

Rough justice

A film about a man wrongly jailed for murder highlights flaws in the legal system. **Brad Newsome** reports.

From the start, it looks like 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 camera for the final 20 minutes of more than 11 hours of interviews. Mallard, who is in the manic phase of bipolar disorder, is trying to help them by thinking of ways the murder might have happened, but when he gets an idea for a new scenario the detectives hurry him back 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 immediately. It wasn't. That interview, a non-existent spanner and the withholding of vital evidence put Mallard in jail for 12 years. A tireless campaign by his family and supporters freed him only two months ago.

The documentary *Saving Andrew Mallard* follows this astonishing case from that first interview through the trial (in which it was claimed Mallard killed Lawrence with a wrench, even though forensic pathologists established 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 can't understand why her brother was forced to endure such an ordeal. "We trusted the police," she says. "We thought, 'Anyone can see it's a load of rubbish'. I'm very angry and bitter. It's taken 12 years of our family's life ... Every day you're thinking who can you write to? Who can you call? Who will listen?"

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

The West Australian Court of Appeal dismissed their case but they fought on to the High Court in Canberra, which last November ordered 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."

However, the West Australian Director of Public Prosecutions, Robert Cock, says Mallard remains the prime suspect in Lawrence's murder, something that outrages 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 as an actor, whose credits include *A Country Practice*, says Western Australia's justice system needs an overhaul. "It's only by cases like this being made public that things change," he says.

Jacqui Mallard says her brother is now recovering. "It's a culture shock because



Family bonds ... Andrew Mallard with his sister and mother; and (right) filmmaker Michael Muntz.

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 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. "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 reopened investigation into Lawrence's murder and the Corruption and Crime Commission of Western Australia's investigation into allegations of misconduct by those involved in the case.

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 on the ABC on Thursday at 8.30pm. See preview, page 16.