

Mallard celebrates - but others wait

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By Bret Christian

With Attorney General Jim McGinty by his side in front of a battery of television cameras, Andrew Mallard celebrated his \$200,000 part-compensation cheque this week.

But the scene puzzled a number of other people whose lives have been chewed up by the criminal justice system.

While rejoicing with Mr Mallard, they wonder why his initial payment had been fast-tracked while they look like getting nothing.

It is exactly a year since Rory Christie was exonerated for the murder of his former wife.

He spent four years in jail and his defence cost \$1 million. Yet he has not been offered a cent.

Ray and Peter Mickelberg spent years in jail for the Perth mint swindle.

Even after the Court of Criminal Appeal found their damning "confessions" had been faked by detectives, they were offered nothing.

They are now mired in multiple legal actions for compensation that look like crawling through our courts for years to come.

Daryl Beamish asked for and received nothing for 15 years he spent in jail for wilful murder. He narrowly escaped being hanged for the crime.

Unique circumstances have conspired to put Mr Mallard in a much stronger financial position - all of them out of the control of the other wrongly-convicted people.

Fresh evidence forced the police and the Corruption and Crime Commission to launch separate inquiries into the death of Mosman Park jeweller Pamela Lawrence, and the police investigation that followed.

Out of the blue, the inquiries turned up another suspect, enabling the police to say "Mallard didn't do it, Simon Rochford probably did".

But, for example, no such cold case investigations have been carried out into the death of Susan Christie in Dalgligh in 2001.

Just as Director of Public Prosecutions Robert Cock said earlier this year that Mr Mallard was still a suspect, some police smear Rory Christie behind the scenes.

Mr Christie also did not have a government member and lawyer in parliament pushing his case personally, as Mr Mallard did.

Mr McGinty has said publicly that he found MP John Quigley's personal account of Mr Mallard's shocking plight very convincing.

There is no structure for cold case reviews or compensation anywhere in Australia, although the system has been well established in England since 1988.

Here it is entirely up to the grace and favour of the Attorney General, who has the power to make ex-gratia payments, or not.

Former Chief Justice David Malcolm said a wrongful conviction of an innocent person was a major catastrophe (POST Oct 28).

Mr McGinty awarded John Button \$400,000 compensation for five years spent in jail after the wrongful conviction for the murder of his girlfriend, plus \$60,000 for out-of-pocket costs associated with his defence. His lawyers worked for free.

Mr Button's compensation was also publicly acceptable, because car crash tests 37 years after the death of his girlfriend proved that his car could not possibly have killed her.

Compensation in WA is extremely rare, and elsewhere in Australia it has generally been restricted to high-profile cases.

Lindy and Michael Chamberlain received \$1.3 million.

Edward Splatt in South Australia received \$270,000 for six years' jail.

Ziggy Pohl in NSW received \$200,000 for 10 years' jail.

Douglas Rendell in NSW received \$100,000 for eight years' jail.

Paul Alister, Ross Dunn and Tim Anderson, the Ananada Marga members wrongly convicted for planting a bomb in central Sydney, received \$100,000 each for seven years' jail.

The WA government has granted an interim ex-gratia payment of \$200,000 to Mr Mallard.

Attorney General Jim McGinty said the money was to help Mr Mallard get back on his feet after spending 12 years in jail for a murder that police have admitted he did not commit.

Mr McGinty said the government would now wait for the outcome of a Corruption and Crime Commission investigation into the handling, by police and the director of public prosecutions, of Mr Mallard's case, before considering a further, final ex-gratia payment.

The \$200,000 interim payment comes on top of \$132,000 already provided by the state government for Mr Mallard to pay for his appeal expenses.

"Andrew Mallard lost 12 years of his life because of a miscarriage of justice and he deserves to be compensated," Mr McGinty said.

"While no amount of money can ever buy that time back, we want to help him re-establish himself in the community.

"Mr Mallard has informed me that what he wants most is to secure a roof over his head, so the \$200,000 is a start to help him set up a home.

"This is the most practical way that we can help him begin to enjoy as normal a life as possible."

The CCC is expected to begin its public hearing into the Mallard case in the first half of 2007.