

Justice and politics don't mix

Michelle Collins ("Compo denial is spot-on", POST letters, 29/3) is gloating over the fact that Attorney General Jim McGinty has refused an application to pay the costs of the wrongly convicted "Walsham Three" and a fourth exonerated man.

Mr McGinty is a master of political opportunism. This decision simply reinforces our view that such decisions should not be at the whim of a politician who is out to maximize his party's votes in an election year.

Justice is far too important to be the subject of a political decision.

There is no doubt that Mr McGinty realises many voters share Ms Collins' views, and that although payment of costs would be a just decision, it would be unpopular.

No one, including Mr McGinty, is exempt from the obligation to do what is right and just.

Because two men pleaded guilty to one crime, assault, it does not make all four guilty of a much more serious offence, murder.

In Mr McGinty's eyes this lesser crime by two of the four disqualifies them from having their legal costs paid for defending themselves when, as the Court of Appeal found, there was no credible evidence against them.

Lower courts often make rulings that the government pay the costs of people on criminal charges where the charges fail in court.

It is inexplicably unjust for the same rule not to apply in the Supreme Court, where the most serious charges usually result in undeserved jail time, as happened in the Walsham case.

Mr McGinty has already paid Andrew Mallard \$200,000 and he is likely to get a lot more.

Fortunately for Mr Mallard, a cold case review found that another person probably committed the crime for which he was convicted, making it politically acceptable for Mr McGinty to authorise compensation.

There are many other cases where the police case had no merit, such as two recent rape cases, where the families of teenage boys are \$30,000 or \$40,000 out of pocket, not to mention the immense stress for the accused and their loved ones.

But cold case reviews in such cases are never countenanced by the police, nor has there been one in the Walsham case.

Payment of costs must be taken out of the political arena and given to judges or the equivalent of Britain's Criminal Cases Review Commission.

This was set up after a series of shocking miscarriages of justice.

WA has more than its fair share of equally disturbing cases.

Mr McGinty says the Director of Public Prosecutions is our review body.

This would be a sick joke were it not so serious.

It is the DPP that takes such hopeless cases to court, puts innocent people through unnecessary stress and expense, then washes its hands of the result.

We deserve better justice than this, Mr McGinty.