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Payout for mother wrongfully jailed over babies' deaths 'inadequate' - lawyer

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BBC News, Sydney



Reuters

Kathleen Folbigg's case has been called one of Australia's greatest miscarriages of justice

Once branded "Australia's worst mother" but now considered the victim of one of its greatest miscarriages of justice, Kathleen Folbigg has been offered A\$2m (£975,580, \$1.3m) in compensation for 20 years of wrongful imprisonment.

Ms Folbigg was convicted over the deaths of her four babies in 2003, but freed in 2023 after a judicial review of her case found they may have died of a genetic condition.

Legal experts had estimated that the 58-year-old could expect one of the highest compensation payouts in Australian history, likely upwards of \$10m.

However, on Thursday Ms Folbigg's lawyer said she had been offered \$2m by the government, which they called "profoundly unfair and unjust".

"The sum offered is a moral affront – woefully inadequate and ethically indefensible," Rhane Rego said in a statement.

"The system has failed Kathleen Folbigg once again."

In a statement, New South Wales Attorney General Michael Daley said the decision was based on "thorough and extensive" consideration of Ms Folbigg's application for compensation.

"At Ms Folbigg's request, the Attorney General and government have agreed to not publicly discuss the details of the decision."

Misogyny helped jail a mother. Science freed her Mother jailed for 20 years cleared of killing babies

Ms Folbigg's four infant children - Caleb, Patrick, Sarah, and Laura - each died suddenly between 1989 and 1999, aged between 19 days and 18 months.

Prosecutors at her trial alleged she had smothered them, relying on circumstantial evidence - including Ms Folbigg's diaries - to paint her as an unstable mother, prone to rage.

In 2003, she was sentenced to 40 years in jail for the murders of Sarah, Patrick and Laura, and the manslaughter of Caleb, later downgraded to 30 years on appeal.

Ms Folbigg has always maintained her innocence, and in 2023 a landmark inquiry into her case found her children could have died of natural causes because of incredibly rare gene mutations.

Ms Rego said the payment offered to Ms Folbigg did not fairly take into account the suffering she had endured.

"When Lindy Chamberlain was exonerated in 1994, she received \$1.7 million for three years in prison," she said, referencing another mother falsely convicted of murder after her infant daughter was taken from an outback campsite by a dingo.

"Kathleen Folbigg spent two decades in prison, yet for her wrongful imprisonment she has been offered \$2 million."

After her release, forensic criminologist Xanthe Mallett told the Australian Broadcasting Corporation she "wouldn't be surprised" if compensation awarded was upwards of A\$10m.

Meanwhile, Professor Gary Edmond, from the University of NSW, told the Guardian Australia that Ms Folbigg's compensation payout "would have to be" the largest in the country's history.

Other local media reported that she could receive damages of up to A\$20m.

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