



Direction pursuant to section 77(1)(a) of the *Crimes (Appeal and Review) Act 2001*

WHEREAS it appears that there is a doubt or question as to part of the evidence in the proceedings leading to the conviction of Kathleen Megan Folbigg on 21 May 2003 of the following offences:

1. the manslaughter of Caleb Folbigg on 20 February 1989;
2. maliciously inflicting grievous bodily harm upon Patrick Folbigg on 18 October 1990, with intent to do grievous bodily harm;
3. the murder of Patrick Folbigg on 13 February 1991;
4. the murder of Sarah Folbigg on 30 August 1993; and
5. the murder of Laura Folbigg on 1 March 1999;

AND WHEREAS that doubt or question concerns evidence that a genetic variant (CALM2-G114R) identified in DNA samples from Sarah Folbigg and Laura Folbigg has biophysical and functional consequences that may cause cardiac arrhythmias and sudden unexpected death in young children, such consequences being the subject of research published in March 2021 following the completion in July 2019 of the previous inquiry into the said convictions directed pursuant to s 77(1)(a) of the *Crimes (Appeal and Review) Act 2001*;

PURSUANT to section 77(1)(a) of the *Crimes (Appeal and Review) Act 2001*, I direct that an inquiry be conducted into the said convictions in accordance with the provisions of Part 7 of the said Act; and

PURSUANT to section 81(1)(a) of the said Act I hereby appoint the Hon Thomas Frederick Bathurst AC QC formerly a judicial officer within the meaning of the *Judicial Officers Act 1986*, to conduct an inquiry into the said convictions, having particular regard to the consequence of the said evidence for all of the convictions referred to above, with the powers and authorities conferred on a commissioner by Division 2 of Part 2 of the *Royal Commissions Act 1923* (except for section 17).

SIGNED AT SYDNEY this

18th day of May 2022


Margaret Beazley AC QC

Her Excellency, Governor of New South Wales