

Epiq:DAT

D36

SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 THIRTY-SIXTH DAY: TUESDAY 1 OCTOBER 2024

INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX

10

HIS HONOUR: Yes.

15 MELIS: Your Honour, before the next witness is called there's just some housekeeping. Some documents were circulated to the parties last night, and these documents are relevant to the next witness. If I might hand up a copy of those documents, your Honour, and read them onto the record. The documents handed up, your Honour, include Tab 20.63-1 which is an undated Australian Bomb Data Centre Incident Report form, which is the complete version of Exhibit 20.63; Tab 20.77 is an undated Exhibit with notation "Wiring diagram of time bomb found in plastic garbage bag in book in back of Valiant sedan HLY-378 at 6 Macaulay Street, Lithgow on 8 February 1979, RB Musgrave, Ballistics Unit"; Tab 20.78 is an undated handwritten note titled "Croatian Find - Lithgow Feb 79."

25 Tab 20.79 contains seven photographs of relay connectors; Tab 20.80 contains two photographs of unknown circular component with wiring; Tab 20.81 contains two photographs of four batteries with wires attached; Tab 20.82 contains three photographs of detonators; Tab 20.83 contains three photographs of gelignite; Tab 20.84 contains four photographs of gelignite;

30 Tab 20.85 contains Kodak film negatives; Tab 20.86 is a photograph of a rectangular item with ruler; Tab 20.87 is an undated card index (fines) incident number 1/79; Tab 20.88 is an undated ABDC Action: Stats and summaries with a reference TB 8/79 reference ABDC File 4-8-3; and finally, Tab 20.89 is a telex from ABDC COMPOL HQ to Vedette for O.I.C. Technical Services

35 Division titled "Recovery of Explosives dated 20 February 1979.

<GARY BARKLEY, SWORN(10.41AM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name?

A. Gary Barkley.

Q. Are you currently retired?

A. Yes.

10

Q. Before retiring did you have a career in the Australian Armed Forces?

A. Yes.

Q. Which particular part of the Armed Forces?

15

A. The Australian Army Ordnance Corps.

Q. When did you join that corps?

A. That corps in December 1975.

20

Q. In February 1979 what was your rank?

A. My rank was Captain.

Q. Towards the beginning of February 1979, were you transferred to another area of the Army? Sorry, when I say other area, location.

25

A. Yes, it was in January '79.

Q. Where were you transferred to?

A. To 223 Supply Company, Marrangaroo near Lithgow.

30

Q. That facility, what did it do?

A. 223 Supply Company was one of the Army's ammunition storage locations.

Q. In addition to ammunition storage, was anything else conducted at the site?

35

A. Yes. We - as part of the storage, we held a large quantity of ammunition explosives for the Army. We also had two demolition ranges where we either conducted courses or our own disposal of obsolete ammunition.

Q. The disposal of obsolete ammunition, at times did you perform that for, for example, members of the public, local farmers?

40

A. No.

Q. You didn't do that there?

A. No. There's no public display.

45

Q. You spoke about storage. At times, did the facility store ammunition for other regulatory authorities, for example, the New South Wales Police?

A. It wasn't part of our regular activities. It was only when we found, particularly ammunition from either farmers or other incidents which we collected on behalf of the police and we held them waiting disposal.

50

Q. The facility at Marrangaroo, was it a series of warehouses or storage blocks? How was it organised?

5 A. Yes. It was quite a large facility. There was an administrative facility when you first arrived and then behind that enclosure was a large number of explosive storehouses.

Q. Did they differ in size?

A. Yes.

10 Q. There is reference in the evidence to, I think, a storage number 39.

A. Yes.

Q. The number 39, what did that designate?

15 A. All of defence facilities had what they called a register of asset number and number 39 was the room in a building called number 38 which was allocated to me, as an Ammunition Technical Officer, for storage of those items which I required for short term storage before disposal.

Q. Number 39 room, was it very large?

20 A. No.

Q. Roughly how big was it?

25 A. Probably the size of an ensuite or a bath block or a shower block in a house.

Q. Can I take you to 8 February 1979? In the afternoon, were you contacted by somebody about potential explosives being at Lithgow?

30 A. I wasn't contacted directly. I was working on one of the demolition ranges. When I returned to the headquarters area, I was then notified that the police had contacted the unit and required me to attend the Lithgow Police Station.

Q. After receiving that message, is that what you did?

35 A. Yes.

Q. On that night, you eventually attended premises in Lithgow and explosives, gelignite, detonators, et cetera, were found.

A. Yes.

40 Q. As you were present at the time at that site and examined the explosives and detonators, was it part of the procedure, at that time, for you to write up a report?

A. Yes.

45 Q. At that stage, in February 1979, was it known as an Explosive Ordnance Incident Report?

A. Yes.

50 EXHIBIT 15.12 SHOWN TO WITNESS

Q. It will come up on the screen. If you would prefer to see a paper copy--

A. That's fine.

5 Q. --please speak. This is red page 34. Is this a pro forma Explosive Ordnance Incident Report that you would complete after your attendance at a site where explosives were found?

A. Yes.

10 Q. If we go down to the bottom of the page, section 3, "Authentication", 29, your name appears?

A. Yes.

15 Q. It's your signature with a date of, I think it's 12 February 1979?

A. Yes.

20 Q. Then underneath we have an EOD Control Centre Commander, is it a Major Stratton?

A. Yes.

25 Q. An EOD Control Centre, what was that?

A. What it was, at that stage, in each of the capital cities, the Army had a small contingent of qualified technical, ammunition technical people who primarily were controlling for that state any explosive ordnance incident which was outside of the normal procedures that a unit would undertake. So, for example, if there was an incident in Sydney, like a bomb was found, for example, that control centre would be contacted by the police and they would then respond to render safe and recover those items.

30 Q. Was it your understanding that, physically, the EOD Control Centre was situated in Sydney?

A. Yes, in Paddington.

35 Q. Major Stratton, did you report to him?

A. He was my technical superior, so, yes I did.

40 Q. Still on the screen, you can see under section 2, which - it's not on the screen at the moment, but it's entitled, "Action by EOD personnel", you can see in the section 14, your name, "Captain G Barkley", as personnel dispatched.

A. Yes.

45 Q. Then under section 28, we have a heading, "Additional incident narrative and sketches continued overleaf."

A. Yes.

50 Q. This is where you record your involvement on 8 February 1979.

A. Yes.

Q. If we can then go to page 35 and there we've got two diagrams that you have drawn, one of the site at Macaulay Street, Lithgow.

A. Yes.

Q. Then to the right, is that a diagram of a car?

A. Yes.

5

Q. It's a difficult document to read. If we go to red page 36, we've got a heading, "Transcription of EOIR 223/5/79 from a poor carbon paper typed copy."

A. Yes.

10

Q. Are you the person who made this transcription?

A. Yes, I am.

15

Q. I think we will rely on it. If we had a look at section 1, "Initial information", there you record, "Time reported, 17:15 hours", so about quarter past 5pm.

A. Yes.

Q. It's reported by the Ballistics section of New South Wales Police.

A. Yes.

20

Q. "Suspected IED". Do you see that under item 10?

A. Sorry.

Q. "Items reported".

25

A. Yes.

Q. An IED?

A. Yes.

30

Q. What's that?

A. Improvised Explosive Device.

Q. You're given then the location of Macaulay Street and then you're given a contact at location who is a Detective Constable First Class Barry Musgrove.

35

A. Yes.

Q. The details there, as you just give evidence, you were actually out in the field when the call came through.

A. I was.

40

Q. But another one of the people who work there recorded this information and passed it on to you?

A. Yes, they would have recorded the time who, who called, and then just that they wanted me to go to the police station.

45

Q. If I can take you to - you went to the police station at Lithgow. Do you recall who you saw there?

A. No.

50

Q. Do you recall the reference to the Detective Constable Musgrove or can I

suggest Musgrave?

A. Yes.

Q. Can you recall that person on the night?

5 A. I can recall the name, but I wouldn't recognise or don't recall, yeah, that exchange, apart from it would have happened.

Q. Can I just take you then through the sequence of events? You go to the police station. Are you given some form of briefing there?

10 A. There's an initial briefing as to why I was being called which would have outlined what the intended incident was and, from that information, I then realised I needed to return to my unit to collect what are called a demolition kit and some containers and I also called Major Stratton and his office in Sydney to alert them as to what was going on, if I needed any back-up.

15 Q. After returning to your unit and obtaining the demolition kit and some containers, where did you go then?

A. I then - I returned to the police station to let them know that I was ready to do whatever they needed me to do and at some stage later, they deployed to the house and I was asked to go and be on standby nearby the house and I had a, I think it was one police car and one policeman with me, because they were then in communications with the operation.

25 Q. When you first went to near 6 Macaulay Street, were you actually outside the premises or were you taken to somewhere nearby to begin with?

A. It was nearby. I understand it was 100 plus odd metres away at a safe distance, because, at that stage, we didn't know what was going to happen at site so they wanted me to remain safe and out of danger and then I was called forward to a holding point just below the house and then I was there for a period of about half an hour, then I was called up to the house.

30 Q. By the time you were called up to the house, what part of the house did you initially go to?

A. I was directed to the rear of the house. It's at that point that I met the police, it might have been Musgrave as well who was there and he then showed me the vehicle.

35 Q. The vehicle, at that point, what kind of car was it?

A. From memory, it was a dark-coloured early model Valiant.

40 Q. If I suggest black?

A. Sounds good.

45 Q. At that point, was anything pointed out to you about what was in the car?

A. Yes, Detective Musgrave then pointed out to me what they had found and I found the vehicle with all the doors, four doors open, the boot was open and the glove box was open and he then pointed to me what they had found so that I was aware of the extent of the explosives that were in location.

50 Q. At that point, had any of the suspected explosives been taken out of the

car?

A. No.

Q. Your role in being called at this point, what were you to do?

5 A. My role was to be, basically, on standby to provide assistance to the police, that if there was a dangerous situation in relation to the explosives, that I could then examine them and hopefully render the explosives safe or provide advice to the police as to what was found as well.

10 EXHIBIT 15.12 SHOWN TO WITNESS

Q. Can I take you back to this transcription in Exhibit 15.12 and if we can go down the bottom of the page at section 28. There you record the:

15 "...request from Ballistics section...for an ammunition trained person to report to Lithgow Police for standby EOD assistance. EOD Control Centre was satisfied at 1810HRS...of events and to standby an EOD team."

20 I'll just continue on--

HIS HONOUR: Just before you do.

Q. What does "EOD" stand for?

25 A. Explosive Ordnance Disposal.

MCDONALD

Q. At paragraph 2 there, you refer to:

30 "Three men (CROATS) suspected of manufacturing Qty 4 time bombs, targets being YUGOSLAV travel agencies in SYDNEY, were raided by LITHGOW Detectives and Ballistics Sect New South Wales Police at 1923HRS..."

35 So about 23 past 7.
A. Yes.

Q. The information that you record there, the first aspect that, "Three men (CROATS)", where did you obtain that from?

A. That would have been from the - a briefing from the police.

Q. Where you've got, "...suspected of manufacturing Qty 4 time bombs..." again, was that obtained from the briefing with the police?

45 A. I think in the initial stage, the police wouldn't have known how many devices were there, so I gather that was my reading after the event and finding the explosive devices.

Q. When you record next, "...targets being YUGOSLAV travel agencies in SYDNEY", that information, do you recall who you received that from?

A. I would from the police.

5 Q. If we can just go a little bit up on that page. You can see that you've got, "Time departed 1750HRS", "Time arrived 1800HRS", and then, "Time finished 2220HRS".

A. Yes.

10 Q. The "time departed", is that the time you departed Marrangaroo?

A. I believe it was, yes.

15 Q. Then the "time finished", which is about 20 minutes past 10pm, is it?

A. Yes.

20 Q. Is that when you finished at Macaulay Street or at Lithgow Police Station?

15 A. It should have been the time I returned to my unit.

25 Q. During that period, let's say from 6pm 'til about 20 past 10pm, during the night, were you having additional conversations with police officers about information that they had been gathering?

20 A. I think initially the initial briefing by police at the police station. Then when I was in the holding position. The only information I was receiving was any call forward from the police. It was only when I got on site that Detective Musgrave in particular, but maybe one or two others, were giving me information of what they observed and found, but I wasn't receiving any other particular information.

30 Q. The time that you were told of targets being Yugoslav travel agencies, I know it's a number of years ago, but can you recall at what time in between 6pm to 20 past 10pm you were told that information?

30 A. Look, I don't know specifically, but I gather it would have been in the initial briefing.

35 Q. If we can go down further on the page. Item 28, paragraph 3, "Capt Barkley attended with an EOD team on standby in SYDNEY."

35 A. Yes.

40 Q. You've given evidence that you contacted Major Stratton?

A. Yes.

40 Q. And told him what was going on?

A. Yes.

45 Q. I think you said something like, "I called Stratton in case I needed back up."

A. Yes.

50 Q. When you refer to "back up", what were you referring to?

50 A. What I was referring to is as an imaging and technical person at Marrangaroo. I had very limited resources. I had a demolition kit, and that was aimed at primarily, if I found on some farmer's location, I had to destroy some gelignite or detonators. That's all the capability I had. So if it was found that

the devices that were discovered at the house required more sophisticated render safe procedures, I didn't have those. I needed to have those brought up from Sydney. So that's why the group was on standby.

5 Q. Was your understanding that the team on standby in Sydney, as you said, was in case you found a device that you needed some more sophisticated equipment--
A. Correct.

10 Q. --to deal with --
A. Yes.

Q. --members of that standby team could then get the equipment and be dispatched up to Lithgow.
15 A. Yes.

Q. Did you know at the time, or hear at the time, that in Sydney there were other raids planned of other houses of people suspected of being involved in this plot to target Yugoslav travel agencies?
20 A. I don't recall being told that at any stage.

Q. Then as you set out in 4:

25 "After the Police raid on the house and initial reconnaissance and recognition, Capt Barkley was called forward to inspect and evaluate the explosives and components found within the car at the rear of the house."

30 If we can then go to page 37, please. You then refer to figure 1, which was a plan that you had drawn of the overall site?
A. Yes.

35 Q. Can we go to the bottom of red page 37. We can see there you've drawn an outline of the house. You've got some measurement from the dotted line boundary down to Macaulay Street?
A. Mm-hmm.

40 Q. The dotted line boundary that you've drawn, what does that indicate?
A. It indicates, as stated on the side annotation, there were two-strand barbed wire - sorry, two strands of wire around the house, with some tins of stone, which I assessed as an early warning system for people in the house.

45 Q. Sorry, if we look at figure 1, you can see that above the car is that dotted line?
A. Yes.

50 Q. Then it goes off on a diagonal straight line, and you've got the arrow and the narration that you've just described.
A. Yes.

Q. Then the dotted line basically continues--

A. Yes.

5 Q. --around the house. The two strands of wire, is that to indicate that those two strands of wires went right around the house?

A. Yes.

Q. The drink cans that you observed containing stones for early warning, were they only at one part of the strands of wire?

10 A. I can't recall. I would imagine they would have been in a number of locations, but I can't recall.

Q. You record that at least there were some drink cans containing stones around the area that you've noted on your diagram.

15 A. Yes.

Q. I take it, when you were at the site, you were obviously looking around and that was something you observed?

20 A. Yes. I found that was quite strange to have those strands of wire as an early warning system.

Q. You went up and looked at the cans and saw that they contained stones?

25 A. It was more of a cursory look at them rather than be deliberate looking at them. I was just noticing that they were there. My main, primary focus, was to look at the explosives in the car.

Q. If we could then go to page 38. This is figure 2. At the top of figure 2, you record, and I'm using the word broadly, all the explosives and other items that you thought were relevant in the car.

30 A. Correct.

Q. Then if we can move down the page, we then have a diagram, and you indicate the glove box, and you've got items 5 and 6 next to that.

35 A. Yes.

Q. We've got a front seat, then we've got a rear seat, and in front of the rear seat we've got items 2, 4 and 3?

A. Correct.

40 Q. Then in the boot, we've got items 1 and 7.

A. Yes.

45 Q. Is the way that this operates, if I'm interested in the boot, and what was item 1, if we can go to the top of the page again, please. You saw, "2x Qty 20 half sticks of AN Gelignite 60", with some measurements. The measurements, the "(4.5x28cm)", what's does that record?

A. It records the external diameters of the gelignite cartridges that I found.

50 Q. "...tied with rope, in grey plastic bags in an open cardboard box."

A. Yes.

Q. We can just do the same thing with, if we have a look at 5 and 6 in the glove box. If we jump up we can see at 5 you recorded some, "...electric short delay detonator 'L' series."

A. Yes.

5

Q. Then you've got, "(2x6 & 2x9 millisec.)"?

A. Yes.

Q. The "L series detonator", what does that indicate?

10 A. It's a coding system that ICI applied to their electronic short-delayed detonators, and the length of the short delay was either 6 or 9 milliseconds.

Q. Is this where you're using explosives where you wanted to, in a sense, get a ripple effect with--

15 A. Correct. When you're trying to disrupt a single shockwave, you may have a number of these delay detonators initiating explosives. So you have a broken-up shockwave across - primarily used in mining or larger-scale explosive disposal.

20 Q. If we can go back to the top of the page. The, "...half sticks of AN Gelignite 60" that you saw, what type of explosive was an "AN Gelignite 60"?

A. It was a commercial explosive mainly used in mining, or in some farming operations. The "AN" refers to ammonium nitrate. With gelignite, there was a certain percentage, probably 6% or 8% of nitroglycerin mixed in that, and the
25 "60" relates to the relative explosive performance compared to a standard at the time.

Q. If we can look at item number 3. That was found in the back of a car just in front of the rear seat?

30 A. Yes.

Q. In addition to some more half-sticks, you refer to "15cm x 6.5cm of Johnson TNC formula"?

A. Yes.

35

Q. What is the "Johnson TNC formula"?

A. Johnson was the manufacturer of this particular - the reseller of this particular item. TNC refers to trinitrate cellulose, and it was a particular explosive developed commercially by the ammunition factory at St Marys at
40 the time, where they were using leftover explosives from basically World War II and trying to make a commercial advantage out of that. So they took the TNC out of some explosive shells, mixed that with the propellant that was in those as well, which is what the nitrate cellulose relates to. So they made a new explosive which they were then selling commercially.

45

EXHIBIT 4.1-C, RED PAGE 7, SHOWN TO WITNESS

Q. These are some photographs which were taken on the night--

A. Yes.

50

Q. --at Macaulay Street, Lithgow. Looking at that photograph, do you remember seeing something like that in the boot of the car?

A. Yes.

5 Q. Your reference in the previous document to the--

A. Serial 1 I think it was.

Q. Yes, the 20 half-sticks of AN Gelignite, they're evident in that cardboard box?

10 A. Well, that cardboard box contains two bundles of 20 half-sticks.

Q. You also identified in the boot a grey plastic bag which included a number of electric detonators and also short delay L-Series and some other electrical equipment. Looking at the photo, can you recall where that was located within the boot?

15

A. I was wondering whether it was that plastic bag item behind the cardboard box where you see some light reflected off, but I can't recall whether that was exactly it or not.

20 Q. If we can then go within this Exhibit to red page 4. That's a photograph of the rear seat.

A. Yes.

Q. You can see, at that time, there appears to be two very large-ish plastic bags, but you can see in the one towards the right-hand bottom of the photograph it's partially opened, and there seems to be at least some kind of cardboard box in there.

25

A. Yes.

30 Q. When you were taken around to the car, was that the state of the backseat, the items that were on the floor of the rear seat?

A. I can't exactly recall whether it was in that state, or whether the card - or the plastic had been opened more fully.

35 Q. If we then go to page 5, can you see that's the rear seat again--

A. Yes.

Q. --but the plastic bags have been either removed or pulled down?

A. Yes.

40

Q. Looking into that cardboard box, can you see the ends of some of the half-sticks of AN Gelignite?

A. Yes.

45 Q. When you saw the glove box for the first time, was it open?

A. Yes.

EXHIBIT 4.1-S, RED PAGE 54 SHOWN TO WITNESS

50 Q. That was a photograph of--

A. The glove box.

Q. --the open glove box.

A. Yes.

5

Q. Do you recall that?

A. Yes.

Q. Can you see that there appears to be some kind of string or rope--

10 A. Yes.

Q. --attached to the opening or the door of the glove box?

A. Yes.

15 Q. Did you participate in any procedure that utilised or used that string to safely open the glove box?

A. No.

Q. Was it your understanding that it was used to somehow safely open the

20

glove box by some of the other police officers who were present?

A. Yes.

Q. Did you find it unusual that you weren't invited up to the area sooner or earlier than you were, particularly when they were undertaking that operation

25

to safely open the glove box?

A. No, and the reason I wasn't is that, at that stage, Army was training a number of specialist police officers to be IED operators, and Musgrave and one other I think were previously trained. They weren't trained to a high extent as they are nowadays in the police forces, but in those days they were trained

30

in basic render safe identification procedures. So I would have been called forward particularly to provide that higher level of support for them.

Q. You gave evidence just before that after first going to the police station you went back to the unit to get your demolition kit--

35

A. Yep.

Q. --and some containers. What containers did you bring to the site?

A. If I remember, I brought a large-ish timber box, and these are containers which we would often take with us when we were going on a recovery activity, not knowing exactly what was there, but took a timber box which would have had sawdust or shavings in it to place in some of the explosives. I would have taken my own demolition kit which would have had explosives in it as well, and possibly a smaller metal container for more sensitive explosives such as

45

EXHIBIT 4.1-EE SHOWN TO WITNESS

Q. Would you look at that photograph.

A. Yes.

50

Q. Can you identify the carrying caisse or the caisse in the--

A. Yes.

Q. --photograph?

5 A. Yes.

Q. What is it?

10 A. That would have been the timber box that I took with me with some of the sawdust or shavings, and in that box I then stored - I think it was 69 of the half-cases, and that's taken outside of my store number 39.

Q. Sorry, where's that taken?

15 A. I'm pretty sure it's taken outside of my store at the depot. You can't see that but I'm just presuming that that's where it was taken.

Q. After packing at least the half-sticks in that container, there would have been some additional AN Gelignite half-sticks that didn't fit in that?

A. Yes. There were 11 sticks that would not fit in there.

20 Q. Where were they placed or stored?

A. I had with me, as part of the equipment I brought, an Army sandbag which is just a hessian - a green-coloured hessian bag. I placed some sawdust and shavings in that bag and put the 11 half-sticks in that bag as well.

25 Q. The various detonators that you found, I think you referred to some kind of metal tin or metal container?

A. Yes.

Q. Were they stored in there?

30 A. That I can't recall. If it was a collection that I was doing somewhere else I would have put the detonators in there, but in this instant because of the reasonably large quantity, I'm not sure whether they were put in there or they were placed just in another container.

35 Q. When you were at the site and in completing the Explosive Ordnance Incident Report, were you taking some notes during the night?

A. I was taking notes on key information for me on just a notebook that I had, and I used those notes then a couple of days later to prepare the incident report.

40

Q. Those notes were the basis of--

A. The incident report, yes.

Q. --the record that you set out above figure 2 of--

45 A. Yes.

Q. --that report?

A. Yes.

50 EXHIBIT 15.12, RED PAGE 37, SHOWN TO WITNESS

Q. At item 37 you're continuing your narrative.

A. Mm-hmm.

Q. At paragraph 8, you say:

5

"After inspecting the AN Gelignite 60, it was packed into a container for transporting and stored in Lithgow Police Station overnight. Police kept all other components separately."

10 Do you recall going back to Lithgow Police Station that night?

A. Yes.

Q. That included that, the wooden box that you've referred to?

15

A. Yes. We all returned to the police station and I recall that all of the items were held overnight in the police station, one of the cells, including the box that I had packed with the 69 sticks.

20

Q. During that night, was there, and particularly when you went back to the police station, was there any discussion about, "Well, look, where are we going to keep these explosives in the near future?", whether you would be happy or amenable for them to be stored at the 223 Supply Company?

25

A. I can't recall the specific discussions, but, certainly, I would have either offered or it would have been expected that, because we had the large ammunition depot there, that the items would or could have been stored with us.

30

Q. If we just followed on with this document, in (9), there is a record of "Information given by one of the Croats arrested, lead police to seize a further quantity", including a Cordtex Detonating Cord, a quantity (6) of that Johnson TNC formula.

A. Mm-hmm.

35

Q. Then, 51, "Electric short delay detonator L Series", and again, you have set out the different milliseconds of those different detonators and as it records there, "that were hidden in the Hassans Wall Reserve", and this occurred on 9 February.

A. Yes.

40

Q. Did you attend the Hassans Walls Reserve on 9 February?

A. No.

45

Q. Then in (10) as it records, "Explosives from the raid are being stored at the 223 Supply Company awaiting police action", though you note, "The detonating relay connectors, alarm clocks, et cetera, are being held in the Ballistics section in Sydney awaiting further investigation."

A. Yes.

50

Q. Do you recall, after being on-duty on 8 February, when you returned to duty?

A. I'm not exactly sure. I have a vague memory that on the Friday, the 9th, I

may have been called down to Sydney to speak to Major Stratton and brief his team on what was found in the incident, because they had been on standby as well.

5 Q. Was that the usual procedure, that after an incident where explosives had been found, for example, in Lithgow, you would be expected to go down to the EOD centre and report on what was found?

10 A. It may have been. This was an unusual incident. Normally, these incidents would probably happen more in a city where the EOD Control Centre would respond themselves, but because I was in a rural depot, this was like a one-off, so they wanted to be - I assume wanted to be updated specifically about what I'd observed, because, at that stage, I had not prepared my report.

15 Q. Can I just ask you about your answer then? You refer to the fact that you weren't in the city, you were in a rural area. What was your understanding of what usually would happen in the city when, if police undertook a raid and found explosives?

20 A. The members of the EOD Control Centre, and there was probably three or four people there that were always on-duty, that they would have attended and if there was a recovery, such as explosives, they would have recovered those to a safe location, either in a magazine they had themselves or into a local storage depot in Sydney.

25 Q. When you said members of EOD in Sydney would attend.

A. Yes.

30 Q. Was that if, as you found in Lithgow, it was the component parts of a bomb, so, for example, gelignite, detonators, maybe an alarm clock, they actually hadn't been put together yet?

A. Yes.

35 Q. Was it your understanding, when police found those component parts, they would contact the EOD Centre?

A. For an incident in Sydney or a city?

Q. In Sydney, yes?

A. In that time, yes. Yep.

40 Q. Do you ever recall when dealing with your EOD Centre colleagues, being told about raids at other houses in Sydney where gelignite might have been found or detonators might have been found?

A. I don't recall ever being told that.

45 Q. As you set out in paragraph 10 there, "The explosives from the raid are being stored at 223 awaiting police action". When they were stored at 223 Supply Company, what was the procedure when the facility received something like explosives from the police which were to be stored there (a) safely and (b) probably required eventually for Court proceedings, what was the recording of what was received? How was that undertaken?

50 A. These - the differences was these were not military explosives and were

5 not recorded through the normal store housing procedures. The recording here would have been up to myself or my technical colleagues where I held in my office a record of those items we had in store 39 which was our temporary holding store, so I would have had those, those records there and when the items were destroyed or moved, the record would have been adjusted.

10 Q. The record that you've just referred to, was that an informal procedure that you had in place?

A. Yes.

15 Q. And probably 40--

A. 45 years ago.

20 Q. Ultimately, was that record destroyed, to your knowledge?

15 A. Yes. I would have either destroyed it because it was just another entry into a record I had, but remembering, also, the unit was closed, I think, in the early 90s, so any former records were sent wherever Army sends those records and then former records would have been destroyed.

20 Q. In item 9, there's a reference to that the other explosives that were found at Hassans Walls Reserve.

A. Yes.

25 Q. Do you recall whether they were stored at the 223 Supply Company?

25 A. Yes. I discovered them initially on Sunday, 11th, and then more fully accounted for them on Monday, 12th.

30 Q. Were they kept in that, I think you described it as room 39?

A. Yes.

30 Q. In room 39, if you can recall back then, were there other items belonging to other people or was it only these items that were seized during the raids on 8 February and 9 February?

35 A. I can't recall, but it's quite possible there may have been some other small items there from different collections we had made, as well as my demolition kit was held in that same store.

40 Q. Looking at this report that was written - well, you drafted it on 12 February. When we read paragraph 10, "Explosives from the raid are being stored at 223 Supply Company", and then you exclude certain items, does that suggest that everything seized or set out in paragraph 9, and then if we go to page 38, sorry, everything that was in the car, was being stored at 223 Supply Company?

A. Yes.

45 Q. Do you recall on the night of 8 February, that Detective Musgrave wanted to take some of the sticks of gelignite with him to Sydney for some purpose?

50 A. I don't recall him wanting to do that, but the evidence was that I only held 69 sticks that were in the box and the 11 half-sticks, he then took to Sydney and returned to me a few months later.

Q. The 11 half-sticks, they were in, I think you described it as a canvas bag with some sawdust?

A. A hessian bag, yes.

5 Q. A hessian bag, sorry. Do you recall any conversation with Detective Musgrave about why he wanted to take those 11 half-sticks to Sydney?

A. No.

10 Q. But your recollection is a couple of months later, they were returned to the 223 Supply Company and stored in room 39.

A. Yes, on 3 April, he brought them back, as well as he brought 20 half-sticks for a demolition we did for them.

15 Q. When you say a demonstration you did for them--

A. Yes.

Q. --what was that?

20 A. They wanted to video record the effects of a 20 half-stick AN 60 demolition or explosion, so we constructed a building out of some ammunition boxes, put a bomb, the 20 half-sticks in the centre of that and then initiated that while we were safely in the bunker and it was video recorded as well.

Q. Do you recall who attended from Sydney, the demonstration?

25 A. No.

Q. Obviously, Detective Musgrave was there.

A. I think so, yes.

Q. Other police officers?

30 A. Yeah, I think there were probably three or four who may have attended, including one of them who was operating the video.

Q. Do you recall whether any legal representatives, like, any solicitors or barristers--

35 A. I don't think so.

Q. -attended that demonstration?

A. I don't think so.

40 Q. You gave evidence both at committal and trial. You've been provided with the transcript of your evidence at committal and at trial?

A. Yes.

Q. Have you had an opportunity to read through it?

45 A. Yes.

Q. Reading it, was there anything you thought was wrong or you wish to correct?

50 A. One or two typos, but there's nothing of substance.

Q. Is it true and correct to the best of your knowledge and belief?

A. Yes.

Q. The evidence that you gave from those other occasions?

5 A. Yes. Yes.

EXHIBIT 2.1-12, RED PAGE 382, SHOWN TO WITNESS

10 Q. This was the evidence at the trial on 30 April. If we can go towards the bottom of that page, three questions from the bottom, you can see that you're asked, "You have told us that Det. Musgrave took 11 half sticks of the AN60."

A. Yes.

15 Q. "Did you ever see at your store any additional AN60?", and then, as you've just given evidence, it was returned to Detective Musgrave. That might be "by Detective Musgrave"--

A. Yes.

20 Q. --"...on 3 April when he brought the 11 sticks back with him from Sydney."

A. Yes.

25 Q. If we then go across to page 383, you're then being asked about a number of the items that were seized on 8 February at Lithgow. You were asked about detonators, and you say:

"A. I have not seen the other detonators I found in the car since. I am hold however the 20 number 6 detonators.

30 Q. They are the ones you told us came from the boot?

A. That is right, yes."

A. Yes.

35 Q. Then you're asked: "Are all those items in your store now?", and then they go:

"Q. ...80 half sticks of AN 60?

A. Yes.

40 Q. The six inch piece of TNC?

A. No."

And I'll come back to that.

A. Good.

45 Q.

"Q. That is not at your store?

A. No.

50 Q. That was not returned to your store?

A. No.

Q. You have told us you have the 20 electric delay detonators?

A. No, 20 No. 6, they are instantaneous.

5

Q. ...they are at your store?

A. Yes.

Q. Do you have the relay connectors?

10

A. No.

Q. Are there any other items that you have taken from the car that you have at your store other than those I have mentioned to you?

A. I have the four electric detonators taken from the glove box.

15

Q. You have those also, have you?

A. Yes.

Q. Is that all you have, taken from the car, at your store?

20

A. Yes."

Then you go on and you're asked about items that were found at Hassans Walls. For example, the six sticks of Johnson TNC?

A. I can't see that.

25

Q. I think if we move down, sorry. Stop there. If the cursor would go up to the fourth question, "Now you told us about the additional items...?"

A. Yes. Yes.

30

Q. You're confirming at the trial that you've got the six sticks of Johnson TNC and the 51 detonators and the length of Cordtex. That was all found at Hassans Walls.

A. Yes.

35

EXHIBIT 2.1-35, RED PAGE 1040, SHOWN TO WITNESS

Q. This is a transcript of the trial, but now 5 June 1980.

A. Yes.

40

Q. You can see that you're recalled?

A. Yes.

Q. The Crown Prosecutor refers to the evidence you gave on the last occasion. Then can you see in the next question:

45

"Q. ...I asked you about the 80 sticks of AN 60 which you told us were present at the store, and I asked you about the six inch piece of TNC. Do you recollect that evidence?

A. Yes.

50

Q. You told us at that time that that was not at your store?

A. Yes.

Q. Have you checked since?

5 A. When I returned to my unit the next day I went down to the store and examined again the items I was holding to ensure what I said was completely correct and then I found that I was in fact holding that 6 inch piece of TNC explosive."

A. Yes.

10

Q. That was the TN explosive, I think, was - was it in the rear seat?

A. Yeah. With item 3.

Q. Is it the case that when you gave evidence at trial, absent from the storeroom was a number of detonators?

15

A. I can't recall.

EXHIBIT 2.1-12, RED PAGE 383, SHOWN TO WITNESS

20 Q. Can you see at the top you say:

"A. I have not seen the other detonators I found in the car since. I am still holding the 20 number 6."

A. Yes.

25

Q. And they're, "...the 20 electric delay detonators?" Then can you see towards the end of that you say, "I do have the four electric detonators taken from the glove box."

A. Yes.

30

EXHIBIT 15.12, PAGE 38, SHOWN TO WITNESS

Q. Looking at the record as recorded in your report, if we have a look at item 5, we've got the "...4 ICI electric short delay detonator 'L' series", which were in the glove box?

35

A. Yes.

Q. Your evidence at trial was they were in the store?

A. Yes.

40

Q. Then if we jump to 7, your evidence at the trial was that you did have the, "...20 Noble electric detonators number 6"?

A. Yes.

45 Q. Does it appear that the item missing is the eight ICI electric short delay detonator L series?

A. From what you've shown me, yes.

Q. Your initial that the 6.5cm Johnson TNC formula explosive was missing--

50

A. Mm-hmm.

Q. --when you went back and double checked, just to make sure your evidence was accurate, you did find it.

A. Yes.

5 Q. Do you recall the circumstances in which you found it? For example, did it seem to be moved or was it concealed in--

A. No. I don't recall.

Q. The missing detonators, do you know what happened to those?

10 A. No, I don't.

Q. Mr Barkley, around February 1979, were you aware of an institution called, "The Australian Bomb Data Centre"?

A. Yes.

15

Q. Was it a Commonwealth entity?

A. Yes.

Q. How long had it been in existence as at February 1979?

20 A. About seven months. It was established in July '78.

Q. Did it come under the umbrella or jurisdiction of any other Federal or Commonwealth entity?

25 A. As far as I recall, it was part of the Commonwealth Police at that stage. It was established with police officers, as well as there were, I think, two Army ammunition technicians there as well.

Q. When an incident occurred such as Lithgow, discovering explosives both at the house and then subsequently as Hassans Walls Reserve--

30 A. Mm-hmm.

Q. --were you required to provide any report or information to the Australian Bomb Data Centre?

35 A. I don't recall that I would provide the advice directly. I would have provided it directly to my technical headquarters at the EOD Control Centre in Sydney, and they would have then passed that on to ABDC, as well as within Army circles.

EXHIBIT 20.53 SHOWN TO WITNESS

40

Q. It commences at red page 126, and can you see it's entitled, "Running Sheet Explosives Recovery, Lithgow, 8 February 1979"?

A. Yes.

45 Q. Then just to orientate you, it's in a form of a table. There's an item 1, "Date/Time", "Detail", "Action" or depending on what is in that final column, it may refer to a folio?

A. Yes.

50 Q. We'll just keep on going down a little bit further. Can you see there there's

a stamp, "Australian Bomb Data Centre" with different information contained?

A. Yes.

Q. If we go back to the top of the page, this "Running Sheet Explosives Recovery, Lithgow, 8 February 1979", do you know what this document is?

5 A. It would have been a running sheet established by the ABDC with this explosive incident that they kept track of the information that was coming and going.

Q. Sources of that information, as you said, would have been your superior. Was that Major Stratton?

10 A. Yes.

Q. Was it your understanding that New South Wales Police may provide information to the Australian Bomb Data Centre?

15 A. Yes.

Q. Looking at this running sheet, if we just look at item 1, under "Date" and "Time", what do the figures "090900" indicate?

20 A. The first two figures relate to the date. "09" would have been 9 February and the "0900" would have been the time, 24 hour time, 9 o'clock in the morning.

Q. In the detail it just sets out Army Operations advising briefly what had occurred on 8 February?

25 A. Yes.

Q. If I can take you to the next entry, this is on 9 February but this time 9.15 to 10.30.

30 A. Yes.

Q. Then you've got "telecons", telecommunications?

A. Yes.

Q. "With Army EOD confirmed detail, adding that", something had been identified?

35 A. Yes.

Q. There you can see in the last column there's a reference to "folio 17 raised"?

40 A. Yes.

EXHIBIT 20.54 SHOWN TO WITNESS

Q. Can you see at the top right-hand corner we've got "folio 17"?

45 A. Yes.

Q. Is it your understanding that folio 17 is the document that was--

A. Yes.

50 Q. --referred to in the running sheet, and this sets out some details about the

operation at Lithgow conducted late on 8 February?

A. Yes.

5 Q. Sets out items that had been found and seized, and then if we can go towards the bottom of the page, it's signed by an NC Smith, a Major Smith?

A. Yes.

10 Q. Do you know him?

A. Yes.

10 Q. Who was he?

A. Major Neil Smith was the Army Major attached to ABDC.

15 Q. That was one of the positions that you identified--

A. Correct.

Q. --beforehand? Can I just ask you with the ABDC comment, paragraph 3:

20 "This recovery is of great technical significance as the components indicate a capability to manufacture sophisticated devices with delay arming to function by light, for example, door opening. The worst possibility is that such devices could be made to function by a victim or a bomb technician."

A. Yes.

25

Q. Do you know what that was referring to?

A. Yes.

30 Q. What was it referring to?

30

A. It's referring to - remember back in 1979 that the early stages of a number of bombings across Australia and worldwide, and the absence of the internet and a lot of information being made available, these were reasonably advanced devices or the components of a device, which is why they made that particular comment. The "delayed arming" refers to the alarm clocks that were found. "Functioning by light" refers to the photoelectric cell that was found as well, and they're saying the worst possible case that it could have been triggered to be functioned by either the victim, the person aimed at the device, or one of my people who were going in to render that device safe.

35

40

Q. That was because if it was going to function by light, if a victim opened a cupboard or opened a bag and it was--

A. Turned a light switch on, yes.

45 Q. --exposed to light--

45

A. That's right.

Q. --that would cause the explosive?

A. Yes.

50

Q. Just to finish off, paragraph 5 is a reference to the Johnson's TNC formula

consistent with the evidence that you gave that it was being manufactured at Saint Marys?

A. Yes.

5 Q. It there records, "Distributed overseas by Johnson's of Sydney". Can you recall in February 1979 could you buy, as a member of the public or if you were operating a mine or something like that, the Johnson TNC formula?

10 A. No, I don't - I don't recall it at that stage. I think it was an initiative that Saint Marys had taken to recover costs from explosives that had been made previously and be then sold commercially. I don't know whether there was a legal issue that it could only be sold overseas. I don't understand.

Q. Do you have a recollection that it wasn't available commercially?

15 A. I don't recall it being available commercially, no.

Q. If we just go to page 130, you can see there we have some very bad black and white photographs, that just from the heading seems to be "TNC Cartridge", and then the next one, an L-Series is a detonator?

20 A. Yes.

Q. Just with that in mind - sorry, I'll pause there - going back to the running sheet at Exhibit 20.53, red page 126, can we go down to item 5. Again, 9 February at 16.21, "Telecommunication with Musgrave, New South Wales Police". Do you see that?

25 A. Yes.

Q. "For report to be forwarded to the ABDC during week of 12 to 16 February." Then, "Advised that 30 kilograms of stolen explosives still missing."

30 A. Yes.

Q. The first thing about that entry it suggests that the New South Wales Police there was an expectation that they would provide a full report to the Australian Bomb Data Centre?

35 A. My reading of that is that's correct.

Q. The reference to, "Advise that 30 kilograms of stolen explosives was still missing", do you see that?

40 A. Yes.

Q. Do you have an understanding of what that was referring to?

A. No.

45 Q. Were you ever told the origin or the source of, for example, any of the AN 60 Galignite?

A. I remember being told, and it was recorded somewhere, that it was - they were stolen from a contractor at the power station at Wallerawang, which is just north of Lithgow.

50 Q. Could we go within that Exhibit to red page 128. Item 19, and that under

"date" and "time" seems to be a reference to 27 - is it--

A. 27 February, yes.

Q. 27 February--

5 A. At 8 in the morning.

Q. There's a reference to "Telex from New South Wales Police listing for
10 schedule of explosives found." Then it's got "folio 69". I don't think we have
been able to find folio 69, but is that consistent with your understanding that
the New South Wales Police are expected to provide reports and information
to the Australian Bomb Data Centre?

A. Yes.

Q. Still looking at that page, could we go down to item 20, and I know this isn't
15 your handwriting, but is that a reference to 27 February, and it's got, "Long
telecommunication with Captain Barkley". Is it "confirming items"--

A. "Items recovered and sequence of events", yes.

Q. Then we have a reference to folio 70-72?

20 A. Yes.

EXHIBIT 20.64 SHOWN TO WITNESS

Q. Just looking at this document, it's on a Commonwealth Police minute
25 letterhead, "Recovery of explosives Lithgow" though it's got the ABDC
stamp. Can you see it's, "Telecommunications Major Smith - Captain Barkley"
on 27 February 1979?

A. Yes.

Q. Just orientating you to this document, on that page there's a reference to
30 the operations around Lithgow between 8 and 10 February, and you've got the
suspect's car on 8 February?

A. Yes.

Q. Hassans Walls Road on 9 February?

35 A. Yes.

Q. Then, finally, in (c), "Informant's information, the recovery of components of
40 a letter bomb believed to have been discarded in the Lithgow area located on
10 February 1979."

A. Yes.

Q. That last incident, do you have a recollection of being involved in that?

45 A. Not in the recovery. On the Sunday, the 11th, Major Stratton and I
attended the Lithgow Police Station to then see this device, talk to police, and
also talk to one of the offenders who had been apprehended about this.

Q. This was at Lithgow Police Station.

50 A. Yes.

Q. Sorry, who did you attend with? I missed that.

A. Major Stratton.

5 Q. You were shown at the police station, as it's described here, components of a letter bomb?

A. Yes.

Q. Then you had a conversation with one of the suspects who had been arrested?

10 A. Yes.

Q. Do you recall that person's name?

A. No.

15 Q. If I say Vico Virkez, does that jog your memory at all?

A. No.

Q. Do you recall anything that this person told you, this suspect told you at Lithgow Police Station about this letter bomb?

20 A. Yes, initially, when we attended the police station we were met by one of the Lithgow detectives who then told us about this device, and we were interested in knowing more about the device and asked if we could talk with the person who had been arrested, and we then met with that person, just to clarify some aspects of the device so we understood more about that as this
25 was a potential device which could have been used against us or members of the public or other people could use this approach as well.

Q. The person you spoke with, another person who was arrested and in custody up there, Maks Bebic, does that jog a memory? You said that your discussion was to assist you in understanding what the components and how this letter bomb was to operate?

30 A. Yes.

Q. The person you spoke to, did they give you or provide you with any helpful information?

35 A. Yes.

Q. About what?

40 A. We - we were shown the letter bomb components which was on a sheet of plastic and it had some flattened out AN gelignite 60, I think, roughly like a postcard size, and in the middle of that there was a dark substance which we weren't able to particularly identify ourselves, so we were keen to know what that substance was, so the person we spoke to was able to clarify what that was and how they obtained it and how they were intending to initiate the
45 device.

Q. From your conversation with this person, did you form the impression that they were knowledgeable about the components and devising this letter bomb?

50 A. Yes, that they were knowledgeable about that. The information we

received indicated they were misguided as well as to how they were told it was to be initiated.

Q. In what way were they misguided?

5 A. What they told us was it was to be used, a particular substance to initiate it or to place on top of what was there and if that had happened, that person would have been injured or killed when they did that.

10 Q. The person constructing the letter bomb, if they added that particular compound or ingredient, it would have actually exploded?

A. Yes.

Q. Did the person tell you how they had gained this knowledge?

15 A. I don't recall.

EXHIBIT 20.86 SHOWN TO WITNESS

Q. Looking at that photograph, do you recall seeing something like that?

20 A. Yes.

Q. What is depicted in the photograph?

25 A. It's depicted the brown substance was the flattened out AN gelignite 60 and the darker substance, the blacker substance, was what we later found out to be called ASA which is a detonating composition included in a small detonator that the suspect had removed, been able to remove from a detonator and spread across the AN 60.

MCDONALD: Your Honour, I note the time. Were you intending to take a short break or do you wish me to continue?

30 HIS HONOUR: I'm happy to continue.

MCDONALD: All right.

35 Q. The particular item that's depicted in the photograph, do you recall, did you take custody of it to be stored at 223 Supply Company?

A. Yes.

40 Q. At any time did you forward that to either EOD Centre - Central or to the Australian Bomb Data Centre?

A. No, I didn't forward it anywhere. On 20 February, a detective from Sydney visited and collected it from us.

Q. Sorry, where was that technician from?

45 A. Sydney Police.

Q. From the New South Wales Police Force?

A. Sorry, yes, yes.

50 Q. Could we go back to Exhibit 20.64? Now, I took you to the beginning of

this document. On that page, can you see there's a reference to, "Operation number one".

A. Yes.

5 Q. That refers to items in the car?

A. Correct.

Q. Then if we go across the page 149, down the bottom, "Operation 2", and that's - your understanding that was items seized at Hassans Walls Road?

10 A. Yes.

Q. If we go across to page 150, incident three, this is to the letter bomb.

A. Yes.

15 Q. Right down the bottom of the page, this isn't your document, but it's been created by, again, Major Smith?

A. Correct.

20 Q. 24 November 1979. If we go back, and it's not your document, but with Operation 1, on page 148, there we've got, "Items in the car were found in the glove box and the boot".

A. Yes.

Q. We've got the glove box items that you've given evidence about.

25 A. Yes.

Q. If we jump across to page 149, we've got the car boot, but several of those items, in particular, many of the half-sticks of the AN 60 gelignite were actually found near the rear seat of the car?

30 A. That's right. There are one or two errors on the document in location of where they were found.

Q. Was this a document - it appears to be created after you had some kind of discussion, maybe over the phone with Major Smith?

35 A. Yes.

Q. Did you see this document or have the ability to amend or correct it before it was finished and submitted?

40 A. No.

Q. As you say there, there's clearly a mistake?

A. Correct. There's a couple of them.

45 Q. Also, if you go to page 150, if we just go to item 6, they refer there to you holding the following items for the New South Wales Police. Again, that's not a complete record at that time of everything you were keeping?

A. No.

50 Q. So another error? Can I just ask you, with the letter bomb, item 50:

"The explosives are believed to have been stolen from a South Australian construction firm at a place here Lithgow in November/December 1978, but the firm has since returned to South Australia."

5 A. Yes.

Q. Is that information that you gathered?

A. No.

10 Q. The ability to do that, is that something that, in a sense, you can look at the explosives that were on this letter bomb and identify type and then be able to source where they may have come from?

A. No.

15 Q. Do you know how that information would have been obtained?

A. No. I can only presume that it would have been through some police information gathering.

20 Q. For example, the South Australian construction firm might have reported stolen items?

A. They should have - they should have reported stolen items.

25 Q. Can I just ask you about a number of photographs that have been produced to the Inquiry? If we go to Exhibit 20.73. On 160 at the top, we seem to have one alarm clock, below a different type of alarm clock.

A. Yes.

30 Q. If we go across to page 161, this time, instead of being horizontal, it seems to be vertical. Again, two different types of alarm clocks?

A. Yes.

Q. Were they the alarm clocks that you saw, I think it might have been in a plastic bag in the car at Lithgow.

35 A. I can't recall them specifically, but they're four alarm clocks, so, I'm presuming, again, they were the ones we discovered, but I don't recall them specifically.

Q. Do you know who took these photographs?

A. No, I don't.

40

MCDONALD: If we go across to 20.74 - sorry, Exhibit 20.74, red page 162.

EXHIBIT 20.74, RED PAGE 162, SHOWN TO WITNESS

45 Q. That photograph, it appears to have a number of, is it the half-sticks of the AN 60 gelignite?

A. Yes.

50 Q. Then on the right, is that the, as it records, the Johnson TNC formula?

A. On the bottom of those five sticks, yes.

Q. Again, do you know who took these photographs?

A. No.

5 Q. With the Australian Bomb Data Centre receiving the various reports, is it possible that they might have attended 223 Supply Company to have a look at what was seized and to take their own photographs of it?

A. Highly unlikely. I certainly have no recollection of anyone from ABDC visiting my unit.

10 Q. Do you have any recollection of you being asked to photograph on their behalf and send photos through?

A. No.

EXHIBIT 20.75 SHOWN TO WITNESS

15

Q. There are a number of items there. If we go to the top left-hand corner, which appears to be this red wire.

A. Yes.

20 Q. Can you identify what that is?

A. I believe that would have been one of the shorter lengths of the Cortex.

Q. You were informed that the Cortex was seized at Hassans Walls Reserve?

A. Yes.

25

Q. Immediately to its right, is that a detonator?

A. Yes.

Q. With wires attached?

30

A. Correct.

Q. Looking at it, can you identify what type of detonator?

A. I may have been able to but--

35

Q. Many years ago--

A. I think the photographs below give an indication of the markings.

Q. If we could go towards the bottom of the page.

40

A. So this indicates on the bottom of the detonator some of the markings, which refer to the manufacturer and the delay as well.

Q. Is that clear enough for you to identify what type of detonators they were?

A. I believe these are the ones found in the glove box. So they would have been the ICI short delay detonators.

45

Q. Do you have any recollection or knowledge of who took these photographs?

A. No.

50 EXHIBIT 20.76 SHOWN TO WITNESS

Q. Can you identify what they are photographs of?

A. Yes. These are of the relay delay connectors.

EXHIBIT 20.79 SHOWN TO WITNESS

5 Q. Towards the right-hand side of the photograph are those connectors again?

A. Yes.

Q. The different object which is towards the left-hand side of the photograph?

10 A. Yeah, they look, again, to be the relay connectors. Just with some shadow from the photograph being taken.

EXHIBIT 20.80 SHOWN TO WITNESS

15 Q. Can you identify that?

A. Is this of the photo-electronic cell that was found in the rear - in the boot, in one of the plastic bag?

EXHIBIT 20.81 SHOWN TO WITNESS

20

A. These are 9 volt batteries that have been connected to lead wires ready to join into an explosive circuit, or some sort of circuitry.

Q. Do you have a recollection of seeing anything like that in any of the items seized in the car?

25

A. I remember we identified some batteries. I can't recall whether they're specifically the same batteries, though.

Q. They were in the glove box?

30

A. I think there were some in the glove box - four in the glove box, and there's also some in the rear of the vehicle as well.

EXHIBIT 20.83 SHOWN TO WITNESS

35 Q. Can you identify what's depicted in that photograph?

A. It's a cartridge of AN gelignite 60. What I can't identify from that whether it is a full-length cartridge of this type that we found in the vehicle that hadn't yet been cut in half, or whether it's of smaller length. I just can't make out the markings.

40

Q. You didn't find in the car a full length--

A. No.

EXHIBIT 20.84 SHOWN TO WITNESS

45

Q. Can you identify--

A. Yes. This is of the Johnson TNC. One of the full-length sticks or cartridges.

50 EXHIBIT 20.85 SHOWN TO WITNESS

Q. This appears to be a print sheet--

A. Yes.

Q. --of the various photographs taken?

5 A. Yes.

Q. From the items that I've taken you to, it would appear that the majority of them correspond to items that were found in the car at Macaulay Street?

A. Yes.

10

Q. To give you some background, an Order for Production was issued and these photographs were produced by, I think, the Australian Federal Police.

A. Okay.

15

Q. The Australian Bomb Data Centre, to your knowledge, did it eventually, in a sense, come under the umbrella of the Australian Federal Police when it was established?

A. Yes.

20

Q. Did it eventually change its name?

A. Yes. It changed its name to the Weapons Technical Intelligence Team, but I don't know when.

25

Q. The fact that they've been produced pursuant to a notice obviously indicates that they were in the possession of the Australian Federal Police, but you've got no recollection of photographs being taken, either by the New South Wales Police and forwarded on, or any way you could assist us as to why the Australian Federal Police had these photos?

A. I have no recollection of anyone from the Commonwealth Police, Federal Police, ABDC attending my unit and taking photographs at any stage. So I'm not sure how these were taken.

30

EXHIBIT 20.61 SHOWN TO WITNESS

35

Q. This document is entitled, "SPECIAL REPORT - 4/79".

A. Yes.

40

Q. "SUBJECT: Recovery of Explosives. CLASSIFICATION: Restricted. SOURCE: Foreign." And then, "March 1979", again with the Australian Bomb Data Centre stamp towards the bottom. The text continues for a number of pages. If we go to page 139, can you see it's headed, "RECOVERY OF EXPLOSIVES, GENERAL"?

A. Yes.

45

Q. Then as we saw in that other document prepared by Major Smith, it's broken down into operations. So we've got, "OPERATION 1". Then if we go to page 140, down the bottom, "OPERATION 2"?

A. Yes.

50

Q. Then on page 141, "OPERATION 3". This refers to the letter bomb?

A. Yes.

Q. Then, "OPERATION 4: State Police also recovered three 'L' series electronic short delay detonators from a second house in Lithgow."

5 A. Yes.

Q. Did you know anything about that?

A. I wasn't involved in that. I did become aware of them identifying or recovering three items. I think it was either on the 8th or 9 February.

10

Q. But in a house different to Macaulay Street?

A. Yes.

Q. Then we've got, "COMMENT" down the bottom of this page. Then if we go to page 142. Again, it's not very helpful, but can you see there are very poor photocopies of what appears to be photos?

15

A. Yes.

Q. If we jump to page 143, can you see the photograph down the bottom which is designated, "Figure 4 - ICI Detonating Relay Connectors"?

20

A. Yes.

Q. Looking at that very poor outline, does it seem to correspond to one of those photographs that I just took you to?

25

A. Yes.

Q. Then if we go to page 144. Again, a very poor photograph, but can you see, "Figure 6 - ICI Red Premium Detonating Cord"?

30

A. Yes.

Q. Which, again, would seem to correspond with one of the photos--

A. Yes.

Q. --I just took you to?

35

A. Yes.

Q. Again, does that suggest that those photos must have been taken, and the Australian Bomb Data Centre being given access to them by March 1979?

A. Yeah. I - I would have assumed that it would have formed part of the report the police had provided to the Bomb Data Centre in the second week of February where they said they were going to provide a full report.

40

EXHIBIT 20.63-1 SHOWN TO WITNESS

Q. This is, again, an Australian Bomb Data Centre document. This time an, "Incident Report Form".

45

A. Yes.

Q. Under, "General Information", can you see, "Date/Time of Incident: 10/2". "Participant" is, "Major P J Stratton", but the "Reporting Officer" is a

50

"Detective Sergeant Barber" at Lithgow Police Station?

A. Yes.

5 Q. This document, if you have a look under, "Nature of incident", can you see "attempted bombing, target person found at rear of house", et cetera?

A. Yes.

Q. The reporting officer, Detective Sergeant Barber, had you come across him before?

10 A. I don't recall.

Q. I picked up, "Location of incident: police station / Lithgow." Was it possible that he might have been attached to the Ballistic Section at – Unit, part of New South Wales Police?

15 A. It's possible, I just don't recall the name.

Q. You just don't know? Sorry, the name doesn't ring a bell with you?

A. No.

20 Q. If we go through this document, if we then go down to 147-2, under "threat or warning received", (f) is ticked "other: no threat. "Motive revealed" under section 4, "Supporters of Croatian Republican movement." "Nine arrests." "Description of device: explosive, improvised" are all ticked. Do you see that?

25 A. Yes.

Q. Then towards the bottom of the page, "No switching builder under misconception. WP only functions when contacted by light"?

A. Yes.

30

Q. Then across the page under 3, "No power source"?

A. Yes.

35 Q. --"Detonator", we've got "contents of commercial cap blasting removed from metal case"?

A. Yes.

Q. "Filler material" is ticked. Down the bottom, "External container: (i), freezer bag"?

40 A. Yes.

Q. Then across the page, 147-4 under "Disposition", it's got "No RSP required held for evidence"?

A. Yes.

45

Q. You didn't create this document?

A. No.

50 Q. Reading it, does it appear to be some kind of incident report form arising from the discovery of that letter bomb?

A. Yes.

Q. On that last page, "No RSP required held for evidence", what's an "RSP"?

A. Render safe procedure.

5

Q. Your recollection is where it records "Held for evidence", it was held in building or room number 39 at 223 Supply Company?

A. Yeah, for around about ten days and then collected by New South Wales Police.

10

Q. I'm going to show you another document, and that's just to assist us if you can identify it or know--

A. Mm-hmm.

15

Q. --anything about it. This is Exhibit 20.78.

EXHIBIT 20.78 SHOWN TO WITNESS

20

Q. Can you see it's in handwriting. It's one page. At the top it appears to say, "Croatian" is it "find, Lithgow, February 79"?

A. Yes.

Q. Then something like, "following notes"?

A. Yes.

25

Q. "Should be plugged into the IED component library and", is it, "noted at" something like "Croatian"?

A. I think it's "Tech".

30

Q. "MO for Australia"?

A. I think so.

Q. Maybe if you just have a look at the document.

A. Mm-hmm.

35

Q. If we could then continue down the page.

A. Yep.

40

Q. Then if we can continue to the last paragraph, and maybe just, yes, get the signature or initials at the bottom.

A. Yes.

Q. Is it your document?

A. No.

45

Q. Have you seen it before? Can you assist us in identifying it?

A. No. I haven't seen it before, no.

50

Q. It was produced pursuant to a notice by the Australian Federal Police.

A. Mm-hmm.

Q. Reading the contents, can you give an indication of your reading of it, what it's referring to?

5 A. It seems to be going over again in a bit more detail on the information that's been provided to them, where they were trying to extract particular intelligence, because that's what their role is, to gain intelligence, disseminate it to police to Army operators and internationally, as appropriate. So it was trying to identify specific intelligence that they assessed was relevant then to be passed on somewhere else, but this is only handwritten notes. I don't know what
10 happened, apart from the last one where it's indicating initials of different people to be informed.

Q. I'm going to take you to a different topic now. I'm going to show you a document. It's not your document, but it's a document created by one of the New South Wales police officers who became one of the officers in charge of the investigation, after the events of 8 February.
15

EXHIBIT 11.71A, RED PAGE 316, SHOWN TO WITNESS

Q. This is from a duty book of a Detective Milroy. You can see it's dated 15 February 1979?
20

A. Yes.

Q. Going over the kind of hours that he's working, I want to take you to the entries on the page. You can see it commences, "On duty am Moorebank Army Camp, see Lieutenant Elphick".
25

A. Elphnick, yep.

Q. How do you spell that?

30 A. I wouldn't know how to spell it. I think it's Elphnick, Steve Elphnick.

Q. Elphlick?

A. Something like that.

Q. Then it has, "Collect", what appears to be "quantity of gelignite". Then it says, "Then to Liverpool, Cabramatta, et cetera"?
35

A. Yes.

Q. Moorebank Army Camp, you knew of that facility?

40 A. Yes.

Q. What was it?

45 A. Moorebank Army Camp is quite a large military installation. Had a supply battalion depot there. Had a RAEME electrical mechanical engineer workshop there, so it's quite a large camp in that regard, the logistics camp. One of the components of that camp was a small ammunition depot where Lieutenant Elphnick would have been the ammunition technical officer-in-charge of that depot.

Q. To your knowledge, the small ammunition capacity that they had at Moorebank Army Camp - you described it was "small" - was it considerably
50

small to the capacity of 223 Supply Company?

A. Yes.

5 Q. To your knowledge, what would the source have been of the ammunition that they were keeping at Moorebank Army Camp?

10 A. Okay. It was primarily to service certain explosive items to the military units at Moorebank. The larger users of Army ammunitions, such as the tour units, were held at my unit, but smaller quantities, such as small arms ammunition, maybe a small quantity of grenades or that - more like a ready-use ammunition depot where the units could then draw down something for a day or a week's activity.

15 Q. It's not your document, but the reference there to "Moorebank Army Camp, see Lieutenant Elphlick collect quantity of gelignite", can you suggest what that may be referring to?

20 A. I'm not sure. It could refer to the gelignite that the police gathered that they then put into 20 half-sticks and brought back to my unit in April for a demonstration, but this is a few months earlier than that. Apart from that I don't know.

25 Q. Is that suggesting that - I think it was 11 half-sticks, was it?

30 A. No. 11 half-sticks they took from the scene. 20 half-sticks they brought back to me on 3 April. This is a few months before, so I don't know why - if that's what it was, I don't know apart from that.

35 Q. I referred you to other raids that were occurring on the night of 8 February or early on the morning of 9 February, at certain houses, addresses in Sydney?

40 A. Yes.

45 Q. At one of those raids a white plastic bag was found, and in the white plastic bag were two half-sticks of the AN 60 Gelignite that was taped together but wrapped in a newspaper. Then loose in the plastic bag some flares.

50 A. Mm.

55 Q. Then still in the plastic bag but in a paper bag were a number of detonators.

60 A. Right.

65 Q. Finding the white plastic bag with those component parts, assuming that it's found at this house, it's then taken back in that form to CIB and is kept in that state, the white plastic bag with those three components, do you have a view or an opinion as whether it would be safe to keep those three components in the white plastic bag?

70 A. From a military perspective, no, it would not have been safe. We would have kept them separate. We would have separated the detonators, the flare and the explosives.

75 Q. Why would have the Army kept the three components separated?

80 A. It's just part of our procedures not to bring, for example, detonators to a

5 main explosive until you're going to use it, because, potentially, a detonator is there, it's a sensitive explosive and if they were electric detonators - I forget what you said now - they could be subjected to spurious electric charges and if you store that next to the main explosive, you're just increasing the danger or risk, so our procedure would be to have them separated until we actually using them in anger.

10 Q. Could you make this assumption, that the white plastic bag is taken, with its contents, is taken from the house, back to CIB, and then for a period from about 9 February 1979 to 22 March 1979, they remain in a police officer's locker at CIB, and it's unclear whether they're still in the white plastic bag or they've been taken out, but they're in the locker together, what is your view of whether that's a safe keeping or custody of those items?

15 A. As I said, our procedure would be to separate those items and to keep them physically separated as well, particularly the detonators, to store them in some container which protected the detonators. We would not store them in such a way, but I don't know the particular circumstances that the police were trying to address that they did that.

20 MCDONALD: Excuse me, your Honour.

HIS HONOUR: How about we take the lunch break now?

25 MCDONALD: Yes.

HIS HONOUR: That will give you a chance to review your material.

MCDONALD: Thank you, your Honour.

30 HIS HONOUR: We'll take the lunch break now, Mr Barkley, and we'll resume at 2 o'clock. Thank you.

LUNCHEON ADJOURNMENT

35 MCDONALD

40 Q. Before lunch, I asked you some questions about a white plastic bag that was seized at another raid in Sydney, and which contained some gelignite, flares and detonators, and I asked you some questions about keeping those various items together in a plastic bag, and then storing those items for a period of time, either still in the plastic bag or separated in some way but in a locker?

A. Yes.

45 Q. You expressed the opinion that in your view it would not be safe. In February/March 1979, would you have been surprised to have heard that items such as the gelignite, flares and detonators were being kept together in that fashion?

50 A. From a military perspective, yes, and if I was asked I would have encouraged them to separate them, because I've mentioned previously a

number of members of the police have had some basic explosives' training, and would have been aware of how to store those safely.

5 Q. You referred to some police officers would have had that training. In your role as an explosives technician, did you have a role in providing any training or education to New South Wales police officers in 1979?

10 A. I may have had a minor role with those police in Lithgow, but none of the Lithgow police were trained by Army for explosive handling. So it may have been just for general awareness rather than any specific technical skills.

EXHIBIT 15.12 SHOWN TO WITNESS

15 Q. This is the explosive ordnance incident report that you completed, and we'll go to red page 38, please. It would appear from the evidence I took you to on the two days at the trial, what was missing were eight ICI electric short delay detonators L-Series--

A. Mm-hmm.

20 Q. --and also the relay connectors?

A. I think the relay connectors were accounted for. It was really just the eight detonators.

25 Q. Assuming that they were originally stored at 223 Supply Company, can you explain why they weren't found when you gave your evidence at the trial and did the double-checking of what was in room 39?

A. No, I can't understand that. I can't explain it.

30 Q. If you weren't on duty on a particular day and, for example, New South Wales police officers arrived to retrieve something that was being stored in number 39, would you have been informed of that?

35 A. I certainly should have been, but I did have two technical staff working with me. I've subsequently spoken to one of the junior members back then, and he has no recollection of anything to do with this incident. So there would have been only one person potentially involved, but that person didn't share anything with me that I can recall.

40 Q. Looking at what was found in the car, and concentrating on the - I think it's 80 half-sticks of the AN Gelnite, the Johnson's TNC formula--

A. Mm-hmm.

45 Q. --the alarm clocks, and then we had I think in total 12 ICI electric short delay detonators L-Series--

A. Yes.

50 Q. --and 20 Nobel electric detonators number 6?

A. Yes.

Q. The selection of explosives, detonators and other items found in the car, did they have the potential to be constructed into bombs?

A. Those components, yes, yes, but there were far more detonators than they

needed.

Q. If we just take the gelignite--

A. Mm-hmm.

5

Q. --looking also at the alarm clocks, I take it, if an alarm clock was going to be employed for a bomb, there's one alarm clock per bomb?

A. Correct.

10

Q. It would appear on the fact that there's four alarm clocks there, that they're looking at possibly four bombs.

A. Yes.

15

Q. Then there would be an amount of gelignite as part of that bomb.

A. Yes.

Q. Then the number of detonators that you would use for a bomb, what determines that?

20

A. That often determines just the desired effect that may be required by the person setting the device. In such a device, you would typically only need one detonator, but there's certainly no reason why you couldn't put, you know, maybe four and just spread them around to ensure initiation of all of the sticks of gelignite, but one would have been sufficient when it was placed correctly.

25

Q. The number of detonators that were found in the car, your opinion is that there were too many for the amount of gelignite found?

A. Typically, yes.

30

Q. Your evidence that you gave before lunch about the letter bomb--

A. Mm-hmm.

Q. --and your analysis of what the letter bomb consisted of.

A. Yes.

35

Q. Was it possible that some of these detonators were going to be used as a source for the material used in letter bombs?

A. Look, one could - one detonator could be used, but that was not how the person we interviewed at the police station indicated they were going to initiate the letter bomb.

40

Q. I thought you said that the actual letter bomb, there was some - was it flattening of the AN 60 gelignite?

A. Correct, and on top of that, they had taken the explosive content out of one or two detonators called ASA and then smeared that over the gelignite which is what that dark or black substance was.

45

Q. The amount of explosives and detonators found in the car, in your career as an ammunitions technician, had you ever come across such a quantity being found in a civilian context or a civilian location?

50

A. This was at the very early stage of my career as an ammunition technician,

so, at that stage, no, but in subsequent experience, I have been finding additional IEDs or bombs, but nothing as large as this.

<EXAMINATION BY MR BUCHANAN

5

Q. Mr Barkley, my name is Buchanan. I appear for the Petitioners who are the people who applied for this Inquiry. Counsel Assisting a moment ago asked you a question about items missing and she referred to eight ICI detonators.

A. Yes.

10

Q. And a number of relay connectors. Are relay connectors, is that shorthand for relay delay connectors?

A. Yes.

15

Q. Is a relay delay connector, could it be regarded as a form of detonator?

A. It could be, but it's not its intended use. Its intended use is that a relay delay connector is used when you're setting up a large or multiple explosive devices wanting to initiate simultaneously, but not wanting them all to go off at the same time, so you would use, for example, the Cordtex going between one device to the next and having a relay detonator in between and that would provide just a few milliseconds delay to then give you that ripple effect.

20

Q. In giving that answer, were you thinking of your understanding of legitimate civilian uses of such items?

25

A. Yes.

Q. Is it possible that there might be other uses to which a relay delay connector might be put with malicious intent?

A. That's certainly possible, yes.

30

Q. To add to the explosive force of whatever device is being constructed, perhaps?

A. I think it's unlikely, when you look at the explosive content in a relay connector is only a couple of grams compared to kilograms that are in a main device.

35

Q. Thank you.

HIS HONOUR

40

Q. Mr Barkley, can you assist me with this, out of my ignorance? If the delay is only milliseconds, what purpose does that serve?

A. It serves - it serves enough to disrupt the flow of the explosive force, a detonating force across the area that's been initiated. If you're just having one device, you've got an equal force going out. If you're having multiple devices being - and this is primarily used in mining - but if you're having a number of those being initiated, you're looking at breaking up that single explosive force into multiple detonations, just to - instead of having one massive explosion, you're having a number of smaller explosions.

50

Q. Why would you want to do that?

5 A. Again, in the mining situation, you may have seen them trying to - in open-cut mining, where they're trying to blow a whole area open, it enables them to control how that earth is then fragmented, rather than it all being broken and blown up at the same time, that ripple effect enables it to be staged, and, therefore, managed in the way that the explosion - explosive is used to disrupt the soil and the material they're looking at opening up.

10 Q. And in the criminal context where malice is the intent, what would be the point?

15 A. In a criminal sense, I wouldn't see it being used, which is why I was surprised when we found these, as to why - how they were intending to be used, but they had the detonating cord, as well as the relay connectors, so someone had in their mind a way of using this in some form.

BUCHANAN

20 Q. Tell me if this is speculation and you can't answer. If part of the remains of the experimental letter bomb had been derived from an electric detonator--

A. Mm-hmm--

25 Q. --could the contents of a relay delay connector have, or part of the contents, have been employed in a functioning letter bomb?

A. I understand it's possible. I believe the difficulty would be in just accessing that small explosive content, which is must easier out of a detonator than it would be out of a relay connector.

30 Q. Counsel Assisting suggested to you that what were missing were the eight ICI electric detonators and the relay connectors. Your answer, as I recall it, was, "I thought the relay connectors were accounted for", and that you thought what were missing were just the eight electric detonators?

A. That's my recollection, yes.

35 EXHIBIT 2.1-12, RED PAGE 381, SHOWN TO WITNESS

40 Q. If we could scroll down the page a little bit, please. You're shown an Exhibit there that's marked "EE", and it's the photograph of that case - the wooden case with the 69 sticks in it. Do you recall seeing that earlier today? I'm sorry, do you see where the cursor is?

A. Yes.

Q.

45 "Q. Would you look at exhibit EE please?

A. Yes, that is the case which had 69 sticks in it."

A. Yes.

50 Q. I'm sorry, I should have made this clear. This is a transcript of your evidence.

A. Yes.

Q. You can see from the bottom. Go up to the middle.

"Q. What happened then to the explosives and the detonators and the other items that you have told us about?

5 A. The case containing 69 was loaded in the rear of my vehicle; the remaining items were taken by the police.

Q. What about the detonators?

10 A. They were taken by the police also, I did not hold those.

Q. They took all the detonators?

A. Yes."

A. Yes.

15 Q. Then it goes on to talk about the 11 remaining half-sticks of AN 60 gelignite. Does that refresh your recollection as to what happened to the detonators? That they were taken by the police?

20 A. I think in the context of that question and answer, I'm reading that as referring to what happened on the night.

Q. Yes?

A. That I took the box containing the gelignite in my vehicle, but the police took the detonators in their vehicle back to the police station.

25 Q. Yes?

A. Yes.

Q. Did you see the detonators again?

30 A. I understood I held them in my Unit. In the store.

Q. But you could not find them?

35 A. I couldn't find the particular eight that was raised earlier on, but I understood all of the electric components were - the explosive components were then held by me.

Q. Is it possible that you did not get any detonators back from the police?

40 A. It's possible. I can't recall. Apart from the 11 half-sticks of gelignite that were returned on 3 April, and also they returned the broken stick of TNC. I can't recall others.

Q. On the night, thinking back to 8 February, you took the case of 69 half-sticks of gelignite. The police took the detonators. When you say the police took the detonators on that occasion, did that include the relay delay connectors?

45 A. Yes. But, again, it was all taken back to the police station. It was all held in the police station for one or two days.

Q. Do you have a recollection of receiving the relay delay connectors back from the police?

50 A. I don't have a recollection, no.

5 Q. Counsel Assisting asked you your opinion as to the safety or otherwise of carrying in one plastic bag, two half-sticks of gelignite, a quantity of detonators, which themselves were inside a paper bag, and a quantity of flares, and you've given your opinion about that. If in addition to those three sets of items there were in the plastic bag two household batteries welded together, would that add to the safety or detract from it?

A. It would detract significantly from the safety.

10 Q. What would the reason be for that?

A. Because the batteries provide a power source which could then, if by accident they were connected to the electric leads from the detonators, then the detonator would initiate.

15 Q. Could that occur notwithstanding the fact that there was a piece of brown paper in the form of a brown paper bag, between the battery and the detonator?

A. It would help a little, but the detonator lead wires are reasonably thin wires that could poke through the paper and that would be a concern I'd have.

20 <EXAMINATION BY MS BASHIR

Q. Mr Barkley, my name's Ms Bashir and I'm acting for one of the former police officers.

A. Okay.

25

BASHIR: Could I just take you to the transcript again, 2.1-12, that is day 12, and transcript red page 382.

EXHIBIT 2.1-12, RED PAGE 382, SHOWN TO WITNESS

30

Q. Just there, do you see the question just at the bottom of the page, "I do not want you to go into that, Captain. I'm asking you about the items that came from the house at Lithgow, see." Do you see that question?

A. Yes.

35

Q. Do you see that your response was that on the Sunday you did nothing apart from saying, "Yes, they're the boxes I packed on Thursday, and that it was not until the Monday I went down and did a full check of them." Do you see that?

A. Yes.

40

Q. You were referring to Monday, 12 February?

A. Yes.

45

Q. On Monday, 12 February you made a full check of the items--

A. Yes.

50

Q. --that came from Lithgow? I might come back to this, but the document that you're referring to for the full check is that document, and if the witness could be shown at 15.12, and red page 37 and 38?

EXHIBIT 15.12 SHOWN TO WITNESS

Q. If we could go back to 34, this is the document dated 12 February where you have authenticated it and your signature's at the bottom?

5 A. Yes.

Q. When you were referring to having done a full check, that is in relation to the items listed in this document--

10 A. Yes.

Q. --is that correct?

HIS HONOUR: Sorry, I didn't hear an answer to that.

15 WITNESS: Yes.

BASHIR

20 Q. I just wanted to clarify in relation to item 7. Do you see item 7? Maybe if we go to page 38 and at the very end of item 7 you refer to "Quantity: 15 detonating relay connectors"--

A. Yes.

Q. --"17 millisecond"?

25 A. Yes.

Q. Then can we go back to page 37, and on page 37 I think Counsel Assisting has taken you to these items at 8 and pointed out that at 9 you've referred to what the police seized at Hassans Walls--

30 A. Yes.

Q. --Reserve? They were items that were also in your store as at 12 February--

35 A. Yes.

Q. --correct? The clarification that I wanted was, do you see in 10 where you say, "Explosives from the raid are being stored" and you use that word "explosives"?

40 A. Yes.

Q. Are you there referring also to the Hassans Walls items?

A. Yes.

Q. When you say, "the raid" you included the Hassans Walls items?

45 A. Yes.

Q. When you say, "explosives", you meant the gelignite and--

A. Detonators.

50 Q. --the detonators?

A. Yes.

BASHIR: Let me just take you in time then to the next document in time that's relevant to my questioning, which is 20.64, and

5

EXHIBIT 20.64 SHOWN TO WITNESS

Q. This is somebody else's document but the reference is "Telecon Major Smith/Captain Barkley of 27 February 1979"?

10

A. Yes.

Q. Do you recall Counsel Assisting taking you to that running sheet that--

A. Yes.

15

Q. --noted conferring with you? I think that it's been pointed out that there was an error at least at 149(b) over the next page, where it says, "car boot" and that "the following items found in the boot of the car." Do you see that?

A. Yes.

20

Q. That should be a reference to "found in the remainder of the car that is not in the glove box"; correct?

A. Correct.

25

Q. If I could take you back to 148, the first item listed there as having been found in the glove box was not found in the glove box; correct?

A. No, that's another error.

30

Q. That was another error, okay. Can I then just take you to (b) which is the next page, 149. We do see here if we - can I just ask you to assume that reference to "car boot" is an error, and in fact it's "the remainder of the car". It was the case that all of these items were found in the remainder of the car; correct?

A. Correct.

35

Q. That includes the 20 number 6 detonators?

A. Yes.

Q. With the yellow wires and the eight L-Series detonators with the delay numbers not known?

40

A. Yes.

Q. It was only the four detonators that were in the glove box?

A. Correct.

45

Q. As at 27 February, can we go to page 150, it appears that Major Smith has noted, following the teleconference with you, that you were holding most of the AN 60; correct? Do you see that?

A. Yes.

50

Q. That was correct because you had, I think, was it 69 sticks?

A. 69, correct.

Q. And you clarified later that you didn't have the other 11 sticks; correct?

A. Correct.

5

Q. The six complete TNC cartridges, you did have those?

A. Yes.

Q. And you had the Cordtex?

10

A. Yes.

Q. It's noted here, "All the detonators except the four found in the glove box." Do you see that?

A. Correct.

15

Q. That was correct as at 27 February--

A. It was.

Q. --1979. Could I take you then to another document that - do you remember Counsel Assisting took you to a report that you were not the author of which is at 20.61, red page 138 and it's a special report of the ABDC?

20

A. Yes.

EXHIBIT 20.61, RED PAGE 138, SHOWN TO WITNESS

25

Q. It's March 1979, is the date on the left-hand corner. Can you see that?

A. Yes.

Q. Just to orient you, could the witness please just be shown 139, and there we see, under, "Operation 1/3", the last line before subparagraph (a) says, "The glove box contained the following items." Do you see that?

30

A. Sorry, just reference for that again, please?

Q. Yes. There's a heading, "Operation 1".

35

A. Yes.

Q. Paragraph 3.

A. Yes.

Q. Do you see that above (a) and (b)--

40

A. Okay.

Q. --"the glove box", and that appears to be the four--

A. Yes.

45

Q. --detonators and the four batteries?

A. Batteries, correct.

Q. Then (4) now says, "Elsewhere in the vehicle were found the following", do you see that?

50

A. Yes.

Q. This wasn't your document, but I have just asked you to note on the front page, it says, "Special report", and "March."

5

EXHIBIT 20.65 SHOWN TO WITNESS

Q. Do you see in the top right-hand corner, it says March 1979?

A. Yes.

10

Q. It's a letter addressed to the officer-in-charge of the Ballistics Unit at Sydney.

A. Yes.

15

Q. At the bottom, it's signed off by Commissioner Davis.

A. Mm-hmm.

Q. Do you recollect that he was the Commissioner of the Commonwealth Police--

20

A. No.

Q. --as they then were? You don't have that recollection?

A. No.

25

Q. Can I ask you to assume that that is the case, that he was?

A. Okay.

Q. It says there, "Enclosed is a draft special report" --

A. Yes.

30

Q. --"concerning the subject incident proposed to distribute to the ABDC." Do you see that?

A. Yes.

35

Q. Does that seem to accord with the March 79 special report that Counsel Assisting took you to that I've just showed you?

A. I'm having trouble relating the two together, but if that's what it was.

40

Q. If you could read on it says that, "The information contained in the report collated from several New South Wales Police and Army Explosive Ordnance Disposal Operator reports."

A. Yes.

45

Q. It seems that that report was a compilation, if it is the report, was a compilation made up by the Commonwealth Police.

A. Mm-hmm.

Q. Do you accept that?

A. Yes.

50

Q. Do you remember being consulted about the contents of that report at any stage?

A. No.

5 BASHIR: I just wanted to take you back to your evidence again at trial which was at 2.1-12 and, again, 382.

EXHIBIT 2.1-12, RED PAGE 382, SHOWN TO WITNESS

10 Q. I have taken you to that passage where you've said that it was on the Monday morning that you did the full check.

A. Mm-hmm.

15 Q. You were then asked when you went there, what you found and then you then refer to the 69 half-sticks.

A. Yes.

Q. The Cordtex, before you go on to talk about a quantity of detonators.

20 A. Sorry, I'm just lost in the movement up and down as to which one you're referring to.

Q. Yes.

A. Just refer me to which question you want me to look at?

25 Q. You said that – were there any additional explosives to those you had seen at number 6 Macauley Street? And you referred there to a series or quantity of electric detonators.

A. Yes.

30 Q. Correction, also six sticks of TNC explosives.

A. Yes.

Q. You were then - they ask you to look at two photographs.

35 A. Yes.

Q. I just want you to assume that they are photographs from Hassans Wall.

A. Okay.

40 Q. Okay? At H5 is a photograph of detonators. Assume they are detonators photographed at Hassans Wall and you say, "The quantity there appears to be similar to what I have in my store."

A. Mm-hmm.

Q. Do you see that?

45 A. Yes.

Q. Then you're asked to describe those detonators and, I suppose you might not be able to remember now, but do you know whether you were describing the detonators in the photograph H5 or not?

50 A. I don't remember. If that's the question and answer, then it would - should

have been, but I don't recall.

5 Q. Then if we go over the page. You've been taken to the top of the page, and you say at the top of the page that you're, "...holding however the 20 number 6 detonators."

A. Yes.

10 Q. They're the ones with the yellow wires; correct? Do you remember that?

A. Yes.

10

Q. They weren't the only ones that came from the boot, were they? The eight also came from the boot. Do you remember the eight ICIs came from the boot too?

A. Yes.

15

Q. If you go down the page, and Counsel Assisting has taken you to this before, you said - if we look six questions down, there you say, "I have the four electric detonators taken from the glove box." Do you see that?

A. Yes.

20

Q. Could it be, given what I've taken you to back at 27 February, that document, that you were mistaken, and what you had were the eight? Not the four?

A. On reflection, it's possible, but the reason the four are identified separately in that they were found in the glove box in a separate plastic bag.

25

Q. Yes.

A. Whereas the other detonators were found in the rear of the vehicle and more in a clump rather than separately in a small bag.

30

Q. Is another explanation that while you may have had the eight as at 27 February and not had the four then, that by the time of the trial, it was the four that you had?

A. That's possible. I can't recall the specifics of that.

35

Q. I want you to assume also--

MCDONALD: Your Honour, I object. Ms Bashir represents Mr Bennett.

40

HIS HONOUR: Yes.

MCDONALD: This is all to do with Lithgow. Mr Bennett has no involvement whatsoever in Lithgow.

45

HIS HONOUR: No.

MCDONALD: I'm just wondering the interest - whether the questions that she is asking come within the leave that she has been granted to appear in the Inquiry.

50

HIS HONOUR: How does this bear upon your client?

5 BASHIR: Your Honour, my understanding, and I could be, I hope I'm wrong,
but my understanding is that Mr Buchanan's case, or the applicants' case, is
that the detonators that were surely at the CIB, and, of course, we say they
were at the Brajkovic premises as well, were a plant. So it is within my interest
to cross-examine in relation to what is said to be missing detonators, and I'm
happy to go into more detail, if it's required, but I'm happier to be reassured by
10 Counsel Assisting and Mr Buchanan, that they will not be suggesting that
these detonators had anything to do with my client and detonators that he took
to Mr Butt, or detonators that he was showed to people, to Mrs - it certainly
can't be detonators that he showed to Mrs Brajkovic, but that's my interest,
your Honour.

15 HIS HONOUR: Mr Buchanan, do you have a response to that?

BUCHANAN: Your Honour, I certainly can't give that assurance to my learned
friend or to your Honour. My recollection, and this arose in the
cross-examination of Mr Musgrave, and my recollection is that there is a - he
20 accepted that there was a quantity of relay delay connectors that had not been
accounted for. Now, my recollection of the Crown case was that Detective
Grady took a quantity of relay delay connectors to the Dangerous Goods
Branch and produced them as having been seized at Burwood. My
submission would be that the detonators broadly classify that Mr Musgrave
25 agreed had not been accounted for, could have been a source for detonators
produced to the Dangerous Goods Branch as having been seized by police on
8 February in Sydney, and there's a particular coincidence in relation to relay
delay connectors.

30 HIS HONOUR: Yes. All right. Thank you, Mr Buchanan. Ms McDonald, I
think if it illuminates what the true position is, or whether there's doubt about
some aspect, I think I'll hear it.

35 MCDONALD: Yes, your Honour.

BASHIR: Thank you, your Honour. Your Honour, I'm almost finished.

40 Q. You've heard that Detective Musgrave gave evidence and was
cross-examined. And, in fact, your evidence at trial was put to Detective
Musgrave. I want you to assume that Detective Musgrave's evidence before
this Inquiry and previously, has been that it were the glove box detonators that
he took back to Sydney--

A. Mm-hmm.

45 Q. --sometime after midday on the 9th. That would accord with the note of
Major Simmons of 27 February? I can take you back to that.

EXHIBIT 20.64, RED PAGE 150, SHOWN TO WITNESS

50 Q. Paragraph 6d.

A. Mm-hmm.

5 Q. Assuming that Detective Musgrave gave that evidence that he had the four found in the glove box, that would accord with what - I'm sorry, Major Smith records as per his conversation with you--

A. Yes.

10 Q. --that you were holding the detonators except for those four; is that correct?

A. Yes.

<EXAMINATION BY MS GLEESON

15 Q. Mr Barkley, my name is Gleeson. I appear for the New South Wales Commissioner of Police. I just have a few questions. You gave some evidence to Counsel Assisting on either side of the lunchbreak about training that was provided to officers of the New South Wales Police Force. Do you remember that?

20 A. Yes.

Q. On this side of the lunchbreak you were asked by Counsel Assisting about your involvement in explosives training to New South Wales Police Force officers in 1979?

25 A. Yes.

Q. You gave an answer that was directed to training you had given to officers at Lithgow; is that right?

30 A. Yes.

Q. You moved to 223 Supply Company, Marrangaroo in January 1979; is that right?

35 A. Yes.

Q. Prior to that time, were you involved in any training of New South Wales Police Force officers?

40 A. No.

Q. You gave some evidence before the lunchbreak about your awareness that the Army was training a number of specialist police officers to be IED operators?

45 A. Yes.

Q. How did you come to know that?

45 A. It was information that was shared whilst I was doing my training in 1978.

Q. Are you aware of who was undertaking that training within the Army?

50 A. The training was provided by the - what we call the "ammunition wing" at the Royal Australian Army Ordnance Centre in Bandiana in Victoria. That's where our specialist ammunition technicians are.

Q. They had flown down New South Wales Police Force officers to undertake that training at Bandiana?

5 A. It was not only New South Wales Police. Most jurisdictions were providing - we would run - or they would run courses and police would provide one, two or three people to attend that course.

Q. You were at Bandiana at the same time; is that how you became aware of it?

10 A. Yes.

Q. You made reference to specialist police officers. Did you have any understanding of what that meant as it pertained to New South Wales Police?

A. Back then, no.

15 Q. You've subsequently become aware?

A. Yes. I've subsequently worked with those police officers.

Q. When you say, "specialist police officers", is there some other descriptor that's known to the New South Wales Police Force?

20 A. No. It may have been ballistic specialists. It might have been - I forget what they were called back - those - but I know I worked with - in Darwin I worked with the Ballistic Section, so it may have been someone with those skill sets.

25 Q. When you were referring to "specialist police officers", that was directed generally to--

A. It's just a generic--

Q. --officers regardless of where they were located--

30 A. Correct.

Q. --across Australia?

A. Correct.

35 Q. Did you have any awareness of the nature of the training that was offered at Bandiana?

A. Only basic - basic awareness.

Q. What's involved in "basic" training?

40 A. No, no, I only had a basic understanding.

Q. You only had a basic understanding. What was your understanding of what that involved?

45 A. Understanding was they were receiving a simplified version of the course we were going through, which was identification and recognition of explosives, the makeup of IEDs, how they might go around rendering safe some of those IEDs, materials and equipments they might need to do that, and also how they would work with Army specialists in the cities that they were posted to.

50 Q. In the course of that training, as far as you were aware, did that involve

work with live explosives and demonstrations undertaken by Army in that respect?

A. There would have been parts of it doing that, yes.

5 NO EXAMINATION BY MR BROWN, MR SILOVE AND DR WOODS

<EXAMINATION BY MS MCDONALD

10 Q. Can I take you back to your report which was prepared on 12 February, and that's Exhibit 15.12.

A. Mm-hmm.

EXHIBIT 15.12 SHOWN TO WITNESS

15 Q. If we can go to page 38 to begin with. Is it the case that they were the items that you recorded in your rough notes on the night of 8 February, of what was observed in the car at Macaulay Street, Lithgow?

A. What was observed and what I counted, yes.

20 Q. Then in your report, if we can go back to page 37, item 37, under item 10 you record, "Explosives from the raid are being stored at 223 Supply Company awaiting police action." Then you exclude, "all detonating relay connectors, alarm clocks, batteries", I think that's "photoelectric cell and other electric components are all being held by Ballistic Section in Sydney awaiting further investigation"?

25 A. Yes.

Q. You've used in paragraph 10 the word "explosives". By your use of the word "explosives" there, were you including gelignite and detonators?

30 A. Yes, and the TNC.

Q. According to the record that you make on 12 February, putting to one side the - it was 11 half-sticks of AN 60, the other items that the police took were those ones that you expressly refer to there?

35 A. My recollection is, yes.

Q. Based on that, it would suggest that at 223 Supply Company you did have all the detonators?

40 A. Yes. I can see there seems to be a bit of confusion between the different reports over time as well, but certainly as stated in my report on the 12th, to me it's clear as written there.

Q. Then Ms Bashir took you to that report prepared by--

45 A. Major Smith?

Q. Yes, where it expressly says it excludes the four, I think they're L Series detonators from the glove box.

A. That's correct.

50 Q. But - and I can take you back to it, but--

A. I remember that, yes.

Q. Your evidence at the trial was that the four from the glove box were in room 39 at 223 Supply Company at the time you gave evidence at the trial.

A. Yes.

5

MCDONALD: No further questions, your Honour.

10

HIS HONOUR: Mr Barkley, thank you very much for your assistance and cooperation. As with all other witnesses, you're not formally excused, but you are free to go and if you are required further, you'll be notified.

WITNESS: Thank you, sir.

15

<THE WITNESS WITHDREW

WOODS: Your Honour, before we start, might I just inquire whether it remains the case that we're expecting Mr Cunliffe tomorrow at 2.30, is it?

20

HIS HONOUR: I hope so.

MCDONALD: Yes, that's correct.

HIS HONOUR: Very well. Thank you. Tomorrow.

25

ADJOURNED PART HEARD TO WEDNESDAY 2 OCTOBER 2024 AT 2.30PM