

Submission
No 27

**INQUIRY INTO CRIMES (APPEAL AND REVIEW)
AMENDMENT (DOUBLE JEOPARDY) BILL 2019**

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Submission to the Parliamentary Inquiry

My name is Barry Toohey. I have been involved with the families on and off since Evelyn's trial. I was employed by the local Aboriginal Medical Service to assist the families with their grief and loss, and social and emotional wellbeing. Whilst I have been retired for about 3 years, I am still involved with the families and supporting them.

The families of Evelyn, Colleen and Clinton have experienced immense pain and grief as a result of the murder of their children which has not lessened over the last 28 years since the children's murders. Over that time and in particular in the last two years, they have been incredibly resilient as the case has gone through the courts again. They have kept fighting for justice, although they losing faith in the ability of the Parliament and law to deliver it.

I have been using the term 'chronic collective grief' to describe the community-wide pain these families have been experiencing. The pain is still so raw, all it takes is for one kid to go missing and the whole community goes into a total panic. It's happened in the past where someone's gone missing and, no one's been able to track them down for a week. They've been okay, but they didn't tell anyone where they were and the whole community was in an absolute panic. So it's right there on the surface, it doesn't take much to spark people off emotionally. It wears them down. It knocks people around. And you only have to start talking about it and you realise it's there. Its right there. Even though this happened nearly 30 years ago, it's still raw.

As a result of the case being ongoing without a successful prosecution, the families are losing faith in the legal system. The process of appealing court decisions and taking the case as high as it could go in the last few years has been exhausting for these families as they continue to fight for justice, without positive response from the courts or Parliament. It's been a real kick in the guts. To think that the families got so far, that no one else has ever done that before. It's never gone so high. There's been no other case that's done that, and I take my hat off to them. I'm astounded by the compassion that they have. It's not just for them, they're fighting this for every black fella and white fella in New South Wales. They look at this in a broader sense, so it's not just about them, and that's very humbling.

One of the major concerns of this community is that the process for achieving justice takes so long, that many of the witnesses for the case may die before it can be retried. Witnesses have already died, and it is a concern within the community that if this is drawn out longer, some key evidence in the case may not be as useful. It's obvious they want justice. But it just takes so long. It might be two steps forward, one step backwards. But they keep fighting. Even though this happened nearly 30 years ago, it's still raw.

It is important the Committee understand the toll this battle for justice is taking on the community and families. These families have been respectfully fighting for justice for nearly thirty years. They're not getting their hopes up, they have the hope within themselves. They are incredibly resilient and strong to be able to keep up the fight for this length of time, and will continue to fight until they have justice for their kids.

Barry Toohey
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