

Form 6.11 Affidavit—general

Court Procedures Rules 2006

(see r 6710 (Affidavit—form))

In the Supreme Court of the Australian Capital Territory

Court of Appeal

Criminal jurisdiction

No ACTCA 43 of 2025

Appeal against conviction imposed by Justice Higgins
(No SCC 104 of 1999)

COLIN GEORGE DUNSTAN
Applicant

DIRECTOR OF PUBLIC PROSECUTIONS
Respondent

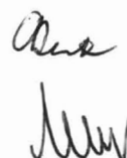
On 14 May 2026, I Colin George Dunstan of 22 Sentry Crescent, Palmerston ACT 2913,
solemnly affirm—

1. I am the Applicant in this proceeding.
2. Each of the answers below are true based on my own knowledge.

Clarification of fresh evidence and proposed amended draft notice of appeal

3. I make this supplementary affidavit to clarify the basis on which I rely upon fresh and compelling evidence in support of my application for leave to appeal.
4. My earlier affidavits were prepared before I had located and reviewed the full trial transcript and before I had appreciated, with precision, the distinction between:
 - 4.1. evidence relied upon to establish the statutory threshold for leave to appeal; and

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- 4.2. matters relied upon to establish, if leave is granted, that the convictions involved a substantial miscarriage of justice.
5. The respondent's submissions appear to have treated parts of my earlier affidavits as though all matters were advanced as fresh evidence. That was not my intended position.
6. I now seek to clarify that the principal fresh evidence matters on which I rely include:
- 6.1. post-trial forensic/document photographs of label fragments from the packet said to have explode at the Canberra Mail Centre, showing text consistent with a "Queanbeyan" address; and
- 6.2. the Comcare report dated 13 August 1999, prepared before trial but not disclosed to me until 2009, recording a contemporaneous NSW Police conclusion that the Sydney device was a hoax and identifying s 85Y of the Crimes Act 1914 as a potentially applicable offence.
7. I have prepared an amended Draft Notice of Appeal to file. It is intended to state the proposed grounds more clearly in light of the full trial transcript and the fresh evidence matters now identified with greater precision.

Evidence of the addressee and address of the packet I addressed to Queanbeyan

8. In my first affidavit I referred to a post-trial forensic report arranged by my wife concerning the packet fragments, and to my evidence that the only packet not otherwise clearly identified was addressed to Anthony Crewes at Queanbeyan.
9. I do not believe that I previously annexed the address list recovered by police which identifies the relevant Queanbeyan addressee and address.
10. Annexure "A" is a copy of that address list. Annexure "A" also includes a photograph, labelled "23", showing the same address list among other items. That photograph is from "Book 3", which Thomas Stoewer described in his report of 10 May 1999. A copy of that report is exhibit "SJ-33" to the affidavit of Sofia Janackovic dated 21 November 2025. "Book 3" is first mentioned at page 369 of the bundle of exhibits.
11. The seventh entry in the address list identifies "Crewes / A Crewes" as the addressee at 3/88 Fergus Road, Queanbeyan NSW 2620.

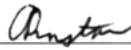
A handwritten signature in black ink, appearing to be 'Anthony Crewes', is written over a faint, larger handwritten word that looks like 'Nelly'.

12. Photographs of a label fragment recovered from the Canberra Mail Centre are in exhibit “CGD-1” to my affidavit affirmed 19 January 2026. These are at pages 335-340 of that exhibit and show text that forms part of the word “QUEANBEYAN”.
13. I gave evidence before trial, on 10 May 1999, that the only packet I posted that was not otherwise accounted for was addressed to A Crewes at Fergus Road in Queanbeyan. At trial, the prosecution case involved evidence that the packet said to have exploded was addressed to Dickson. The significance of Annexure “A” and the photographs mentioned at paragraph 12 above is that they are capable of corroborating the evidence I had given about the Queanbeyan packet.
- Comcare / hoax conclusion clarification**
14. In my first affidavit I referred at paragraph 53 (c) to the Comcare report dated 13 August 1999. That report was prepared before trial but was not disclosed to me until 2009.
15. A copy of that report is in exhibit “CGD-1” to my affidavit affirmed 19 January 2026. It is at pages 341-351 of that exhibit.
16. The Comcare report records that NSW Police concluded that the device delivered in Sydney was a hoax and advised the AFP and PSCC of that conclusion.
17. In my affidavit affirmed 5 November 2025, I explained why that conclusion was significant. In particular, I explained that I possessed the materials and skill to construct a simpler and more reliable dangerous device, but that the devices I posted used a materially different circuit and component choices.
18. The significance of the NSW Police hoax conclusion is therefore not merely that a device was opened and failed to detonate. A device may fail because its maker lacks skill. My contention is different: the NSW Police conclusion was significant because the device examined was competently constructed, and the available evidence showed that, if I had intended to cause harm, I had the skill and materials to make a simpler and more reliable dangerous device.

A handwritten signature in black ink, appearing to be 'Alister New', is located in the bottom right corner of the page.

19. I rely upon the Comcare report as fresh evidence because it was not available to me at trial, and because it supports the proposition that the proper characterisation of the devices was hoax or imitation explosive devices, not devices intended to inflict grievous bodily harm.

Affirmed by Colin George Dunstan:



Deponent

at Belconnen in the Australian Capital Territory
in the presence of:

Signed:



Full Name:

Michael Desmond Kelly
Justice of the Peace
ACT #1452
45 Goodchild St, Lyneham ACT

of Address:

Justice of the Peace

Form 6.12 Annexure to affidavit

Court Procedures Rules 2006

This and the following 3 page/s are the annexure marked 'A' referred to in the affidavit of Colin George Dunstan affirmed at Belconnen on 14 May 2026 before me:

Signed:



Justice of the Peace

Michael Desmond Kelly
Justice of the Peace
ACT #1452
45 Goodchild St, Lyneham ACT

Laird Stewart

1.	Bartley	DJ Bartley	12 Driver Pl	EVATT ACT 2617	Donald John	13-8-98
2.	Billings	U Billings	39 Enid Lorimer Cct	CHISHOLM ACT 2905	Ursula	13-8-98
3.	Burslem	T Burslem	8 Greeves St	WANNIASSA ACT 2903	Anthony Paul	13.08.98
4.	Butterfield	AW Butterfield	11 Ordell St	CHAPMAN ACT 2611	Anthony William	13-8-98
5.	Carmody	M Carmody	21 Telopea Park	BARTON ACT 2600	Michael Joseph	13-8-98
6.	Clifford	R Clifford	42 O'Connell St	NEWTOWN NSW 2042	Roxanne Maree	13.08.98
7.	Crewes	A Crewes	3/88 Ferguson Rd 52 Hawdon St	AINSLIE ACT 2602 X	Anthony John ✓ (check early)	13-8-98
8.	Growder	JR Growder	19 Perry Drv	CHAPMAN ACT 2611	John Robert	13-8-98
9.	Hand	B Hand	10 Capertree Pl	KALEEN ACT 2617	Betty Dorothea	13-8-98
10.	Higginson	L Higginson	13 Molloy Cr	COOK ACT 2614	Linda Jane	13-8-98
11.	Hight	JN Higham	Moura Creek, Kings Hwy	BUNGENDORE NSW 2621	John Neville	13-8-98
12.	Lang	S Langford	13 Fishburn St	RED HILL ACT 2603	Susan Lesley	13-8-98
13.	Neils	GP Neilson	7 Cascade St	QUEANBEYAN NSW 2620	Graeme Paul (G & D)	13.08.98
14.	O'Donnell	JA O'Donnell	14 Park Ave	WAITARA NSW 2077	Jennifer Ann with Daniel Terence, not M.A. Daniel & Marie 44- Jane Elizabeth 44- Terence John 16 Tullaghl Cr, Plong, Ararat	
15.	Orr	R Orr	7 Sampson Cl	MELBA ACT 2615	Robyn Mary	13-8-98
16.	Pehm	K Pehm	53 Union St	NEWTOWN NSW 2042	Kieran Tibor	13.08.98
17.	Petherbridge	S Petherbridge	3 Myall St	O'CONNOR ACT 2602	Sally Caroline	13-8-98
18.	Price	H Price	16 Grevillea St	O'CONNOR ACT 2602 X	Henry Archibald	13-8-98
19.	Rathmann	L Rathmann	45 Badenoch Cr	EVATT ACT 2617	Le-Ann Patricia	13-8-98
20.	Scollay	M Scollay	1 Seaview St	WAVERLEY NSW 2024	Moiria Jean	13-8-98

1

Sydney 197 Pl Bldg
Maggie T
O'Donnell T

14 Park Avenue, Waitara NSW 2077 (02) 9489 7874
14 Park Lane, Wahroona NSW 2076 (02) 9489 7874

NSL, at 4 Aug 98!!!

