

Inquiry into the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019

**Report on key messages
from the Law and Justice Committee meeting
with family members in Bowraville
24 June 2019**



Background and purpose of the meeting

- 1.1 On 24 June 2019 the Law and Justice Committee travelled to Bowraville to meet with family members of Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux. The informal private briefing took place as part of the Committee's inquiry into the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019.
- 1.2 Approximately 15 family members attended, along with support people from the Jumbunna Institute for Indigenous Education and Research and the NSW Police Force. The Chair also spoke with four additional family members after the meeting.
- 1.3 The purpose of the meeting was for the committee to respectfully engage the family members in the inquiry process: to establish a relationship, acknowledge the families' experiences to date, and to explain the inquiry's purpose and process.
- 1.4 The committee's task in conducting the inquiry is to examine the technical, legal implications of the Bill's proposed amendments to the current law, and this was explained to the family members on the day.
- 1.5 The meeting commenced with each member of the committee introducing themselves to participants and acknowledging the families' experiences. The discussion then proceeded around the table, with every family member and support person present invited to address the committee, and each person taking up that opportunity.

This report

- 1.6 This report summarises the key messages from the families present at the meeting.

Key messages from the families

- 1.7 Family members indicated that they understood the committee's role in this inquiry and its concern not to raise any false hopes on their part. They emphasised that their ongoing quest for justice is about making sure that what has happened to them doesn't happen to other families, and also so that they can get a resolution in respect of the murders of Colleen, Evelyn and Clinton.
- 1.8 Family members called on the committee to help them by supporting the bill, stating, 'We've always done what the law has asked us to. When is it going to stop and work in our favour?' Another person stated, 'We've done right by the law, respected the law. Now we're asking the law to start respecting us.'
- 1.9 They noted that they were taught that the role of the law is to deliver justice, saying, 'When something goes wrong the law should fix it. That's what we were taught. It's about the law now, fixing it, making it right for everybody. It won't bring our kids back but it will make this right.'
- 1.10 Family members told the committee, 'There's only one thing we want. It's justice. We've jumped through lots of hoops and they keep getting smaller.'

- 1.11** Participants spoke of the length of time – almost 30 years – they have been fighting for justice, pushing back and forth against the system, especially since the second trial in 2006. They told the committee of the huge toll this has taken on them, as well as the way that it had brought their families together.
- 1.12** Family members said that the recent court decision not to allow an appeal particularly devastated the families. 'It's been hard seeing some very strong people gutted by that decision and it's been hard to heal after it ... We're trying to heal together but we're really tired.'
- 1.13** They emphasised that there has been a lot of pain for their families for too long, and something needs to be done. The lack of justice has been bad for family members' mental health and wellbeing, bringing mental anguish and difficulty sleeping. It has also resulted in intergenerational trauma, which in turn has flowed into the small community in Bowraville.
- 1.14** Those from Colleen, Evelyn and Clinton's generation have never had closure. Now they also need closure for their own children's benefit. 'We don't want our kids to have to deal with this too, to carry the burden that we have been carrying for 30 years.' They added, 'We need justice and closure so we can all get on with our lives.'
- 1.15** A participant referred to the United Kingdom's double jeopardy law and called for it to apply here, as broadly intended by the Bill. 'It's not out of control over there, so it won't be out of control over here. I can't understand why Australia doesn't take that step. There won't be a flood of cases.' She asked, 'Why is this one word [in the current law] holding up justice?'
- 1.16** Family members told the committee that they have done everything right in their fight for justice, and they have done it with dignity. They understand the bureaucracy and formal processes that need to take place to change the law, and that the committee's inquiry is one step along this path, not the final one. In doing so, they highlighted their own resolve and resilience, stating, 'We've been at this since 2006. We know it's a step in a journey. It's always been our families' activism that's meant the next leg of the process. You'll see us again at the next stage.'
- 1.17** Participants said that they will keep fighting until they get some form of justice. Their continued determination shows that they have faith not in the system but in themselves. They told the committee, 'We're not just victims. We're fighters.'
- 1.18** The dignity, strength and resilience of the families left a lasting impression on the committee.

Next steps

- 1.19** At the conclusion of the meeting the Chair promised that the committee will undertake this inquiry to the best of its ability.
- 1.20** The next step will be a hearing on 24 July 2019 which will likely involve a very legal discussion about the proposed changes to the legislation, with witnesses from legal organisations.
- 1.21** In addition to the views documented in this report, family members can lodge written submissions beyond the closing date of 30 June 2019.
- 1.22** After consideration of the evidence, the committee will prepare a report with recommendations to government. The report will be tabled in the Upper House, with members given an opportunity to debate it. Then it will be for the government to decide what action it will take.