

## Have they gone barking mad?

### Letter to the editor

The other day when I took my two dogs to the North Cottesloe dog beach, I was apprehended by a Cottesloe ranger because the dogs were at the beach outside the restricted times.

He told me if I reoffended, I would be fined \$200 per dog.

The ranger told me the law was for the convenience of the many bathers who use this beach during the day.

There was only one other person at this beach. She had a dog and was also spoken to by the ranger.

The reason for banning dogs on this dog beach between 10am and 4pm from November 1 to March 31, must belong in the land of make-believe.

Nearly everyone who swims at this beach brings a dog.

It has no change rooms or toilets and would probably be unappealing to anyone other than those who have dogs.

Restrictions should be scrapped, and Cottesloe council should give more consideration to ratepayers whose dogs enjoy this beach.

R. Churchill  
Marmion Street, North Cottesloe



Robert Churchill with Tasha and Jerrie at Cottesloe's Vera View dog beach... "a beach of make-believe".

# Freedom cost \$1 million, says Christie

Report, picture  
BRET CHRISTIAN

Rory Christie is planning to claim up to \$1 million his family has spent fighting his wrongful conviction for murder in Perth, he has told his home-town newspaper.

He told the Calgary Herald, in Canada, that almost \$1 million had been spent on his two trials and his successful appeal against his first conviction.

Tom Percy QC, who defended Mr Christie in court, said nobody in WA had successfully claimed court costs after an acquittal.

The paper said he had an emotional reunion with his nine-year-old son Frazer when he arrived home from Perth last Saturday night.



First taste of freedom... sporting his jail haircut, Rory Christie relaxes in the open after three-and-a-half years in maximum security.

He said he was looking forward to rebuilding his relationship with his son, who was deprived of both his mother and father when Mr Christie was charged with the murder of his missing estranged

wife, Susan Christie (42), in 2001.

Mr Christie, now 36, met Susan, an Englishwoman living in Perth, in his home town of Lloydminster on the Alberta-Saskatchewan border.

She was his best friend's sister. They married and returned to live in Harvey Road, Shenton Park. Frazer was born soon afterwards.

Mr Christie said that in jail, dealing with the separation from his son, who was then living with his grandparents in Canada, was heartbreaking, but it also kept him going.

In an interview with the POST the

day he left Perth, Mr Christie was brought to tears when asked about the hardest part of being in jail.

"It was when Frazer phoned to say he was sick or had hurt himself and he really needed a parent to give him a hug," Mr Christie said.

He said some of the darkest times were Christmases without Frazer.

He was facing his fourth Christmas in maximum security when he was suddenly released during his trial last week.

"I should have been elated when I got out," he said.

• Please turn to page 3

## Houses sell in weekend in baby-booming market

By DEBBIE GUEST

Homes in the western suburbs are selling without even one "home-open" session and cash offers are common, says Acton Dalkeith agent Chris Hutchison.

Mr Hutchison said this was due to the booming resources sector and baby boomers selling the family home.

Last weekend, Mr Hutchison sold 27 Napier Street, Nedlands, for the asking price of \$1,095,000, after placing a full-page advertisement in the POST.

"You can pinpoint this response - once the POST hits the streets, the phone calls start coming in," Mr Hutchison said.

People were coming to the home open with the POST in their hand at the page of the ad, he said.

Of the 30 people who came through the home, three people were keen to buy the property and

one person made a cash offer for the full asking price.

In this environment, Mr Hutchison said, he would find "subject to finance a total waste of time".

He said it was a competitive market and potential buyers were making sure they had pre-approved finance.

"The last six properties I've sold in the past six weeks have sold for the full asking price," Mr Hutchison said.

He said that after another full-page ad in the POST - this time for 119 Dalkeith Road, Nedlands - the property sold without even one home open.

The WA property market was going against a declining trend in the eastern states.

The number of commercial

properties for sale in the western suburbs is at an all-time low, according to Geoff Potter, from Burgess Rawson.

The low availability of both vacant and leased commercial property is due to a high demand from investors and owner-occupiers, Mr Potter said.

In Subiaco, a 340sq.m office building, at 23 Hamilton Street, was sold by Burgess Rawson at auction in October for \$1,237,500.

Stock is also low in Claremont and Nedlands with the number of commercial sales decreasing in the past 12 months, as owners of well-leased properties hold on to their investments.

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These suburbs are shown on the map on page 2. Extra copies are delivered to other selected riverside suburbs.

# Freedom cost \$1 million

• From page 1

"But 3½ years stolen from me and my son ... it's a bitter pill to swallow.

"Handling that will always be pretty difficult for both of us."

His main reaction was relief that he would see his son and that people would know he was not a murderer.

Mr Christie was in regular phone contact with Frazer, and Frazer visited him earlier this year, brought by Mr Christie's sister Dana.

Mr Christie said his triathlete and iron-man training, both solitary and mentally-demanding sports, helped him cope with jail life.

He said he hardly slept during his second trial, often yawning in the dock as the afternoons wore on.

He said most prisoners suffered from insomnia.

His first night out of jail in a Burswood hotel was eerily quiet to the newly-released prisoner.

In Casaurina, guards clanging doors and keys all night were a constant interruption to sleep.

He said he tried to avoid trouble in jail by keeping to himself, working out alone rather than joining team sports, and choosing his friends carefully.

A bank robber, who was a carpenter, taught him to make fine cabinet work in jarrah.

"There were a couple of decent fellows there," he said.

"But most have had terribly deprived backgrounds and had no family support.

"A lot are stuck in there simply because they have to rely on legal aid, and it can be very hard to get."

He believed he would still be a convicted murderer in maximum security if his family could not afford the best legal advice, and to bring to WA overseas and interstate forensic experts.

Thousands of volunteer hours were also donated by a group of four people.

It was a member of this group who first came across the controversial properties of a blood-testing chemical called luminol, which had been used to look for blood on Mr Christie's tie and in Susan Christie's unit in Daglish.

The luminol reaction on the tie had a dramatic effect on the first trial, but this test became so discredited that it was not even used in relation to the tie at the second trial.

Another member of the group located leading blood-spatter expert Joe Slemko in Canada, a police officer whose investigations sent the re-trial in a different direction to the first.

As well as seeking to recover

RIGHT: Rory Christie made the front page of Canadian newspapers last week, including his local, the Calgary Herald.



his legal costs, Mr Christie has started legal action against the WA government over a broken jaw he sustained when he was king-hit in Hakea Prison.

He alleges that because of delays in his treatment, the jaw knitted before it could be properly set, leaving him with permanent pain and disfigurement.

"The last day I saw Frazer before he left Western Australia for good, he saw that I looked like I had been hit with a brick," he said.

"It was very sad for him to see me like this when he was leaving."

## 'I don't blame the first jury'

Rory Christie's faith in our police and court system has been severely shaken by his wrongful conviction, but he does not blame the jury that first convicted him.

"The jury at my first trial looked to the judge for guidance," he told the POST on the day he left for his home in Canada.

"After the jury had deliberated for two days, as soon as the first

judge came out with his misdirection, they came back with a guilty verdict."

"My stomach just dropped out of me" when that jury foreman announced the verdict, he said.

Mr Christie's first jury in 2003 found him guilty of the murder of his wife Susan (42) at her flat in Daglish.

But the Court of Criminal

• Please turn to page 73

# Sardine City squeeze for bowls land

The proposed development of the former City Beach bowling club is fraught with problems, including only 0.9% public open space, according to residents.

Subi Centro has 20% open space, say residents, who are concerned that their council wants to squeeze too many lots from the site.

Visitor parking for some lots will be on busy Kalinda Drive and The Boulevard.

Residents voiced their concerns at a meeting with Cambridge consultants a fortnight ago, and voted unanimously to reject the plan on offer.

"As a result of all the raised issues, the planners organised another meeting for concerned residents, which should have occurred at the start of this whole process," said Peter Hudson, of Dampier Avenue.

Mr Hudson distributed between 200 and 300 letters to residents, after which another 141 submissions were made to media consultants Mills Wilson.

Mills Wilson is employed by Cambridge council to carry out community consultation on the development.

The development proposes 100 lots to be spread over the 4.8ha of land.

Mr Hudson said his concerns included little variation in the homes.

"They are all two storeys, with all the bedrooms on the top floor," he said.

With many baby boomers wanting to sell the family home and live on smaller blocks, having only two-level homes did not make sense, he said.

There was also the problem with visitor parking for external lots.

The lack of open space was a result of the brief given to developers, stating they had to maximise the site's return, Mr Hudson said.

A lack of community consultation was another problem.

In a presentation at the second meeting, Mr Hudson said there were no outcomes-based workshops, no quantifiable researching of residents, no ongoing review process for the council, only one plan for review and no input from residents for the questionnaire.

He suggested a public workshop should have been held at the beginning of the process.

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## 'I don't blame the first jury'

• From page 3

Appeal overturned that verdict, partly because of a misdirection by the judge to the jury.

At his retrial last month, the second judge, Justice John McKechnie, after hearing 107 prosecution witnesses, threw the police case out of court before the second jury had a chance to consider any defence evidence.

Mr Christie said that during his trial he was struck by the way mistakes police and prosecution made were treated, compared with any slip-ups he made.

Minor mistakes he made in statements to police because of the passage of time or memory lapses were thrown back at him in court, he said.

"It was said by the prosecution that they were 'significant inconsistencies indicative of guilt'.

"But there were gross misrepresentations of the facts in the case against me," he said

One, he said, was a wide orange highlighter pen used by police on a plan to point to thin lines of blood allegedly found on the floor of Mrs Christie's unit.

"They looked like dramatic blood stains in the shape of a body, until Tom Percy (defence lawyer) extracted from the witness that they were there merely to draw attention to the thin lines," he said.

A bizarre experiment conducted by police officers was thrown out by the judge after a legal challenge from Mr Christie's lawyers.

A police officer holding felt pens between his fingers was dragged face-down through a police office to try to replicate parallel lines said to have shown up under luminol in Mrs Christie's flat.

This experiment was admitted as evidence at his first trial, where a police witness referred to the luminol reactions as bloody drag marks.

It was suggested at the second trial that the marks were caused by the wheels of a vacuum cleaner found in the unit.

"Much worse mistakes than mine were made by the police, forensic officers and the prosecution, mistakes that were extremely damaging to me," Mr Christie said.

"They were swept under the carpet as 'procedural errors'.

"I can be sent to jail for life for minor mistakes in my statements.

"Nothing happens to the people on the other side, except that they get promoted."

He said his experience would make him reluctant to co-operate with police again.

"I told them everything I could. I had nothing to hide," he said.

"I wanted to help them find out what had happened to Sue.

"They were looking for inconsistencies, but they never found any - even in the hundreds of hours of bugged conversations of my phones and house.

"I was completely stunned when they arrested me."

He said he hoped that lessons learnt in his case would lead to reforms in the police and justice system.

"Obviously my case has broken a lot of ground and hopefully things will improve."

At the end of the second trial, Justice McKechnie ruled that statements by Mr Christie which the prosecution maintained were lies, were not enough to convict Mr Christie.

Mr Christie and his defence team disputed that they were lies.

Justice McKechnie said that even if all were found to be lies, "taken at its highest" the evidence was not sufficient to sustain a verdict of guilty.

In an interview with a home-town newspaper, the Calgary Herald, Mr Christie said outdated forensic technology and shoddy detective work was used to build a case against him.

He said the WA police had a history of "getting away with soft forensics".

"If we held the case according to Canadian standards, there wouldn't have been a trial," he said.



Reunited... Rory Christie and his stepfather Ron Christie are all smiles after a judge threw the murder evidence out of court.

## 'Undercover cop bugged me'

**An undercover police officer posing as a criminal befriended Rory Christie and offered to help him dispose of evidence, Mr Christie said.**

He found out four years later that their conversations were bugged and that he had been secretly photographed.

But as he had said nothing incriminating, that information was not produced in court.

Mr Christie said he recognised the officer at his first trial when he came into court and was identified by a number instead of a name - a privilege given to undercover officers.

He said the officer kept insisting they met for a drink, and he met him in Fremantle.

Finally, the undercover officer told him that the police had been to see him and were asking questions about Mr Christie.

"He asked me if there was anything he could do to help me get rid of anything," Mr Christie said.

"I replied that I had nothing to hide.

"I said I don't know what happened to her, because I don't. "Next day I was arrested."

Mr Christie said the police spent thousands of hours following him with eight undercover operatives and listening in to conversations around his home in Whitfield Street, Floreat, and tapping his phone calls.

But he said they found not one skerrick of incriminating evidence, nor any inconsistencies with his statements.

None of these conversations was revealed to his defence until the defence stumbled on a written item that indicated that the bugging had been done.

He said that after he had voluntarily given two statements, police came back for a third just before Christmas 2001.

"My grandmother had just died and I had a lot of problems to deal with, so I asked if I could make the statement later," he said.

"They demanded that I do it then or they would take Frazer (5) from me and have him fostered out.

"They said they would arrange for my mother, who is very ill and in a wheelchair in Canada, to be taken in for questioning and it would be a very bad Christmas for my family at home.

"In eight months of following me, they only managed to produce one incident."

Mr Christie said he was convinced police made themselves visible and it was obvious they were following him.

He said he started playing "James Bond" games with them, getting on and off trains and on one occasion suddenly running down an alleyway in Perth.

Then that incident was used in court "as evidence of what they called paranoia" ("Christie looked paranoid, says operative 49", POST, 3/12)

Mr Christie was arrested for the wilful murder of Susan Christie in August 2002 as he left court after pleading guilty to a pornography charge. That charge had been laid after police, who were investigating Susan Christie's disappearance, found advertising from pornographic websites on the hard drive of his laptop computer.

He told the court he had not paid for any content, but had downloaded the home pages out of curiosity.

He said that what he had done was not a crime in Canada and in most other countries.

He received a two-year suspended sentence.

Mr Christie's first murder trial was one of the first in WA after Attorney General Jim McGinty abolished preliminary hearings on the recommendation of the DPP.

Some observers of both trials said it was doubtful whether a case would have got to trial had there been a preliminary hearing.

They say the first trial functioned as a preliminary hearing for the second, but in the meantime a successful appeal had to be mounted against the first verdict, at huge expense to the state and Mr Christie.

## DPP appeals over freed sex offender

• From page 11

Cairns and gave too much regard to his personal circumstances, Mr Cock said.

"The intensive supervision order ISO was an inadequate response to what was a very serious crime," Mr Cock said.

"The terms of the ISO don't present much protection to the community, which must be paramount."

Before sentencing, Cairns had been in custody since June 2, following revocation of his bail, a condition of which stated he was "not to loiter within 500m of a school".

No special conditions to this effect were imposed by the court in handing down his intensive supervision order.

Acting director of Community Justice Services (North) Nicholas Papandreou said ISOs were a high-level alternative to imprisonment issued by the court.

They could vary in length from six months to two years and contained standard conditions, including compulsory reporting to a supervising community corrections officer, requirements not to change address or leave the state.

"Courts determine whether an offender is placed on an ISO and whether they are given special conditions over and above the standard," Mr Papandreou said.

Special conditions could include particular curfews and requirements to stay away from children, do community service or have counselling or psychiatric treatment, he said.

In sentencing Cairns, Judge Groves made an order that as well as supervision requirements, he continue counselling, and have medical assessment and treatment. He was also to attend educational programs and obey the rules of a community corrections officer.

Mr Papandreou said community corrections officers also had authority to recommend an offender on an ISO comply with special conditions, such as to keep a distance from schools, but details of this were not publicly available.

Also in sentencing, Judge Groves told Cairns his name would go on a register of sex offenders.

Details of who is on the Australian National Offender Register or conditions applied to offenders are not publicly available.

But coordinator of the WA register Martin Clancy-Low said it was possible to make application to the court for a prohibition order to prohibit a person on the register from engaging in a specific conduct or to restrict access to children.

However, Mr Clancy-Low said that since the register had started in February - it now contained around 500 people in WA - but no prohibition orders had been issued. "It would be a test for the courts," he said.

He said offenders had to register their home, work and car details with police closest to their home within seven days of being sentenced.

They also had to register the names and ages of children who lived with them or children they regularly supervised.

Offenders had to report regularly and notify changes in details for a minimum of eight years up to for life, depending on the offence.

Movements of offenders were then checked by police, but Mr Clancy-Low said a big amount of offender-compliance was relied on.

Police monitoring could include spot checks and confirming details of vehicles, residence or employment, he said.

## Bar to keep late hours

• From page 76

premises in Fremantle and Leederville that closed at 1am.

Recalling the days when Club Bay View was a "piano bar, attracting the 50-plus set and was full of lounge suites, wine and casual conversation", councillor Kelly said:

"Look what we have today." Mr Kelly challenged people to check out the town centre in the early morning on the weekend.

"It's full of debris, with broken trees and glass everywhere," he said.

But supporting the later trading hours, councillor David Leith said antisocial behaviour did

not reflect people who used Kупpa.

Mr Leith said the proprietors had shown a great deal of cooperation with the council and police.

Councillor Carolyn Marshall asked councillors to consider the young people who patronised late-night licensed premises.

She said: "It would be a problem if they had nowhere to go in the western suburbs, and a greater worry for their parents.

"We should find other ways of controlling vandalism."

Council reports stated that in the two years Kупpa had had extended trading hours, only one noise complaint had been received, but promptly rectified.

## Hospice plan stumbles

• from page 5

He said he had met six palliative care physicians over the past two weeks and there was a possibility they might recommend an alternative option, he said.

Bethesda Hospital chief executive Brian Thomson said the hospital needed a specialist half-time and other doctors to cover a 24-hour roster before it would consider opening four extra palliative care beds for public use.

Hollywood Private Hospital chief executive Kevin Cass-Ryall said the hospital had a palliative care unit that had operated since

1981 and had 20 beds, four of which were funded for use by public patients.

Liberal MP for Nedlands Sue Walker said the redistribution of palliative care beds was a "big con job".

"They are vapourising beds," Ms Walker said.

Ms Walker said designating existing beds for palliative care, rather than building new units, would deprive other patients of the beds.

Private hospitals, although pleasant, could not replicate the atmosphere of the hospice, she said.

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