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Kathleen Folbigg's \$2 Million Compensation Sparks Outcry Over Justice System's Failures

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Kathleen Folbigg has received a \$2 million (AUD) ex gratia payment from the New South Wales government following her wrongful conviction and 20-year imprisonment for the deaths of her four children. While the compensation marks a formal acknowledgment of her suffering, critics argue the amount falls far short of what justice demands.

Once dubbed one of Australia's most notorious criminals, Folbigg was convicted in 2003 of three counts of murder and one count of manslaughter. The charges stemmed from the deaths of her children over a 10-year span, all of which were initially believed to be caused by smothering. She was sentenced to serve a minimum of 25 years in prison.

In 2023, her convictions were formally overturned by the New South Wales Court of Criminal Appeal, following an independent judicial inquiry that reviewed new scientific evidence. That evidence suggested the children may have died of natural causes, including a possible rare genetic mutation. As a result, Folbigg was granted an unconditional pardon and released from custody.

Following the court's decision, Folbigg's legal team submitted a request for compensation. The result was an ex gratia payment of \$2 million, announced by New South Wales Attorney General Michael Daley on Thursday. According to his statement, the amount was determined after a comprehensive review of the submitted materials and legal arguments. At Folbigg's request, the government agreed not to disclose the details behind the decision-making process.

However, the compensation has drawn sharp criticism. Attorney Rhanee Rego, who represents Folbigg, described the sum as "profoundly unfair and unjust," calling it "a moral affront" to the extent of loss and trauma her client has endured. Rego pointed to the devastating toll of the wrongful conviction, noting that Folbigg not only lost two decades of her life but also endured the emotional trauma of losing her children, being publicly vilified, and having her marriage collapse.

Comparisons have been made to past cases, including that of Lindy Chamberlain, who received \$1.3 million in 1992 after serving three years for the wrongful conviction of killing her daughter, Azaria. Rego and others argue that in light of inflation and the severity of Folbigg's experience, her compensation should have been significantly higher.

Greens Member of Parliament Sue Higginson echoed these concerns. In a public statement, she noted that \$2 million "barely covers what Kathleen could have earned on a full-time salary over 20 years." Higginson emphasized that Folbigg not only lost her earning capacity but also her home, superannuation, and employability. She added that Folbigg incurred significant legal costs in her fight to clear her name.

Higginson further criticized the premier of New South Wales, Chris Minns, for declining to meet with Folbigg. "Wrongful conviction is one of the gravest injustices a government can inflict," she stated, calling the \$2 million payment "a slap in the face." She urged the premier to reassess the figure and meet with Folbigg directly.

The case has prompted renewed calls for reform of the ex gratia payment system. Higginson and others are pushing for greater transparency and consistency in how wrongful conviction settlements are calculated, particularly when the state bears clear responsibility.

Though the attorney general's office emphasized that the decision followed "thorough and extensive consideration," the controversy surrounding the payout highlights ongoing challenges in how the justice system addresses and compensates for its failures.

As Folbigg attempts to rebuild her life, the question remains whether the financial restitution provided reflects the magnitude of her ordeal—or if the justice system still falls short in making amends for its most consequential mistakes.