

## Legislative Council

Thursday, 18 June 2009, Page 2737

### BROMLEY, MR D.

**The Hon. A. BRESSINGTON** (14:45): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about the incarceration of Mr Derek Bromley.

Leave granted.

**The Hon. A. BRESSINGTON**: Like other crossbenchers, I was recently contacted by Mr Derek Bromley, who is serving a term of life imprisonment for the murder of Mr Steven Dacoza in 1984. Mr Bromley has consistently proclaimed his innocence and in 2006, 22 years after he was first taken into custody, presented to the Governor a petition for the re-examination of what was crucial evidence in his prosecution. No surprises: Dr Colin Manock features heavily in that.

Mr Bromley has now served the traditional 25 years imprisonment required by a life term; however, this is no guarantee of release and Mr Bromley will still have to successfully convince the Parole Board that he is fit for re-entry into society. This possibility has been denied Mr Bromley because he maintains his innocence and, as such, is considered ineligible for many of the rehabilitative requirements imposed by the Department for Correctional Services. Failure to undertake these programs has meant that he is unable to attain the necessary security status which the Parole Board requires before it is able to make a determination.

Whilst I fully understand the value placed on a perpetrator's acceptance of guilt and remorse for the harm caused, this must not become an obligatory requirement for release, particularly within a flawed justice system. In effect, the department is applying the 'witch test' to Mr Bromley, requiring him to undermine his own petition to the Governor by dictating that he admit, against his will, guilt for a crime that he says he did not commit.

This issue was raised in 2007 by the Hon. Andrew Evans, who asked the minister at the time what protocols were in place to deal with prisoners who maintain their innocence. That question, like many asked by Mr Bromley of relevant people in positions of authority, went unanswered. My questions are:

1. Does the Attorney truly believe that our justice system is infallible?
2. If not, can he explain how, within a flawed justice system in which miscarriages of justice can occur from time to time, such miscarriages ever come to light and are resolved?
3. Does the Attorney agree that, in a flawed justice system in which miscarriages of justice do occur from time to time, a steadfast requirement that a prisoner can be pressured to admit guilt for their alleged crime before they are eligible for release is inappropriate?
4. If the government is opposed to an ICAC, will consideration be given to the establishment of a criminal case review commission, as has been established

in Great Britain, where over 250 cases have been overturned upon review by this commission?

The PRESIDENT: Order! Parts of those questions from the honourable member seek opinion. I remind honourable members that it is against standing orders to seek opinion and that questions can be ruled out of order for that reason, but other parts of the honourable member's questions are in order.

**The Hon. P. HOLLOWAY** (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:48): Regardless of what one thinks of the justice system, it has in place checks and balances. For those people who proclaim their innocence, there are ways in which that can be tested, and they have been exercised on a number of occasions.

I do not see what relevance the debate about an ICAC would have in relation to a finding of guilt within the court system, in most cases. Obviously, juries will make their decisions. Sometimes they will find people innocent, but a lot of people will scratch their head and wonder how they came to that conclusion. The reverse may also be true, but that is the system that we have had for many centuries and there are obviously checks and balances within the system. If there is anything further that the Attorney would like to add, I will provide him with the questions and give him the opportunity to do so.