



Rayney organised party before verdict

By **BRET CHRISTIAN**

Lloyd Rayney arranged a victory party for the night of his murder trial verdict well before the judge revealed his decision on Thursday.

On Monday this week, he was inviting friends to a celebration for Thursday night, the same day his trial judge finally revealed he was not guilty of killing his wife.

It has also emerged that members of the defence team regard the murder of Corryn Rayney as a very solvable crime, according to investigators who worked on the case for Mr Rayney.

Evidence police have already collected could be used to help identify the killer, they say.

A defence team of specialists had worked for a year picking through a mountain of witness

statements, police notes and records, photographs and scientific reports and found what it believed to be startling anomalies in the police case.

During the trial, Mr Rayney's principal lawyer alleged that police bias had a very important role to play in the case.

Trial judge Brian Martin QC ripped up the conclusions of the five-year investigation and high-

profile prosecution in 47 tense minutes on Thursday when he found Mr Rayney not guilty of murdering his wife.

The prosecution case had been "beset by improbabilities and uncertainties" with crucial evidence lacking, Justice Martin said.

The prosecution had tried to fill in critical gaps and explain improbabilities that were no

more than speculation without evidence, he said.

One police officer involved in the case sobbed at the verdict, others fought back tears and held their heads in their hands.

Mr Rayney hugged his smiling youngest daughter Sarah after the verdict and immediately phoned his other daughter

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Lachie Simpson, front, Jeannie Hawley's son Ric and his wife Margot check the damage in Jeannie's unit. Photo: Paul McGovern

Lachie to the rescue

By **DAVID COHEN**

A 12-year-old boy helped rescue a 97-year-old woman from a burning Cottesloe unit last Sunday.

Lachie Simpson had been doing homework with his dad Richard in his Margaret Street home about 3pm when he heard a constant beeping.

"I tried to find out where it was coming from," Lachie said.

"We thought it was the fridge or a remote."

He stood on a pantry ladder so he could peer out of a high window - and saw thick, black smoke billowing from the next-door unit.

Neighbour Jeannie Hawley had fallen asleep on her front-room sofa while smoking.

Lachie had heard the smoke alarm in her ground-floor unit.

When Jeannie woke up to find her home on fire she used her walking frame to inch to the back door.

Lachie and Richard helped her out of the building while

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Low rent will cost Subi

By **LLOYD GORMAN**

Subiaco ratepayers would subsidise Bunnings' rent by \$709,000 a year if Subiaco council's proposed business plan for the Salvado Road site went ahead, according to a residents' action group.

After scrutinising the plan, Subiaco China Green Action Group (SCGAG) president Kevin Wulff said the group had concluded the lease duration and rent were not in the community's interest.

He said SCGAG opposed it because the proposal benefited the two companies on the site, Bunnings and Homebase, more than residents.

"This plan lacks vision and does not offer adequate return to Subiaco ratepayers," he said.

The business plan - which is published on the council website - proposes two new leases.

One covers the 10,321sq.m Bunnings site for 25 years with

an option for a further 25 years, plus another two years to cover the time to redevelop the existing Bunnings store.

A second lease for the remaining 23,328sq.m, which is occupied by Homebase Expo and other stores, would add eight years to the existing lease, with two options to extend for five years each.

"We would consider the proposed terms of the lease are unnecessarily generous to Homebase and lack transparency," Mr Wulff said.

He said a rent of \$250,000 a year for Bunnings until June 2016 during construction of a new warehouse - which is expected to take two years - was generous.

Once rebuilt, Bunnings would pay \$424,000 rent.

Mr Wulff said a fair rent based on the best use of the Bunnings site would be more than \$1,130,000 a year.

"Rent of \$424,000 represents a subsidy of about \$709,000, which is way too high," he said.

SCGAG also wants the rent paid in advance.

"It was stated at council that rent is paid quarterly and in arrears, but this is not mentioned in the business plan," he said.

"In our opinion it should be paid monthly and in advance, which is normal commercial practice.

"This is excessively generous to Homebase."

He said there were questions and confusion about the rent and conditions for the rest of the site which also favoured commercial operators and not the council or community.

SCGAG said valuer LMW Hegney's valuation for the council had conservatively valued the land at 55 Salvado Road at \$67.3 million but the current valuation based on its present use was \$25 million.

The bulk use valuation valued the land at \$743sq.m. Land with

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Total silence as verdict read

Lloyd Rayney entered the dock on Thursday morning at 11.23.

Fifty minutes later an emotional Justice Brian Martin twice pronounced him not guilty and a free man.

In between there was almost total silence in the standing-room-only court.

Police were stony-faced when Justice Martin described their work as "inappropriate to reprehensible".

Mr Rayney was impassive when Justice Martin said he had "engaged in disreputable conduct".

But Sharon Coutinho blinked back tears when Justice Martin described her sister Corryn Rayney as "hard-nosed".

There was a gasp when the court heard Mr Rayney had lost \$115,667.35 at the TAB had and

Sportsbet in the 10 years before Mrs Rayney was killed.

Twenty-one minutes into Justice Martin's address there was an exchange of smiles between people on Mr Rayney's defence team after Justice Martin pointed out the lack of evidence from prosecutors.

A few minutes later there were more smiles when Justice Martin said it was "highly improbable" Mr Rayney had been able to dig the King's Park grave.

Just before he delivered his verdicts of not guilty of wilful murder and not guilty of manslaughter, Justice Martin departed from his script and looked at Mrs Rayney's father, Ernest Da Silva.

"The circumstances of this case involve a tragedy for many people, too many to mention now," he said.

"Some of those persons are

likely to be distressed by my verdicts.

"I will take an unusual course and make an exception to mention one person, and that's Corryn's father.

"Mr Da Silva, throughout the trial, you have behaved impeccably and with dignity."

After a long pause Justice Martin's voice quavered with emotion as he thanked Mr Da Silva.

After the verdicts Mr Rayney hugged and thanked people in the special trial support room next to the court.

Then he and Mrs Coutinho took turns reading prepared statements to dozens of reporters.

"I've never seen anything like it," a court security guard said.

After five years – and 50 days in court – the Rayney trial was over – though the state has three weeks to appeal the verdicts.

Rayney organised party before verdict

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Caitlyn, waiting anxiously for his call in the UK, where she is at university.

Speaking on the steps of the court afterwards, Mr Rayney said: "Five years ago, half a decade, Corryn tragically died.

"It has been five years Sarah and Caitlyn have been without their mum. They haven't been treated well by many people.

"Apart from that they still don't know, and we still don't know, what happened to Corryn, and that is a terrible tragedy.

"Despite the best-funded investigation, despite apparently unlimited resources, it's still unsolved. And that's been an extremely hard thing for my family to accept."

Mr Rayney's confidence in the not guilty verdict reflects one of the many anomalies and paradoxes in a complex and often bizarre case.

Justice Martin said Mrs Rayney (44) died in King's Park, possibly by being made unconscious during an attempted sexual assault and buried alive. She had probably not died at home, as supposed by the prosecution case.

The prosecution had failed to disprove a sexual attack, Justice Martin said. Mrs Rayney's belt was undone, the zip on her jeans missing teeth and her boots off in the car.

Justice Martin said Mrs Rayney had returned home after bootscooting at about 9.45pm on July 7, 2007, and been made unconscious in the front yard or



Brian Martin QC



Lloyd Rayney

on the front verge of the family home. Her injuries were consistent with being violently attacked from behind, he said.

"On occasions the community is shocked to learn that such attacks do occur," Justice Martin said.

If Lloyd Rayney had been in the family area or to the rear of the house, it is probable that he would not have been aware of what was happening, Justice Martin said.

He said the fact that Mrs Rayney had been attacked at the front area of her house did not prove it was Mr Rayney who had attacked her, and no evidence inside the house or in the yard implicated him.

Justice Martin said he was far from satisfied that the condition of the bricks and moss, or analysis of soil, brick and paint particles and damage to her boots pointed to a "dragging event" as proposed by the prosecution.

During the police investigation he said "there were instances of unacceptable conduct by some investigators ranging from inappropriate to reprehensible, there is no evidence that lines of inquiry were not properly investigated".

Pod evidence dismissed

Grave doubts about "the seed pod business" as it came to be known in the three-month trial of Lloyd Rayney caused his trial judge to dismiss a crucial exhibit when reaching his decision.

The judge ruled that two seed pods from a tree in the front yard of the Rayney family home in Como were found in Corryn Rayney's hair.

But a third seed pod containing what the defence called an "Aladdin's cave" rich in forensic material from the front steps and yard of the Rayney family home has been eliminated from the judge's consideration.

"I have put this evidence aside and ignored it," Justice Brian



Martin said. "My doubts are such that I can't rely on the evidence concerning the seed pod in the body bag."

Forensic officer Sergeant Natalie Rogers' evidence about a third pod, said to have been found in Mrs Rayney's body bag more than three months after the post mortem examination might have been deliberately untruthful, Justice Martin said.

"I am unable to make a specific finding but my reservation has caused me to approach her evidence with greater caution than usual," he said.

The reasons given for the search of the body bag had an air of unreality, he said.

This was reinforced by the officer's willingness to construct a false explanation in connection with the sealing of an exhibit.

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Case plagued by improbabilities and uncertainties



Lloyd Rayney and daughter Sarah.

Crowds queued for seats in the public gallery from 8am on Thursday, the day of the final verdict in the Rayney trial.

Corryn Rayney's job at the heart of the justice system as a Supreme Court registrar, and Mr Rayney's prior life as a DPP lawyer, working to jail people charged with murder, added to the public interest.

Several people shouted "guilty" at Mr Rayney as he left the court in an unprecedented barrage of cameras and reporters.

Even before the prosecution summarised its case against Mr Rayney at the beginning of his trial on July 16, it was assumed by most members of the public that he was guilty.

His defence team was, however, buoyant and confident from the start of the trial.

Because a judge, Justice Brian Martin, heard the case without a jury, big unknowns hung over the verdict.

A witness whose identity and evidence were shielded from the public was heard behind closed doors, and the public and media did not see many of the documents handed to the judge.

These included a sheaf of emails Mrs Rayney had sent to her husband and friends in the days before her murder.

Criminal lawyers not connected with the case but taking an intense interest said the trial had gone well for Mr Rayney, the prosecution "losing" key elements of its circumstantial case as it unfolded.

The judge said that the scenarios constructed by the state remained without a foundation in the evidence.

"The case for the state is plagued by improbabilities and uncertainties at each step," Justice Martin said.

He said Mr Rayney had not exhibited any signs of the night's traumatic events.

His weight of 67kg and her 78kg body weight, combined with Mr Rayney's bad back, meant moving and carrying her and digging the grave would have been a difficult task for Mr Rayney.

Experienced police officers, one of whom was specifically looking for signs, failed to detect any sign that Mr Rayney had murdered and buried his wife the night before and walked 8km home after her car broke down.

Defence lawyer David Edwardson QC told Justice

Martin that Mr Rayney was "a condemned man" from the day the head of the major crime squad, Detective Sergeant Jack Lee, publicly stated that Mr Rayney was the prime and only suspect for the murder of his wife.

The defence subjected many of the police scientific tests to alternative testing, including pollen found in Mrs Rayney's nose and scrape marks on her boots.

The prosecution put forward a vast amount of material that it said showed Mr Rayney had every motive to murder his wife and conceal his crime by burying her body in King's Park.

The three-month trial was awash with coincidences and bizarre evidence.

At the time Mrs Rayney disappeared on August 7, 2007, a Corruption and Crime Commission inquiry into the handling of Andrew Mallard's wrongful murder conviction was in progress.

Mr Rayney was appearing each day at the CCC representing a detective, as was barrister Mark Trowell.

A week after Mrs Rayney disappeared, her government car was found parked outside Mr Trowell's house in Kershaw Street, Subiaco.

It had evidently been left there by her murderer after it broke down because its gearbox was damaged while leaving Mrs Rayney's grave site in King's Park, a 3km drive.

Her body was found when police followed a trail of leaked transmission fluid from the abandoned car to the grave site.

According to a 2009 newspaper report, the police took a psychic to Kershaw Street and to the grave site in King's Park, but she told them nothing useful.

Detectives also consulted an American criminal profiler, a meeting Justice Martin described as "a pointless exercise".

But, a police note said, this meeting "cemented our thoughts with regard to Lloyd Rayney as a person of interest".

The night Mrs Rayney's body

was exhumed from King's Park, a government pathologist overheard a police officer say that police knew that Mr Rayney was the culprit.

This and other evidence showed an inordinate focus on Mr Rayney from a very early stage in the investigation, Mr Edwardson said.

Justice Martin remarked that police could have been criticised had they not thoroughly investigated Mr Rayney.

Arrest was to humiliate

The public arrest of Lloyd Rayney by police in bullet-proof vests near the Supreme Court was a "show of force" the judge at Lloyd Rayney's murder trial said.

It was designed by a senior detective officer to humiliate Mr Rayney, Justice Brian Martin said.

He criticised police for handcuffing Mr Rayney and leaving him standing in full public view for 20 minutes.

"There was no reason the accused (Mr Rayney) could not have sat in the police vehicle while the car was searched," Justice Martin said.

The judge had questioned Detective Sergeant Carlos Correia's explanation that the reason for their action was that police wanted to properly video the arrest and that Mr Rayney had a propensity to destroy evidence.

Police under the microscope

WA Police say they will assess Justice Brian Martin's views on the conduct of some officers.

A spokeswoman said police would consider Justice Martin's reasoning behind his not guilty verdicts.

"That examination will include a close assessment of Justice Martin's comments regarding the prosecution case," a police spokeswoman said.

She said they would not say anything else until the 21-day appeal period was over.

Cottesloe puts on a classic at Conto's

SURFING
with Damian Lipscombe

Cottesloe Boardriders' annual down-south intra-club contest last weekend proved a classic, with a great junior turnout and pumping, uncrowded waves at Conto's Spring, south of Margaret River.

With contestants meeting early Sunday at Yallingup, the prompt decision to travel south proved a stroke of genius, with contestants finding a bounty of long-peeling waves.

The break, which is similar to Cott Main with its groyne-like granite prominence providing a natural protection from southerly winds, has been a popular choice for them, with

contests held there in 2002 and 2006.

Like former Cottesloe surfing greats who hail from the East Fremantle area, such as Richard Kelly, Tevita Gukilau and Jamie Eisvold, Alex has risen to the top of his peer group via the Stirling Bridge.

Alex looked in form right from the start with a huge vertical re-entry in his first heat.

He then performed a huge floater-to-airdrop in the final, which landed him comfortably in first place among Cottesloe's future surfing stars.

Results

Brownies/CBR Junior: 1 Alex McGuffin, 2 Moses Le Grice, 3 Reid Bevan and 4 Elias Grimes.

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Walker to quit Neds

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"The ability to make decisions on a level playing field is impossible."

Ms Walker said planning matters, money and mergers were the big issues facing Nedlands.

"One of the difficulties I have experienced has been the inability of the state government to pass our new planning scheme," she said.

"The council has been divided on how we should support it.

"When the budget was being prepared one councillor believed the council was in debt to the value of \$42 million; this is yet to be confirmed or denied and it makes the sale, acquisition and maintenance of assets difficult."

In the wake of the Metropolitan Local Government Review panel (Robson) report into council reform, Ms Walker has tabled a motion that Nedlands council should revive the call for a referendum.

"Above all else I value the democratic process and it is important ratepayers have their say rather than elected members driving the agenda," she said.

"One of the best things about the job is the ratepayers. I have met some fantastic ratepayers.

"The Robson report is an opportunity for the community to have a voice.

"While I remain in Perth, I will remain on council."

Buckeridge wall

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Mr Vandongen said the neighbour to the south of the property had no issue with the retaining wall.

"It's a relatively minor development in the scheme of things," Mr Vandongen said. "It's not commercial; it was for a grand-nephew of Mr Buckeridge.

"He was going to live in one and the other is to be given to him as a gift."

Mr Nadebaum said the neighbour's not caring was irrelevant.

"What's at stake here are proper planning principles," he said.

Mr Randazzo said he would deliver his judgement on November 27.