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Probing injustice, WA style

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A man was wrongfully jailed for 12 years, reports Brad Newsome.

FROM the very start, it looks like the crudest attempt at a stitch-up. Detectives investigating the murder of Perth woman Pamela Lawrence have a clearly deluded Andrew Mallard in their interview room. They have just switched on the video camera for the last 20 minutes of more than 11 hours of interviews.

Mallard, who is in the manic phase of his bipolar disorder, is trying to help them by thinking up different ways the murder might have happened. But when he gets an idea for a new scenario the detectives hurry him back on to the story they like best.

This case will never make it to court, you might think, and even if it does, it'll be thrown out straight away.

But it wasn't. That interview, a non-existent spanner and the withholding of much vital evidence put Mallard in jail for 12 long years. It was only a tireless campaign by his family and supporters that finally set him free two months ago.

The documentary *Saving Andrew Mallard*, follows the astonishing case from that initial interview through the prosecutor opening the trial by describing Mallard killing Lawrence with a wrench - despite state forensic pathologists having established that it could not have been the murder weapon - to his years in jail and eventual release.

Mallard's sister, Jacqui, who led the campaign to free him, still cannot understand why her brother was forced to endure such an ordeal. "We as a family were so stunned that we had to go to court and sit through a trial like that because we trusted the police. We thought, 'Anyone can see it's a load of rubbish'," she says.

"I'm very angry and bitter. It's taken 12 years of our family's life. You don't just put one person in jail - everybody's going through it.

"Every day you're thinking who can you write to? Who can you call? Who will listen?"

In Jacqui Mallard's case that was newspaper investigative journalist Colleen Egan, who became convinced of Mallard's innocence after reading his trial transcripts. Egan enlisted the help of John Quigley, a police union lawyer turned state MP, who quickly came to the same conclusion.

Although the West Australian Court of Appeal dismissed their appeal, the team fought on to the High Court in Canberra, which last November ordered Western Australia to hold a retrial. In February, the charges were dropped for lack of evidence and Mallard was released.

"It's been tough. It's been emotional. We've had times we've sat and cried together and wondered if we were ever going to get through this," Jacqui Mallard says.

"It was really hard work at times. If we'd had any doubt that Andrew had done this crime we'd have been able to leave it, but we knew it wasn't true. There's never been any forensics or DNA or anything that pointed to Andrew, but there were signs that pointed to other people."

West Australian Director of Public Prosecutions Robert Cock has said, however, that Mallard remains the prime suspect in Pamela Lawrence's murder, something that outraged the documentary's maker, Michael Muntz.

"I thought, 'How dare he say that?' and the legal team were ropeable," Muntz says. "It was like sticking a knife into him."

Muntz, best known for his acting roles in *A Country Practice* and other television series, says Western Australia's justice system needs an overhaul.

"It's only by cases like this being made public that things change," he says, pointing to the change in British police culture that followed the exposure of the wrongful convictions of the Guildford Four and the Birmingham Six over IRA pub bombings.

Jacqui Mallard says her brother is now recovering.

"It's a culture shock, because prison has its culture . . . he stood at doors and waited for them to be opened when he first came out," she says.

"He tries to have a 'freedom experience' every day - go to the beach and watch the sunset or go for a walk wherever he wants or have a coffee in a coffee shop."

He is also undergoing counselling for his ordeal, one of the most bitter blows of which was the death of his father while he was in prison. Mallard now plans to study fashion and design and live in Britain.

Muntz is full of praise for Mallard's family and the legal team led by QC Malcolm McCusker, which worked unpaid to free him.

"Winston Churchill once said 'Men occasionally stumble over the truth, but most of them pick themselves up and hurry on as if nothing ever happened.' These guys didn't hurry on, and I think that's to their eternal credit," he says.

Muntz is working on another documentary about Andrew Mallard's new life, the re-opened investigation into Pamela Lawrence's murder, and the West Australian Corruption and Crime Commission investigation into allegations of misconduct by those involved in the investigation and prosecution. (That investigation was launched after a stinging parliamentary speech by Quigley in which he alleged that "the police hijacked the course of justice and repeatedly deceived the judges of the Supreme Court".)

Jacqui Mallard can't wait to see it. "Some people deserve to have charges laid against them," she says. "They set him up big-time."

Saving Andrew Mallard screens next Thursday at 8.30pm on the ABC.