

JOCKEY SMITH'S LAST STAND

Creswick is a town where not a lot happens but when it does it's headline grabbing stuff, such as on 12 December 1882 when the name Creswick made front page news around the world. Twenty-two miners were killed when a worked out shaft was mistakenly bored and water flooded the new shaft. Five other miners waited two days underground before their rescue. It was to be Australia's biggest gold mining disaster.

19 kilometres from Ballarat and 90 minutes from Melbourne it's a great town for children. There is the lakes to fish, the Wombat State Forest and the worked out mines to explore. Plenty of places to cycle or kick a football or just swing from a tyre suspended from the limb of a tree. Some of Creswick's children to have made their mark in the world include John Curtin, Sir Alexander Peacock, Sir John Northcote, Sir Marcus Oliphant and the Lindsay family of artists.

The squatters Charles, John and Henry Creswick settled the area in 1842. When alluvial gold was discovered in 1852 sheep became an after thought to the precious metal. By 1861 the town had 5,000 residents, a third of whom lived in tents. Peter Lalor of Eureka Stockade fame was a mine director and tried to break a strike by employing Chinese miners. In the 1870s when gold was running out in Ballarat 4,000 diggers still worked the Creswick mines. Diggers also found the fossilised remains of crocodiles, evidence of a warmer and different climate millenniums earlier.

By the turn of the century much of the forests around Creswick had been laid bare, its timber having provided the roofing and lining for the underground mine shafts some of which still exist today. When the gold ran out butter, cream and corn became the town's industry and in 1910 Australia's first forestry school was established.

There is little crime in Creswick but its like anything else that happens in the town. When it's big, it's BIG. On one Saturday in December 1992 the town made national news. Headline grabbing stuff. It was when James Edward 'Jockey' Smith, former Public Enemy Number One, made his last stand.

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On Saturday 5 December 1992 the two man police station of Creswick was closed. Gary Chandler, the Sergeant, was on sick leave and Russell Cook, the Senior Constable, was on holidays. Good country coppers who were entrenched in the local community through their involvement in committees and knowing just about everyone of the 3,000 residents. Even when they were off duty their presence was everywhere. People did the right thing. It was felt in the streets, the football club, the bandstand, bowling club, the hospital, the bed and breakfast, the caravan parks, the lakes and in the three hotels.

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Ballarat police officer Ian Harris, 31, started work at 1pm. On secondment to Creswick he had some paperwork to collect from his locker. Jacinta O'Connor, a Ballarat girl and his wife of eighteen months, was with her parents in Torquay enjoying the beach while he had to work several days without a break. He had worked a few shifts with Russell Cook to help familiarise him with the area but now he was on his own. In ten days at Creswick he had made no arrests or charged anyone

On his way back to Creswick he stumbled across a fire at the Robin Hood Hotel and assisted in diverting traffic. There was a report of youths causing trouble at St. George's Lake, Creswick. The closest backup was from Ballarat, a good ten minutes away, but he was confident he could handle anything that came his way.

In his eleven years as a police officer Harris had experienced almost anything that a police officer would expect to encounter. Before his transfer to Ballarat in 1991 he had worked at some of the busiest police stations in the State such as Preston, Reservoir and Collingwood and a term at the Protective Security Group. None of them were places for the faint hearted and Ballarat itself was no rest home.

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Darren Neil, 31, came out into the sunshine looking wet and muddy from exploring an old Creswick mine shaft with his sons Jarrod, 8, and Travis, 6. He and his wife had been separated for three months and he was enjoying this time with them. Despite the separation he and Sharon were still talking but it was hard on everyone, their families had been part of the district since the 1950s. They had known each other from childhood; having gone to school together, although he was a year senior.

Coming out of the mine shaft and into the hot afternoon sun he shared a stubby with his business partner and talked about what they had seen.

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It was “all quiet” at the Lake. The youths had gone and he reported to Ballarat D24 that it was an “N.O.D. G.O.A.” meaning that there was no offence detected and the offenders had already left. He continued driving around the Creswick area and doing hotel walk throughs. One licensee offered him a beer, but he knocked it back and continued on patrol. He answered the radio in the police car. There was another call to the Creswick Caravan park – a domestic. He notified D24 that he was “on the way”.

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Two days earlier a Holden Commodore pulled into the driveway of a 40 hectare property on the Glenlyon-Malmsbury Road, Glenlyon some 40km east of Creswick. Guiseppe Corso, 59, the care-taker, watched as three people came to the front door.

Christopher Binse – an armed robber and prison escapee who was wanted in two States – called himself Bob; his girlfriend Lorna Skellington called herself Candy and a third man who called himself Tom stood before him. The trio asked about a holiday farm to rent for two weeks. Corso offered his spare back room. He was short of money and when they offered him \$400 he felt the holiday farm next door would not miss a thing. They said they were from Tasmania and over the next few days nothing they did aroused in him any suspicion. They were quiet and generally kept to themselves

Corso knew Tom as a short and fat man who wore glasses and had an obvious liking for gold. He wore a gold watch and a black belt with a gold buckle, and wore two gold rings on the left ring finger and another gold ring on the middle finger of his left hand. But on his right middle finger he wore a silver ring – in the shape of a horse shoe. His left little finger was bent at the last joint, deformed like an old footballers’ who had tried to take one too many marks, and he wore a tight fitting stomach brace.

Corso was later to recognise Tom in the newspapers as Edward James Smith, once dubbed by police and the media as Public Enemy Number One. He was better known as Jockey Smith.

Born in Colac (Victoria) on 3 October 1942, Smith was the second of eight children and always interested in horses. He bought his first in 1958 for twenty eight pounds and earned the nickname he grew to hate – Jockey – while an apprentice jockey at Caulfield. It was not a long career as in 1961 he was caught breaking into garages and shops for which he was sentenced to 18 months imprisonment. It was the first of more than 25 convictions which would take up almost four pages to record.

Soon after his release he was caught with Ronald Ryan committing a shop burglary. Smith tried to shoot his way out, but the revolver jammed. In 1967 Ryan was to achieve greater infamy when he was executed for the murder of a prison officer while escaping from Pentridge prison.

Then in 1973 Russell Cook, then at St.Kilda Crime Cars but now at Creswick, escaped with his life while searching Smith's car. Smith came from the back seat squeezing the trigger of a firearm which fortunately failed to discharge.

In 1974 Smith moved to Sydney where he was soon arrested and charged with conspiracy to commit armed robbery. Skipping bail he returned to Melbourne where seven weeks later, after a tip off, he was arrested while sunbaking on a Sandringham beach. Two days later he escaped from Pentridge by scaling a two metre interior fence and then using a visitor's pass to exit the prison.

As Tom Cummings he lived in Nowra, New South Wales, for three relatively peaceful years racing his own horses at Sydney and provincial meetings. However in 1976 he shot and wounded Constable Jerry Ambrose after a car chase in Kensington (New South Wales). Then in 1977 Smith and two others broke into the home of Sydney bookmaker Lloyd Tidmarsh and during the robbery, shot him dead. His daughter Michelle witnessed her father being murdered and identified Smith as the main offender.

When confronted by Detective Bob Godden making a call from a Nowra telephone box, Smith stuck a .38 revolver into the stomach of the detective. The detective saved himself by jamming his thumb between the firing pin and the hammer as Smith pulled back the trigger.

The convictions for the shooting of Constable Ambrose and the murder of Tidmarsh were later quashed on appeal. Smith accused detectives of

verballing him and that he had made no admissions. His life sentence for the attempted murder of Detective Godden was reduced to fourteen years.

In February 1992, Smith was released on parole. He had spent almost 25 of the previous 30 years in prison. The day after his release from Long Bay Smith was shot in the chest, stomach and thigh by a gunman as he walked with his wife, Valerie Hill, into the foyer of their Bondi flat. After a month in hospital where he lapsed in and out of consciousness, Smith checked out. He refused to co-operate with police whose Intelligence suggested the would be assassin was someone close to his wife. More information indicated Smith was heavily armed and intent on exacting revenge. Occasionally he was seen drinking in a Bondi Junction hotel but otherwise police thought he was trying to keep a low profile and living somewhere in Terrigal. It was not to last long.

Between 16 November and 28 November 1992 the North Drug Unit of the Major Crime Squad photographed Smith and his wife with Julie Anne Cashman and Carrick Norman Joseph at 63 Mirreen Avenue, Davistown, on the New South Wales Central Coast. Acting on Intelligence the squad had Smith and the others under observation and their telephone calls monitored. Smith, who called himself Tom or Uncle Tom was recorded offering Cashman and Joseph amphetamines and ten pounds of cannabis leaf.

On 29 November Smith drove his white 1987 Ford Fairmont to Erina shopping centre, the largest single storey shopping centre in the southern hemisphere. Store detectives from Grace Brothers apprehended him for shop lifting a steam iron, kitchen knives and a plastic drinks tray. While escorting him back to their office he threatened to shoot them with a small revolver.

One of the store detectives Delia O'Hara, 40, made to grab the weapon but stopped when she saw that it was not a toy. Smith then ran through the car park and got in the back seat of a parked Fairlane. Continuing to point the revolver, he ordered the driver Trevor Rose, 45, and his wife Beryl, 63, to drive out of the car park.

"Faster, come on drive faster," Smith said, while holding his collar up with his right hand.

Trevor Rose was concerned about the traffic in the shopping centre and refused to go as fast as Smith wanted, or to take the risks that he demanded. At the roundabout at Terrigal Drive and Erina Fair, Rose told

Smith to, "Take the bloody thing," and got out taking the keys with him. Traffic banked up. Smith went after Rose wanting the keys while Beryl fled from her side of the car. Told the keys were still in the car Smith returned to the Fairlane. When the keys could not be found he rushed to a second car trying the doors but they were locked. Smith went to a third, a Nissan Pulsar.

Kristine Riley, 36, and her friend Lucia Ziolo, 36, were returning from the Gosford Leagues Club when Smith indicated for her to stay where she was and went to her door.

"Wind your window up, don't open it!" yelled Trevor Rose, but Riley did not hear him.

"Would you please get out of your car," said Smith in a calm but urgent tone of voice.

"Pardon?" asked Riley.

Smith already had the door open. He withdrew his hand slowly from the pocket of his bomber jacket and pointed a revolver directly at Riley. She grabbed her handbag and with Ziolo left the car. Smith got in and accelerated away and was last seen in Kincumber, where road blocks and a large police search failed to locate him. When he finally returned to 63 Mirreen Avenue he mentioned leaving the area by train and wearing a disguise. That night Cashman, Smith and Joseph left the house and checked into a motel.

The following day, 30 November, they returned to the house and discovered a listening device. It was all the warning Smith needed and he left quickly taking with him a mobile phone and a police scanner. It was a warning Cashman and Joseph did not heed and they were subsequently arrested and charged with serious drug offences. The arrests attracted wide publicity and it is unlikely that Smith did not learn of their fate. Even without the scanner and the mobile phone news travels fast on the Sydney to Melbourne train.

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Operation Farnsy was the code name for the police effort to re-capture Christopher Dale Binse. On 8 September 1992 he had escaped at gunpoint from the prison security wing of Melbourne's St.Vincent's

hospital but was recaptured in New South Wales following an armed robbery.

On 24 October Binse once again escaped, this time from Parramatta Gaol. On 23 November wearing a false moustache, sunglasses and a peaked cap, he held up the Doncaster (Victoria) branch of the Commonwealth Bank. He had followed a bank officer on his way to work and tried to force him to open the bank door. When the bank officer refused Binse blasted the glass door with a single shot from a sawn off shotgun. He then ran into the bank, mounted the counter and threatened staff while they filled his bag with \$160,000. Binse fled from the bank to a waiting car believed to have been driven by Lorna Skellington.

Further inquiries led police from the Victorian Armed Robbery Squad to believe that Binse and two others were going to rob an Armagaurd security truck somewhere in the northern suburbs of Melbourne. One of his assistants was known only as Tony and the third member was a big time crim from Sydney. Informants said the gang intended to actually steal the Armagaurd truck after disabling the security officers. They were to be armed with hand guns and semi and fully automatic rifles and wear bullet proof vests. They were to use a stolen car and another car purchased in a false name.

Detective Sergeant Steve Curnow of the Armed Robbery Squad sought approval for the use of the Special Operations Group when he learned that Binse and his associates may be at the Corso farm. From 5am on Saturday 5 December members of the Special Operations Group and the Protective Security Group had the property under surveillance. Hidden amongst the trees and grass from an embankment they could not see the farm house but were able to observe the comings and goings of various vehicles along the driveway of the property. Early that morning they saw a man walk around the vicinity of the house, but they could not identify him. He was not their target. In fact none of their observations indicated that Binse or his girlfriend Skellington were present until about 4.10pm when they were seen coming into the driveway.

Skellington was driving a silver Holden Commodore and Binse, a white Ford panel van. Curnow who was in his office in Melbourne was advised of the sighting and he arranged for all members of the Armed Robbery Squad to meet at Daylesford for a briefing.

At 4.45pm. Skellington and Binse left the property in the Commodore but the 'dogs' lost them. Fortunately for Operation Farnsy, they returned to the property at 6.20pm with Binse now wearing a dark wig.

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While this was happening Senior Constable Ian Harris was settling the dispute between the drinkers at the caravan park. The proprietor wanted them to leave if their behaviour continued to be disruptive and Harris gave them a chance. If he had to return, he would lock them up. D24 called him to the radio. There was a domestic in Clunes Road, Creswick and at 4.50pm he drove out of the caravan park.

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Guiseppe Corso cooked spaghetti for his guests and discussed with them farm life and food. It was all fairly harmless talk and when the evening meal was over, Corso went to bed. Skellington watched the start of the movie The Day of The Jackal while 'Tom' and Binse talked in the lounge room. At the same time, Senior Constable Harris, returned to the Creswick police station where he had something to eat and worked on the paperwork he had brought from Ballarat. He brought his running sheet up to date and looked at his watch. In another two hours he would be off duty where he could relax at home with a beer.

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The telephone was being monitored at the Corso farm and the police knew that 'Tom' was going to leave the property and go to Daylesford, then return. He drove out of the property and stopped to close the gates. He was wearing light coloured gloves and was seen to wipe down the interior of the white Ford panel van before driving west along the Daylesford-Malmsbury Road. A Special Operations Group officer recorded the time at 8.20pm.

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Ian Harris had been back on patrol for about an hour, visiting hotels in the Smeaton, Kingston and Newlyn area. He was travelling along the Midland Highway intending to again check on the Creswick hotels when he saw the white Ford panel van in front of him travelling at 80km, 20km under the speed limit. Occasionally the panel van moved laterally across its lane. Having breath tested 1,700 drivers over three years while in the

Traffic Alcohol Section he knew what to look for in persons under the influence of alcohol. It was either a driver who may have had too much to drink or just as likely a tired farmer going home after working a tractor all day.

He decided to follow the Ford panel van and gave the registration details phonetically to the D24 operator at Ballarat, Sergeant Greg Davies, who checked it on the computer.

“That vehicle on the move? It comes up as a stolen serial...”

Ian Harris did not want to intercept the vehicle straight away. It was getting dark and being in isolated bush he had few safe options should anything happen. His headlights followed the Ford into Creswick.

“I’m about 50 yards behind it coming from Newlyn into Creswick, just past the 60k sign,” Harris told D24.

Davies asked Harris to continue contact and advise of his location and to give any description of the offender and passengers while he attempted to get other police vehicles to assist.

“I can only see one head, in the drivers seat...”

Ian Harris was not concerned but he was cautious. It would not be the first time a stolen car had been recovered and not removed from the stolen car list. He felt reassured that Sergeant Tony Miller, of Ballarat traffic operations, was about ten minutes away in Warrenheip. Perhaps five in an emergency.

The stolen car turned left into Albert Street, the main street of Creswick which runs north and south. It then turned right, west, into the driveway of the Farmers Arms Hotel a watering hole for the town since about 1880. Its windows fronted the main road and the driveway through to the bottle shop. The stolen car pulled into the empty bottle shop lane while the attendant Craig Clarke was in the cool room. There were about 15 drinkers in the public bar, some watching TV or playing pool. Another 80 people were in the lounge, including a group of women celebrating a hens night.

“Creswick 202, the vehicle has just pulled up outside the Farmers Arms Hotel. I’m going to have to intercept it,” said Harris.

He slowly turned into the hotel apron, the headlights illuminating the drivers side of the stolen car like a search light as it entered the driveway of the bottle shop. Sergeant Greg Davies of D24 requested Sergeant Tony Miller to “head in that direction at light speed.”

Miller was already accelerating rapidly along the dark Daylesford Road when he acknowledged Davies message with a single word, “Copied.” At the same time the Ballarat divisional van, 303, left its area quickly. The driver Senior Constable Malcolm Scott radioed, “Heading there.”

Ian Harris gently tooted the horn of the police car.

Steven Woodman was enjoying a meal with his mates Adam and Jason Francis in the Lilac Room of the hotel when the window lit up momentarily as headlights swept across the lounge walls. He heard the horn.

“It’s the local policeman,” Adam said looking out the window.

Jason thought the driver unlucky to be pulled over outside a hotel. Others in the hotel craned their necks or checked the windows for a better view of what was happening.

Smith shielded his eyes momentarily from the headlights as he looked towards the police officer. The door opened wide as Smith, a man who at 167cm and 87kg, made his way towards Harris. Remaining seated in the police car Harris could see keys in the ignition and felt that it was another sign that everything was in order. He thought it may be the owner taking his car back to Northcote where it had been stolen the previous day, but he was not yet getting relaxed.

As the driver walked towards Harris, Greg Davies asked, “Creswick 202, are you still with me?”

“Affirmative mate. I’m speaking to the driver. The keys are in the ignition so it may not be a stolen vehicle as yet.”

“...it’s stolen on the terminal. It states here stolen 4 of 12, ’92 between 1255 and 1305 from Northcote. How many heads you got on board?” asked Greg Davies.

Ian Harris opened the door of the police car and got out to meet Smith. At 180cm and 95kg he towered over him.

“Whose car is that?” Harris asked nodding towards the panel van.

“My mate who lives up the Newell Highway.”

“Have you got any identification on you?”

“Yes.”

Smith then turned and walked back to the panel van and searched the glove box while Harris sat back listening to the police radio. Smith came back carrying something low in his left hand, a Ford Owner’s manual, as Harris got out to meet him. He couldn’t see what it was in Smith’s hidden right hand, but he thought nothing more of it. It was going to be a simple car check and then both would go their separate ways and he would clear the stolen car from the terminal.

Ian Harris suddenly stopped. Smith held a .38 Special calibre Taurus brand five shot selective double action revolver at his stomach. Harris had a million thoughts running through his mind in that second and all of them were on how to avoid being killed.

“Don’t touch the gun,” Smith said.

“No, don’t, don’t,” Harris said as he moved his right hand towards the .38 Smith & Wesson on his gun belt.

“Don’t touch the gun.”

“I’m not,” Harris said taking his hand away as Smith raised the revolver from the police officer’s stomach to his chest.

Harris raised both his hands above his head while at the same time trying to edge away. With his free hand Smith reached for the police officer’s revolver but Harris edged away. Craig Clarke, the bottle shop attendant, came out of the cool room and walked over.

Harris moved sufficiently sideways and away so that Smith’s hand was always just out of reach of his revolver. The 13cm height difference was the only advantage he had and he intended to use it as much as he could. Each time Smith reached for his revolver, Harris felt the barrel end of the Taurus press against his stomach. He considered kicking or punching Smith, even knocking the revolver from his hand but each plan of action

was deterred by the weapon itself. It was a cannon rather than a small hand gun.

Mark Byrnes, a storeman, was gathered at the window of the hotel with other onlookers when he heard Smith say, "Don't go for the gun or I'll kill you, I'll do you in!"

"I'm not going for it. I'm not doing nothing. Cool down. Let's try and settle this," said Harris, equally insistent.

Local panel beater Jason Francis, 27, was using the hotel pay phone when he first saw Harris talk to Smith. He put the phone down and returned to his friends and sat with his back to the window. His friends yelled out, "Shit, they're blewin'."

Francis turned around and saw Harris reassuring Smith.

"Settle down, calm down," then, "Someone help!" as he went towards the back of the police sedan with his hands in the air.

Francis and some others from within the hotel went outside to help Harris. They walked towards Smith who had his back to them and was yelling, "I'll give you ten seconds to get your gun out of your pocket and get on the bonnet or I'll blow you away!"

Craig Clarke was about three metres from the driver when Harris called to him to, "Get away, he's got a gun! Get help!"

Clarke raced back to the bottle shop and picked up the phone and rang Ballarat D24 while watching Harris, almost a rubber man, bent backwards across the boot side of the police car, his hands up in the air. A cloud of dust formed above the ground as Smith fired a shot at the feet of Harris. Where was his back up? Police sirens - the best music a police officer can hear when in trouble - could not be heard.

"What do you want? What do you want?" Harris asked.

"Lay down over your bonnet. Keep your hands away from your gun."

The headlights of a maroon HJ Holden station wagon led the way into the driveway of the bottle shop. With his two boys in the front with him Darren Neil was looking forward to going home and having a few more stubbies before calling it a night. He came east along Victoria Street and

turned left for the hotel bottle shop driveway. As his station wagon approached the driveway he tensed as he spotted the police car. After exploring the mine shafts he'd had more to drink at his partner's house and couldn't afford to lose his licence.

Neil quickly reversed his wagon back into Victoria Street then drove forward to the Midland Highway, making sure that he flicked the left turn indicator. He didn't want to give the police any reason to pull him over. The highway was clear so he accelerated quietly north along the road keeping his eyes on the police car and searching for any more police. He saw Smith aim a revolver at the head of the police officer.

He kept looking into the rear vision mirror watching Harris back away from Smith. The more he thought about it the more he felt something wasn't right. He had to do something.

"We better go back kids."

Neil was 150 metres past the hotel when he turned around. Smith was still pursuing Harris around the police car. As he turned into the apron of the hotel he heard a shot as Smith fired again at the feet of the police officer.

Harris yelled out, "Run him over, run him over!"

Neil pushed his sons under the dash but didn't feel right about them being there. They were screaming and resisted his attempts to hide them. He stopped, his vehicle facing the drivers side of the police car and quickly went to the front of his station wagon. Smith turned and pointed his revolver towards Neil saying, "Don't."

Neil walked towards Smith and Harris who were near the passenger side door of the police car. He thought Smith had a starter's pistol and had been drinking a few too many beers. He was wrong on both counts. Neil walked straight up to Smith asking Harris, "Are you alright? Are you alright?"

Then to Smith he said, "Settle down a bit," and pushed him hard with both hands directly on the chest propelling him backwards as Smith continued waving the revolver around. Smith fired a third shot into the ground about 150 centimetres away from the feet of Ian Harris. Jarrod and Travis screamed.

"I'm going to kill you," Smith said pointing the revolver at Harris' head.

Neil rushed back to the station wagon and drove south past the police car then turned towards the main bar, almost completing a U turn. He then opened the door for his terrified children and guided them towards the main bar. Someone opened a door and pulled them inside. Meanwhile Harris continued to back away with his hands raised in the air. He was at the front bonnet of the police car when Smith reached for his shirt collar. Harris resisted causing two buttons to pop from the shirt.

Neil raced back to the idling station wagon while Smith swept his revolver from one to the other. Back inside the station wagon Neil reversed south away from the main bar, then momentarily stopped. Engaging first gear he then leaned across the passenger seat and accelerated north, kangaroo hopping, towards Smith and Harris.

“Run him over, run him over!” yelled the police officer.

As the car got closer, for reasons unknown to him even today, Darren Neil braked. He could have pinned Smith against the side of the police car but he stopped short. Smith fired a fourth shot. Adam Francis saw the station wagon brake to avoid Harris who at the last moment stepped aside.

Smith turned and aimed his revolver at Neil, frozen in his seat, and fired a fifth shot as Harris, seizing the opportunity, drew his revolver and squeezed the trigger three times.

Licensee Christopher Frankel, 29, ordered everyone in the hotel to get down on the floor to “duck for cover.”

Bullets struck Smith once in the upper right side of the chest and once in the upper right side of the stomach. Smith then reared backwards over the passenger side bonnet of the police car and fell out of sight on the driver’s side. Harris and Neil rushed to the tail gate area of the station wagon and took cover.

Harris then crept back over to the police car edging along the drivers side of the boot and peeked around the corner. Smith was lying on the ground with blood flowing freely around him. It was obvious he was dead.

Harris went to the driver’s door and reached in for the transmitter where he updated D24. From the moment of his first radio contact regarding the white panel van to now, four minutes had passed.

Sergeant Greg Davies informed Tony Miller they had received a telephone call of shots being fired at the hotel. His partner Senior Constable Wayne Jones told Davies that he had heard shots over the phone. Craig Clarke had told him that Harris' revolver had been taken from him.

"On the way," said Miller.

Miller accelerated even harder to the scene as Ian Harris called, "202 Urgent."

Davies requested all other police to stand by while he picked up Harris' transmission. It was muffled and he asked for Harris to repeat,

"Three shots have been fired outside the Farmers Arms hotel and I shot him. Can you get an ambulance please?"

The transmission was poor and Davies interpreted that Harris said three shots had been fired from a shotgun. Harris gasped for breath as he spoke, as if he had just finished a run up the Rialto tower.

People from inside the hotel came outside to check on Smith and as a precaution Darren Neil picked up Smith's revolver which was lying near his body, and placed it on the boot of the police car. Harris put it inside the boot for safe keeping then when other police arrived, he replaced it where it had originally fallen.

"Yeah, Roger. You have units on the way to assist you now. Are you all right yourself?"

"I've got no damage to me..." gasped Harris.

Darren Neil went over to the obviously distressed police officer while D24 alerted other units of what had transpired.

"Creswick, can I get an ambulance out here please?" asked Harris.

Licensee Chris Owens was later to describe the police officer as being, "Terrified. All pumped up like he couldn't believe what had happened."

It seemed to Darren Neil that Harris was concerned that he would be seen as a murderer who acted without justification rather than someone who had acted to save lives, including his own.

“You did the right thing,” Neil reassured the police officer.

Together they put up crime scene tape then Neil went to his children, who were upset and crying. He told them it was all over, the bad man couldn't hurt them any more. He hugged them to him and showed them his shirt and arms.

“See I'm alright,” he said and stayed with them until other police arrived. He was taken to the Creswick police station while a family friend looked after his boys. He was left in an interview room and every time the door opened he worried about being asked to blow into a breathalyser – it was his only concern.

In Ballarat, Sharon Neil heard the urgency of the police sirens. She felt that something was wrong and rang home but there was no answer. She later heard of a shooting in Creswick and spent a restless night tossing and turning in bed.

Russell Cook came in to the Creswick police station and told Neil the gunman was Jockey Smith but the name meant nothing to him. A detective took his statement and then he had a shower in the police station. Another detective warned him to be careful as Smith had friends.

When the police were finished with him he returned to the Farmers Arms Hotel which was closed but he was able to get a coffee. He wanted to get his station wagon but wasn't allowed as it was still part of the crime scene, so he walked the 1.25km home.

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Outside the hotel Sergeant Tony Miller watched as Detective Senior Constable Doug Mathers of Ballarat C.I.B. pulled on surgical gloves and checked Smith's revolver. In Smith's back pocket a wallet containing \$4,118.75 and a New South Wales drivers licence in the name of James E. Smith born 3.10.1942.

Looking over his shoulder at the licence Miller said, “It's Jockey Smith.”

“Jockey Smith?” said Mathers.

Miller repeated again who he thought it was but Mathers still doubted him saying, "You've got to be joking!"

Miller told him that James Edward Smith was his full name and he was certain that the deceased was the same person. Mathers believed Smith was in New South Wales, an opinion shared by even the most experienced and senior police until fingerprints and a positive identification from the deceased's brother Ron confirmed that Miller was right.

When Senior Constable Alan Pringle, a firearm and toolmark examiner from the State Forensic Science Laboratory attended the scene he located a bullet hole near the tail light in the rear driver's side quarter panel of the stolen panel van. This was where the third bullet fired by Harris had gone. Bullet fragments in the bitumen covered an area ranging from 140mm to 9.5 metres from the rear and passenger side rear corner of the police car.

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Detective Sergeant Steve Curnow of the Armed Robbery Squad had to move fast when he heard the news. So fast that at 11.17pm he and other members of the Armed Robbery Squad were already at the Glenlyon farmhouse with the Special Operations Group who had secured Binse, Skellington and Corso on the floors of various rooms in the house. The three were taken to Melbourne for interview while crime scene officers searched the property and found a mobile phone, two portable radios, two Realistic radio scanners, a shotgun cleaning kit, seven wigs, two false moustaches and sideburns, a Gregory's Sydney street directory, a Melway street directory opened at page 30 (the northern suburbs of the Northcote/Preston area). Various locations on this page had been pen highlighted. It was obvious something more than a holiday was being planned by Binse, Skellington and Smith.

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On 7 December 1992 a post mortem was conducted on the body of Smith. Dr. Carl Hughes of Medical Legal Investigations in New South Wales had been sent by Smith's family to witness the post mortem. Hughes briefly explained that Smith's family was concerned as he had been harassed in New South Wales but would not elaborate further to Homicide Squad detectives. During the post mortem Smith was found to

be wearing a black holster and in it a plastic bag containing nine .38 hollow point cartridges. In the left pocket of his jeans was a canister of mace.

His solicitor Chris Murphy was reported in the Sydney Morning Herald as saying that Smith had come, "...out of jail on the run, was shot within two days of getting out and then led a life in hiding. He was marked for death by his enemies and I know that he considered the worst of those were in the police force. I know that he believed he was on hit lists because of enemies he made in the police force."

Inmates from Long Bay jail had a large wreath delivered to Smith's funeral in Geelong East. Those family and friends present listened as Reverend Paul Downie spoke for Smith's wheelchair bound mother Jean. He spoke of how Smith never asked her for help despite his troubles and that, "Son, you worried me lots but you was mine and I loved you lots. So did many others."

Earlier in the week Smith's mother told journalists that he had always kept in touch and sent her cards for Mothers Day and at Christmas, but "like most boys" forgot her birthday.

"He was always kind and gentle," she said.

On 2 April 1993 the money found in Smith's possession was the subject of a disputed property claim and heard at the Melbourne Magistrate's court. Christopher Binse had claimed to have given Smith the money and that it was part of the proceeds from his armed robbery of the Doncaster Shoppingtown Commonwealth bank on 23 November 1992. The bank made a claim and was awarded the money in deference to Valerie Hill's allegation that it had come from Smith's solicitor Chris Murphy.

Smith's revolver had been in the possession of a licensed Macedon (Victoria) gun-dealer who sold it on 27 October 1990 to New South Wales gun dealer, Joe Rose. Rose was now serving an 18 month sentence for possession of prohibited weapons and failure to keep records relating to his business.

* * *

Ian Harris told his wife to stay at the beach as he wouldn't be home for a while. Jacinta was relieved to know he was unhurt and reluctantly agreed to stay with her parents till the Sunday. After being interviewed by

Homicide he went home to find the telephone ringing. It was his Ballarat colleagues about to finish night shift. It was 6.30am and they brought with them some beer. The police psychologist came up from Melbourne but Ian was in no condition to speak to her. When Jacinta came home she found him asleep in a chair surrounded by a sea of work mates and empty stubbies.

Two days later Harris travelled to Melbourne where he saw the police psychologist, then a doctor who gave him a week off. Over coffee at police headquarters he discussed what had happened with Commissioners Gavin Brown and John Frame. It was a relief for him to know that they were fully behind him, and understanding of what he had been through. Someone had threatened to kill him and he was offered 24 hour protection in Ballarat. He was already hyper vigilant and looking for possible escape routes even before he knew of the threat. His feelings of personal safety would never be the same again. As a compromise he agreed to random patrols past his house but he did not want to feel a prisoner in his own home. Having been involved in Witness Protection it was the last thing he wanted for his family.

Everywhere he turned there was mention of the shooting and people wanting to talk about it. He couldn't escape it for a moment. Even with the aid of sleeping tablets he slept poorly experiencing wild dreams of lighting – always violence, of being in high speed chases and serious car accidents. Almost six years later, he still has trouble sleeping.

Jacinta took a week off from her job to be with him and returned to work herself exhausted. People asked her how it felt “to be married to a hero” but she knew nothing more than what she read in the newspapers or saw on the TV. Like many police officers Ian kept what happened at work in his locker at Ballarat, to protect his family from the ugly side of human nature. But Jacinta wanted to know and his inability to open up to her was a weight in her mind. During the Inquest he finally discussed with her what had happened. Jacinta felt she couldn't cope and went to work an emotional wreck. Eighteen months was just too long to know what had happened to her man. She saw a psychologist which helped in her recovery.

Harris went back to work as the collator, but he needed more time to come to terms with what had happened. He needed to escape from the dark humour and the interest of his well meaning colleagues.

At times it was upsetting. One remarked that he didn't have to do firearm training any more as he had already passed. He continued to see the police psychologist and took more time off from work, then saw a psychologist in private practice. Some senior officers suggested he return to work, saying it was like “getting back on a horse that’s thrown you.” Command allowed him to be his own judge.

As time went by Ian lost motivation to do anything. Jacinta was concerned to see him lounge about the house drinking beer and watching TV all day. The happy-go-lucky person she married was missing. He withdrew into himself, didn’t shave as often and how he looked to others didn’t matter.

Away from work for three months Ian returned as a D24 operator, then towards the end of 1993 felt he was able to return to section. In a short period of time he had two accidents driving the Ballarat divisional van. His concentration was not the same and he was extreme in his attitudes towards anyone who was a possible threat to his and his partner’s personal safety, particularly during the period when the Inquest was being heard.

A Senior Sergeant and a Sergeant suggested he take time off the road and work the court doors, but even that had its problems. He sat through a lengthy incest trial, the details of which not only seemed to affect the jurors but also Harris himself. It was during this period that not only did he lose five work mates to suicide, cancer or car accidents but his elder brother Malcolm died from cancer.

He had more time off work and four months later resumed duty ironically as an assistant to the District Firearm Officer. Senior Constable Merv Atkinson told him, “You’re here for a good time not a long time, so make the most of it.”

Those words seemed to click in his head and Harris set about doing something about it. While he doesn’t feel up to resuming operational duties he enjoys working at Ballarat D24, particularly during ‘hot incidents’. He is comforted by the fact that he is locked inside the control room so that nobody can get at him. Before the shooting incident Jacinta never worried for his safety whereas now she does and is glad he is not operational. Should he go back to working the divisional van, then “I’d have to get used to it,” said Jacinta.

Today there are only two places where Ian Harris feels safe. At home and at work..

Darren Neil was in bed only a short time when the telephone rang. It was 5.30am and the media wanted an interview. Soon afterwards he could hear a news helicopter overhead. It was all too much so he went fishing. When he got home a photographer and journalist were in his backyard. To get rid of them he gave an interview, the first of many. To get some peace he got a silent number, but the media rang him at work and visited him there as well as at home. Some offered money while others aggressively pushed for another interview. He went bush for a few days hoping it would all be over when he came home. The Creswick locals apart from complimenting him on his actions generally respected his privacy.

For a while he and his family were wary of any strange cars that passed by their home and particularly so when relatives of Smith visited the Farmers Arms where someone had painted JS LIVES on the driveway. Sharon took a week off from her work at a bank to catch up on disturbed sleep. She was also worn down by customers continually asking about the shooting.

Darren and his wife reunited after the shooting and now have another son, Braydon. Jarrod, now 13, has frequent nightmares and does not like being left alone in a room at night. News of prison escapes concern him – he thinks what he saw in 1992 will happen again. Unlike the support offered Ian Harris there has been none for the Neil family. They have had no training or help in handling the media or the stresses from the incident itself. Darren says they don't like talking about the shooting in front of Jarrod or Travis, who has not shown any effects of what he witnessed.

“We just want to get on with our lives,” said Sharon.

* * *

During the week long inquest Detective Senior Sergeant John Morrish told the Coroner, Ian Von Einem, that Smith was paranoid after being shot outside his Bondi flat in February 1992. It was an opinion held by Smith's brother Ron. Valerie Hill, who Smith had married in prison in 1980, told detectives that she gave Smith the canister of mace and that New South Wales solicitor Chris Murphy had given him a portable telephone and approximately \$5,000 in cash. Murphy had been written to but had not replied to the detective.

On 25 July 1994, the Coroner, gave his findings. In part he said, “In my view it was the actions of the deceased in producing a revolver and firing from it in a threatening way which contributed to his own death. I further find that Senior Constable Ian Bruce Harris also contributed to the death by shooting the deceased in lawful self defence.”

* * *

On 2 March 1994 Darren Neil was presented with the Star of Courage by Governor General Bill Hayden at a bravery award ceremony at Government House.

On 26 May 1995 during a graduation parade at the Glen Waverley police academy Deputy Commissioner Brian Church presented Ian Harris with the Valour Award.

Ian Harris and Darren Neil have seen each other from time to time and promised to get together for a beer. They have yet to keep their promise and maybe they never will, but there is a bond between them that few friends will ever share. Not headline grabbing stuff.

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1998

About the Author

Peter Haddow left the Victoria Police Force in 1991 after 19 years 8 months and 20 days of service. He has since had articles published in various newspapers and literary magazines while acting as a police adviser or script consultant for television and film including Blue Heelers, Water Rats, Neighbours and f.p. Halifax. After five years of research and 300 interviews his book on the first mass murder in Victoria, 'Hoddle Street - The Ambush' will be published in 1998.