



## HIGH COURT OF AUSTRALIA

Public Information Officer

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DAVID HAROLD EASTMAN v DIRECTOR OF PUBLIC PROSECUTIONS OF THE AUSTRALIAN CAPITAL TERRITORY, IAN PIKE, ATTORNEY-GENERAL (ACT) AND THE HONOURABLE JEFFREY MILES.

The High Court of Australia today unanimously allowed an appeal by Mr Eastman against a decision of the Federal Court blocking an inquiry into his fitness to plead to a charge of murder.

Mr Eastman was convicted in 1995 of the 1989 murder of Australian Federal Police Assistant Commissioner Colin Winchester. During the ACT Supreme Court trial lasting almost six months, Mr Eastman was sometimes without legal representation and exhibited what the Full Court of the Federal Court described as erratic behaviour. He appealed unsuccessfully against his conviction as far as the High Court.

Mr Eastman then petitioned the then ACT Chief Justice Jeffrey Miles for a judicial inquiry under section 475 of the ACT's Crimes Act. In 2001, Chief Justice Miles appointed Mr Pike, a former New South Wales chief magistrate, to head an inquiry into Mr Eastman's fitness to plead. Just before Mr Pike's inquiry began taking evidence in 2002, the DPP began proceedings seeking a declaration that the inquiry was not authorised by s 475 and an injunction restraining Mr Pike from conducting it. Both actions were dismissed, but the Full Court of the Federal Court, by majority, allowed the DPP's appeal. Mr Eastman then appealed to the High Court.

The question in the appeal was the construction of s 475, particularly the meaning of guilt. The DPP argued it referred only to the alleged wrongdoing that constituted the offence, not the process by which guilt was established. Mr Eastman and the ACT Attorney-General argued guilt meant guilt established by conviction, so that a doubt or question as to guilt could include matters affecting the process by which guilt was established, in particular fitness to plead.

The High Court held that the latter meaning was what was intended by s 475 and that Chief Justice Miles's decision to direct a s 475 inquiry was valid.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*