

31 March 2006

The Honourable Bob Debus MP  
Attorney-General for NSW

Dear Mr Debus,

Following convictions at a trial in 1991, I spent nine years and eleven months in gaol from 1991 to 2001. On 24 July 2001 you referred my case to the Court of Criminal appeal pursuant to s. 474C(1)(b) of the Crimes Act. On 17 August 2005 that court quashed six of my eight convictions (*R v Catt* [2005] NSWCCA 279). In September 2005 the DPP advised that he would proceed no further on those charges.

On the two charges where the convictions were not quashed, I had been sentenced to concurrent terms of 15 months expiring on 10 December 1992. The result is that I was imprisoned from 10 December 1992 to 6 August 2001 (8 years 8 months) for offences on which my convictions have been quashed. I had also been imprisoned prior to my trial for several periods totalling one month, and was on bail subject to conditions from 6 August 2001 to September 2005.

I seek compensation ex gratia for having spent such a long period in prison without just cause. I know that there is no basis on which I can pursue a claim in court for compensation, and I am not seeking as compensation the sort of amount which would be awarded as damages for a false imprisonment or malicious prosecution involving imprisonment for more than eight years, which would be millions of dollars. I am, however, seeking substantial recompense and recognition of the extreme suffering and disruptive effect on my life from such a lengthy and unjustified period in harsh conditions. I am aware that in other cases ex gratia payments have been made in such circumstances.

There was a significant degree of impropriety in the prosecution which led to my convictions. The investigating officer, Detective-Sergeant Peter Thomas, had previously caused me to be charged in 1984 with a matter which was later no billed. I had complained to police Internal Affairs about a number of aspects of Mr Thomas' behaviour in relation to this affair. The judge at my bail application expressed unease as to the objectivity of Mr Thomas, and said subsequently that his unease had grown into something

much stronger (Allen J, judgment on bail, 3/10/89). It is clear that Mr Thomas should never have been in charge of the investigation. In the Court of Criminal Appeal, McClellan AJA said: *“It was apparent at the time of the trial that because of previous dealings with each other Det. Sgt. Thomas was not an appropriate police officer to have charge of the investigation.”* (judgment para 39, see also para 134).

The major reason for my appeal succeeding was evidence of improper behaviour, and tendency to improper behaviour, including putting pressure on people to give false evidence, by Mr Thomas (see for example, judgment paras 105, 107, 109, 155).

The circumstance of having spent nearly nine years in gaol as the result of convictions now quashed is itself highly unusual. To have done so as the result of evidence gathered by a person who should never have been in charge of the investigation creates quite extraordinary circumstances.

I have no doubt you will give this application serious consideration. I ask, however, that I be given the opportunity to respond to anything raised against it. I will, of course, provide any other information you may require.

Yours sincerely

Roseanne Catt