

Real hope for Mallard

High Court judge Richard Kirby offered the greatest hope in 11 years to convicted killer Andrew Mallard when he said this week: "The possibility that the appellant is innocent cannot be excluded."

Mr Mallard (42) has been in jail 10 years over the murder of Pamela Lawrence in Mosman Park.

This week, five judges of the High Court upheld Mr Mallard's appeal and ordered that he could have a re-trial.

But the decision on whether there will be a re-trial rests with the Director of Public Prosecutions (DPP), Robert Cock, who said after this week's judgment that the case had been very embarrassing for the police and his department.

He was not the DPP at the time.

He said he would consider the case and make a decision by the end of the year.

Mr Mallard is still in jail, but is expected to apply for bail.

Malcolm McCusker QC, who has taken up the Mallard case at no cost to Mr Mallard, said: "The decision isn't a surprise, but it is pleasing."

The High Court found that material had been known to police, and probably the prosecutors, but not to the defence.

The judges noted contradictions in Mr Mallard's alleged confessions, the way those confessions were recorded, scientific tests done hitting a pig's head with a wrench and witnesses' statement retyped by police to exclude information favourable to Mr Mallard.

None of that information was given to the defence at his trial,

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CHRISTIE MURDER

Partner tells of crucial days

Rory Christie's former de facto wife was probed this week about his movements over three crucial days and nights around the time his former wife went missing four years ago this week.

Michelle Terdich (34) said Mr

Report, picture: BRET CHRISTIAN

Christie was with either her or his young son, or both, apart from one morning over a three-day period.

She said that she, Mr Christie and his five-year-old son Frazer



Michelle Terdich, former partner of Rory Christie, leaves the Supreme court.

were at dinner at Hans Café in Oxford Street, Leederville, on Friday night, November 16, 2001.

The state alleges Rory Christie (36) murdered his estranged wife Susan Christie (42) that morning.

Earlier, on the opening day of the murder trial in the Supreme Court, crown prosecutor Troy Sweeney said it was the state's case that Mr Christie murdered Susan in her unit in Currie Street, Jolimont, on the Friday morning.

Her body was concealed in the flat for later removal, she said.

Ms Sweeney alleged that Mr Christie returned at night with a car and removed the body under cover of darkness.

Mr Christie has pleaded not guilty. Mrs Christie's body has not been found.

Ms Terdich gave evidence this week as a prosecution witness on the fourth anniversary of the day Mrs Christie was allegedly murdered.

The Subiaco hair stylist and make-up artist was in the witness box for more than a day as she was taken through the intricate details of her life with the well-dressed Canadian.

She said she split with him a few months after Mrs Christie disappeared.

Ms Terdich said she had met Mr Christie while cutting his hair in late 1998.

He was separated from Susan, living in Princess Road, Nedlands, and had his three-year-old son most of the time.

Mr Christie was late for their first date because when he went to drop his son off at his mother's, Susan had been unable to look after the boy.

Mr Christie later moved into Ms Terdich's rented home at 13

Whitfield Street, and she learned details of the Christies' life together.

"She was always drunk," Ms Terdich said.

Mrs Christie had left Frazer alone in his cot several times, and neighbours would ring Rory to come home from work to look after his son.

Ms Terdich said Mr Christie had told her he had taken videos of Susan while drunk because she would forget everything the next day and not believe how she had behaved.

He had locked himself in a bedroom and pushed a wardrobe against the door to escape her rages while living in Harvey Road, Shenton Park.

He had once slept on a bench in Karrakatta Cemetery, across the road from their house, to escape her drunken rages.

Ms Terdich said when Mr Christie began living together, Mrs Christie would phone and be abusive towards Rory, saying: "Be careful, he's a psycho."

Ms Terdich said: "A lot of the things didn't make sense."

"She would say to me: 'You f—ing whore'."

"As our relationship got on, she got worse."

"The less Frazer was going to her place, the more she would ring."

She said Mr Christie told her he was a computer consultant for a security firm, had worked for Silver Chain and mentioned the Health Department.

"He didn't like to talk about work much - I never saw any work documents. I never met anyone from his work."

When she searched his briefcase she found an Express newspaper, but no notes or invoices.

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More reports, pictures pages 10,11

Multiplex green light

By ALISON BATCHELER

In a sudden turnaround, Claremont council has cleared the way for Multiplex/Hawaiian to build the original urban village proposed in March, but until now still in dispute in the State Administrative Tribunal.

Mayor Peter Olson said a document withdrawing the five conditions that the council and developers could not agree upon was signed on Tuesday night, behind closed doors, at the end of the council meeting.

Mr Olson said councillors had voted unanimously to quash the remaining conditions, but he could not give details until the decision was approved by the tribunal.

"We have not compromised but have cleared the planning issues and are very hopeful that this development can now proceed," he said.

The move follows the council's rejection last week of a second development application that scrapped all apartments in favour of a two-storey shopping mall with extra shop space and parking.

Councillors objected to a tunnel created by a bridge over a new road, the increased retail space and a central mall, and said the loss of residential options would leave the town centre devoid of vitality.

But Mr Olson rejected the suggestion that the latest move had been forced by Multiplex/Hawaiian's recent decision to appeal against the rejected, second option.

"We were not intimidated by the threat of appeal," he said.

"Our response to the last application, showed quite clearly that everyone wanted a residential component."

The original application for the urban village on the super block between Guger Street and St Quentin Avenue was to build two levels of shops spread with 160 apartments up to six storeys high in two areas.

While councillors approved the plan on May 16 they imposed over 120 conditions, 42 of which

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War correspondent tells of affair

A retired television journalist who had a relationship with missing woman Susan Christie in the weeks before she disappeared has denied knowing anything about her fate.

Former television journalist, Vietnam war correspondent and self-described alcoholic Peter Finn told the Supreme Court that he broke off his relationship by phone in a sharp exchange at the Wembley Hotel on the morning of the last day she was seen.

Mr Finn's now wife, then Jo Barry, told the court of his sometimes violent outbursts during their 20-year relationship.

She said she once found him at Conrad's bar, now Clancy's, in Subiaco Village, with Susan Christie.

"He was holding Susan up. I said: 'You don't have to cuddle her.'"

"When he let go she fell to the ground."

They drove her to her home in Keightley Road, Shenton Park.

On another occasion, about three weeks before Mrs Christie went missing, Mrs Finn said she was walking past a man in a hotel on the way to the toilet.

"He (Peter Finn) exploded," Mrs

Finn said.

"He said: 'No one dances with the Finn woman.' He threw a glass of wine in my face and pushed me down."

"He stormed out and left me there. I decided I wasn't going to see him again."

She said that during their relationship, there were two, three or four instances of physical violence.

"They were more bullying and verbal (incidents) than physical," she said.

She said when she saw reports on television that Mrs Christie was missing, she had phoned Mr Finn, saying: "I see your girlfriend is missing."

Mrs Finn told the court: "He didn't want to speak about it on the phone."

Mr Finn said he had met Susan Christie in the Shenton Park Hotel.

Their relationship became sexual after Jo Barry refused to see him or take his calls.

"She was drinking with another man," he said. "I moved to another bar."

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'We would have heard Dad go out'



Darlington doctor Andrew Dunn outside the Supreme Court.

The son of Darlington doctor Andrew Dunn said it would have been difficult for Dr Dunn to have left their home without being noticed on the night Susan Christie disappeared.

James Dunn (20) said that he and his two younger sisters slept in Dr Dunn's house that night.

He said it was an old house with floorboards and creaking doors.

Dr Dunn's V8 Jaguar car, parked in the carport in front of the house, was "relatively loud".

He said he could not exclude the possibility that his father had gone out.

James Dunn said he had heard about a stranger, an Austrian tourist, who his father invited home for dinner on November 16, 2001, 24 hours after Susan Christie was last seen.

He had not met the stranger, but remembered the incident because he was interested in European culture.

He had stayed at a friend's house that night. "From what I can remember, no one used my bed," he said.

He said Dr Dunn had never before taken home a total stranger for dinner.

He said he had not discussed the night with his father after he knew police had become interested.

Police first spoke to him in February 2002.

Dr Dunn's middle child, Clair (18), gave evidence by video link from Brussels.

She said most rooms of the Darlington house were carpeted, but the floorboards creaked.

She said she was a light sleeper and would hear anyone leaving, especially the Jaguar starting up with its noisy V8 engine.

When she went to bed that night, she did not know whether her father was asleep or awake.

Ms Dunn said she had a good recollection of events. She was not interviewed by police until two months later.

She said she had not got together with her father to reconstruct events.

She agreed she had said at Mr Christie's first trial that it was not impossible to creep out wearing slippers and push the car out of the driveway.

Her father told her he had met Susan Christie briefly twice.

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Former partner tells of crucial days

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"I don't think he had a very strong work commitment," Ms Terdich said.

After Mrs Christie disappeared, she found out from the police that Mr Christie did not have a job.

The police were "putting things into my head about not going to a job at all," she said.

"I was very upset. I thought he was going to some sort of job.

"He said he was ashamed and embarrassed to tell me the truth."

The couple had no financial difficulties. They would go out for dinner, buy good clothes and expensive suits, and travelled to Bali and Canada.

"There didn't seem to be any hold on it," Ms Terdich said.

She concluded that maybe he had family money behind him.

On most mornings, he would dress in a suit for work and she would drop him at Daglish station, then drive Frazer and her daughter to school.

She said that one night Mrs Christie came to their home and jumped the high back garden wall.

"She was bashing on the glass of the dining room, yelling: 'I want to see my son. She is not her mother, I am. Open the f—ing door.'"

"It was a nightmare," Ms Terdich said.

"Frazer was crying. I took the children both inside. Rory said he would call the police if she didn't go. She left."

On Valentine's night in 2001, Mrs Christie "rocked up" just as Ms Terdich and Mr Christie were about to go out to dinner.

"She was banging on the front door and screaming," Ms Terdich said.

But life in their family was "fantastic" while Mrs Christie was in England in early 2001.

After a Family Court hearing in mid 2001, Frazer was ordered to go to Mrs Christie's every second weekend.

"Rory was very depressed that Frazer had to go there, with no supervision. Rory did say he was happier when Frazer's older brother was there.

Frazer and her daughter were like brother and sister, she said.

She agreed that Mr Christie was kind and generous to the kids.

She said that after the access visits leading up to Mrs Christie's disappearance were observed, "things calmed down. Things were going fine, as normal.

"I told Rory it was all going well," Ms Terdich said.

But she said that things between her and Mr Christie were "quite torn".

"Our relationship wasn't fan-

tastic, but it wasn't, like, ending," she said.

"He never really opened up all that much.

"I always had a few problems with him not communicating. He is quite difficult to talk to sometimes.

"The work issue topped it off."

She said that on November 15, the last night Mrs Christie was seen alive, Mr Christie took the children to dancing and swimming, fed them, then picked her up from work in Subiaco at 9pm.

They cooked dinner together and went to bed quite late, about the same time around 11pm.

Ms Terdich said she was a light sleeper and would have heard the noisy front door open if Mr Christie had left.

A bedroom window was open and she did not hear him go out.

Mr Christie sometimes got up in the middle of the night to read a book, work on his computer or watch television.

Asked whether she was certain Mr Christie had not gone out that night, she said: "Yes, I am certain."

On Friday, November 16, Mr Christie went to work, and the children were minded, because it was a pupil-free day.

She could not say what tie he was wearing.

They were a one-car family and Mr Christie had a key to her car, which was parked at the rear of the Subiaco salon in a reserved space.

She parked it there as usual on the morning of Friday, November 16.

When she got into the car she did not feel that anything was different, that it had been moved.

"If I went to the toilet I would definitely notice if the car wasn't there," she said.

Other people from the salon came and went, and smokers used the back area.

When she returned home after 3pm that day she was surprised to find Mr Christie home and casually dressed.

"I said: 'What are you doing home so early?'"

"It was an odd moment between us - it was like he was embarrassed that he was home early."

That night, they went to Hans Café in Oxford Street for dinner, moved to Café 130 two doors away for coffee, used an ATM at a bank across the road and arrived home about 11pm.

"It was getting pretty late and we had to put Frazer into bed," Ms Terdich said.

Asked whether she would have heard the front door open or the car start if Mr Christie had gone out, she replied: "I'm certain I don't

recall any of these things happening."

Ms Terdich said that the next day Mr Christie said that Ian Ure, Mrs Christie's first husband, was going to report Susan missing.

She considered that Mrs Christie was unreliable and had gone away or stayed with someone for the weekend.

"Rory said he swore he saw her," Ms Terdich said.

"He said: 'I was in Leederville - I swear I saw her.'"

She said Mr Christie told her she had on the same outfit she always wore when they were married - jeans, T-shirt and tortoiseshell glasses - it looked like her.

"I said she would have thrown away the glasses by now."

She said that some time later the children were complaining about a strange smell in her car, a Ford Festiva.

"I thought maybe a cat had slept in the car," she said.

She agreed she had said previously that it might have been cat urine. Rory had also said some milk had been spilt in the car.

Ms Terdich said Mr Christie had thoroughly scrubbed down the car. He had cleaned it before, but not to that degree.

Correspondent tells of affair

• From page 10

"That hotel shut down and we moved to the Club Bar of the Wembley."

He and Susan had only two things in common - a love of classical music and drinking.

He had visited her unit in Currie Street, Daglish, for drinks two or three times, and Susan had spent the night in his unit in Salvado Road, Wembley, on two or three occasions. They had sex twice.

"Feelings were inconsequential," he said.

"When she had been drinking she was inarticulate."

He had once taken her to the Hyatt Hotel. She had gone outside for a smoke and didn't come back, leaving her shoes behind and catching a taxi home.

He said he was not humiliated or livid.

"At my age it didn't really matter," he said.

"I was a bit unhappy - certainly not completely and utterly unhappy.

"I was an elderly man failing to impress a younger woman.

"It was an elderly man's forlorn way of saying: 'I can take you to an expensive hotel.'"

"Who am I to understand the wives of women, sir?"

He said he did not think Susan ever belittled him over his sexual performance.

He confirmed that phone records showed he had called Susan numerous times in the days leading up to her disappearance.

On the Thursday morning of November 15, 2001, the bar phone rang. It was Susan.

"I said: 'I made a decision last night that I don't want to see you any more,'" Mr Finn told the court.

"She said: 'Okay.'"

"I said I didn't like receiving phone calls in the hotel."

Over the following weekend he said he had felt he had been abrupt, and attempted to phone Susan.

There was no reply. He had called at her unit on the Sunday night, but his knocks on the door went unanswered.

He said he did not know where she kept keys.

"She used to have terrible trouble finding keys to the unit," he said.

When he could not locate Mrs Christie he had contacted Crime Stoppers.

Under cross-examination, Mr Finn said that on Friday, November 16, he contacted a real estate agent about selling his unit.

He had been making plans to sell once the price reached a certain value.

He said it was coincidence that he booked himself into Hollywood Clinic about this time to be detoxed.

He had been attending the clinic in the weeks leading up to Susan's disappearance.

"My addiction was getting worse," he said.

"I decided to give up drinking every day, but I don't.

"I was getting tired of drinking and I wanted to be reunited with Jo," he said.

They have since married.

Honest Jim made Subiaco

• From page 7

Lanes were unpaved and piled high with rubbish, sometimes to the tops of the picket fences, and Rokeby Road and Hay Street were blighted with tangles of overhead powerlines.

Major streets flooded whenever there was heavy rain.

The land that is now Subi Centro was dominated by creaking old factories such as Metters, which leased six hectares for \$10,000 a year.

Homebase now occupies part of the site.

Mr McGeough crunched the leaseholders, forcing up the total rent from \$80,000 a year to \$1.8 million, an incredible bonus to the city's ratepayers.

Some of this money went on pioneer work in putting powerlines underground.

The core of what is now Subi Centro was almost sold to the Education Department - a deal that would have made the current redevelopment unviable.

As well as holding down three jobs in Subiaco, he was chairman of the Keep Australia Beautiful Council and became

its national chairman.

In his own time and at his own expense he visited Subiaco's namesakes in Italy and the US and remained in close contact with friends at the original Subiaco, near Rome.

In 1993 he retired reluctantly after coming under pressure from councillors who wanted a more benign council chief.

He also kept up his involvement with the Keep Australia Beautiful Council.

He used to often joke: "I am doing my bit to keep Australia Beautiful - I wear a hat."

Student knocked down near school

• From page 88

Roads, and there will be negotiations with Transperth and Graylands Hospital before anything gets etched in the bitumen.

School spokesman Ric Del Pizzo said the school wanted to make sure the crossing was installed in the right location for the maximum safety of the students.

Acting-Inspector Colin Asplin, of state traffic, said an accident would not necessarily make it a priority, but all accidents and fatalities were taken into account

and each case would have to be assessed.

He said approval depended on a risk factors - the number of cars and students, the time, age of the students, what type of road, reasons for crossing and topographical problems that affect drivers.

The type of crossing could be either class A or class B.

A is for more severe roads and requires a police-trained and paid lollipop worker; B is manned by a volunteer.

School principal Greg Clune has written to parents about the accident, saying the girl's parents

were "very grateful for the many calls and text messages they had received".

A warning has been put out to parents of students at Iona Presentation College about their daughters not waiting for the green pedestrian at the lights on Stirling Highway, Mosman Park.

The school has received complaints that girls have been "running dangerously between traffic in their rush to get across the highway to the train station", according to deputy principal Anne Taylor.

Real hope for Mallard

• From page 1

they said.

The High Court unanimously held that the WA Court of Criminal Appeal had erred in the way it dealt with Mr Mallard's petition for clemency in 2003.

Four judges published a joint finding - they are justices Gummow, Hayne, Callinan and Heydon.

Justice Kirby agreed with them, and wrote a separate judgment.

He said: "A review of evidence, which was not disclosed to the appellant's counsel at the trial, but which was in the possession of police and, at the least, available to the prosecution, suggests strongly that material evidence was not disclosed that bore upon the guilt of the appellant.

"Of particular concern is that items of evidentiary material, consistent with innocence and presenting difficulties for the prosecutor's hypothesis of guilt, were actually suppressed or removed from material supplied to the defence.

"There is exculpatory evidence," he said. "Some of it was simply not revealed to the defence.

On 23 May, 1994, Mrs Lawrence (45) was found dying in a pool of blood in her shop in Glyde Street, Mosman Park, after being hit repeatedly on the head with a heavy instrument that was never found.

Mr Mallard, who was staying nearby, was convicted.

'Rent rise will bankrupt us'

• From page 16

"That contract runs for 57 years, and is designed to give the city a fair rental return. That rental return is now unfair.

"We have just been through three years of telling anyone willing to listen, that our rents were unfair. In 2003 and 2004, we spoke to council officers and the councillors.

"The councillors told us to go through the processes set out in our lease, and then come back to them if that didn't achieve the right result.

"We have now just had an arbiter finalise a decision.

"Why would I pay in excess of \$40 per square metre to lease in Bishop Street, when I can lease in Hay Street for \$25 a square metre?"

"The council officers need clear and concise instructions from councillors that they need to resolve the situation."

Several other business operators put pleas to the council committee. Then the issue of Bishop Street leases was discussed behind closed doors because of the council policy on commercial confidentiality.

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