

## COLIN CAMPBELL ROSS REMAINS HANDED BACK TO FAMILY

From the Deputy Premier

Monday, 18 October 2010

Deputy Premier and Attorney-General Rob Hulls today handed back the remains of Colin Campbell Ross to his family at a service at the Old Melbourne Gaol. Mr Ross was hanged at the Gaol in 1922 for the murder of schoolgirl Nell Alma Tirtschke, which became known as the Gun Alley murder.

Mr Ross was granted a pardon by His Excellency Governor David de Kretser in 2008 following a petition for mercy based upon substantial research which raised doubts about Mr Ross' murder conviction.

At the time, Mr Hulls gave a public commitment to return Mr Ross' remains to his family if they could be identified.

Mr Hulls said today's service at the Gaol where Mr Ross proclaimed his innocence before he was hanged was a fitting place to return his remains to his niece Betty Everett for a private burial.

"Today is an opportunity to right an historical wrong," Mr Hulls said.

"Mr Ross' family was never able to give him a proper burial. In fact, when his mother wrote to the government in 1924 asking for the return of her son's body, the response was 'there is no provision in the law to enable your request to be complied with'.

"It is my privilege therefore to be a part of this moving service, to finally return his remains to his family on behalf of the Government, and give them the opportunity to give him the farewell he was denied."

The service involved Mr Ross' oldest surviving niece, Pat Spencer, reading passages highlighted by Mr Ross in his Bible, which he dedicated to his mother, Elizabeth, and which is on display at the Old Melbourne Gaol.

Mr Ross' remains were exhumed from a mass grave at Pentridge in 2007. The Coroner last month determined they could be released following scientific examination by the Victorian Institute of Forensic Medicine.

Mr Ross was found guilty by the Supreme Court in 1922 of murdering Alma Tirtschke, who was raped and strangled while running errands for her aunt in December 1921. Her naked body was later found in a cul-de-sac off Gun Alley near the notorious Eastern Markets.

Mr Hulls said Mr Ross' pardon was based on a petition for mercy made by Mrs Everett and Miss Tirtschke's niece, Bettye Arthur, following new evidence uncovered by Kevin Morgan in his book *Gun Alley: Murder, Lies and the Failure of Justice*.

Mr Morgan arranged for forensic tests to be undertaken on original hair samples in the prosecution's trial brief file, which indicated samples of hair taken from Miss Tirtschke did not match samples on a blanket in Mr Ross' possession. Mr Morgan also detailed new character evidence about the Crown witness Sydney John Harding.

"If ever we needed an illustration of the injustice of the death penalty, this is it – tragically, heartbreakingly irreversible even when doubts about a conviction emerge," Mr Hulls said.

"Now that Mr Ross' remains have been identified, it is my privilege to honour the commitment I made to his family and hope that, in some small way, it offers a measure of peace for two families united by resilience and grief."

National Trust of Australia (Victoria) chief executive Martin Purslow said the Trust recognised the significance of the Colin Campbell Ross story, which was used as part of its Crime and Justice Experience to educate the public about the justice system.

"Mr Ross was held in the Watch House, appeared in the City Court, and was incarcerated in and eventually executed in the Gaol," Mr Purslow said.

"The Old Melbourne Gaol continues to research historical cases and interpret them in the context of today's justice system. As such, the story of Mr Ross is central in the development of a new Gaol program for secondary students that explores capital punishment by linking historic and contemporary perspectives.

"In the past two years the Trust has installed updated interpretation on this story including Mr Ross' pardon in 2008, and the learnings we can take when interpreting today's justice system. This update has included appropriately dedicating the condemned cell in the Gaol wing to Mr Ross' story."

