

(REF. 46.)

POINT THAT THE PROCEDURAL DEFECT WHICH GAVE RISE TO A MISCARRIAGE OF JUSTICE INVOLVED IN THE PRESENTATION BY THE CROWN OF A SCENARIO SUBSTANTIAL ELEMENTS OF WHICH WERE, AS THE NEW EVIDENCE SHOWED, APT TO MISLEAD THE JURY IN PERFORMING THEIR FUNCTION.

PARA. 152. THE TRIAL WAS UNFAIR IN A WAY WHICH WAS APT TO DEPRIVE MR STAFFORD OF THE CONSIDERATION BY THE JURY OF THE REAL CASE WHICH COULD FAIRLY BE MADE AGAINST HIM 34 (2005) 224 CLR 300 AT 317 [45], 39. RATHER THAN A THEORETICAL CASE IMPORTANT ASPECTS OF WHICH WERE NOT SUSTAINABLE ON A FAIR VIEW OF THE EVIDENCE. IN MY RESPECTFUL OPINION, IN THIS CASE THERE WAS A SIGNIFICANT DENIAL OF PROCEDURAL FAIRNESS IN THAT THE CROWN CASE WAS PRESENTED TO THE JURY IN A WAY WHICH CAN BE SEEN IN RETROSPECT TO HAVE UNFAIRLY DEPRIVED MR STAFFORD OF "THE CHANCE TO HAVE THE FAVOURABLE RESPONSE OF THE JURY" 35 ON THE QUESTION OF HIS GUILT."

199. INDEPENDENT COMMISSIONER AGAINST CORRUPTION ACT 2012, S.A.

SECTION 5. CORRUPTION, MISCONDUCT AND MALADMINISTRATION

200. "5.(2) IF THE COMMISSIONER SUSPECTS THAT AN OFFENCE THAT IS NOT CORRUPTION IN PUBLIC ADMINISTRATION (AN INCIDENTAL OFFENCE) MAY BE DIRECTLY OR INDIRECTLY CONNECTED WITH, OR MAY BE A PART OF, A COURSE OF ACTIVITY INVOLVING THE COMMISSION OF CORRUPTION IN PUBLIC ADMINISTRATION (WHETHER OR NOT THE COMMISSIONER HAS IDENTIFIED THE NATURE OF THAT CORRUPTION), THEN THE INCIDENTAL OFFENCE IS, FOR SO LONG ONLY AS THE COMMISSIONER SO SUSPECTS, TAKEN FOR THE PURPOSES OF THIS ACT TO BE CORRUPTION IN PUBLIC ADMINISTRATION."

201. "5.(5) WITHOUT LIMITING OR EXTENDING THE CONDUCT THAT MAY COMPRISE CORRUPTION, MISCONDUCT OR MALADMINISTRATION IN PUBLIC ADMINISTRATION, THIS ACT APPLIES TO CONDUCT THAT —

(c) COMPRISES A FAILURE TO ACT; OR"

(REF. 47.)

202. CORRECTIONAL SERVICES ACT 1982, S.A., IN FORCE AS AT FEBRUARY 2010

SECTION 63. POWERS OF THE BOARD

“63.(1) FOR THE PURPOSES OF PROCEEDINGS BEFORE THE BOARD UNDER THIS ACT OR ANY OTHER ACT, THE BOARD MAY —

(B) BY SUMMONS SIGNED ON BEHALF OF THE BOARD BY A MEMBER OF THE BOARD, REQUIRE ANY PERSON TO PRODUCE ANY DOCUMENT RELATING TO ANY MATTER BEFORE THE BOARD; OR

(C) REQUIRE ANY PERSON TO FURNISH THE BOARD WITH A WRITTEN REPORT OR WRITTEN INFORMATION IN RELATION TO ANY ASPECT OF A MATTER BEFORE THE BOARD; OR”

203.

“63.(2) A PERSON WHO —

(A) HAVING BEEN DULY SERVED WITH A SUMMONS, FAILS TO ATTEND BEFORE THE BOARD, OR FAILS TO PRODUCE DOCUMENTS, AS REQUIRED BY THE SUMMONS; OR”

“IS GUILTY OF AN OFFENCE.

MAXIMUM PENALTY IS \$5000 OR IMPRISONMENT FOR 3 MONTHS.”