

Percy QC slams McGinty 'disaster'

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By Bret Christian

Three Perth barristers, who have exposed some of Perth's highest-profile wrongful convictions, have been awarded the Australian Lawyers Alliance West Australian Civil Justice Award.

Malcolm McCusker QC, Tom Percy QC and Jon Davies were presented with the award for the "remarkable" results they had achieved in overturning wrongful convictions.

In receiving his award, Mr Percy launched a scathing attack on Attorney General Jim McGinty for refusing to acknowledge community concern about the "sorry state of justice in WA".

"This state has possibly the worst record in Australia for wrongful convictions," he said.

"Without any fault on the part of the judiciary, it's getting worse."

"We hope it (the award) highlights the growing community concern about wrongful convictions in WA.

"Mr McGinty refuses to acknowledge this, and is happy to do nothing about it.

"His decision to abolish preliminary hearings in criminal cases has been a disaster, and will lay the groundwork for many wrongful convictions in years to come.

"The absence of any real penalties for police and prosecutors who fail to disclose evidence ensures that proper disclosure in criminal cases is still effectively optional for them.

"Mr McGinty's refusal to establish or fund an official Innocence Project under government auspices is unacceptable.

"The justice system has gone rapidly backwards over the past six years under his direction, as a direct result of the so-called 'reforms' he has implemented.

"We are, in my view, looking at a very bleak period ahead for people wrongly convicted of serious crimes, who will continue to rely on a small band of lay and legal supporters, working effectively for nothing, to mount their challenges.

"The award gives all three of us great pleasure in that it recognises our efforts over the past decade, but little satisfaction that it ever had to come to pass."

WA president of the Australian Lawyers Alliance, Raoul Cywiki, said the three barristers had each made large sacrifices, doing much of the work free in leading the fight to expose injustices in the legal system.

"The past five years has been a very sorry time for justice in Western Australia," he said.

"Major miscarriages of justice have been exposed, mainly due to the uncovering of fresh evidence and the non-disclosure of evidence on behalf of the Department of Prosecutions.

"This has led to wrongful convictions being overturned in sensational circumstances.

"Some of these cases are more recent but some are over 50 years old and these lawyers should be applauded for not giving up on their clients."

The three barristers have worked together and separately on high profile cases, including the acquittals of John Button, Darryl Beamish, the Mickleburg brothers, Vincent Narkle, Andrew Mallard and three men accused of the murder of Phillip Walsham.

Mr Percy and barrister Belinda Lonsdale also worked together to overturn the wrongful conviction of Rory Christie.

The Australian Lawyers Alliance represents around 1500 lawyers Australia-wide. Mr Cywiki said: "The work of these three barristers encapsulates the ethos of the Australian Lawyers Alliance and they are a great example.