

SYNOPSIS

SAVING ANDREW MALLARD is the story of a man allegedly betrayed by the West Australian justice system and how three women set out to 'save' him from a lifetime in prison. It documents a 'David and Goliath' tale of how a small team of supporters can force the justice system to take another look.

Twelve years ago, in the leafy Perth suburb of Mosman Park, an attractive middle aged woman was murdered in her jewellery shop. Bashed about the head some twelve times with a blunt object, police described it as a frenzied attack.

Andrew Mallard was living in the area at the time. With no money, low self-esteem and a psychiatric disorder, Andrew was passing himself off as an undercover cop and smoking a lot of marijuana obtained from the proceeds of petty theft. He'd emigrated to Australia from England with his parents as a child – to the land of sunshine and hope. Nothing could prepare him for what was about to happen next.

The police bring Andrew in for a total of twelve hours of questioning and claim he confesses. Andrew says he never confessed. He was successfully prosecuted on the strength of this so-called 'confession' – unsigned handwritten notes in detectives' notepad, plus a bizarre 20-minute interview in which Andrew gives a third-person "theory" about how the crime may have been committed. He is sentenced to thirty years life imprisonment.

Andrew's family and friends work tirelessly to clear his name and get him released. When his heartbroken father ROY dies of cancer, it is left to his ageing mother GRACE and feisty sister JACQUI to continue the rescue effort. Along the way they enlist a colourful array of supporters; investigative journalist COLLEEN EGAN, MP JOHN QUIGLEY and QC MALCOLM MCUSKER all of whom work unpaid to try and prove Andrew's innocence.

Almost a decade after Andrew is convicted, the "Rescue Team" present fresh evidence to the Supreme Court of Appeal. They argue that a sub-standard police investigation led to the wrong man being arrested, and that a prosecutor hell-bent on securing a conviction withheld crucial police evidence. And for the first time in Australian legal history, the results of a lie detector test are considered in court. In a decision that shocks Perth's small legal community, the appeal is turned down. The last recourse is the High Court of Australia.

SAVING ANDREW MALLARD is a compelling story of how a small team of 'ordinary folk' force the justice system to take another look.

IMPACT

Politically it was a difficult story to tell, because of all the vested interests in the case at top levels of WA judiciary, police and government. Michael and the production company came up against 'pressure', both overt and hidden. Solicitors representing three detectives featured in the documentary, sent letters advising of the possibility of legal action if the documentary was broadcast. The police opposed the Production Company's application to the Supreme Court for permission to use vision from Andrew Mallard's police interview which was video taped. Michael, who had seen this video in court at Mallard's appeal hearing, was left with no option but to film re-enactments of this interview based on what he had seen and transcripts which he obtained from Mallard's legal counsel.

The documentary which took four years to complete was unfunded for two years before the ABC/AFC and ScreenWest funding came through. The funding obtained was well below the average for a 55 minute program.

Saving Andrew Mallard raised public awareness of a major miscarriage of justice. Since its screening on the ABC on 4th May, 2006 the five detectives involved in the case (two of whom are now Assistant Commissioners) have been stood down by W.A.'s Police Commissioner pending an inquiry into their conduct by the Corruption and Crime Commission. Furthermore, the Leader of the State Opposition called on the police and DPP to apologise to Andrew Mallard and Justice Kirby of the High Court was moved to write:

"I sat and watched your Mallard film. The great lesson for me, a judge, was as to what goes on behind the scenes. It is 32 years since I was appointed. So one tends to forget. It was a timely reminder. And especially in view of subsequent events. There is always a need for vigilance against injustice."

Saving Andrew Mallard was the highest rating documentary in its time slot when screened on the ABC in 2006.

Press Comments:

"Like many a finely crafted mystery novel, this documentary begins with a shocking fragment - real police footage of a "killer's confession" - then reveals the full story with a pace so measured and a tone so understated, its horrors almost catch you unawares"

"a remarkable story and a clever and affecting piece of storytelling"

The Age Thursday 27th April

<http://www.documentaryaustralia.com.au/da/index.php>