

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

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Cold Case Investigation Commission (proposal)

General overview and comment:

After years of experiencing and witnessing what I believe are shortcomings with the current system regarding long-term missing persons, and persons likely murdered, I submit that the system needs to evolve.

I don't think it's being overly critical of the current process that is meant to represent the victims and the families of victims, by proposing that maybe more can be done. One only has to read volumes of commentary from loved ones who routinely state that the 'system' has failed them.

To assess whether enough is being done, the most basic introspective starting point is this; would I accept the current process if it was *my* loved one who was murdered or missing?

The response is overwhelmingly negative.

In theory, prior to an inquest taking place, police should have exhausted all reasonable lines of enquiry. And then, the Coroner expects relevant material that supports the police position regarding the investigation, is referred to the Coroner for review.

Police have far superior investigative resources and statutory enablement than those of the Coroner, and my experience therefore was that if I had a matter that went to an Inquest, my view is that I had failed the investigation.

Sometimes evidentiary sufficiency just doesn't present itself to charge the suspect (if one was identified), and therefore the Coroner adds a layer of accountability to ensure the police have conducted a competent and thorough investigation, and further, the Coroner can form their own view as to the next stages of the investigation.

However, this usually results in the matter being referred back to the police or the Unsolved Homicide Unit, and the circular process resumes. Oftentimes a recommendation of financial reward is made; however, we've seen repeatedly that reward incentives aren't effective. An wholistic approach is the most complete and effective approach. The current situation is piece-meal and often counter-productive.

Per the suspicious death of Harmony Bryant, NSW Deputy State Coroner stated, ..***“the system has failed Harmony Bryant and her family.”*** Harmony’s case is just one of numerous cases, across all Australian jurisdictions, where this sentiment is echoed.

An all too familiar story; the case goes cold, it’s referred to the Coroner, who oftentimes will refer back to police who then are usually focused on re-examining exhibits for DNA.

The above system is ineffective. It’s not criticism of any agency. It’s just the current process that is being adhered to.

The investigation becomes a ‘chipper’. It’s an unfortunate situation that the case will become lower in prioritization, competing against current investigations. So, just ‘chipping away becomes the norm. It is perceived to be making progress, yet, this approach denies the investigation to develop, and maintain, momentum.

In 2023, the NSW Statutory Review Report of the Coroners Act 2009, provided 45 Recommendations. Most of these Recommendations relate to administrative and policy issues; there is little in the way of expediting the process for a robust homicide type investigation. This is fair enough, considering the role of the Coroner.

However, it doesn’t serve the victims nor the victims’ families with regards to obtaining justice.

A joint agency, multi-jurisdictional unit needs to be established to address the significant backlog of cases. One that can expedite outcomes, whilst concurrently obtaining robust evidence to place offenders (as the case may be) before the court.

I submit that such an elite unit, which has broad-ranging coercive powers, is required to address these cases. The unit could potentially comprise operational secondees from the Missing Persons Unit, Unsolved Homicide Team, Homicide Victim Support Unit, Forensic Unit, and possibly the Crime Faculty etc, who are jointly governed by a Commissioner and state Coroner.

The unit could be aptly developed into the ‘Cold Case Investigation Commission’ (CCIC).

A proof-of-concept (pilot) Commission could be implemented utilising the facilities of the NSW Crime Commission, who are operationally equipped to accommodate the requirements of the CCIC. Ideally, all states and territories should eventually participate and form their own respective Commission. Many cases, particularly historical ones, have witnesses and suspects spread across the country and so the multi-jurisdictional model would work best to liaise and leverage each Commissions’ resources.

The Commission could potentially commence operations from within the NSW Crime Commission, as the Crime Commission has established facilities to accommodate the nature of the suggested responsibilities of the Cold Case Investigation Commission.

The inclusion of the Coroner may very well create legislative friction due to the inquisitorial nature of a conventional inquest, and the combative nature of a coercive hearing. This could create a conflict with the Coroner wearing 'two hats,' so to speak. However, it's worth considering how the Coroner might participate within the structure of the Commission.

Coercive examinations have limited usage in Australia and are mainly exercised by agencies such as Australian Criminal Intelligence Agency, ASIC, and several state Crime Commissions and IBAC and ICAC.

But what could be more important than the resolution of a homicide or long-term missing person?

Human life surely takes priority over consumer price manipulation, or even a corrupt public servant or police officer. Adopting a humanitarian approach will overshadow most arguments against such a revised approach. Those who argue against progressive change have likely not had a loved one gone missing or murdered. Or they lack any sense of empathy.

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Executive Summary

Introduction:

This submission is intended to address points 1) a,b,c,d and e, of the Terms of Reference.

This proposal outlines the formation of an independent Cold Case Investigation Commission (CCIC) tasked with reviewing unsolved historical homicide cases and long-term missing persons cases, by leveraging data-driven methods, and coordinating with law enforcement, forensics, and community partners.

The CCIC will aim to increase resolution rates, restore public trust, and provide meaningful outcomes for victims' families through transparent, expert-led investigations.

The CCIC would be endowed with, *inter alia*, coercive examination powers, and accompanying compellable Notice to Produce powers, driven by intelligence-led investigations (both covert and overt).

🌀 Problem Statement

- A substantial 'backlog' of unresolved cases erodes public confidence and drains investigative resources.
- Current investigative methodologies, and the current system of partnership between the Coroner and police, hinders potential breakthroughs.
- Communities demand accountability and transparent processes for cold-case work.
- Current processes may be slow, fragmented, or under-resourced for proactive, independent review.
- Any coercive examination powers must be tightly aligned with Australian and NSW law, human rights protections, and robust safeguards.

Proposed Solution

- Create a legally constituted, independent CCIC with multidisciplinary experts (investigators, data analysts, forensics, legal counsel, victim advocates etc).
- Establish standardized case prioritization, data sharing, and review protocols.
- Operate with public reporting, quarterly briefs, and annual impact assessments.
- Implement a pilot program (Task Force structure) initially with 10–15 high-potential cases to demonstrate value before scaling.

Goals & Outcomes

- Increase resolved cold cases.
- Reduce investigative cycle time for cold cases.
- Improve community trust through meaningful outcomes.
- Build a scalable model for nationwide adoption.

Scope & Mandate

- Case intake, archival review, re-analysis with modern techniques, and coordination with law enforcement.
 - Forensic re-examination where permissible, re-interviews (coercive hearings), and re-evaluation of digital evidence.
 - Public reporting of methodology, progress, and outcomes while protecting sensitive information.
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Governance & Structure

- Governing Board: appointed by jurisdiction, with balanced representation from law enforcement, judiciary (DPP secondees, Coroner) victims' advocates, academia, and the public.
 - Advisory Committees: forensics, data science, legal, community engagement.
 - Operations Unit: case management, outreach, and administrative support.
 - Legal framework: clear authority, data privacy, evidentiary standards, and chain-of-custody guidelines.
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Funding & Resources

- Initial funding request: dedicated endowment or phased government appropriation, plus grant eligibility (federal, state, private foundations).
 - Budget categories: personnel, training, technology (case management, analytics), forensics collaborations, community outreach, and evaluation.
 - Sustainability plan: multi-year funding commitments, performance-based milestones, and cost-sharing with partner agencies.
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Stakeholders & Partnerships

- Law enforcement agencies, prosecutors, and judiciary.
 - Forensic laboratories and private sector analytics partners.
 - Victim and survivor advocacy groups.
 - Academic institutions for research and evaluation.
 - General public via transparency portal.
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Timeline

1. Charter and legal review (0–3 months)
 2. Staffing and governance setup (1–4 months)
 3. Pilot design and case selection (2–5 months)
 4. Pilot execution and interim reporting (6–12 months)
 5. Evaluation and scale plan (12–18 months)
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Risks & Mitigations

- Legal constraints: secure a legal opinion and defined authorities upfront, particularly surrounding evidence obtained via coercive examinations.
 - Data security: implement strict access controls and auditing.
 - Stakeholder buy-in: establish formal collaboration MOUs and regular communications.
 - Public perception: transparent methodology and independent oversight.
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Evaluation & Metrics

- Case resolution rate.
 - Number of cases re-opened or re-analyzed with breakthroughs.
 - Stakeholder satisfaction surveys; community trust metrics.
 - Financial stewardship and cost per case solved.
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