



**Mark Speakman**  
Attorney General

## STATEMENT

Friday, 22 March 2019

### ***Attorney General for NSW v XX***

Almost three decades ago, three Aboriginal children, Evelyn Greenup, Colleen Walker-Craig and Clinton Speedy-Duroux, went missing in Bowraville. No person has ever been convicted of the children's suspected murders.

The former Attorney General, the Hon Gabrielle Upton MP, applied in 2016 to the Court of Criminal Appeal (CCA) for the retrial of a person for the murders of Clinton and Evelyn.

The application was on the basis that, should the retrials be allowed, the person would be jointly tried for the murder of all three children together. It was the first ever application for the retrial of an acquitted person in NSW.

Last year, the CCA dismissed the retrial application. Following the CCA's decision, I sought urgent advice on the prospects of an application for special leave to appeal to the High Court. After considering the advice of three senior counsel, Wendy Abraham QC, Noel Hutley SC, and the Crown Advocate, Dr David Kell SC, I commenced the special leave application.

The High Court of Australia today dismissed the special leave application. I met with the Bowraville families this morning to discuss the proceedings. Today's decision represents yet another blow to the children's families, who have bravely fought for justice over the last three decades. I am sorry for the further trauma and grief today's decision will bring.

Despite today's disappointing result, I believe that the retrial application was in the public interest. For almost a decade, the Bowraville families and the NSW Police Force had advocated for the commencement of the retrial application. The State's arguments for a retrial have now been heard and determined publicly before an independent court.

It is clear that there were failings in the criminal justice system's initial response to the suspected murders of the children. I hope that those mistakes are never repeated again. I am sorry that those failings continue to deny the children, and their families, the justice that they deserve. The Liberals and Nationals Government will consider options following today's decision.

The Parliamentary Standing Committee on Law and Justice made 15 recommendations to improve the criminal justice system and help the Bowraville community to heal. The NSW Government has implemented the Government response to every recommendation.

Aboriginal Affairs NSW will continue to support the healing needs of the families, and Solution Brokerage is helping to build lasting resilience for the whole Bowraville community by bringing government and community closer together.

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