



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON LAW AND JUSTICE

## MEDIA RELEASE

### Report on proposed changes to double jeopardy law

**FOR IMMEDIATE RELEASE**

**30 August 2019**

The Upper House committee tasked with considering a bill proposing changes to the state's double jeopardy law released its report today.

The Law and Justice Committee examined the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019, a private members Bill introduced by Mr David Shoebridge MLC.

Committee Chair Niall Blair MLC explained, 'The Bill seeks to amend the current law by extending the exceptions to the double jeopardy principle that allow a person to be retried for a very serious offence. It was crafted to address the legislative barriers to a retrial of an individual for the three children murdered in Bowraville in 1990-1991, Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux.'

'Five years ago the committee undertook an inquiry into the family responses to the murders in Bowraville which documented the unique injustice of those cases. Our task in this inquiry was very different: it was to examine the technical, legal implications of the Bill's proposed amendments to the current law', Mr Blair stated.

'The committee was determined to try to find a clear path forward that might provide justice for the families. However, on the basis of the evidence gathered during this inquiry from a range of legal stakeholders, we have come to recognise that this is a highly complex area of criminal law. In examining the Bill, the committee had to consider the impact of the proposed changes not just on this one case, but on other parts of the criminal justice system,' Mr Blair continued.

'Having explored these complex legal issues in detail, and noting that almost all stakeholders identified significant problems with the Bill's wording, the committee considers that the Bill as drafted should not proceed. However some committee members see merit in the alternative model proposed by the Jumbunna Institute for Indigenous Education and Research, and we have recommended that the NSW Government consider that model. Should the NSW Government or anyone else wish to prepare another bill, the inquiry has documented the evidence we received from a range of legal stakeholders on the key issues to be carefully considered. This report stands as a resource to assist that process.'

The inquiry report and other inquiry documents including submissions and hearing transcripts are available on the [inquiry website](#).

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*For further information please contact the Committee Chair, the Hon Niall Blair MLC, on 9230 2397*