

**Submission  
No 16**

**INQUIRY INTO FAMILY RESPONSE TO THE MURDERS IN  
BOWRAVILLE**

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Family Response to the murders in Bowraville (Inquiry)

A submission to the Inquiry into family responses to the murders in Bowraville, submitted by Enda O Callaghan - a supporter of the families' campaign to have the cases prosecuted or, failing that, a Royal Commission of Inquiry into the reasons for the failure to adequately prosecute the cases.

1. NSW community standards regarding child abuse have changed since these cases were originally investigated. Presented in the proper context, that these were a series of sexually motivated child homicides, there is sufficient evidence to try a single perpetrator for all three crimes in a single trial.
2. The failure of the justice system to adequately resolve these three murder cases has prolonged the families' grief, forcing them to recount their experiences of these horrible crimes time and again in an attempt to persuade decision-makers to act in the interests of justice.
3. After two trials, two inquests and two separate police investigations, the failure to adequately prosecute three of the most serious crimes on record - the murder of three children over five months in a small town - requires a public investigation in the form of a Royal Commission, both into the events in Bowraville and the performance of the justice system thereafter.

At present, there are a series of Royal Commission hearings into Institutional Responses to Child Sexual Abuse taking place. Wherever in the world inquiries like these have taken place - whether into sexual abuse or abnormal practices, such as forced adoption, or the removal of Wards of State and Stolen Generation children from their families - they have all revealed a similar pattern. The victims were vulnerable and voiceless, the socially and politically deprived members of a group in the community whose legal interests were considered lesser than other members of the community. The perpetrators of abuse all had one thing in common: the knowledge that complaints by their victims would not be taken seriously by those charged with their care; or by police, courts or any government body charged with their oversight.

The Bowraville murders are perhaps the worst example of child abuse to ever come before this Parliament, in that the victims, ranging in age from just four years old to two victims aged 16, were murdered. The perpetrator - a sexual predator, a provider of drugs and alcohol - preyed on his victims knowing their complaints would not be heeded. These were not children in care in some institution. The murderer was not a religious worker or an employee of any institution that gave him any authority over these children. The difference between his crimes and those committed in religious care institutions was not that he had authority over these children ordained by a shared religion. This perpetrator exploited a racial fault-line in the New South Wales society in which he lived. He knew that his position as a white man placed him above his victims because they were Indigenous. He knew his place in the system meant that his version of events would be believed despite anything his victims might say. How else could this coward have carried on with such impunity - almost

immunity - over a five-month period when he enacted his vile killing spree.

A 16-year-old girl, Colleen Walker-Craig, "disappeared". **Her mother reported her missing to police.** Until her clothes, weighed down by rocks, were recovered from a nearby river many months later, no official search for Colleen had ever taken place. Her remains have still not been recovered.

If anyone should have been providing safety and security for the children in Bowraville, apart from their caring families and close community, it was the institutions of the State of New South Wales - the police, the justice system and the various departments that make up the body of State Government. These three children deserved the same protection as every other child in NSW. Had a proper investigation into Colleen Walker-Craig's disappearance taken place at the time, might not the fear of getting caught have altered the murderer's behavior in some way, perhaps curtailing his activities?

The failure by the institutions of the State of New South Wales to adequately investigate the disappearance of Colleen directly led to the murder of her cousin. Knowing no search was taking place for a girl he had murdered, the abuser was able to carry on. He returned four weeks later, to the house next door, to murder a four-year-old girl, Evelyn Greenup. Why? Because the young girl woke up in the middle of an attempted rape on her mother. Enraged at the interruption, he smashed her skull and dumped her little body outside of town. A perfunctory search was undertaken for the little girl police suspected had "run away".

Two young girls, cousins, living a few metres from each other, "disappear". The bare facts: two girls, living on the same street, cousins, aged 16 and 4, disappear within a month of each other - that should have been significant enough to launch a major investigation. Within four months, the search for Evelyn wrapped up, the perpetrator murdered another innocent victim - a 16-year old boy, Clinton Speedy-Duroux. He, too, police reckoned, had "run away", until his body was accidentally discovered some weeks later.

The families of the victims were quite clear in every instance that they did not believe that their children had "run away". Did anyone listen to the families? Not for 23 years would this parliament listen to what the families have to say. With civic leadership like this, is it any wonder their voices were ignored back when it mattered, when a proper investigation might have saved Evelyn Greenup or Clinton Speedy-Duroux their lives.

This was a sex crime. This was child abuse. I feel sure that most good citizens of NSW would recognise this. Dozens of witnesses tell the same story of the man who used to bring the grog and the "yarni" (marijuana) and who, towards the end of the night, when everyone else was calling it a day, would go on the prowl, looking for the weakest, the most isolated person he could find, to then abuse them and, in at least three cases that we know of, murder anyone who got in his way. This man knew two things - first, that he would be believed and his victims would not. Second, he knew that if he supplied enough drink and drugs to his victims, adding the fact that they were Indigenous would mean few would believe what they had to say<sup>1</sup>.

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<sup>1</sup> Admission made by the perpetrator to a fellow prisoner, entered as evidence at the Inquest into the deaths of Colleen Walker-Craig and Evelyn Greenup.

Recent considerations of the cases by a number of Directors of Public Prosecution and Attorneys-General have failed to interpret the evidence within its proper context of sex crime, the crime of child abuse. These legal officers have taken the view that because the witnesses had been drinking or smoking marijuana it undermines their credibility, when in fact the consistency of their evidence that it was the perpetrator who supplied both not only makes them reliable witnesses but is tendency and coincidence evidence of the behaviour patterns and modus operandi of the perpetrator repeating across all three crime sites. Is this why the cases have not been prosecuted, because some decision-makers still think Indigenous witnesses will not persuade a jury, whereas an accused white man will? Legal officers of the State who have refused to take these cases forward are sustaining a situation where the abuser gets away with it exactly as he calculated - "I am white, they are not - no one will believe them over me".

I believe that community standards have reached the point of zero tolerance for child abuse, regardless of when it happened. The courts have taken on many historic cases involving sexual abuse, changing the rules on statutory limitations if necessary in the interests of justice. We understand better the effects of abuse on victims - the guilt, the delayed reporting of information until a time when victims can cope with talking about it. We recognise the signs, the patterns and the behaviors of sexual predators - plying underage victims with drink and drugs, exploiting the power structures to victimize the voiceless and vulnerable.

Framed in the proper context - that this was predatory sexual assault, child abuse and child homicide, where the perpetrator was supplying drugs and alcohol, often to underage victims - I believe

there is sufficient evidence in police files and that it would serve the interests of justice in New South Wales to prosecute all three cases of murder together against a single perpetrator.

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Families of homicide victims should not be forced to continually display their grief to the media and general public in order to obtain justice. In the normal course of events, if a family suffers a homicide to one of its members, society and the State intervene. As a society, we recognize that a great wrong has been done to your family by this act of homicide. You have your grief to cope with, your loss, your changed sense of the world around you to process. We, the rest of society, take over the role of providing justice for you. Living with the knowledge that your loved one has been murdered is your life sentence. It is the function of the State, through the police and the courts, to thereafter provide justice.

The Bowraville families and their community should have been allowed to deal with their grief and loss in their own time and with an appropriate degree of privacy. No more should have been expected of them or should have been asked of them. It was the duty of society once the crimes were realised, once the bodies of Clinton and Evelyn were discovered, to bring justice to the situation - for the police and the good citizens to come forward and pool their information to find the perpetrator.

What is grossly unfair about the Bowraville murders is that it is the Bowraville families who have had to drive the justice system forward process - to continually protest, pressurize and publicise their grief to persuade prosecutors and politicians to act. No family of a

homicide victim should have to campaign, or gather evidence<sup>2</sup>, to get justice. Yet the Bowraville families are forced time after time to launch public campaigns for action and justice. For over 20 years, the families have not only had to cope with their grief but also have had to learn to cope with the abject failure of the justice system. They have had to learn to deal with the public humiliation of constantly having their version of events disbelieved. Every time the families' version of events is rejected, it perpetrates the abuse further. It says to the families, their friends and their community, many of whom are witnesses in the cases, that "We don't believe you," "We don't think your murder cases deserve priority," "We don't think it's worth any further effort resolving your concerns".

And so the grief and loss is compounded by continuous rejection of their efforts to seek justice. The families should not have to seek justice - it should have been delivered to them by the justice system. Yet, they continually have to approach and ask for resolution and continually have to cope with rejection.

It must be upsetting for the families to proceed with the knowledge that not everything has been tried to bring the perpetrator to justice. No effort has been made to test the Double Jeopardy law in the courts, to hear what the good men and women who sit on the benches in our highest and most learned courts might have to say in the interests of justice. To be once allowed the opportunity to have all three cases heard together in front of a jury is not too much to ask. It is a sad indictment of the justice system in the State of New

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<sup>2</sup> As a result of the campaign to change the Double Jeopardy law and following an ABC 'Australian Story' broadcast highlighting the campaign, a material witness contacted the campaign group. The evidence of this witness has proved crucial to the families' appeal for a re-trial. Police should have investigated the witness's evidence when the witness first approached them. But its significance only came to light following the efforts of the families.



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South Wales that the people left doing the most the get justice are the families of the Bowraville victims and not the State itself. If the State is going to abdicate its responsibility to adequately administer the justice system in regards to the Bowraville murder cases, then there needs to be an Inquiry as to why this has happened, why these three murder cases have not been resolved. If it is necessary to hold a Royal Commission into child abuse, surely it is an imperative to hold a Royal Commission into child murder.