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Corryn Rayney trail has cooled, but may yet yield clues

VICTORIA LAURIE THE AUSTRALIAN SEPTEMBER 06, 2014 12:00AM

SAVE



Lloyd and Corryn Rayney. Lloyd Rayney's lawyers have called for a cold-case review of his wife's unsolved murder. Source: News Limited

FORMER West Australian attorney-general Jim McGinty has never forgotten the telephone call he received from the state's Chief Justice Wayne Martin in early August 2007.

"I can vividly remember the call that morning because I was suddenly in the hot seat," he says. "Wayne said: 'Jim, we have a problem. One of our registrars in the Supreme Court hasn't come to work and she's always reliable. You know her — it's Corryn Rayney, Lloyd Rayney's wife, although they've been having marital problems. We suspect there might be something wrong.'"

It would turn out to be a major understatement; the impact of that call and those events have reverberated for seven years, through Perth's close-knit legal fraternity, the state's tightly protective police force and into the wider community.

Seven years after Corryn Rayney's body was found buried in Perth's biggest bushland expanse, Kings Park — and nearly two years after her husband was found not guilty of wilful murder — Lloyd Rayney is still fighting to reclaim his life, his reputation and the public's acceptance of his innocence.

But another presence in the saga still struggles to reclaim its credibility: the WA police force. And this week, as Lloyd Rayney's lawyers called for a cold-case review of this tragic unsolved murder, disquiet has arisen over the deafening silence of WA's Police Commissioner, Attorney-General and Police Minister in the matter.

Two weeks ago, Rayney broke his own protracted silence by participating in an hour-long documentary, *The Lloyd Rayney Story*, written and directed

OPINION

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A TEENAGER and a 20-year-old have become the first

by Michael Muntz. In it, Rayney described the effect on his life and that of his two teenage daughters, Caitlyn and Sarah, when, a few weeks after Corryn's body was found, Major Crime Squad detective Jack Lee told a packed media conference that Rayney was their "prime" and "only suspect".

The program showed how the gregarious Corryn Rayney had disappeared after a boot-scooting dance class in an inner suburb on August 7, and how only a telltale trickle of sump oil from a car driven from her bush gravesite had led police back to the grisly discovery of her body a week or so later.

It recounted how hostile email exchanges between the estranged couple, who were still sharing the family home, were made public; how Lloyd Rayney had been spat on and had rubbish dumped over his head, his lucrative barrister's career destroyed.

It also reported that, after intense surveillance and three years of a multi-million-dollar investigation, Rayney was stopped in his car — outside the court where his wife had worked — handcuffed and charged with wilful murder.

The documentary also recounted how, in the absence of witnesses and after the prosecution's forensic evidence was shredded by his defence team, Rayney was found not guilty in November 2012 by trial judge Brian Martin.

The "sole suspect" case the police had pursued so confidently from the earliest days had completely collapsed. Lloyd Rayney's defence had provided pollen evidence that showed Corryn took her last breaths by the bush grave and not, as the prosecution insisted, at the family home.

Justice Martin pointed to "a lack of logic" in the state's case; more pointedly, he cited "unsatisfactory features" about how certain evidence was produced that "have left me with a distinct feeling of unease".

The documentary has been a sharp reminder of how close the WA police and judicial system came to another miscarriage of justice — for the Rayney murder joins a raft of unsolved or bungled cases in the state's recent history.

McGinty, who was Labor's state attorney-general from 2001 to 2008, says that as the trial had unfolded, "there wasn't a lawyer in town, including me, who thought Lloyd would be found guilty".

Police and prosecutors had seemed blind to the possibility that someone other than Rayney had committed the murder, he says. "That's the real lesson to be learned from this: don't join the dots to prove it was Lloyd Rayney, join the dots to see who it was."

McGinty knew Lloyd Rayney well and had met Corryn Rayney on a few occasions. Lloyd had been a former senior state prosecutor in his own Department of Public Prosecutions and Corryn was a registrar at the Supreme Court.

When McGinty watched the documentary, he says he was amazed to see the "always very dapper, always very measured" Lloyd Rayney reduced to tears as he described "this nightmare that's gone on for seven years and still hasn't finished".

The program revisited claims that two other known violent criminals, living near the Rayney home and connected — in one man's case — to a discarded cigarette butt outside the house, were never pursued by police.

"There needs to be an investigation," Lloyd Rayney observed, "(but) not by the same investigators who stuffed this up."

Documentary director Muntz is well-versed in other botched murder inquiries in WA. His former partner, journalist Estelle Blackburn, exposed miscarriages of justice in the 1960s cases of two Perth men — John Button and Darryl Beamish — whose alleged crimes were, in fact, committed by a serial killer.

Muntz also produced the award-winning documentary *Saving Andrew Mallard*, about a vulnerable drifter wrongly convicted of the brutal murder of



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Andrew Mallard spent 12 years in prison, was later released and paid \$3.2 million in compensation, but only after investigative journalist Colleen Egan and a volunteer team of lawyers, including QC and former state governor Malcolm McCusker, exposed flaws in the case.

“Prior to Mallard, I’d always thought we had a world-class police system that had cleaned up its act since Buton,” Muntz tells Inquirer.

“But I’ve realised the ‘nominative’ method of investigation — where you find a suspect and build a case around him — is still rife in the WA police force.”

He questions the lack of in-depth response by the state’s highest law officers to the Rayney not-guilty finding two years ago, or the state’s failed appeal last September, or last week’s call by the Rayney team for a cold-case review of Corryn’s unsolved murder.

Muntz says he was astonished to hear state Attorney-General Michael Mischin (a former state prosecutor who once worked alongside Lloyd Rayney) describing the documentary as a “one-sided” program and “infotainment”.

“The fact is we invited comment from the WA Police and the Police Commissioner himself,” Muntz says, “and from the Police Union, the Minister for Police and the NSW prosecutor on the case. All refused.”

The tables now have been turned; while Rayney refused to give evidence at his own trial, now it is his accusers who are silent. Police cite their inability to comment on any matter relating to this case “due to current legal proceedings”, both criminal and civil.

It alludes to a still-pending defamation action by Rayney, lodged against the state in 2008 after police named him as their prime suspect.

“We emphasised that we would not ask any questions that related to those pending issues,” says Muntz. “We just wanted to ask about matters relating to the police investigation of Corryn Rayney’s murder, and to ask the commissioner about holding a cold-case review.”

Rayney’s defence barrister David Edwardson says he can’t understand the “incredible resistance” on the part of WA’s police to such a review. “It’s an operational decision that hasn’t got anything to do with other proceedings. Clearly something’s gone terribly wrong. We know that, given the findings of the trial judge about where Corryn died, that Lloyd Rayney cannot be the killer. Surely if you haven’t identified the killer or killers responsible, you’d get on with it?”

State Labor MP John Quigley, a QC who helped free wrongfully jailed Mallard, sees a problem with the WA police conducting a cold-case review.

“The police are seriously conflicted in that they are, and have been for years, defending a defamation writ brought by Mr Rayney. If the cold-case review was to deliver what Mr Rayney was hoping it would deliver, that would be completely undercutting the whole police department and its defence to defamation.”

Instead, Quigley says there should be a coronial inquiry into Corryn Rayney’s murder and the police investigation that followed.

Crucially, such an inquiry could examine the police file on the Rayney matter, which was not made fully public at trial.

Quigley says it would “shed the best light on police workings”, including exactly how, why and when they came to view Lloyd Rayney as the “prime and only suspect”.

It was the police file that provided the breakthrough in solving the Mallard case, he says. It revealed that a crucial forensic report had not been disclosed to the defence, one that disproved a theory about the kind of weapon used in the murder.

Mallard’s bizarre rambling “confession” to the murder was discredited and his conviction quashed; a cold-case review followed and shed light on a

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McGinty says various governments have attempted to remedy the problems in WA's legal and judicial system. "We legislated to require disclosure of all evidence prior to trial, in order to address the problems in the Mallard trial."

As attorney-general, he initiated the Kennedy royal commission in 2002 to determine whether any WA police officers had engaged in corrupt or criminal conduct. It led to the creation of the state's Crime and Corruption Commission.

"It's made significant changes but the opposition of police to the CCC suggests that we have not been as successful as we had hoped," says McGinty.

The Rayney case has "taught us about the need culturally for the police to keep an open mind".

Nothing was more telling about the "culture" of WA's police than when the Rayney police taskforce members turned up to court wearing identical ties.

Some people say Perth's tight social circles make it harder for radical reforms in behaviour or for arms-length analysis of problems.

Yet Rayney's barrister David Edwardson says the prosecuting authorities and the government recognised the clear need to bring in an interstate trial judge and prosecutor to deal with the Rayney trial. And in the criminal appeal, "everybody at the bar table and the quorum of the court was from interstate".

"The reason for that was there could be no suggestion of anything other than complete independence. That's why it's so important in these circumstances for the investigating group, whoever that might be, to be completely at arms-length and brought in from outside."

Mischin has told Inquirer: "Notwithstanding that Mr Rayney was acquitted, I am not aware of any evidence to support the contention that the murder of Mrs Rayney was not adequately investigated. Nevertheless, in the light of recent publicity alleging the involvement of others, I will consult with the Acting Minister for Police as to an appropriate course of action." It is the closest anyone has come to taking the next step.

Lloyd Rayney still faces uphill battles, personal and professional. His legal career remains shattered; he has yet to be re-listed by the Legal Practices Board. He laments that Caitlyn and Sarah, now young adults, may never know who killed their mother.

"We're still standing," are his last words in the documentary, as he is shown walking away from the camera with his daughters.

For all parties in the tragic case of Corryn Rayney's murder, the nightmare goes on.



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