

# Malcolm backs crime review

28 October 2006

Comment by Bret Christian

The former Chief Justice of WA, Professor David Malcolm, says there should be major public inquiries into mistakes in the justice system.

"The wrongful conviction of an innocent person is a major catastrophe," he said.

There were public inquests into deaths caused by medical mistakes, and major inquiries into events such as transport accidents.

"The public demands to know what went wrong," he said.

Professor Malcolm, of Notre Dame University, was launching an Innocence Project in WA.

Volunteers and law students will examine cases of doubtful convictions to see whether there are grounds for lawyers to take the cases to the Court of Appeal.

They will look only at cases where there is a denial of criminal wrongdoing - not at taking appeals on legal technicalities.

Professor Malcolm said that the Crime and Corruption Commission might be the appropriate body to investigate wrongful convictions.

The aim would be to establish whether there are systemic problems, or whether the error was caused by an individual making a mistake.

Although the Innocence Project in WA is not formally functioning, they have 22 cases that people want investigated.

The project in WA will be modelled on the Innocence Project in Queensland that is based at Griffith University.

The director of that project, Lynn Weathered, said that the Queensland project looked only at cases where DNA evidence was available.

The United States Innocence Project based in New York has steered 184 DNA exonerations through the courts - saving a total of 2500 years in prison.

She said the flip side of innocence was that the guilty go free in the community, and, when finally caught, had often committed other crimes.

In WA, inquiries have been held into only one wrongful conviction: that of Andrew Mallard.

No inquiries have been held into other cases.