that was not - that was - that was never a consideration.

Q. In your mind, it was never a consideration?

A. To - to - to what?

35

Q. To keep in-house--

A. Virkez? Yeah, no, no, no--

Q. --all this other kind of material about who he was, what his--

40 A. No.

Q. --nationality was?

A. No, I don't believe so.

45 Q. You--

A. I don't think we could anyway because I think other people knew about Virkez by then.

Q. Who else?

50 A. Well, I think the Commonwealth Police and ASIO, I think, knew about him

by then. I'm not sure, but I think they did.

Q. But that's not - can I say with the Commonwealth Police and ASIO - and this is a very, I suppose, simple description - in a sense, they're in your camp?

5 A. Yeah.

Q. Like, Special Branch, ASIO?

A. Yeah, in a sense.

10 Q. Kindred spirits?

A. Yep.

Q. Commonwealth Police, Intelligence Branch, again, kindred spirits?

A. Yep.

15

Q. You're sharing information et cetera?

A. Yep.

Q. It's different from, though you did tell Detective Sergeant Turner a lot of it--

20 A. Mm-hmm?

Q. -it's not the police as a whole?

A. Well, not the police as a whole, no.

25 Q. And definitely not the legal representatives of the defendants at committal?

A. Well, that - that had nothing to do with me. That was a matter for Detective Sergeant Turner.

Q. Well, it does here when you don't answer the question correctly.

30 A. Yeah. I can't understand it, "didn't stimulate you to one single". I don't understand it, I don't understand why I've said that.

Q. Just one final point along these lines, and I'll try not to bring the document up, but do you remember your preliminary report that you and Mr McNamara signed?

35

A. Yeah.

Q. I think it's dated 8 March?

A. Right.

40

Q. Mr Buchanan asked you some questions about it because throughout Mr Virkez is referred to, but he's referred to as a Croatian?

A. Yes.

45 Q. Do you remember those questions the other day?

A. I do, yeah.

Q. And Mr Buchanan put to you, "Look, again, you're not in a sense disclosing what you really knew about Mr Virkez by that time, that he was a Serb". Now, what I wanted to suggest to you was that report was a joint report by you and

50

Mr McNamara?

A. Yep.

5 Q. Was there anything within Special Branch that the information that you had obtained about Mr Virkez, his real name, Serb, his motives--

A. Mm-hmm?

10 Q. --was to be kept even more restricted within Special Branch, you, Inspector Perrin and Mr McNamara--

A. Mm-hmm?

Q. --Detective McNamara, I'm sorry, who was the junior officer--

A. Yeah.

15 Q. --was to be kept out of the loop?

A. No, no, I don't - I don't believe that was the case, no.

Q. So nothing about, in a sense, keeping that information even more restricted to certain nominated people?

20 A. Well, it wasn't something that we bandied about, but--

Q. No, no--

A. --no, I don't - I don't believe there was any - any concerted attempt to restrict it, no, no, there was - there was no - no attempt to do that.

25

MCDONALD: They're the questions, your Honour.

HIS HONOUR: Thank you.

30 Q. Mr Jefferies, one small point if I could take up with you? The night of 8 February, after the raids, you're back at the CIB, level 3--

A. Mm-hmm.

35 Q. --various officers of the two squads are there with the people who had been arrested--

A. Mm-hmm?

Q. --they're being interviewed in various interview rooms, you're the Croatian expert in--

40 A. Mm-hmm.

Q. --in this area, and you'd have far more knowledge about these people and the Croatian issues likely than any of the CIB officers; would that be right?

A. Yes, yes, sir.

45

Q. We've seen in the interviews that occurred or are said to have occurred, that at times, the interview was interrupted, and an officer would leave the room, apparently speak to somebody, or somebody would come to the door and--

50 A. Mm-hmm.

Q. --there would be some interaction between interviewing police and somebody outside?

A. Yep.

5 Q. Whilst you were on the floor when all this interviewing was going on, or said to have been going on, did anyone involved in any of the interviews come out of an interview room and approach you and tell you what has been said by somebody during the course of an interview, and perhaps--

A. Not that--

10

Q. --seek your comment or advice about the issue?

A. Not that I recall, sir, no.

Q. You would recall it, wouldn't you?

15 A. Yes, I probably would. I can remember the night, I can remember the office, and no, I - I don't think any - anybody approached me.

Q. There would be nothing that would prevent that occurring, though, would there?

20 A. No, no, no, there'd be nothing to prevent it, no.

Q. So if some officer came out and said, "Look, we've just been told by this suspect--

A. Yeah, yeah.

25

Q. --this, can you--

A. Yeah.

Q. --suggest anything more we might ask?" or--

30 A. Yeah.

Q. --give us some comment about what that might mean, or anything like that? That was a course freely available to the interviewing police?

A. Yeah, of course. But I - I really don't recall being asked--

35

Q. And you're providing that sort of assistance to the police if they had have sought it?

A. Oh, if they'd sought it, sir, yes.

40 Q. If it had have been sought, it wouldn't have interfered with their investigation at all, would it?

A. No.

Q. It would have helped their investigation?

45 A. Yes.

Q. Mr Jefferies, that's the conclusion of your evidence. Hopefully, for all time before this Inquiry but I'm not formally excusing you. If there is a need to have you recalled for any reason, which I hope I won't occur, you'll be notified.

50

Epiq:DAT

D32

WITNESS: Thank you, very much.

HIS HONOUR: You're free to go.

5 <THE WITNESS WITHDREW

<PETER WICK, SWORN(3.16PM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name?

A. Peter Wick. W-I-C-K.

Q. Mr Wick, you're currently retired?

A. That's right.

10

Q. In February 1979, you were a member of the New South Wales Police Force?

A. That's correct.

15

Q. Your rank was Detective Sergeant?

A. Yes.

Q. You were a member of the Armed Hold Up Squad?

A. I think so. I'm pretty sure.

20

Q. Can I just put some dates to you about your career within the Police Force.

A. Yep.

25

Q. If you don't agree with, or it's not in accordance with your recollection, please speak up. You joined the Police Force, or became involved, as a trainee in 1960?

A. Yes.

30

Q. You were then appointed to a number of various stations, some of these you might have to assist me with. Number 8 at Rozelle?

A. Number 8 was Balmain.

Q. Was that Balmain?

A. Rozelle was an unmanned call box.

35

Q. If I say, "Number 8", that's at Balmain?

A. That's right.

40

Q. If I say, "Number 20"?

A. That was later on. That was at police headquarters.

Q. That was in about 1968 to 1971?

A. That's right.

45

Q. Then, again, you're going to have to assist me: 1971 to 1972, Number 22.

A. That was Liverpool.

Q. Can you recall your rank when you were at Liverpool at that time?

A. I would have been Senior Constable.

50

Q. Then in 1972, did you join the - is it 21 Special Squad?

A. I spent a couple of months there, and then came back on loan to Liverpool. It was a three or four-year period. I was in Liverpool general duties, a Liverpool trainee detective, and a short couple of months at 21 division.

5

Q. Then I've got 1975 to 1979, CI Branch. CI Duty?

A. That would have been the Consorting Squad.

Q. Were you a Senior Constable then?

10

A. I started as a Senior Constable. I think I became a Sergeant before I went to the Armed Hold Up Squad in '79.

Q. That was the next position I was going to refer you to. I've got from about 21 January 1979 to 22 January 1984 you were in the Armed Hold Up Squad.

15

A. Yes.

Q. You were a Detective Sergeant there?

A. Yes. Yeah.

20

Q. Was it any part of the Armed Hold Up Squad or just all the duties?

A. No. I was part of the Armed Hold Up Squad. The rank meant that I was - I had two weekends. You had four days off in a row and 10 days straight. Roger Rogerson was in charge of one weekend and I was in charge of the other for most of that period.

25

Q. You were both the Detective Sergeants, what, at least during 1979?

A. Yes. We were of the same rank.

30

Q. And as you said, he was, in a sense, the one week on; you'd be off, and then you'd swap over?

A. Yeah. To cover the weekends, that's all.

Q. Then, again, and I won't go into in any detail, but after January 1984, you moved around, again, a number of either different stations or areas, including Consorting, back to Liverpool in June 1986?

35

A. I can't remember going to Liverpool. I - no. I--

Q. My record only has--

A. I went to the Consorting Squad.

40

Q. --you there for a month.

A. I had a short period in charge of the Motor Squad when there was a sort of illness situation.

45

Q. Yes. I've got that.

A. I applied for and got a job as an Inspector that what was then the Drug Law Enforcement Bureau, and I thought that was 1986. Then the force resized, as they put it, in 1987, and I went to the Major Crime Squad, south-west region, which was based at Flemington Police Station.

50

Q. Then ultimately you retired from the Police Force on 30 August 1997.

A. That's correct.

5 Q. Your involvement in events which are subject to this Inquiry primarily focus on events that occurred on the night of 8 February--

A. That's correct.

Q. --when you and some other officers attended a home at which a Joseph Stipic lived.

10 A. I believe so.

Q. When I--

A. I have no recall.

15 Q. I'm sorry?

A. I have no recall, but I believe so.

Q. When I say, "your involvement in the events", that also involved preparing a statement, because Joseph Stipic--

20 A. Yes.

Q. --was charged with an offence?

A. Apparently. I've seen the statement, and it is my signature.

25 Q. And then attending the Court for a summary hearing of that charge against Mr Stipic.

A. Again, I don't recall it, but I read about it in one of Hamish McDonald's books.

30 Q. Can I first take you to your statement.

EXHIBIT 8.3-2, SHOWN TO WITNESS

35 Q. Mr Wick, what we've been doing is mainly putting documents up on the screen, but we have paper copies. If you would prefer at any time to look at the paper copy, please tell us.

A. I have a paper copy with me. If--

40 Q. I think we'll show you the - if we can, in addition to bringing it up, if we can show Mr Wick the paper copy. Mr Wick, it was 8.3-2. Down the bottom of the page it should have a red number 16.

A. There was a red number, but it disappeared. Yes.

Q. Your statement, which is dated 10 April 1979, consists of two pages?

45 A. Yes.

Q. Have you had an opportunity to read through it recently?

A. Yes.

50 Q. You've identified that at the bottom of page 17, the second page of the

statement, is your signature?

A. No. On both pages, yes.

5 Q. Reading through it, when you recently did so, was there anything that you read that struck you as incorrect or wrong that you wish to change?

A. Well, as I said, I have no recollection of the whole thing.

Q. All right.

10 A. The police are familiar to me, certainly.

Q. I'm sorry?

A. The names of the police are familiar to me--

Q. Yes.

15 A. --but I have no recollection of the incident. I'm very embarrassed by it.

Q. I'm sorry, you said you're embarrassed--

A. I'm quite embarrassed by the fact I have no memory.

20 Q. What we may do, Mr Wick, is I'm going to ask you some questions and take you to some other documents to see if that jogs your memory. Often that occurs. We've got the two-page statement.

EXHIBIT 8.4-5 SHOWN TO WITNESS

25 Q. We'll expand that, Mr Wick.  
A. Yes.

30 Q. Can you see there it's a case for hearing at Central Court of Petty Sessions, 2 July 1979.

A. Yes.

35 Q. The defendant, "Joseph Stipic", and then on the right is the charge that he was facing. Again, paraphrasing it, it's possession of an explosive. That is, nine electronic detonators.

A. That's right.

40 Q. Mr Stipic was prosecuted with that charge, but it was then dealt with summarily before a Magistrate at Petty Sessions?

A. I understand that, yes.

Q. And there was a hearing. So it's not going on indictment before a jury. It was purely before a Magistrate.

45 A. Yes. I understand that, yeah.

Q. And there was a hearing which was conducted which from the records was relatively short. It was only about an hour or two, and it resulted in the charge against Mr Stipic being dismissed.

50 A. That's what I read in the book.

Q. Do you remember any of this?

A. No. No, I don't. And I don't understand it, to be quite honest.

Q. What don't you understand?

5 A. Well, I think in the book it said that no evidence was called, but photos were produced, and I don't know how you can produce photos without calling someone to give evidence to get them into evidence.

10 Q. Mr Wick, I know this is difficult because you've read the book, but try and put the book--

A. I haven't read the whole book. I read that part.

Q. You read the section that concentrated on you?

15 A. Pages 92 and 93, yes.

Q. Try the best that you can to put that to one side, and we'll take you to some other documents, but you are correct. There was evidence called at the hearing, including you were called to give evidence, and Mr Stipic was represented by a solicitor called Mr McCrudden of an Irish background, if that helps you. He cross-examined you, and showed you a number of photos?

20 A. Look, I remember all of Mr McCrudden, or Jim McCrudden, as he was known in those days, but I could never recall having a matter with him, to be quite honest.

25 Q. What I'll do, Mr Wick, is I'm going to take you back to 8 February and show you some other documents, just so, again, if we can refresh your memory. On 8 February, you were a member of the Armed Hold Up Squad.

A. Yes.

30 Q. Do you recall whether you were on duty, or whether it was one of those days when you weren't on duty?

A. I have absolutely no idea.

35 Q. The Armed Hold Up Squad was on the same floor as the Special Breaking Squad?

A. No. I've seen plans, and I believe so.

Q. Do you remember that the officer-in-charge was an Inspector Morey?

40 A. I remember Mr Morey, yes.

Q. Also, there was another Detective Sergeant, Detective Sergeant Rogerson--

A. Yes.

45 Q. --I'll put it broadly to begin with, was there on 8 February, and went and conducted a raid as one of the Croatian Six houses.

A. Again, I'm going along with what I've read.

Q. That's all right.

50 A. And I have seen some of the - the live streaming.

Q. Mr Rogerson was there. There was another Detective Sergeant Turner who has been referred to?

A. I knew Detective Sergeant Ted Turner, but not well, and I never worked with him.

5

Q. He was in the Breaking Squad?

A. I think he was, yeah.

Q. He had some involvement?

10 A. He was. I'm sorry, he was. Yeah.

Q. And had actually went to Lithgow on that early evening of 8 February.

A. (No verbal reply)

15

Q. What I might do, could Exhibit 11.36 be brought up?

EXHIBIT 11.36 SHOWN TO WITNESS

20

Q. We'll start at page 131. Right at the top, can you see it's got, "Information supplied by Detective Sergeant McDonald re operation at Lithgow"?

A. Yes.

Q. And do you recall Detective Sergeant McDonald, Angus McDonald?

25

A. Oh, very well, I - I didn't work with him, but he was - he was a character.

Q. Can you see it records in the first paragraph that Detective Sergeant McDonald and Turner and a number of other police went to premises at 6 Macaulay Street, Lithgow where two men, named Vico Virkez, Maksim Bebic were arrested?

30

A. Yes.

Q. And then, there's a reference to a vehicle at the premises within which bombs, detonators, gelignite was identified?

A. Yes.

35

Q. And what this screed then goes on to record that they've now got information that there's some people involved in Sydney, and you can--

A. Yep.

40

Q. --see - it's probably better to have a look down the bottom of the page because their names are spelled properly, but you can see there's a Tony Zvirotic, Brajkovic, two Kokotovic, who were brothers, and a Mr Nekic?

A. Yes.

45

Q. Mr Stipic isn't referred to there, all right?

A. Mr Stipic? No.

50

Q. Stipic. But this was information - and his Honour's heard evidence about this - that the sequence on 8 February is they get information from an informant from Lithgow that there are explosives which are going to be brought

down to Sydney, turned into bombs and planted at certain targets. And as you can see from that first paragraph, McDonald, Turner and other officers are dispatched to Lithgow?

A. Yes.

5

Q. They execute a raid, and get some further information about people who allegedly were involved, but who lived in the Sydney area?

A. Yes?

10

Q. The next step in the chronology is that well, there's a number of people here, the police or Inspector Morey decides that there'll be raids on all these premises, and to undertake that, a number of officers are either told you're not going on duty or are actually called in to come to work?

A. Yes, that's a reasonable guess.

15

Q. Can I just take you to in this exhibit, page 134? This document lists who was available and where they will be going. So you can see at the top, there's Lithgow, and we've got - sorry, Detective Sergeant Marheine and Constable Ingram, they're stationed at Lithgow?

20

A. Yeah, yes.

Q. And then, you've got some Observation Squad and Breaking Squad people listed?

A. (No verbal reply)

25

Q. Do you see that?

A. Yes.

30

Q. Then, if we move further down, we've got under Metropolitan Area, we start with Detective Inspector Morey, then Detective Inspector Perrin from Special Branch; do you recall him?

A. I have met him at some stage, I've never worked with him.

35

Q. But you know who we're talking about?

A. Yes, yeah, John Perrin.

Q. Then, I'm not going to take you to everybody, but can you see a number of officers are then listed?

A. Yes.

40

Q. And if we just show the final three names on that page? Wilson, Bennett and Carroll?

A. Yes.

45

Q. If we then go across to page 135? We've got four other detective senior constables mentioned?

A. Yes.

50

Q. We've got two others from Surveillance or Observation Squad?

A. Yes, yes.

Q. Then, if we go across to page 136, now people are being divided into teams. Addressed to be visited, you can see an address at Chandos Street, Ashfield?

A. Yes.

5

Q. A description of the house, the suspect and then, a number of officers underneath?

A. Yes.

10

Q. If we continue down the page, we've then got two addresses at Burwood, again, identifying the suspect and number of officers?

A. Yes.

15

Q. Then, if we go - yes, the last one we've got an address at Bossley Park, Mr Brajkovic, again, a number of officers?

A. Yes.

20

Q. And then, if we go across to page 137--

A. Could I just go back over the page?

Q. Yes, certainly. Page 136? And I should just pause there, can you see under "Burwood", the first officer is Detective Sergeant Rogerson--

A. Yes.

25

Q. --is noted. Is there anything else you, in particular--

A. Probably too high, there was a Jefferies. I'm not too sure it was Jefferies who preceded me or another Jefferies who was at the CIB at the time. They just skipped through too quickly for me to read it. You'd have to go the other way I think. Yeah.

30

Q. Down the bottom?

A. Yeah, it's spelt - yeah, it's spelt a funny way, yeah, sorry.

35

Q. Yes. It's not - yes, but identified as somebody from Special Branch?

A. Yes.

40

Q. Then if we can go back to 137, what I want to draw your attention to is the standby team, and this is to visit the address of Discovery Avenue, Mount Druitt, and can you see the suspect is Joseph Stipic?

A. Yes.

45

Q. There are a number of officers nominated, Harvey, Byrnes, Donald, Collins and McNamara from Special Branch.

A. Yes.

50

Q. Do you recall that a number of those officers did attend with you at Mount Druitt?

A. No, I don't recall it at all; as I've told you, that I read in the statement and I know all those people, I think. There are several Burns, I think I know the one who's there.

Q. Did you know Detective McNamara from Special Branch?

A. There were several McNamaras as well. The only McNamara I know from Special Branch was Paul McNamara, a fairly junior fellow, yeah.

5 Q. Yes, junior but you knew him at the time?

A. I met him at some stage; I never worked with him, but he - I've known him over the years.

Q. One thing to note is your name doesn't appear in any of these lists.

10 A. Yes.

Q. But, and if we just rely on your statement, you account there that you went out to Discovery Avenue, Mount Druitt and had some dealings with Mr Stipic?

A. Yes.

15

Q. You can see that there are obviously many officers involved and they're being divided into teams and roughly every team has a detective sergeant in charge?

A. Yes.

20

Q. What I want to suggest is you're not listed there but you became the detective sergeant in charge of this standby team that went out to Mount Druitt.

A. Is that a question?

25 Q. Yes.

A. I don't know why the name is not there. I can see that if I did go there, and I accept that I did, that I'd have been in charge because I'd have been the senior man, but, yes, there was a hair's breadth between Rogerson and myself as far as seniority was concerned.

30

Q. You could see Rogerson had already been assigned--

A. Yeah, I'm sorry--

Q. --to go to other addresses?

35 A. Yeah, I'm sorry, I got waylaid. I also was never a member of SWOS, and maybe all those other people are SWOS; I don't know.

Q. All right. Look, why I am doing this, Mr Wick, is just to see if it jogs anything in your memory. If we go back to your statement which is

40 Exhibit 8.3-2, and we'll go to right at the beginning, you say:

"About 9.30pm on 8 February, as a result of something I was told, left CIB with Detective Myers and other police. Drove to Mount Druitt Police Station where we joined Detectives Harvey, Byrnes, Collins and Donald, and Constable McNamara."

45

You gave certain instructions and then you drove to the vicinity of 33 Discovery Avenue.

A. Yes.

50

Q. Leaving CIB at 9.30, that would accord with evidence before the Inquiry that because of information obtained from Lithgow there was a decision that other houses had to be raided, possibly arrest of other suspects and that this was all going to occur on 8 February, that night, and the team that you were assigned to and to lead was the one going to Mount Druitt?

A. Yes.

Q. Now, you say, as a result of something I was told. As a detective sergeant, you were the next level down in rank after Inspector Morey?

A. Along with Rogerson, Wilson and maybe one other.

Q. If Inspector Morey was wanting to talk to the senior officers involved, he would be talking to you and those other detective sergeants?

A. Hopefully, unless it was SWOS only.

Q. Assume that it's not SWOS only. What I want to suggest to you is that you have a discussion with Inspector Morey and this is why you leave with these other officers, eventually to end up at Mount Druitt.

A. Well, I don't - I don't want to be picky, but I don't know whether they had a discussion with Mr Morey or was just told something with a group of others.

Q. Okay. Do you have any recollection of what you would discuss?

A. No, none whatsoever.

Q. Can I then take you to the next part of your statement. Again, I'm just summarising. You go into number 33 Discovery Avenue, you turn up there and, as you describe, it's illuminated, a number of people congregated on or near the front patio. You approach them. A brief search is made of the motor vehicle. It would appear that Mr Stipic senior gives permission to enter the house, and then you went to the house with Detective Harvey, had a conversation with Detective Myers, who was standing in the hallway with the defendant, and that's Joseph Stipic. Again, does that remind you of the house--

A. No.

Q. --or--

A. No. I'm sorry, there's just - I have no recollection. If I can expand on the answer. I watched Mr Stipic by live stream, and it brought nothing back. I bought the book and I told you about; I read snippets of that, and I just have no - no recollection whatsoever. And, as I say, I'm embarrassed by it.

Q. What I want to ask you some questions about is the next part of your statement where you talk about searching Joseph Stipic's room. You can see there that you explained to him that you're making enquiries about some planned bombing incidents, and you talk about men arrested at Lithgow, and that you'd like to search the room. Then if we can keep on going. We've got, "Detective Harvey and Donald enter the defendant's bedroom and commenced a search, while I stood near the doorway with the defendant. I saw a desk with a number of books and pamphlets on it." You asked about that, and you were told that they were uni books, studying geology. There were some pamphlets

in a foreign language, and then there was a reply, "Other police came here before you?" "They - no." Then there's a reference to:

5 "Detective Harvey at this time was searching the drawers of a desk near the defendant, and I saw him take a bundle of yellow-coloured detonators from one of the drawers and hold them towards me."

10 Then if we go to the next page, Detective Harvey says to Mr Stipic, "What have you to say about these detonators here?" He says nothing. Detective Harvey hands you the detonators, together with a length of blue-covered wire he took from the same drawer. Okay?

A. Yes.

15 Q. As I've said to you beforehand, there was a hearing at Petty Sessions. Unfortunately we don't have the transcript of any of the evidence, but we do have some of the exhibits that were before the Magistrate, and these are some exhibits that Mr McCrudden tendered. Can I first take you to Exhibit 8.2-3.

20 EXHIBIT 8.2-3 SHOWN TO WITNESS

Q. As I said, Mr Wick, these are photos that were not taken by the police but were taken by Mr McCrudden after 8 February but before the hearing at Petty Sessions.

25 A. Yes.

Q. Again, this is just to orientate you at the moment. Can you see in that photo there seems to be some kind of drawer/cabinet?

30 A. Yes.

Q. It's got framed pictures at the top with some flowers?

35 A. Yes. Can I say that I'd actually seen these, not in the same quality, when Mr Stipic was on live-streaming, and there was conversation about them, I think from yourselves, the Bar table and from his Honour, and I - I recall a bit of that, but these are much better quality.

Q. What I might do again to help you, I'll show you that photo. All right?

A. Yes.

40 Q. And some of these aren't the best, but 8.2-4.

EXHIBIT 8.2-4 SHOWN TO WITNESS

Q. Not the best photo, but you can see there's a window?

45 A. Yeah. I don't remember seeing that before, no.

Q. This was one of the photos that Mr Stipic, during his evidence, was taken to. Then on the right here, he identified what he described as a "clothes cabinet", which I think might be some kind of wardrobe. All right?

50 A. In that photo?

Q. Yes. Can you see that there's a window?

A. I can see a window.

Q. Then go directly over to the right.

5 A. There seems to be a light shade, and then some red blurring.

Q. Yes. We'll go to the red blurry bit in Exhibit 8.2-5.

EXHIBIT 8.2-5 SHOWN TO WITNESS

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A. I see, yes.

Q. That would appear to be the clothes cabinet or the wardrobe.

A. Yes.

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Q. Then there was some other photos that were shown to Mr Stipic. I'll show them to you now.

EXHIBIT 8.2-6 SHOWN TO WITNESS

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Q. Again, this seems to be - I don't know what it is. Some kind of either table or bookshelf or something, but, again, with some flowers, and, again, a picture and a small frame.

A. I can see it, but I can't recall it.

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Q. Then I'll just show you two other ones.

EXHIBIT 8.2-1 SHOWN TO WITNESS

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Q. This photo was taken by Mr McCrudden and was tendered during the hearing.

A. I can't recall the room, and I can't recall the photo.

Q. Then finally I will show you Exhibit 8.2-2.

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EXHIBIT 8.2-2 SHOWN TO WITNESS

A. No. That raises no memories, I'm sorry.

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Q. I can take you to them again, but I showed you the photographs that were tendered to the Magistrate, taken by Mr McCrudden. When you looked at those, did any of them remind you about a particular room that you may have entered on that 8 February?

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A. No. It brought nothing back. My recollection of what's in Mr Stipic's live streaming was there were some clearer photos that clearly showed Jesus and Mary, and some flowers, which may have been dried or fresh, depending on the budget sort of thing, and I thought they were much clearer. I didn't see them clearly in what you've shown me then.

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EXHIBIT 8.2-3 SHOWN TO WITNESS

Q. Mr Wick, I would suggest to you that that may be the photo you're referring, because can you see, to quote Mr Stipic, in a frame is a Mother Mary right up the top?

A. Yeah. Yep.

5

Q. There appears to be in the adjoining frame, that may be some kind of picture of Christ?

A. I'm not 100% sure. I think I've seen the same photo, but with loaves of bread - there's a box and loaves of bread closer to the bottom, which gave you more of a view of the photos on top of the cupboard and the flower arrangement.

10

Q. Your recollection is that was shown to Mr Stipic?

A. My recollection is that the photos of Jesus and Mary were quite clearly depicted, much more clearly than is here, and my recollection is there was conversation and then Mr Stipic said something like, "We had Mary and Jesus in every room in the house."

15

Q. That's correct.

A. And a conversation about buying fresh flowers when they could, or whatever, and flowers in every room.

20

Q. You have a good recollection of Mr Stipic's--

A. Well, I was very interested. I was trying to jog my memory.

25

Q. Putting to one side Mr Stipic's evidence, I took you to your statement where you talk about you enter the house, and one of the other officers, I think, has identified where Mr Stipic is, or Joseph Stipic is, and if I can give you some background. He'd already gone to bed, because he was working on a construction site and needed to get his sleep in and up early.

30

A. Yes. Sorry, we're talking about Joseph Stipic, not his father.

Q. I'm sorry, Joseph Stipic.

A. Yeah, sorry. Yep. Yep.

35

Q. I will refer to him as Joseph Stipic. And that suddenly there's a knock on the door, and it's one of the police officers. He gets up and he sits on the side of his bed, and there are officers in the room. And from the statements, I would suggest, you were in the room, and also I think it was Harvey and - I forget the other officer. You'll recall that I took you to your statement where you talk about--

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A. The statement says I went in with Harvey, and I had a conversation with Myers, who was standing in the hallway with the defendant. So I presume he's out of bed at that stage.

45

Q. Just hold on for a sec, Mr Wick.

#### EXHIBIT 8.3-2 SHOWN TO WITNESS

Q. Right down the bottom of that first page, Mr Wick. "Detectives Harvey and

50

Donald then entered the bedroom, commenced to search. I stood near the doorway with the defendant." And I took you to this before, so I'll jump over it.  
A. Yeah.

5 Q. You see a desk with books and pamphlets, and you ask some questions about it. Then record that Detective Harvey at this time was searching the drawers of a desk near the defendant, and you saw him take these coloured detonators out.

10 A. If that's what the statement says, it would have been correct.

Q. Showing you those photographs, when you looked at those photographs, did any of them - did it jog your memory that, yes, that was the bedroom, and that was where Harvey was searching or anything like that?

15 A. No. I'm sorry, I - I have zero recollection. Now, I have tried hard.

Q. As set out in your statement, you find the detonators and the wires.

A. Well, Harvey does.

Q. Harvey does. But they're handed to you?

20 A. Yes. Yeah.

Q. Then you ask Mr Stipic some questions about it in the bedroom.

A. Yes.

25 Q. Then if you need to, and this is page 17 of that exhibit, can you see you say, "I said, 'We will finish this search of your room, and then we will go to our office.'" Do you see that? Right down the bottom of--

A. Sorry, yes. Yes. Yes. Yes. Yes.

30 Q. --what's on the screen. "The search of the house was completed shortly after. I had a conversation with the defendant about another matter, and then said to him, 'We'll be taking you to the CIB, where you will certainly be charged with having these detonators in your possession, and other detectives, they may want to talk to you about some men at Lithgow.'" And he said, "I know  
35 nothing of that." All right?

A. Yes.

Q. I think I know what your answer is going to be, but where you say, "I then had a conversation with the defendant about another matter...". Do you see that?

40 A. I'm told--

Q. "After the search of the house was completed, shortly after..." Do you see that? And then you--

45 A. Sorry, yes. Yes.

Q. Then you had a conversation. What was the other matter that you discussed with him?

50 A. Again, I can't recall.

Q. As set out here, you then take him back to CIB.

A. Yes.

Q. Then you say in the next paragraph:

5

"The defendant was then taken to the Armed Hold Up Squad office at CIB where I made some enquiries and then spoke to the defendant about another matter."

A. Yes.

10

Q. Do you have any memory of being back at CIB? I think by this time I'm going to suggest to you is might be early morning of 9 February. It might be about quarter past 12, half past 12, in the morning?

A. No. I - I just have a zero recollection.

15

MCDONALD: Your Honour, is that an appropriate time?

HIS HONOUR: Yes, I think so. Have you got much to go?

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MCDONALD: There are just a couple of other - are you suggesting we continue on for a while?

HIS HONOUR: Well, I was going to ascertain from you first, and then, Mr Buchanan, you'll be a little time, I think.

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BUCHANAN: 10 minutes, perhaps, your Honour.

MCDONALD: Part of my thinking, your Honour, was maybe Mr Wick, overnight, things might come back, though--

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HIS HONOUR: We can live in hope.

MCDONALD: Yes.

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HIS HONOUR: Mr Wick, I'm sorry, you're going to have to return tomorrow. Have a good restful night, and we'll see how we go tomorrow with your memory, but it is a long time ago, and that's acknowledged for everybody. So please don't get concerned about that.

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WITNESS: Thank you.

<THE WITNESS WITHDREW

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ADJOURNED PART HEARD TO THURSDAY 26 SEPTEMBER 2024 AT 9.30AM