

**INQUIRY INTO UNSOLVED MURDERS AND LONG-TERM
MISSING PERSONS CASES IN NEW SOUTH WALES
BETWEEN 1965 AND 2010**

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Partially
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Submission to the Parliamentary Inquiry

Systemic Failure to Re-Investigate and Provide Transparency in LongTerm Missing Persons and Unsolved Homicide Cases Introduction

I make this submission to raise a systemic concern regarding the treatment of long-term missing persons and unsolved homicide cases within existing law-enforcement and accountability frameworks.

This submission does not relate to the operational handling of any single investigation. Rather, it addresses broader structural failures that arise when investigations remain unresolved for decades while secrecy protections continue indefinitely, without any corresponding obligation to meaningfully re-investigate, conclude, or permit transparency.

The issues outlined below affect not only individual families, but public confidence in the justice system as a whole.

1. Investigations Held in Perpetual Limbo

Under current legislative and policy frameworks, police investigations may remain classified as “open,” “ongoing,” or “sensitive” for decades, even where there has been little or no investigative activity for many years.

In such circumstances, secrecy protections continue to apply indefinitely, while no obligation exists to demonstrate that an investigation is genuinely active, progressing, or capable of resolution.

This creates a system in which investigations may be neither active nor formally concluded, but instead exist in a prolonged state of administrative limbo, protected from scrutiny without being progressed.

2. Review Is Not Investigation

In many jurisdictions, the primary safeguard applied to long-term cases is a periodic “review.” In practice, these reviews often involve limited administrative or file-based assessment rather than substantive investigative work.

Such reviews commonly include:

- rereading existing material;
- confirming that no new information has been received;
- restating prior investigative conclusions; and
- determining that no further action is required “at this time.”

These processes do not reflect the realities of how time alters investigative conditions. A review that relies on historical assumptions cannot substitute for a fresh investigation informed by changed circumstances.

3. Time as an Investigative Opportunity

The current framework fails to account for the fact that time can enable investigative progress rather than prevent it.

Over extended periods:

- personal relationships change;
- loyalties weaken or dissolve;
- fear diminishes;
- individuals reassess past silence;
- witnesses age into different life circumstances; and
- information previously considered insignificant may acquire new relevance.

What was unsayable decades ago may later become speakable.

What once felt dangerous to disclose may no longer carry the same risk.

Despite this, long-term investigations are often treated as static, as though questions asked once never need to be asked again. This assumption is inconsistent with human behaviour and social reality.

4. The Myth That All Questions Have Already Been Asked

A persistent institutional assumption in long-term cases is that investigators have already exhausted all meaningful lines of inquiry.

In reality:

- early investigations may have been constrained by social attitudes, bias, or limited resources;
- some witnesses may never have been approached;
- others may have withheld information due to fear, dependency, or loyalty;
- lines of inquiry may have been prematurely dismissed; and
- historical investigative practices may fall short of contemporary standards.

Time does not merely justify revisiting old questions; it requires that they be asked again, by different investigators, with different perspectives.

5. The Importance of Fresh Perspective

Investigative progress frequently depends on perspective.

Investigators not involved in the original inquiry may identify patterns, inconsistencies, or missed opportunities that were previously overlooked, particularly where legacy assumptions have hardened into accepted narratives.

However, current systems do not mandate fresh investigative allocation for long-term cases. Instead, investigations often remain tethered to original frameworks even where those frameworks have failed to produce resolution.

6. Structural Exclusion of Families and System Design Failure

At the core of the issues raised in this submission is a structural imbalance in how long-term missing persons and unsolved homicide investigations are treated within the current legal and policy framework.

In practice, investigations are treated almost exclusively as state property, rather than as a shared truth-seeking process in which families and affected individuals have a recognised participatory role. While this model may be appropriate during the early stages of an active investigation, it becomes increasingly problematic in cases that remain unresolved for decades.

Once investigative activity slows or ceases, families are positioned as passive recipients of information, rather than as partners in understanding what has occurred, what has been attempted, and why no further action is being taken. Where a case is classified as “open” but is functionally inactive, there is no meaningful mechanism for families to ascertain whether the investigation is ongoing in reality or only in name.

This model is outdated, yet it continues to be enforced.

There is currently no lawful mechanism that allows families or those acting in support of them to independently progress dormant cases where police have ceased active investigative work. At the same time, there is no obligation on police to either recommence meaningful investigation or permit transparency after prolonged periods of inactivity.

The result is a closed loop: cases can remain “open” indefinitely without substantive activity, while families are denied access to even high-level administrative information that would clarify whether a case is active in reality or only in name.

7. Institutional Constraints and the Absence of Alternative Pathways

It is important to acknowledge that these issues do not arise solely from unwillingness on the part of police. Modern policing operates under significant constraints, including competing investigative priorities, limited resources, workforce pressures, and the continual emergence of new cases requiring immediate attention.

Long-term missing persons and unsolved homicide investigations must therefore compete with current matters involving imminent risk and public safety concerns. Over time, this reality can result in older cases being deprioritised, reviewed only intermittently, or effectively suspended unless new information arises.

This context is understood.

However, acknowledging these constraints highlights a critical gap in the current system: when police capacity is limited, there is no alternative mechanism to ensure that long-term cases continue to receive attention, review, or renewed perspective.

There is no structured role for independent or third-party involvement once investigative activity has stalled. Families are not able to seek assistance from accredited external investigators, publicly funded review bodies, or independent oversight mechanisms capable of examining dormant cases and recommending renewed inquiry. Nor is there a framework that allows external funding, pro bono investigative work, or independent expertise to be engaged in a way that complements, rather than conflicts with, police functions.

As a result, the burden created by resource limitations is transferred entirely onto families and supporters, who are left without transparency, standing, or lawful pathways forward.

8. Personal Context Illustrating Systemic Impact

The systemic issues outlined above are not theoretical.

I am engaged in examining a missing person case that is now 40 years old. Despite the passage of time, and despite an extended period in which the case has not been subject to active investigative work, including a prolonged period of administrative suspension, I have been unable to obtain even high-level, de-identified information regarding investigative activity, decision-making, or case status.

Requests for information have been refused on the basis that disclosure may prejudice an investigation, even where no active investigation is occurring and no substantive investigative steps have been undertaken for many years.

This results in a situation where secrecy persists in the absence of investigation.

There is no meaningful mechanism for families or advocates to understand:

- whether an investigation is genuinely active or merely classified as “open”;
- why investigative activity ceased;
- whether decisions not to pursue further inquiries were reviewed; or • whether fresh investigative approaches have been considered over time.

In practical terms, individuals seeking to understand long-term cases encounter a closed system that neither advances the investigation nor permits transparency sufficient to allow accountability or renewed perspective.

9. Impact on Families and Public Confidence

For families of missing persons and victims of unsolved homicide, prolonged investigative dormancy combined with indefinite secrecy compounds trauma and erodes trust in law enforcement institutions.

When information is permanently withheld without outcome or explanation, it creates the perception and often the reality that institutional protection has taken precedence over truthseeking and accountability.

Where formal pathways close, families are forced to self-organise and seek support outside the system. Those who step forward to assist face the same barriers, because the system provides no lawful pathway to progress dormant cases independently. Responsibility circulates, but authority does not.

10. Need for Structural Reform

I submit that Parliament should consider whether existing frameworks adequately serve the interests of justice in long-term missing persons and unsolved homicide cases.

Reform should include consideration of:

1. **Mandatory Re-Investigation Triggers**
Statutory triggers requiring full re-investigation, not merely review, after defined periods of inactivity.
2. **Fresh Investigator Allocation**
Periodic reassignment of long-term cases to investigators not involved in the original inquiry.
3. **Documented Accountability for Inactivity**
Formal documentation and justification of decisions not to re-investigate dormant cases, including recorded outcomes of reviews such as “no further inquiries at this time,” “retain as open but inactive,” or similar determinations.
4. **Transparency Linked to Inactivity**
Graduated disclosure mechanisms where prolonged inactivity exists, balancing investigative integrity with fairness to families, including access to high-level administrative timelines and case-status histories.
5. **Independent Oversight of Dormant Cases**
Strengthened independent oversight where investigations remain unresolved for decades without substantive investigative effort.
6. **Accredited Third-Party Pathways and Funding Mechanisms**
Consideration of lawful pathways for accredited third-party involvement in long-term dormant cases, including independent reviews, pro bono investigative assistance, or publicly supported mechanisms that can provide renewed perspective while respecting police functions and evidentiary integrity.

Conclusion

Long-term missing persons and unsolved homicide cases cannot be permitted to remain indefinitely protected from scrutiny simply because they are classified as “open,” while no meaningful investigative activity occurs.

Time should not function as a shield for institutional inaction. Nor should speculative claims of potential prejudice override the need for accountability where investigations have stalled or ceased in practice.

If the justice system is unwilling or unable to progress an investigation after decades, it must not simultaneously deny families and the public any pathway to understanding how decisions were made, why inquiries stopped, or whether opportunities for resolution were missed.

Justice delayed cannot also be justice concealed.

Time should not be a reason for silence, it should be a reason for renewed investigation, accountability, and transparency.
