

## INQUIRY INTO FAMILY RESPONSE TO THE MURDERS IN BOWRAVILLE

**Organisation:** NSW Police

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Partially Confidential



**NSW Police Force**

**OFFICE OF THE COMMISSIONER**

Ms Teresa McMichael  
Director, Committees  
Legislative Council  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Dear Ms McMichael,

**Inquiry of the Standing Committee on Law and Justice into the family response to the murders in Bowraville**

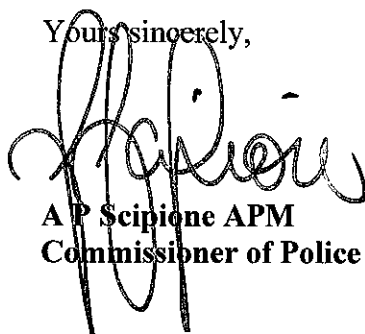
Thank you for inviting Detective Inspector Gary Jubelin to make a formal submission to the Inquiry into the family response to the murders in Bowraville of Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux.

I commend Detective Inspector Jubelin for his dedicated and compassionate approach to the reinvestigation of these unimaginable crimes. His leadership of the investigation since 1997, and the support he has given to the families and the community involved, provide Detective Inspector Jubelin with unique professional and personal insights that will be highly valuable to the Inquiry.

Please find enclosed the formal submission of Detective Inspector Jubelin.

To the families of Colleen, Evelyn and Clinton, and to the community in which they lived, I express my deepest sympathies and my hope that this important Inquiry provides some comfort.

Yours sincerely,



**A P Scipione APM**  
**Commissioner of Police**

06 MAR 2014

**Legislative Council Standing Committee on Law and Justice**  
**INQUIRY INTO THE FAMILY RESPONSE TO THE MURDERS IN**  
**BOWRAVILLE**

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**SUBMISSION of**

**Detective Inspector Gary Jubelin, NSW Police Force**

I have provided this submission to your committee in my role as the Officer in Charge of Strike Force ANCUD which was established to re-investigate the murders of Colleen Walker, Evelyn Greenup and Clinton Speedy-Duroux. The submission was prepared at the request of the victim's families, who felt I had detailed knowledge of the matter, which would assist the Parliamentary Committee.

**1. BACKGROUND OF AUTHOR:**

I am a Detective Inspector attached to the Homicide Squad of the New South Wales (NSW) Police Force. I have been employed by the NSW Police Force since 1985 and working as a criminal investigator since 1987. During my career I have specialised as a Homicide investigator with over 20 years experience investigating homicides. I have also been heavily involved in the training and lecturing on best practices in homicide investigations to the NSW Police Force and other law enforcement agencies.

I first became involved in the 1990/91 murders of Colleen Walker, Evelyn Greenup and Clinton Speedy-Duroux when Strike Force ANCUD was formed in 1996 to re-investigate the murders. At the time I was attached to the North Region Homicide Squad. The Strike Force was initially led by Detective Inspector Rod Lynch.

Following his promotion to Superintendent in 1997 I assumed command of the investigation.

I have led this investigation since that time and have been involved in every aspect of the investigation including a criminal trial, coronial inquests and numerous applications made to the Director of Public Prosecutions and the Attorney General in an effort to initiate proceedings against the identified suspect. My duties have also involved maintaining contact with the families of the murdered children, community members and witnesses involved in the matter. This has included attending community meetings with the families where they have publicly and privately expressed their grievances over the failure to have any person prosecuted for the murder of their three children.

As a result of my direct involvement in this complex, protracted matter I can provide the following information and views:

To assist in providing an understanding of the time line of this matter I have prepared and attached a document marked **Annexure 'A' – Chronology of Events**

## **2. ORIGINAL INVESTIGATION**

The original investigation into the murders and disappearances was conducted by local detectives supported by different groups of North Region Major Crime Squad detectives. The initial focus of the investigation was to locate the missing children and interview persons who attended the relevant parties and gatherings where the children were last seen. Detective Sergeant Alan Williams who was attached to the Child Protection Unit in Coffs Harbor was appointed Officer in Charge of the investigations.

**i) Identified Shortcomings of Original Investigation:**

It is with the benefit of hindsight that I can make comment concerning the quality of the original investigation. It is also acknowledged the original investigation was conducted over twenty years ago. Since then investigative practices have significantly improved. The information management system used to gather, collate and assess information has gone through two complete changes and is now fully computerised, with greatly enhanced capabilities.

In addition, a serial killer operating in a small country town is a unique situation that the majority of police, even experienced detectives, would not encounter in their whole career. Add to this cultural and racial barriers encountered during this investigation, and it is easier to understand how certain lines of inquiry were perhaps not fully explored. It should also be understood that at the time police did not have the considerable benefits of forensic science available to current investigators.

It is important I raise this because to judge the original investigation by today's standards is unrealistic. I am also aware that under the new legislation, for evidence to be considered 'Fresh' it could not have been obtained with the exercise of reasonable diligence. This is a legal argument that has been and will be discussed and adjudicated by suitably qualified legal practitioners.

The fact that the re-investigation has gathered additional evidence does not necessarily mean this evidence could have been gathered during the original investigation even with reasonable diligence.

It appears the magnitude of the situation unfolding in the Bowraville Community between September 1990 and February 1991 was not fully appreciated by police in the initial stages. It is clear looking back on the evidence available now that there was a serial killer targeting the children of Bowraville. The disappearance of three local children within a short time frame of each other, together with circumstances in which they disappeared, should have perhaps led police to this conclusion and resulted in a more suitably qualified officer appointed to run the investigation. The Officer in Charge of the investigation had no homicide experience. This lack of experience appears to have had a detrimental impact on the quality of the investigation and led to investigative opportunities being missed.

The relationship between the Bowraville Aboriginal Community and the white community also had an impact on the investigation. At the time of the murders there was a clear racial divide within the town. In order to fully understand this, it is necessary to look back at the recent history of the town. The Bowraville township was specifically targeted by Aboriginal Activist, Charles Perkins when he toured around the state in the 1965 'Freedom Bus' protest ride in order to highlight how segregation existed in the town. At the time Aboriginals were excluded from certain parts of the

town and treated differently in public areas such as the local picture theatre.

This type of racial and cultural divide impacted on the investigation, witnesses involved in this matter who had been raised in this environment had a fear and distrust of police. To ignore this type of racism and the cultural divide is to ignore an issue that hampered this investigation from the start. These issues had a direct impact on both the gathering and presentation of evidence in regards to the matters.

Specific examples of how these racial and cultural issues impacted on the original investigation can be seen in statements gathered during the re-investigation. Paragraph 7 of Denise Jarrett's statement dated 4/8/97. Jarrett provides police with information about the Person of Interest (POI) coming into her house late at night uninvited and standing at the foot of her bed whilst she was asleep. There were no males in this particular house and the incident occurred in the weeks between Colleen Walker's disappearance and Evelyn Greenup's disappearance. This evidence would have been of significance to investigators. When asked why she did not provide this information Jarrett stated, "***I didn't trust police and I didn't have any faith in the police at Bowraville at the time. I didn't think they would believe an Aboriginal woman saying a white man had come into her home.***"

Witness, Hilton Walker is another example of how the racial divide impacted on the investigation. Walker had direct evidence relating to the POI making admissions concerning burying bodies. Walker did not provide this information until 2004. The reason Walker offered as to why he did not provide this information earlier was provided in his statement dated 11/2/04, paragraph 11: ***"I did not think I could tell police about this information because [the POI] was white and I was an Aboriginal with a drinking problem and they would never believe me."*** The information Walker had was crucial as it related to an admission the POI had made concerning burying of bodies.

- ii) **Colleen Walker Investigation:** There is a feeling amongst the community that police did not take her disappearance seriously at first. In hindsight it is clear now what has happened, but Colleen was the first of the three children to disappear, so police were dealing with this matter in isolation. This ultimately led to crucial evidence being lost in relation to her last known movements. This evidence was eventually obtained in 1997 during the re-investigation, but the quality of the information was diminished due to the passage of time.
  
- iii) **Evelyn Greenup Investigation:** A number of issues stand out regarding the flawed nature of the original investigation into Evelyn's disappearance. The first, most critical aspect was the need to establish when Evelyn was last seen alive. Whilst police identified a number of witnesses who provided statements to the effect that Evelyn was sighted



on 4 October 1990 around the Bowraville Township, these statements were generally of poor quality. Specifically, they had limited attention to detail, and importantly, more effort could have been made to corroborate the information contained in the statements. Some of the statements provided by younger witnesses read as though these statements were led by police. This is consistent with the fact that police were most likely working on the assumption that Evelyn was sighted in the township on 4 October 1990, and therefore discounted the possibility that Evelyn had in fact disappeared from her grandmother's home the previous night. The flow on effect from this was that no crime scene was established or forensic tests carried out on the grandmother's home until some seven years later when the matter was re-investigated. A further negative flow on effect from the poor quality statements taken in relation to the sightings of Evelyn was that it worked against the Crown case in the 2006 murder trial.

- iv) **Clinton Speedy Investigation:** Again a number of issues stand out in regards to the quality of the original investigation. Lack of detail in statements again impacted on the investigation, in particular the interview of the suspect. Identification processes relating to alleged sightings of Clinton Speedy were not what would be considered best practice by today's standards.

There was also the 'Norco Corner' evidence which was not fully explored during the original investigation. Police did not follow up the reported

sighting of a male person similar in description to the POI standing over the unconscious body of an Aboriginal teenager laying on the roadway around the time of Clinton's disappearance. I consider this information to be critical to the investigation. An investigative opportunity was missed when this line of inquiry was not fully investigated in 1991 when it was brought to the attention of the Officer in Charge, Detective Sergeant Williams. It can be speculated as to why this information was not followed up and there is perhaps a logical, reasonable explanation. When it was followed up in 2006 the evidence gathered could at its strongest be considered good circumstantial identification evidence, which I believe would strengthen the case against the POI for the murder of Clinton Speedy-Duroux if it was considered 'Fresh' under the new legislation.

- v) **Leadership of Original Investigation:** The Officer in Charge of the original investigation was Detective Sergeant Allan Williams who was attached to the Child Mistreatment Unit at Coffs Harbour. I am of the view that Detective Sergeant Williams did not have the necessary skills or experience to lead an investigation of this unique nature. I believe the quality of the original investigation is in part as a result of the poor leadership of the investigation. It would however be unfair not to make mention of the fact that Detective Sergeant Williams clearly cared about the investigation and led the investigation to the best of his abilities in difficult circumstances.

Now retired Detective Sergeant Williams acknowledged on the Four Corners program, which aired on the ABC on the 4/11/11, that he was not experienced enough to run the investigation and he questioned why he was put in charge.

It appears that not only the victims' families but also Detective Sergeant Williams were let down by the New South Wales Police hierarchy at the time. Detective Sergeant Williams' supervisors failed to recognise the seriousness and complexity of the murders and failed to resource the investigation with a suitably experienced and qualified Officer in Charge.

It should be noted the New South Wales Police Force, now has systems in place which prevent a similar situation occurring where a person without sufficient experience is appointed to lead a murder investigation. Since the early 1990s there have been a number of changes made as to who will lead homicide investigations. These changes were internally driven and on the back of recommendations from State Coroners. There are now protocols in place, whereby the Homicide Squad initially assume accountability for all homicide and suspicious death investigations across the state. The Homicide Squad either maintains the lead or, following a thorough assessment of the investigation, can allocate it to another unit to lead. The other unit is required to report to the Homicide Squad and the Homicide Squad has the authority to reconsider the leadership of the investigation at any stage.

The practical applications of these requirements is that the Homicide Squad maintains a 24 hour, state wide 'on call' response to all homicides and suspicious deaths. During the first 72 hours of an investigation into a homicide or suspicious death a detective from the Homicide Squad should be leading the investigation, unless or until the Homicide Squad decides otherwise. A 24 hour 'help desk' service provides advice in respect to any aspect of investigations associated with homicide, suspicious deaths, child deaths, critical incidents, coronial investigations or unsolved investigations.

### **3. STRIKE FORCE ANCU D RE-INVESTIGATION**

Strike Force Ancud was established to review and conduct further inquiries in relation to the murders of Clinton Speedy, Evelyn Greenup and the suspicious disappearance of Colleen Walker. The Strike Force comprised of investigators from Homicide, Major Crime and North Region Local Area Commands, together with a number of analysts. The first stage of the re-investigation involved locating, collating and assessing the information and evidence gathered during the original investigation. The next stage of the investigation involved detectives interviewing witnesses not previously identified and re-interviewing witnesses whose previous interviews needed to be clarified and expanded upon. Particular attention was also paid to confirming or eliminating reported sightings of the missing children, in order to clearly establish where the children were last seen.

A main Person of Interest was identified, but not to the exclusion of exploring evidence or lines of inquiries in relation to any other possible persons of interest. The murders of Evelyn Greenup and Clinton Speedy, together with disappearance of Colleen Walker were treated as individual investigations. However, due to the

obvious similarities between the investigations, it was considered the most likely scenario that the murders and disappearance were linked.

The investigation into these three murders has spanned twenty years. Some of the witnesses in these matters have been interviewed numerous times by police in order to clarify and expand on evidence they had previously provided. In addition they have given evidence at both the Coroners and Criminal Courts. A large majority of witness in these matters are Aboriginal. It is apparent during the re-investigation phase that during the initial investigation some evidence was missed or confused. This is due in part to the fact that traditional methods of interview did not necessarily extract all the relevant evidence from Aboriginal witnesses. Where witnesses appear to contradict each other or even contradict their own version of events, there is sometimes a simple explanation.

It is clear there has been and to some extent still is a communication barrier between investigators and witnesses. This is most likely due to cultural and environmental differences between the two groups. It is clearly evident that a large majority of witnesses interviewed during this investigation are not comfortable dealing with police or giving evidence in a formal environment. This is reflected in the manner in which they answer questions or provide information. The re-investigation attempted and succeeded in part to overcome these barriers in the following ways;

**i) Improved Investigative Approach:**

Improved relationships between the Aboriginal Community and police, together with proper investigative direction allowed for additional evidence to be gathered

during the re-investigation. I am of the opinion that there are a number of factors as to why this occurred. Firstly, it was a positive step that the then Commissioner of Police, Peter Ryan took time out to attend Bowraville and listen to the concerns and grievances of the families following the acquittal of [redacted] in 1994 for the murder of Clinton Speedy-Duroux. This not only resulted in the formation of Strike Force Ancud, but demonstrated to the community their plight was important to police. The significance of the then Police Commissioner attending Bowraville should not be underestimated.

During my involvement in this matter, since 1997, the families have expressed to me their belief and frustration that the people in authority and those making decisions have not met with them.

It was also acknowledged that the relationship between the Aboriginal Community and police was strained and it was important that police approached the re-investigation with some cultural awareness and sensitivity. When Strike Force Ancud was formed time was taken to educate strike force members about the cultural issues they were likely to encounter. This assisted investigators in their dealings with witnesses and the community.

The original Officer in Charge of the re-investigation Detective Inspector Rod Lynch was an experienced detective who worked in a senior role on the Ivan Milat murder investigation, so he was not overwhelmed with the task and gave the re-investigation a purposeful direction from the start. This direction combined with the homicide experience of strike force members allowed us to focus on the

crucial elements. Professional leadership and experience is crucial to the success of complex murder investigations such as this.

It should also be acknowledged that there was an improved information management system, known as T.I.M.S, available to investigators on the re-investigation. The T.I.M.S. system replaced the old 'Card System' which was utilised by NSW Police prior to T.I.M.S. It provided investigators with a more efficient way of recording and cross checking all the information. This greatly assisted when conducting a complex investigation covering three murders.

- ***No Local Police on Investigation***

Another factor which assisted in the improved relationship between the Aboriginal Community and Strike Force Ancud police was that none of the police on the re-investigation had worked in the local community. As a result the community knew our sole focus was to investigate the murders and we were not worried about the day to day policing issues.

- ***Investigators who were comfortable working with the community***

Individual personalities of the police involved in the investigation also played a significant role. The community members could readily identify those police who were uncomfortable in the community or judgmental. If individual officers lost the trust and respect of the community members, there was very little likelihood witnesses would divulge personal or distressing information to police regardless of whether it was significant to the investigation.

- **Taking time with the witnesses**

Investigators also had to be prepared to discard traditional ways of interviewing the community members. Generally the community members had a distrust of police and, invariably, attending a police station would make them uncomfortable. It was learnt very early in the re-investigation the importance of interviewing witnesses in an environment which made them feel comfortable. It was also important to take time whilst interviewing witnesses, allowing them to feel comfortable in your presence. This was often achieved by simply sitting down and chatting with the witness, so that the witness could learn a little bit about the police officer as a person. This would often create a level of trust and open the doors to improved communication.

This often took a lot longer than the normal way we would approach witnesses, but it was found to be a very effective way of obtaining the necessary information. This required police to change their mindset and timeframes. We learnt very early in the investigation that it was difficult to make appointments with witnesses, which we initially did and were somewhat frustrated when these appointments were not kept. The community would often laugh at our frustrations. When they realised we also saw the humour in the situation at our own expense, ie. we were laughing at ourselves because we were uptight homicide detectives from the city it was appreciated by the community, they then in a nice way helped us by pointing out things were done in 'Koori Time' and if we were patient we would find all our witnesses.

- **Not taking insults and abuse personally**



Another approach we took was to accept the fact the community was angry towards police and quite often we were subject to abuse and insults. We accepted this abuse and understood it was not personal abuse towards us as individuals but was coming from a disadvantaged group of people who had every right to be angry at things which had occurred in the past and what the police represented to them. When they saw we understood where the anger was coming from, relationships improved and defused numerous volatile situations. A healthy respect grew as a result.

- **Genuine empathy and commitment**

I believe the community also understood how genuine we were in our efforts to solve the murders. They understood we had genuine empathy for their situation and were doing everything in our power to help them in their efforts for justice. This was demonstrated by our on-going actions and the fact we made ourselves available to them whenever they needed to discuss something or simply vent their frustration. They recognised we were going above and beyond what was required and this I believe was greatly appreciated by the community. It should be noted that this is nothing more than any community should expect from police in a similar situation. It was however clear to me they were not used to having police support them in this manner.

- **Manner in which information was obtained from witnesses**

Having gained the respect and trust of the community we were also confronted with communication difficulties when interviewing witnesses. This included the way questions were put to witnesses and how they responded to those

questions. Initially I didn't fully understand what the barrier was, but I did notice subtle differences in the way I had to ask questions and how that impacted in the answers which were given. This did not just relate to police interviewing witnesses, but was also noticeable in the manner in which witness gave their evidence in the 2004 Coronial Inquest.

In an effort to understand these communication issues, I sought out an expert who could clarify what I had been observing. This led me to Doctor Diana Eades who is a cultural linguistics expert with the suitable expertise and qualifications to make comments in this area. The report tendered by Doctor Eades prior to the commencement of the 2006 trial provided some clarity to the communication issues which we had identified. Perhaps this report would be a good point of reference for police or others involved in the judicial system who are communicating with Aboriginal witnesses, victims or offenders.

#### **4. COMMUNITIES FRUSTRATION AND ANGUISH:**

##### **i) General Overview:**

In my on-going dealings with the community for the past 17 years I have come to understand their frustrations. I have genuine empathy for the families, but also understand the importance of maintaining a proper perspective in my role as Officer in Charge in order to protect the integrity of the investigation. I make the following comments and observations from an objective view point.

The manner in which the families of the murdered children have been treated by the authorities over the years has been disrespectful and has caused them pain.

This is in addition to the pain they have suffered given the matters are unsolved and the fact that they believe they know who murdered their children. They also have had to accept that the initial police investigation perhaps missed investigative opportunities, which may have led to a successful prosecution had they been followed up.

**ii) Disrespect Shown to the Families:**

It is my observation that the families have been treated in a disrespectful manner when dealing with the judicial system and government agencies in their efforts for justice. I could provide detail and examples of this, but it is probably more appropriate for the families and community to voice these issues through their own submissions.

A small example of this includes but is not restricted to the unnecessary delays in reviewing applications and the manner the families were notified of decisions concerning the applications. I also understand that the families have invited senior officials to visit Bowraville so that they may get a full appreciation and understanding of the families' plight, but those visits have not eventuated. The murder of three children from a small community is a unique situation that perhaps should have been given more attention by the authorities.

The families have expressed to me a belief that the only way the authorities react to their concerns is if the matter is mentioned in the media or they publicly campaign for action. From what I have observed over the years, there does appear to be some justification for this belief.

The families frequently voice their opinion that they are being treated this way because of their Aboriginality. It appears to them that the same racial divide and disrespect they suffered in the 1990s, which resulted in the poor quality of the original investigation, is still occurring today with the lack of respect they have been shown. I personally have witnessed incidents and events over the past 17 years working on this matter that has shown a bias against this group.

The type of things I am referring to can be very subtle right through to outright racism. They can include racial typecasting from people who misunderstand or are ignorant of cultural issues in an Indigenous Community, through to open bigotry and racism.

### **iii) Families Know Who Murdered Their Children:**

The fact the families strongly believe they know who murdered their children is singularly the most difficult issue for them to deal with and a source of continual frustration. They are well aware of the weight of evidence against the POI. This is due to the fact that a number of them are witnesses in the matters, and they have sat through two murder trials and a number of Coronial Inquests. They have had access to a summary of the brief of evidence relating to all three matters and have assisted in and had access to a number of applications made on their behalf to the Attorney General under the double jeopardy legislation.

They are also aware of the three applications made on their behalf to have the matters referred to the Court of Criminal Appeal, which have been supported by

very senior and experienced legal practitioners and the NSW Police Force. In addition to this support, the State Coroner was very strong in his findings.

The New South Wales State Coroner, Mr John Abernethy in his summing up following 4 weeks of hearing from witnesses giving evidence at the 2004 Inquests into the death of Colleen Walker and Evelyn Greenup made the following comment;

***'Like the investigating police I am of the opinion that the circumstances surrounding the disappearance of Colleen Walker and the murders of Evelyn Greenup and Clinton Speedie have strikingly similar characteristics. The coincidence and tendency evidence suggest that [redacted] was involved in the disappearance.***

***Firstly at the time of the disappearance and the murders all were residents of the small town of Bowraville,***

***secondly all were children living at least from time to time on the Aboriginal Mission there,***

***thirdly, Colleen Walker, Speedie and Greenup were all well known to [redacted]***

***fourthly, all three children disappeared from or from near The Mission over a short period of time, between 13 September 1990 and 1 February 1991,***

***fifthly, all three were at or had been to parties at The Mission prior to their disappearance,***

***sixthly, the clothing and bodies were found in areas within relatively close proximity to Bowraville,***

***seventh, [redacted] was the only person at all three locations immediately prior to the disappearance in that, firstly he and Walker were seen walking separately towards the rear of Marjorie Jarrett's house as the last sighting of Colleen Walker, [redacted] car was at the back yard of the house, secondly, [redacted] was seen leaving Evelyn Greenup's mother's***

**room the night Evelyn was last seen, and thirdly, Clinton Speedie was last seen alive sleeping in caravan with Kelly Jarrett.**

**eighthly, mother's red sedan was seen at the time of all three disappearances,**

**ninthly, Colleen Walker, Evelyn Greenup's mother and Clinton Speedie's girlfriend all experienced having their pants pulled down whilst they were sleeping, in the case of Greenup and Speedie on the night they disappeared.**

**Tenthly, there exists a sexual overtone of some sort in relation to the three disappearances, in Walker's case there's ample evidence that was attracted to Colleen, Greenup's case there is evidence that had previously shown interest in Rebecca Stadhams and Rebecca Stadhams and Evelyn Greenup were sleeping in the same room on the night of the disappearance of the Evelyn Greenup. Stadhams' jeans and underpants were interfered with that night. In the case of Clinton Speedie was interested in the girlfriend, Kelly Jarrett. Speedie and Jarrett were sleeping with in his caravan, and the**

**eleventh point is that the three women were well affected by alcohol.'**

Notwithstanding the evidentiary rules in the Coroners Court are different from that of a criminal trial, it is significant that the Coroner, who is the only judicial officer who has heard evidence relating to all three matters together, came back with those findings. In coming to those findings he has had an opportunity to assess the quality of the evidence and the credibility of the witnesses in a court environment. It was clear to the families who attended the inquest what had happened to the children. They do not and will not accept they have had their day in court until all three matters are heard together.

#### **iv) Discounted Information and Rumours**

I feel it is also important to inform the inquiry of the following information. There have been times during this investigation where information concerning these murders has been provided to police by family members, members of the community, the public and from anonymous informants. Any reported information which warranted further investigation has been followed up. Other information was discounted for a variety of reasons including lack of forensic value, reliability and or relevance.

There has also been times when rumours have spread through the community about the murders. This in my experience is not unusual in a small community such as Bowraville. These rumours are usually discounted when the source is located and it is established the origin of the rumour comes from pure speculation or fantasy.

One rumour I have heard numerous times over the years relates to the community feeling people within the community know something about the murders but have not come forward or someone else was involved in the murders with the POI.

It is my opinion that it is possible someone close to the POI does have some knowledge of his involvement in the murders, however we do not have conclusive evidence to prove this. In regards to someone else being directly involved in the murders, there is no credible evidence in support of this.

The matters raised concerning the discounted information and rumours are an unfortunate by product of three unsolved murders in a small town.

## **5. FAMILIES WANT THEIR DAY IN COURT:**

As a homicide investigator with over 20 years experience I am confident in saying these matters are linked. To suggest otherwise is to ignore the available facts.

There is no other reasonable hypothesis available. I am also of the opinion that there is substantial evidence which suggests the POI is the person responsible for the three murders. If all this evidence could be presented to a jury there would be a reasonable likelihood of a conviction being recorded.

I am aware this inquiry is not set up to determine the strengths or weaknesses of the available evidence. However, in order to appreciate the families' frustration, a basic general understanding of the evidence referred to might be of assistance.

The original investigation and the reinvestigation has obtains significant 'tendency and coincidence' evidence that not only links all three murders together, but directly links the POI to the three murders. The strength of this evidence is dependent on all three matters being heard together. This has never been done.

The legislation preventing this is complex and subject to numerous different legal interpretations from highly qualified and experienced legal practitioners. This also adds to the confusion of the families, who feel that if it is so complicated and subject to differing opinions, then it should be put before a court to decide. This might appear to be a simplistic view, but I would suggest an understandable view given the circumstances. The families have frequently articulated to me their desire to just let courts have a look at all three matters together. This has never been done and it is difficult for them to understand why. I believe if this was done, regardless of whether it led to a successful prosecution the families would be satisfied. Knowing they had taken the matter as far as they could.



It is also important to understand that there is no benefit to be gained by delaying these matters any further. The families and I have been informed by legal practitioners that there is a risk associated with referring the matters to the Court of Criminal Appeal because if the matters fail at the court, that is the end of any possible legal action. Therefore if any further evidence was discovered it could not be used because the Court of Criminal Appeal had already rejected the application and the legislation does not allow for a second application.

I have spoken to the families about this issue and offered the opinion I see no benefit in waiting for more compelling and fresh evidence to appear. This is on the basis that all lines of investigation have been fully explored and there is little likelihood of additional evidence being obtained. In addition, the longer this matter is delayed the more likely the recall of witnesses will diminish and, given the age of the witnesses and the high early mortality rate in Indigenous Communities, it is highly likely some of the key witnesses will die.

Furthermore, should any additional evidence come to light, there is no legal barrier to pursuing the Walker murder because there has been no person charged in relation to that offence.

I believe it is offering the families false hope by dissuading them not to push for their day in court on the basis if they wait additional evidence may come to light.

## **6. CONCLUSION:**

Unless you have a full understanding of what the families and community have had to endure over the past 22 years it is difficult to have an appreciation of their suffering. I have observed their pain since 1997 and it is very sad and raw. They

have had to deal with the brutal murders of their children, Colleen, Evelyn and Clinton. Three kids from the same community living in the same street murdered over a five month period and no one has been called into account. In Colleen's case the family have not even been able to put her to rest because her body has not been located. These matters should have been solved.

Adding to this is that the person they believe, for very good reasons, was responsible for the murders has managed to avoid prosecution due most likely to the failed original investigation. This is understandably very difficult for the families to deal with.

They have even had to suffer the indignity of been judged on their lifestyles, a lot of which is based on ignorance and a lack of understanding. It needs to be recognised that the person who murdered these children is a predator who targeted a vulnerable community and assisted in creating an environment in which these crimes could occur. There is significant evidence obtained that the POI supplied alcohol and drugs to the Bowraville Aboriginal Community and spiked their drinks. The children and families are the victims.

The families have conducted themselves with dignity in their efforts to seek justice for their children, despite the disrespectful way they have been treated by authorities and the setbacks. They have even had to justify to people why they aren't getting on with their lives and accepting the murders will not be solved.

It is difficult to imagine how the families must feel having no faith or trust in the authorities who are there to protect them, whilst at the same time knowing the authorities are the only people that can help them get justice and closure. It appears that every time they put their trust in them they are let down by the system, often

feeling their Aboriginality is the reason they have not seen justice done. To watch the families' anger turn into sadness is heartbreaking and it has been happening for over twenty years.

The families are not going to give up in their efforts for justice and I don't believe they will be satisfied unless they get their day in court where all three matters, which are so intrinsically linked, are heard together.

In regards to the racial factors impacting on this matter, I have been asked so often by the families whether this matter be handled the same way if it was three white children from a wealthy suburb in Sydney who were murdered. I cannot with a clear conscious say it would be. Race and to a degree socioeconomic factors have had an impact on the way these matters have been managed. This is just an uncomfortable truth which I feel should be accepted.

I can provide further details in relation to any of the issues I have raised if required.

Detective Sergeant Jeremiah Bowden and Analysts Bianca Comina have worked on this matter with myself since 2007 and have an in depth understanding of the matters raised. Now retired Detective Sergeant Jason Evers worked with me in the community on this matter from 1997 through to 2007 and also has a full appreciation of the issues raised.

I would also recommend that in order to get a full appreciation and understanding of this matter it would be beneficial to visit the Bowraville Community.

ENDS

## **ANNEXURE 'A'**

### **CHRONOLOGY OF EVENTS:**

**13/9/90:** Colleen Ann Walker, aged 16, disappears from a party at the Bowraville Aboriginal Mission.

**04/10/90:** Evelyn Clarice Greenup, aged 4, disappears from a house on the Bowraville Aboriginal Mission.

**01/02/91:** Clinton Thomas Speedy-Duroux, aged 16, disappears from a caravan near the Bowraville Aboriginal Mission.

**18/02/91:** Clinton Speedy-Duroux's remains are found in bushland on the outskirts of town along the Congarinni Road, 7kms from the mission.

**17/04/91:** The clothing Colleen Walker was wearing at the time of her disappearance was found in Nambucca River, weighted down by rocks, 1.2kms past the end of Congarinni Road 11.6kms from the mission.

**27/04/91:** Evelyn Greenup's skeletal remains are found in bush land on the outskirts of town approximately 4kms from the mission.

**08/04/91:** 28 years old is charged with Clinton's murder.

**16/10/91:** is charged with Evelyn's murder.

**25/08/93:** Justice Badgery-Parker rules the Speedy and Greenup Trials should be held separately.

**18/02/94:** trial in Coffs harbour for the murder of Clinton is concluded and he is acquitted.

**18/02/94:** Protest occur at the Bowraville Mission following the acquittal.

**04/03/94** The charge against for Evelyn's murder was subsequently no-billed by the DPP

**December 1996:** Strike Force ANCUD was established as a result of meetings between members of the Bowraville Aboriginal Community, the then NSW Commissioner of Police Peter Ryan and Assistant Commissioner Clive Small. The Strike Force comprising of Detectives from Homicide, Major Crime and Local Area Commands was tasked with re-investigating all three matters.

**20/03/98:** Strike Force ANCUD forwarded a submission to the DPP with the view of commencing proceedings against for the murder of Evelyn Greenup.

**25/05/99:** The DPP after having assessed the submission declined to commence proceedings.

**09/02/04:** The State Coroner, Mr Abernethy held an inquest at Macksville in relation to the death of Evelyn Greenup and the suspected death of Colleen Walker. The inquest was held over two sittings, the second of which commenced on the 2/8/04.

**10/09/04:** Coroner handed down his findings. In relation to Evelyn Greenup he found she died on or about 4/10/90 and terminated the inquest pursuant to S 19 of the Coroners Act. (This is done because the Coroner was satisfied, firstly that there is evidence capable of satisfying a reasonable jury properly instructed of her murder and secondly, that there is a reasonable prospect that that jury will convict a known

person of her murder). In relation to Colleen Walker he found that she died on or about 13/9/90 at or near Bowraville as a result of a homicide.

**25/05/05:** Following a further submission by Strike Force ANCUD the DPP ex-officio to stand trial for the murder of Evelyn Greenup.

**07/02/06:** A trial was held at Port Macquarie Supreme Court. On the 3/3/06, was acquitted of murdering Evelyn Greenup.

**March 06 to December 06:** The victims' families actively campaigned for the Double Jeopardy legislation to be overturned.

**04/09/06:** The ABC aired a story about the families fight for justice on Australian Story, titled 'Truth be Told'

**15/12/06:** Legislative changes to the *Crimes (Appeal and Review) ACT 2001* were introduced. This allowed for the NSW Court of Criminal Appeal to order an acquitted person be re-tried if there is fresh and compelling evidence against the person and in all the circumstances it is in the interest of justice.

**06/02/07:** Detectives from Strike Force ANCUD forwarded a submission to the DPP, seeking a direction as to the sufficiency of fresh and compelling evidence to warrant an application for a re-trial for the murders of Clinton and Evelyn and an ex-officio indictment for Colleen's murder.

**04/06/07:** The DPP was of the view there is not fresh and compelling evidence to support an application to the Court of Criminal Appeal. The decision was outlined in a one page document.

**November 07:** The families obtained an affidavit under the Freedom of Information Act. This was a summary of evidence prepared by the Officer in Charge, Detective Inspector Gary Jubelin. This was then provided to the Public Interest Law Clearing House (PILCH).

**2008:** A Government Reward of \$250,000.00 was issued for information concerning the murder of the three children.

**2008:** PILCH acting on a pro-bono basis sought legal opinion from a senior barrister, Chris Barry SC. Mr Barry felt based on the information contained in the affidavit, there was sufficient material to justify an application to the Court of Criminal Appeal for the re-trial of the male person for the Clinton Speedy and Evelyn Greenup murders together with an ex-officio indictment for the murder of Colleen Walker. He also felt there would be a reasonable prospect that a jury would convict.

**August 09:** PILCH referred the matter to Allens Arthur Robinson law firm who, also acting on a pro-bono basis, prepared an application to the Attorney General seeking to have him exercise his powers under section 115 of the *Crimes (Appeal and Review) Act 2001* to apply to the Court of Criminal Appeal under section 100 of that Act for an order that the POI be re-tried. If that application is successful, *ex-officio* indictment should be lodged against the POI for the murder of Colleen Walker.

**15/02/10:** Allens Arthur Robinson forwarded the application to the then Department of Justice and Attorney General.

**22/10/10:** The Attorney General notifies Allens Arthur Robinson that he had doubts as to the probative value of the evidence and was not satisfied there was a reasonable prospect of a conviction.

**11/12/10:** A large rally was held at the Bowraville mission which was attended by family and friends of the murdered children who voiced their dissatisfaction that no persons had been convicted of the murders. Detective Inspector Jubelin, Solicitor Brendan Ferguson from Allens Arthur Robinson and Linguistics expert, Doctor Diana Eades also addressed the rally.

**04/11/11:** The ABC aired a story about the murder investigation and the failings of the original investigation on Four Corners, titled 'Unfinished Business.'

**June 2011:** A further application by Allens Arthur Robinson addressing certain identified issues was forwarded to the Attorney General seeking for him to exercise his powers under section 115 of the *Crimes (Appeal and Review) Act 2001* to apply to the Court of Criminal Appeal.

**25/11/11:** Family and friends of the murdered children gathered out the front of State Parliament in order to bring to the attention of Parliament their concerns re the lack of justice.

**08/02/13:** The Attorney General notifies the families in writing that the application had been rejected stating, ' I must accept that there are significant impediments to satisfying the Court of Criminal Appeal that there is 'Fresh' and 'compelling' evidence within the meaning of the Act and that it is in the 'interest of justice' for the POI to be retried, and that the prospects of establishing each of these criteria are individually weak. I acknowledge that submissions made in support of the application could be made, however, I believe that the prospect of success of any of the available submissions are poor.



**14/03/13:** A large rally was organised by the families of the murdered children and the participants marched on Parliament House and voiced their grievances about the lack of justice.

**21/11/13:** A further large rally was organised by the families of the murdered children and the participants marched on Parliament House and voiced their grievances about the lack of justice. Selected family members were invited into Parliament to listen to the matter being raised in Parliament.

**26/11/13:** The Parliamentary Inquiry was announced.