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INQUIRY INTO THE CONVICTIONS OF KATHLEEN MEGAN FOLBIGG

TUESDAY, 30 APRIL 2019 at 10.00am

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PRESENT:

Legal representatives

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Gail Furness SC, Senior Counsel assisting the Inquiry

Ann Bonnor, counsel assisting the Inquiry

Sian McGee, counsel assisting the Inquiry

Jeremy Morris SC, Senior Counsel for Ms Folbigg

Robert Cavanagh, counsel for Ms Folbigg

Isabel Reed, counsel for Ms Folbigg

20

Christopher Maxwell QC, Queen's Counsel for New South Wales ODPP

Margaret Cunneen SC, Senior Counsel for Craig Folbigg

Witnesses

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Kathleen Megan Folbigg

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LTS:DAT

SPECIAL INQUIRY

THE HONOURABLE REGINALD BLANCH AM QC

5 TUESDAY 30 APRIL 2019

INQUIRY INTO THE CONVICTIONS OF KATHLEEN MEGAN FOLBIGG

PART HEARD

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<KATHLEEN MEGAN FOLBIGG, CONTINUING (9.58AM)

15

<EXAMINATION BY MS CUNNEEN SC

Q. Good morning, madam.

A. Good morning.

20

Q. May I suggest this to you; from an overview of the diaries they establish, don't they, that you took physical responsibility for the death of your children - wait until I finish this question, if you would - you took physical responsibility, but you placed moral responsibility for the deaths on other people including, and perhaps especially, your father?

25

MORRIS SC: I object. It's the form, your Honour.

JUDICIAL OFFICER: I think the question can be answered simply.

30

Q. Yes, could you answer that question?

A. Yes, your Honour.

Q. Do you agree or not?

A. No, I don't agree with that.

35

CUNNEEN SC

40

Q. You said in evidence yesterday that you wanted to have control over your life and over everything in your life. Was that a fair, general comment from your evidence yesterday?

A. Yes.

45

Q. You could control things like your calorie intake and going to the gym and exercise, that's right isn't it?

A. Yes.

50

Q. But the thing that was beyond your control was the behaviour of each of your babies?

A. Yes, I agree with that.

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Q. And it was that, really, which was the huge difficulty for you, wasn't it?

A. No, the difficulty for me was in doubting myself and my own ability, not in the difficulty of the behaviour of children. Everyone expects children to behave whichever way they're going to behave. I didn't expect anything different.

5

Q. Now, yesterday you were asked by Mr Maxwell whether you minded - or rather, you were asked at page 631 of the transcript, "Did it concern you that Craig had found one of your diaries?", and you said, "No"?

A. Yes.

10

Q. Did it concern you that he may have read your diary or one of your diaries or journals?

A. Yes, of course. I'm - diaries aren't meant for other people to be reading.

15

Q. That's why you were rather disturbed, to the point of quite strong language, when you realised that the police had found one of your diaries during a search warrant. That's right, isn't it?

A. Yes.

20

Q. And you expressed regret that you hadn't put it in a more difficult place to find?

A. No, you're referring to - are you referring to the day they found it or a listening tape situation?

25

Q. Yes, the listening device?

A. Yeah, no, the listening tape thing, I, I can't tell you what that was about because I have no idea. It's not - I don't believe it's referring to a diary at all.

30

Q. Well, didn't it say so, in terms of it was a diary?

A. In the--

MORRIS SC: If the witness could be taken to the document, your Honour?

CUNNEEN SC: Yes.

35

JUDICIAL OFFICER: And I don't think it was - referred specifically to a diary.

CUNNEEN SC: No, your Honour, you're probably right.

40

MORRIS SC: Tab 18, your Honour.

CUNNEEN SC: Tab 18. Thank you, your Honour.

45

Q. When you said on that day, 24 July 1999, "I should have fucking done what I was gunna do, stick it underneath that", you, at that time, had realised that a diary had been found and taken by police, didn't you?

A. No. I'm, I'm not seeing anywhere that that's got any reference to a diary at all. I can't tell you what it was I was supposed to have been putting anywhere.

50

Q. Well, you're not saying that the police cleaned out your house, are you?

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A. Sorry?

Q. The police did not remove many, many items from your house, did they?

A. Not as far as I recall, no.

5

JUDICIAL OFFICER: I think you might be at cross-purposes.

WITNESS: Yes.

10

JUDICIAL OFFICER

Q. You're being asked were you aware that the police found the diary at the bottom of the wardrobe?

A. I was informed that they'd found it at the top of the wardrobe, not the bottom of the wardrobe, your Honour--

15

Q. Yes, but you were--

A. --but, yes, I, I did understand they'd found a diary in a wardrobe, yes.

20

Q. Okay, thank you.

CUNNEEN SC

25

Q. You went in to check whether your diary that you had put into the bedroom, in a particular place that you knew, had been taken, didn't you, on that occasion that you were heard to make that remark?

A. No, I don't believe I did.

30

Q. And the diary had been placed into a crocheted bag, covered with clothes and put into a blue container and then placed among clothes?

A. I - I've already stated that I - I'm not recalling a cloth bag or containers, or that. I was under the impression, given to me, that it was found just simply underneath clothing, and my view on that is that I don't recall it being there.

35

Q. Well, you are not being truthful, are you, because the fact is that you were very concerned that the police now had your innermost thoughts recorded in your journal?

A. But I'd also, also had--

40

Q. No, could you answer that, without "also", please?

A. No, I wasn't as concerned as what you're making out, I - and I will add with the "also" that I'd had my interview by - I'd had an interview by then, so I knew that diaries had been found. So, to me, that's not making any sense, that I would then come home under a search and be highly stressed and upset that they found a - another diary. Was I slightly upset that, yes, there seemed to be another diary? I'll agree.

45

CUNNEEN SC: Might the witness be shown tab 18, please, your Honour?
Tab 11, please, your Honour.

50

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Q. You wrote this, did you not, in July 1999?

A. Yes.

5 Q. The second sentence, "I just pray it doesn't come back to bite me, like my 97 one has". "Decided to start writing in a diary again, have missed being able to vent regularly" - sorry, the third sentence, "I just pray it doesn't come back to bite me, like my 97 one has"?

10 A. And that's a reflection on the fact that the previous diary had been used in the manner that it had been used.

Q. As evidence of the truths that are contained within it?

A. As evidence of using someone's thoughts in a manner that I - didn't seem appropriate, as far as I was concerned.

15 Q. I think, at one stage, you recorded that you had "sprung" Craig reading your diaries, or diary?

A. Yes.

Q. That was your word, wasn't it, "sprung"?

20 A. Yes, yep.

Q. And you considered it an "invasion" when he read your diary?

25 A. Of course. Why, why wouldn't you? If you're writing your thoughts down, you're not meaning for anyone else to be writing (as said) them and reading them. Why would that not be an invasion of a person's space and privacy?

Q. Yesterday you suggested that the entries in the diary didn't necessarily reflect the truth or were exaggerations or were rambling - "random", I think random was the word, "random comments"?

30 A. Yes.

Q. But I suggest to you that they were your way of recording, just for you, your feelings and thoughts about the issues of your life while you were writing those journals?

35 A. Yes, I'll agree with that, yeah.

Q. And they weren't something that you - as you suggested yesterday, they weren't a thing that you, having finished with, threw out because you were finished with it?

40 A. No, I'm going to state that they are. Once I was finished with it, it became irrelevant and I'd moved on and, therefore, didn't think of that particular diary any further.

45 Q. But there is at least one entry in the diary, isn't there, about having read a previous journal and laughing at some of the funny things and so forth?

A. Because it would have been easy, at hand, for me to do so. But if I hadn't been able to find it and, and I'd misplaced it or it had moved in any way, then I wouldn't have been looking at it, would I?

50 Q. Well, I'm going to suggest to you that that was a record for you because

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you considered the diary your friend, that's right, isn't it?

A. Yes.

Q. You'd sign off "Kathy" at the end?

5 A. Yes.

Q. As though you were writing a letter to an intimate friend, a close friend?

A. Yes.

10 Q. And you were not insincere in those journals, you were giving the precise thoughts that you were feeling at that time to, as you say, vent, release?

A. Yes, I've never said I was insincere.

Q. May we just return to some of those entries, ma'am?

15

JUDICIAL OFFICER: Before you do, Ms Cunneen.

CUNNEEN SC: Yes, your Honour.

20 JUDICIAL OFFICER

Q. Before we pass by the diary of July 1999, that was the diary that was found when the police went back to the house after the interview?

A. As far as I recall, yes.

25

Q. During the course of the interview, you were asked by the police what had happened with the diaries and you said, from question 459, "I just got rid of them all, so I haven't written in one since"?

30 A. "Rid of them all", for me is a general term as just misplacing, losing or throwing away, your Honour. It, it didn't mean, specifically, me getting rid of anything on purpose.

Q. No, you're missing the point. "I haven't written in one since"?

A. Because that was my intention at the time, to not--

35

Q. That's what you told the police?

A. Yeah. Yes, yeah.

Q. But you, in fact, had written in one since?

40 A. Yes, it turns out I had, yes. I'd changed - I said, I'd changed my mind and decided to.

Q. Yes, but did you lie to the police about it?

A. No, at the time I hadn't been writing in one.

45

Q. I'm sorry, but you said to the police, "I threw them out and I haven't written in one since". But you had, in fact, written in one since and the police found it when they went to the house?

50 A. Yes, your Honour and, as I said, I - at that particular time I - when I got rid of or lost those diaries, I'd made a decision that I wasn't going to write in them

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but, as it turned out, I'd changed my mind and I decided to and I did.

JUDICIAL OFFICER: Yes.

5 CUNNEEN SC: Thank you, your Honour.

Q. On 4 June 1996, when you commenced a new diary, you said, did you not, "Bought this one today, my last one got destroyed"? Was that about the diaries?

10 A. Yes.

Q. Do you remember how your last one got destroyed?

A. No. No, I don't.

15 Q. Is that truthful?

A. Yes.

Q. If we move to 8 September 1996, you say, "Feel now is a time for us to have another baby. Have finally realised the right time for me. I have Craig and he wants a child" - is it, "I have Craig"?

20

A. "I have Craig", yes.

Q. "And he wants another child. That, I can give him, and I have enough friends now not to lose it like before." What you mean there is, that's one of many, I would suggest to you, times that you psych yourself up for being different with your next child, isn't it?

25

A. Convincing myself, yes, that everything will work out, that's correct.

Q. And even though yesterday you agreed that you did have a lot of family support from Craig's very large extended family--

30

A. Yes.

Q. --and, indeed, from Craig himself?

A. At times, yes.

35

Q. Well, all the time, didn't you, from Craig?

A. And I also stated yesterday that that doesn't change the fact that I was having an inner turmoil, inner struggle, and believing that I was dealing with things myself and had to do things myself, and that I was having trouble asking for help.

40

Q. Craig used to even come home for lunch didn't he, most of the time?

A. But he did that before we had children, but as far as I'm concerned is irrelevant.

45

Q. Yes, but it broke up your day and helped you, didn't it?

A. Yes.

Q. It was only those times when you were alone that you were really worried about things wasn't it?

50

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A. Yes, as in - as I've stated, the fear of tragic things always happening when I was alone, me finding my children is what I'm talking about.

5 Q. You felt alone because Craig was asleep--
A. Yes.

Q. --some of those times?
A. Yes.

10 Q. Other times he was at work?
A. Yes.

15 Q. You said, "And I have enough friends now not to lose it like before". Did you consider it more important for you to find the people who helped you with the children rather than have those on tap from Craig's family?
A. Yes, it was a, a way of which I was trying to control the situations as which I was in.

20 Q. Was it so that you could manipulate those people because they didn't know so much about you?
A. No.

25 Q. When you said, "I have Craig and he wants a child, that I can give him", what you're saying there is, isn't it, I can give him a child but I can't guarantee that the child will stay alive?
A. No. I - having failed at being the mother that I thought I was supposed to be and providing Craig with the family that I thought we were supposed to have, that sentence is "that I can give him" is, is what I wished to do for him and our family unit.

30 Q. This failed as a mother that you have repeated through your evidence--
A. Yes.

35 Q. --you know intellectually that a mother who loses children to natural causes is not a failure as a mother don't you?
A. In my head I may know that.

40 Q. Yes.
A. In my heart's a different matter. That's - when you lose a child it's the worst thing in the word and--

45 Q. But I'm just suggesting to you that a mother who has lost a child through an illness or other such things, a natural cause, or even an accident perhaps, has not failed as a mother. You know that don't you?
A. But I wasn't being faced with that. I was being faced with my children have died and I've lost my children and yet I'm not having any exact black and white answer as to how or why.

50 Q. The children all had two parents naturally, you and Craig.
A. Yes.

Q. You didn't consider that the other parent, the father, was a failure as a father because your children had died, did you?

A. No, because I took the onus of responsibility for it all upon myself.

5

Q. I suggest that you did that because you knew that it was you and not Craig who was responsible for the deaths of the children.

A. No. I took the responsibility and the onus of the responsibility for the deaths of my children extremely hard, because I had worked so hard in preparation and in my attempt to succeed at being a mother I did deem it as a personal failure that I had lost my children and I was not succeeding where I thought I was supposed to be.

10

Q. Or to put it another way, you deemed it as a personal failure every time you lost control of your temper and did away with your children in circumstances where you felt alone, even if you were not physically alone.

A. No, I deemed it as a personal failure, yes, if I'd thought I'd lost control, if I'd shown frustration or any negative feelings towards anything, including Craig, children, whichever, I took that onus of responsibility totally on myself and I thought I had to fix everything, and it was my bordering on obsession with doing so that created such an attitude where I just continually felt that I was failing at the plan of life which I thought I was supposed to be undertaking.

15

20

Q. On 11 September 1996, the page on the right-hand side ma'am, you said, "Feeling inadequate because I'm not pregnant yet. Feel as though it's my fault. Think it's deserved. After everything that's happened, I suppose to never have kids again."

25

MORRIS SC: That's not a complete dissertation of the passage your Honour.

30

CUNNEEN SC: I'll read the whole page.

JUDICIAL OFFICER: Are you just talking about the fact that "I deserve to never to have kids again"?

35

MORRIS SC: Yes, and the first line as well is significant but my friend can choose to believe that, but it's really the use of the word "deserve".

JUDICIAL OFFICER: Yes, thank you.

40

CUNNEEN SC: I can confine myself to that.

Q. "I suppose I deserve to never have kids again. After everything that's happened I suppose I deserve to never have kids again. Think it's deserved."

45

CUNNEEN SC: I'm sorry, I don't understand my learned friend's objection. Did you want me to read the whole page or the whole paragraph?

MORRIS SC: I don't mind.

50

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JUDICIAL OFFICER: No, it's just that you read it without the word "deserve" in it.

CUNNEEN SC: I beg your pardon.

5

Q. You see the passage Ms Folbigg?

A. Yes.

10 Q. Once again there you are saying that you don't deserve to have kids again, you feel that you are not pregnant because you don't deserve it after what you did to the other three children?

A. No, I'm feeling that I didn't deserve and was having trouble falling pregnant because I didn't, I felt at the time I didn't deserve that chance again because I felt as if it was a major failure that I hadn't successfully reared the last three.

15

Q. You were right, weren't you, you didn't deserve another chance after what you have done?

A. Who's to say that?

20

Q. You said it.

A. Yes, that was my - as I - you know, this is a diary, it's a private thought, not anymore, but it was a private thought and demonstrates the turmoil with which I was going through, at the time, in my decision to get pregnant and have a fourth go and requesting--

25

Q. You don't say "We don't deserve to have any baby, Craig and me" do you?

A. No.

30

Q. Because you knew in your mind that what you had done with the others.

A. No, that's incorrect.

35

MORRIS SC: With respect to that last question, if my friend is going to put something she ought to put it rather than just in oblique terms which is going to give no clarity to the transcript at all. Rather than putting a proposition you knew the things you had done, she ought to put the proposition fairly.

CUNNEEN SC: Happy to do that, your Honour.

40

Q. You knew that you had asphyxiated your other three children when you lost control of your temper, when they wouldn't sleep as you wanted them to.

A. No.

45

Q. Isn't that right?

A. No, that's not right.

50

Q. That's why you knew that you really didn't deserve to be given the chance with another child?

A. No, it wasn't a case of knowing that I don't deserve. I even use the word "I suppose" there, that that's not a definite, "I suppose I don't deserve".

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5 Q. Yes, but that's because in the back of your mind, while you knew that physically you had harmed and killed your other children, that in the back of your mind, and we'll come to it, you had a way to blame other people in your life for what you did. Ultimately the backdrop of this is that you blamed your father I'd suggest to you?

MORRIS SC: I object to that question on the basis of form. It's all over the place and it's got about five different propositions in it.

10 JUDICIAL OFFICER: Perhaps you can simplify it.

CUNNEEN SC: Thank you, your Honour.

15 Q. You said "I suppose I deserve to" and you said that qualified your thought. Am I putting that fairly?

A. Yes.

20 Q. I think you are making the point or endeavouring to make the point that you weren't definite about feeling that you deserved to never have kids again?

A. Correct, yes.

25 Q. I'm suggesting that the reason that you allowed yourself that leeway is because you morally, you blamed your father's actions from many year's before, your father's actions in leaving you without a mother and ruining your life?

30 A. My father rarely ever entered the picture of my world. As far as I was concerned, and I stated in the record of interview, that I regarded my father as a loser and my father never popped up into my life hardly ever, as in thought or in any other way, so I'm a bit confused as to why you're even suggesting that he's got any relevance in these diaries that I'm talking about.

35 Q. Just to deal with that point now, may we go to tab 10 I think it is in the Inquiry tender bundle, 19 June 1999. You say there, "So many things", this is the third paragraph, "So many things point to the fact that I am not meant to be. Unwanted at birth, a father who so selfish, unthoughtful, that he took my mother from me and ruined my life from that one action."

A. Yes.

40 Q. You considered him selfish and unthoughtful for murdering your mother?

A. I had no other way to look at it, yes.

Q. You didn't say he was an evil dreadful murderer?

45 A. I didn't know him. Why, why would I say such words about someone I don't even know?

Q. He was just selfish and unthoughtful in killing your mother.

50 A. Because just of the effect that that had. I didn't know the man. I have no memory whatsoever of him, and as I said, he rarely popped into my thoughts, but when he did, it's quite evident here when he did, my views were not that he was evil or any of those such things, it was simply the act of which he did I

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knew of, and the effects of that act on my life from then on.

Q. You said "ruined my life from that one action".

A. Of course he did.

5

Q. What part of your life did he ruin, your childhood for starters?

A. Agreed, yes.

10

Q. You think don't you that you received no love from the people who brought you up?

A. It was a belief I had, yes.

15

Q. You make some very pointedly deprecating remarks about the lady you called mum in these diaries.

A. Yes.

20

Q. But do you say that he ruined your life then when you were 32?

A. I am saying the life I led from his one action did ruin my life, yes. My life could have gone in many different paths and many different directions and I had no way of ever knowing what my future could have been, be it even if he hadn't done what he'd done, what was my future.

25

Q. Leaving aside for the moment the tragic death of your children, your life, your marriage with Craig was at times filled with love and pleasantness and goodness?

A. Yes, and I've never - never said otherwise.

30

Q. You proudly spoke often in your diaries of what a lovely home you had and how well it was decorated and how it was rather nicer than other people's and you were proud of it?

A. Yes.

FURNESS SC: Your Honour?

35

JUDICIAL OFFICER: Yes, I think we're straying a bit from the point there, Ms Cunneen.

40

CUNNEEN SC: As your Honour pleases. I'll go straight to p 5 of 19 June 1999.

45

Q. At the end of this entry in tab 10, you say don't you, "Information is finally coming out and more and more I discover that they all, every one of them are responsible for my predicament that I'm now 30 years later." You see that there ma'am?

A. Yes.

50

Q. You were meaning your father and other people?

A. If you don't mind I'll, I'll just read the whole page. I'm not recalling--

Q. All right, please take your time.

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A. Okay.

Q. Are you right?

A. Yep.

5

Q. What was the predicament that you were in "30 years later"?

A. That's referring to just how I felt my life hadn't worked out how I thought it was supposed to work out.

10

Q. Was it the - may I suggest to you that the only bad thing really was that your - that's massively significant you're referring there to the death of your children aren't you?

A. No, that passage is referring to information that I had come across in relation to my father and the events surrounding him.

15

Q. The predicament that you were in at that time was that you were becoming aware that there were questions about your involvement in the deaths of your children?

20

A. No. The predicament, the word "predicament" is, is in relation to me finding out information regarding my father and what's the surrounding situation with him. And the predicament is my feeling that the actions of him and his situation as I stated ruined my life and sent it on paths that it may not have gone and my predicament is along the lines of my insecurities and, and the problems with which I was always having. I was lamenting as to whether that could have had anything to do with the way I was thinking about things.

25

Q. The predicament was four dead babies and the focus of the legal system was turning around to you, wasn't it?

A. No, it wasn't. Not what that entry's about at all.

30

Q. In that passage, you attribute the moral blame for the killing of your children to your father and "every one of them" that set your life on a course where you ended up killing your children?

A. No. Incorrect.

35

Q. If I can just return then to 15 September 1996 please? I'm going to suggest to you that your journal was your real self and that in it, you record ways of dealing with people so that they will respond to you in the way that you want? What do you say?

40

A. No, that you're implying that I'm writing in my diaries so that I can manipulate other people--

Q. Yes.

A. --then that's incorrect.

45

Q. That's precisely what I'm suggesting to you?

A. No.

Q. That you plan a manipulation of people in this diary?

50

A. No.

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Q. These diaries?

A. No.

5 Q. You said, fifth line:

10 "Friday and Sat night were great fun. As usual Craig and I argued about my love of dancing and the being around people. I think I've figured out what to do. Only go out once a fortnight. That way he'll see that I'm making an effort and always ask if he would like to go as well."

15 You put your plans down about how you're going to really get your way about going out and--

15

FURNESS SC: In my submission this area of examination on this entry is of no assistance to your Honour in the Inquiry your Honour is conducting.

20 JUDICIAL OFFICER: I think that's probably right Ms Cunneen. Unless you can point to something?

25 CUNNEEN SC: Well, it's leading to manipulation of people so that, and ultimately being able to cast the blame in that direction and I'm just leading to something that is joined to that, which comes very shortly after in the diary but I'll move right onto it.

JUDICIAL OFFICER: Thank you.

30 CUNNEEN SC: If I may.

35 Q. On 3 October 1996, again on that occasion you're talking about your husband, Craig. I think it's on the next page please. At the end of that passage about Craig you say do you not, "Enough is enough. If we have trouble it will be on his head not mine. I've compromised and given up enough for him. No more Kathy."

A. Yes.

40 Q. I suggest to you that there, at a time just before you became pregnant with Laura, that must be right mustn't it?

A. Yes.

45 Q. Only a matter of weeks. You make a decision in your mind that if anything happens with the next baby Craig will be the person that you blame in your mind and not yourself. Craig will be the person that you blame for the moral, morally for the death of the next child?

A. Absolutely not. That, that reference is, is to troubles that Craig and I, I felt that Craig and I were having in our marriage and our relationship. It's not in reference to anything to do with the children.

50 Q. If we can move forward to the next entry, 14 December 1996?

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14 October 96.

CUNNEEN SC: Would you move to the next page please officer?

5 Q. "Still isn't happening." That's your pregnancy?
A. Yes.

10 Q. "Thinking of forgetting the idea. Nature, fate and the man upstairs have decided I don't get a fourth chance and rightly so I suppose. I would like to make all my mistakes and terrible thinking be corrected" - and it's "corrected" isn't it?

JUDICIAL OFFICER: Or converted.

15 CUNNEEN SC: Well, I'm just going to ask the author if I may?

WITNESS: I think it's corrected.

20 CUNNEEN SC

Q. Corrected?
A. I think it's corrected, yeah.

25 Q. "--mean something. Plus, I'm ready to continue my family time now."

MORRIS SC: Again, another word has been missed out. I think it's "though".

30 CUNNEEN SC: "--and mean something though." "--be corrected and mean something though. Plus, I'm ready to continue my family time now."

Q. I would like to suggest to you that the first part of that paragraph is you're saying it looks like you're not going to have a fourth chance, "rightly so" because you don't deserve it in effect. What do you say about that?

35 A. The same as I've been saying all along; that I always felt like I didn't deserve. It was an issue and a struggle that I was having. I believed in nature, fate, karma, destiny at some times, and some points even God. I had belief that if I wasn't going to fall pregnant and it seemed to be a problem in doing so, I had convinced myself that maybe I wasn't deserving of that chance because I had lost three children and had failed in the path and the life of which I was trying to set myself.

45 Q. The second part of the paragraph you say, "I would like to make all my mistakes and terrible thinking be corrected and mean something though. Plus, I'm ready to continue my family time now." That means that you still hold the hope of having another baby. That's right isn't it?
A. Yes.

50 Q. And continue your "family time". That is you and your husband and a child, is that right?
A. Yes.

Q. But you think that having another child and succeeding in keeping her or him alive will correct your "mistakes and terrible thinking" of the past?

A. Yes, I'll agree with that. That, that was where my mind was at the time.

5

Q. And the "terrible thinking" was in relation to the three children who were already deceased was that you would lose it with them and in temper when you felt alone imposing your will on them to go to sleep, you would put them to sleep by suffocating them wouldn't you?

10

A. No. I explained before what terrible thinking to me means and it's a general term. It's not an action term.

Q. But it must mean something about losing your temper doesn't it?

15

A. It referred, terrible thinking to me referred to absolutely everything and anything. It wasn't--

Q. Losing your temper was one such thing wasn't it?

20

A. Getting frustrated and losing my temper yes, I'll agree was one such thing, yes.

Q. Because you go on to say that, "But I think losing my temper stage and being frustrated with everything has passed. I now just let things happen and go with the flow, an attitude I should have had with all my children."

25

A. Yes. I'm stating there that I was thinking and had a belief that whatever I'd done the last three times must have been wrong. My instilling of routines and doing such things that that must have been wrong. Therefore, I had to fix it and I was attempting to prepare and do everything that I could to make sure that the hope that I had that I could have another child and that Craig and I could have the family that we'd be striving for would succeed.

30

Q. "If given the chance, I'll have it with the next one." That's on the next page. That's an attitude that is free of losing one's temper and becoming frustrated?

A. Yes, I'm not arguing with you there.

35

Q. You see, you don't say there anything about Craig and him being a failure or any such thing do you?

40

A. These diaries - no, these diaries are about my thoughts and my feelings and my issues and my turmoil and my problems. Craig was mentioned in a few of them if I thought that I was having a problem with him or with our relationship in such a manner, but no it makes no sense to me that I would be popping him in every five seconds on something.

Q. It was your turmoil and this was the only place that you could record it and release it, wasn't it?

45

A. That's what I felt yes.

Q. And you meant it to be a secret between you and those books?

A. Of course I did, it's a diary.

50

Q. 30 April 1996, would you move on to the next page please, after some

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recordings about how good things are going with Craig and how things are not going so well with your mother, you move on to - maybe the next page thank you, next page please, at the end of that entry, that is on the left-hand side of the page, "I worry", can you see that Ms Folbigg?

5 A. Yes.

Q. "I worry that my next child will suffer my", what is that, "psychological mood swings the others did"?

10 A. Yes.

Q. "I pray I'm prepared and ready mind wise for this next one"?

A. Yes.

15 Q. It's very clear there isn't it that you express regret for your mood swings and the effect that they had on your three deceased children?

A. Yes, the psychological mood swings is referring to how I would get depressed, yes, and I was always worrying because it was a belief and a view I had that any negative moods from me would impact the people around me and that included my children.

20

Q. Well Caleb was only 19 days old wasn't he when he died?

A. Yes.

25 Q. And the psychological mood swing that affected him the most was the one that you had between 2 and 3 o'clock on the morning that he died wasn't it?

A. No, when I had Caleb there was, my thoughts weren't as dark as what they are here, you're talking, there's nearly a ten year gap.

30 Q. Well you don't say there that "I worry that my next child will suffer my psychological mood swings like Patrick and Sarah did", you say "like the others did"?

A. And I always referred to previous children, all three, as the others or the three of them, so I'm not quite sure what you're trying to get at.

35 Q. Well in that passage you are admitting that your children suffered from your psychological mood swings, all of them?

40 A. And as I said I had a belief that if I had negative moods at all that it was affecting the people around me and that included my children, I always worried and stressed about that because I linked it in a rather warped fashion to my whole belief that I wasn't succeeding or very successful at doing this and blaming myself for that.

45 Q. And it was these violent swings of mood and that's my word, but I'd suggest to you that that's what happened to you, a dramatic complete turn in your mood, that brought about something that shocked even you, your actions in smothering each of your children?

50 A. No, you're saying, dramatic, as in a sudden change or spontaneous change of mood and my diaries, as far as I'm concerned are evidence that that's not what happened, my depressions were, when they hit they were quite deep, that I was fermenting and constantly worrying about that as well and then

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attempting to try to fix that which meant I was trying to fix me, which turned into the whole me being in turmoil, so--

5 Q. You do use the word depression quite often during these journals, that is true isn't it?

A. Yes.

10 Q. But you don't use depression in this paragraph, you say "I worry that my next child will suffer my psychological mood swings, like others did"?

A. Psychological is just a fancy word for saying you're having a personality or a depression of some sort, that's how I'm taking it.

15 Q. What about the word "swing, mood swings", there might be depression on one end of the swing, one end of the spectrum, but what about the other end?

15 A. My diaries are evidence that I would have those swings, my diaries are evidence that at times I was happy and incredibly euphoric about what my hopes and dreams for life are and then at the same time my diaries were also a representation of the dark moods and the swings and the depression that I would be in.

20

Q. At one end of your mood swings, I would suggest to you, was such anger with your children not doing as you wanted, usually sleeping I'd suggest to you, that you took it into your own hands and smothered them?

A. No.

25

Q. May we turn to 4 December 1996. By the way ma'am, so many of these entries are written in the early hours of the morning and at hours when perhaps most people sleep, is that right?

A. Yes.

30

Q. Did you suffer from insomnia in this decade of your life?

A. I question as to whether I might have been suffering it from, yes.

35 Q. So even at this stage when you didn't have any baby to keep you awake, you were still in the habit of writing very frequently in the journals in the early hours of the morning?

A. Yes.

40 Q. In the entry for 4 December 1996 you say, you record that you have had a positive pregnancy test and - may we go to the next page please, on the page on the right of your screen madam, you say "I'm ready this time, but have already decided if I get any feelings of jealousy or anger too much I will leave Craig and baby rather than answer being as before, silly but will be the only way I will cope", what you mean there, is rather than the answer being as before, is that fair, if you were writing all the words out?

45

A. No I've written "rather than answer."

Q. The answer before rather than leaving Craig and the baby, was for you to take the life of the baby in your fit of temper, wasn't it?

50

A. No.

Q. In your fit of jealousy and/or anger?

5 A. No, as was covered this before, the jealousy section was talking about the difference in how each parent can be connected with their child, the anger was in reference to frustration or depression or any of those sorts of emotions, I did also last time admit that yeah I might have had a little bit of jealousy but you know, Patrick was Craig's boy, is that unusual, I don't find that unusual because you always have a mummy's boy or a daddy's girl and such matters, and I was merely reflecting and discussing that.

10

Q. Even with Sarah there was jealousy about when Craig would be staying awake with her instead of Sarah going to sleep, you were a bit jealous of that weren't you?

A. A little bit jealous of the connection they had yes I'm not going to deny that.

15

Q. And with Laura the same?

A. No Laura, Laura as far as we were concerned, Laura was mine, I had more of a connection with Laura than probably Craig did.

20

Q. She was very attached to him on the last day of her life wasn't she, when you went to visit him at work?

A. I'm not understanding what you're getting at.

Q. She didn't want to leave him did she?

25

A. If she didn't want to leave him she wouldn't have got in the car, I'm not sure what you're trying to--

Q. So you had some jealous feelings about the boys and Sarah bonding with their father?

30

A. Yes.

Q. And so that caused you to be angry did it?

35

A. No, as I said these diaries entries are just fleeting thoughts, everyone keeps trying to state that they're an action of some sort, they're not, they're thoughts and a lot of these thoughts are reflective in nature.

Q. But madam, these record your reflections on what has happened, these particular ones and your intentions for the future, to make things different don't they?

40

A. My attempt to yes.

Q. Your attempt to, precisely?

A. My attempt to make things better for the future yes.

45

Q. So they are a snapshot into your mind at the time that you wrote them, of course, aren't they?

A. All right I'll concede, yes.

JUDICIAL OFFICER

50

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Q. Just while we're dealing with that particular passage, in the diary entry of 4 December 1996, you've written, "rather than answer being as before", could you explain to me what was the answer before that you're referring to?

5 A. "Rather than answer to before", is a separate thought again and it is a very dark thought and it's I didn't want to answer as in being the one to discover my children, I didn't want to do that again your Honour.

CUNNEEN SC

10 Q. That wasn't the answer, that wasn't an answer because when you're saying "Rather than answer being as before", you're talking about how you answered your feelings of jealousy and anger before aren't you?

15 A. No, my diaries are quite - as I've said before, they can be random and I can turn from one thought to another in a split second. I can be discussing how well - I'm having coffee and a relationship with Craig in one sentence and, within a full stop, I can be going into something that's quite deep and dark, so--

Q. Just like your psychological mood swings that caused danger to your children?

20 A. It didn't cause danger to my children.

Q. They all died as a result of them, didn't they?

A. No, they did not.

25 Q. You say, after that, "I think support and not being afraid to ask for it, will be a major plus". So, even though you've conceded you had a lot of support before, you considered that you had more support by the time you were expecting Laura, and where was that support coming from? Or, is that right and where was it coming from?

30 A. I would agree that there was more support in preparation for Laura. We also had a whole team of medical support as well by the time we were preparing for Laura, as in, doctors knowing that we were preparing to try to have another child, the counselling, anything that was involved with doing that.

35 Q. The monitors to the hospital?

A. The monitors, as such, yes. So, there was an awful lot of support in regards to Laura, but that didn't stop me from always thinking that I had to try to do everything myself and I had a bad problem with actually asking people to help.

40

CUNNEEN SC: Could we have the next page, please?

45 Q. Then you say - the first few words are on the previous page - "Also, I have and will change my attitude and try earnestly not to let anything stress me to the max"?

A. Yes.

Q. You know, you're telling yourself - you've just found out you're expecting another baby, haven't you?

50 A. Yes.

Q. And you're telling yourself that the main thing you've got to remember is to change your attitude and "try earnestly" not to let anything stress you "to the max"?

5 A. Yes, and the focus on that - in that extract, as far as I'm concerned, is to change my attitude. I - as I said - constantly keep saying, I took the onerous responsibility on my own shoulders for failing to be the parent I was supposed to be and the plan that I thought my life was supposed to take, and I was constantly trying to fix everything myself. So, as far as I'm concerned, that
10 extract demonstrates that.

Q. Well, ma'am, may I suggest to you, you weren't trying to fix everything in your life, you were just trying to fix your attitude in relation to your baby, weren't you?

15 A. Anything. I've written the words, "not to let anything stress me out". That's a - generalising, that's not specific to the children.

Q. Well, it's not stress you "out", is it, it's "stress me to the max"?

20 A. Yes.

Q. May I suggest to you that what you meant there was, when you are stressed to the max, something dreadful happened to your babies in the past?

25 A. I believed, as I said before, that all negative emotions - stress, frustration or anything else - impacted on the people around me, including my children, and I had almost convinced myself that my children, in a very warped way, had decided to not stay with me and I blamed myself for that.

Q. Well, that was one of the ways, I'd suggest to you, that you absolved blame from yourself, knowing that physically you had taken all their lives?

30 A. No.

Q. That was one of the ways. The other way was to blame everyone else in your life, starting with your father?

35 A. No, my diaries are pretty much evident and obvious that I'm constantly blaming myself. I'm not blaming anybody else, I'm always blaming myself.

Q. Because you knew that it was you and no-one else who had brought about the death of your children?

40 A. No.

Q. Then you say, "If I have a clingy baby, then, so be it", and I'm going to suggest to you that that's a direct reference to your son Patrick?

A. No.

45 Q. Who, I suggest to you, Patrick certainly became a clingy baby after he suffered his near fatal episode and became an epileptic and blind?

A. I don't think Patrick was a clingy baby.

Q. I'd suggest to you that he was and that you said so, at the time?

50 A. No. The, the reference "If I have a clingy baby, then, so be it", is a

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generalising statement. It's, it's not directed at Patrick. It's certainly not directed at, really, anything. I'm talking in general terms.

5 Q. And yet, in the next sentence, you're being specific about one of your babies, aren't you?

A. "Catnapper", yes.

Q. Yes?

10 A. And, as I said - I just said, my thoughts could flick in the matter of a second and I can then be writing about something else.

Q. Well, you're not writing about something different, you're just going on to your next child then, a "catnapper", being Sarah, and being the name you used to have for her?

15 A. Yes.

Q. "If I have a clingy baby, then, so be it. A catnapper, so be it. That will be when I will ask help and sleep whenever I can, to keep myself in a decent mood"?

20 A. Yes, and that goes back to my belief at the time that all of my emotions and moods, or anything at all, were affecting the people around me and my children.

Q. You are saying there that you know that those moods affected your children to such a degree that you no longer had them?

25 A. It was a belief I had, yes.

Q. Well, you knew it, didn't you? You knew it was your dreadful moods, rather than keeping in a decent mood, that caused the deaths?

30 A. No, the - these diaries are me continually searching and asking and questioning. Statements such as those in them are me grasping and grappling with answers that I'm - that I'm trying to get. And when you take it from the point of view that I'm constantly blaming myself, yes, I had in my head a belief that my moods affected everything, they affected my children, my children then died and decided they didn't wish to be with me anymore. It was quite a warped view as to how I was thinking and is evident in the diaries and to how I'm writing them.

Q. Because you know, don't you, that children, babies, don't decide whether or not to live?

40 A. At that stage in my life, I did not know that. At that stage in my life, I was doubting everything and highly stressed, and worried that here I am about to - you know, I'm going off on another tangent and I'm having another child, and my concerns were always - almost paranoia in the point, that I'm, I'm trying to make sure that Laura survives, Laura is successful, we're a family unit and my life goes the way I wish it to go.

Q. Yes, you were trying to change to ensure that that would happen, weren't you?

50 A. Yes.

5 Q. Because, as you say there, "I know now that battling wills and sleep deprivation were the causes last time". Now, I'm going to suggest to you that it's patently clear, isn't it, that you meant the causes of the deaths of the other children?

A. What's clear there to me is, again, I'm blaming myself for everything.

10 Q. "Battling wills" was a phrase that arose in the context of Sarah?

A. Yes.

15 Q. You battled wills with her about sleeping, didn't you?

A. Yes, because she was a catnapper and sleep was a problem.

20 Q. And sleep deprivation was also a cause. That's your sleep deprivation, isn't it?

A. Yes.

25 Q. You don't mean the baby's sleep deprivation?

20 A. Well, I was always concerned that Sarah wasn't getting enough sleep. If you've got a child that would only sleep for 15, 20 minutes in a row or, if you're lucky, an hour or two, as a mother you're then concerned that they're not getting enough sleep--

25 Q. You're not seriously suggesting that, where you say "sleep deprivation" there, you weren't talking about your own deprivation of sleep?

A. No, there I am talking about myself, yes.

30 Q. And you're saying there that battling wills, in the case of Sarah, and sleep deprivation and the anger that caused you were the causes of the other children's deaths because you killed them, being sleep deprived and/or being in a battle of wills?

A. No.

35 Q. Did you think it was unusual to have a battle of wills with a baby who was under nine months old?

A. Yes.

40 Q. Because "battle of wills" is something that you mention a few times in your diaries, isn't it?

A. Yes.

45 Q. "Battling wills"?

A. Yes.

50 Q. And it's always in the context of Sarah?

A. Yes.

Q. Would you say when that battle of wills commenced?

A. No, I can't answer that.

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Q. You can't say when Sarah--

A. No.

Q. --what Sarah's age was when that started?

5 A. No.

Q. How did the battle of wills play out?

10 A. In the - in the point - in the fact of just the frustration level and my lack of sleep, concern of her lack of sleep, it created a frustration situation, and I didn't know how to handle that. It must be remembered that Sarah was also - even though she was my third child, she was also, in retrospect, my first child of being able to have such experiences with. Patrick did not have a sleeping problem, due to his epilepsy and medication that he was on, and Caleb had not developed a sleeping issue, and I had no sleeping issue back then either. 15 This was new ground and new territory and, basically, I'm a new mother trying to deal with a child that didn't wish to go to sleep very often.

Q. Well, Caleb and Patrick both, as babies do, required feeding during the night, didn't they?

20 A. Yes.

Q. At times when Craig was fast asleep?

A. Yes.

25 Q. And that caused, not just for you but I suppose for any parent dealing with it, sleep deprivation?

A. Yes, as any parent, yes.

30 Q. As to battling of the wills, what was it about Sarah that you perceived was her battling against your will? It was you against her, was it, that's the "battle of the wills"?

35 A. It, it was a battling of wills as - not necessarily me against her, it was I believed I was supposed to have a routine in place for her that was supposed to make both our lives, and our family unit, easier. In not going with that routine and her difficulty in being able to stay asleep, yes, it didn't fit the routine of which I was trying to do, and my lack of sleep and her lack of sleep, and the whole frustration of the whole situation, at times, it could become quite exasperating as to how to solve that issue and how to fix that problem. And, again, I took that on myself as to, how do I fix this? As a mother, you want - I 40 did, always wanted to try to meet the needs of my child in some fashion.

Q. And yet, you felt you were in a battle of the wills with her because, as you just said, her not being able to stay asleep?

45 A. Yes. I have never denied that. I'm not denying any of that.

Q. When you wanted her to be asleep?

A. When it was time or I thought that in - by my routine I was trying to do, that she should have been asleep, then, yes.

50 Q. And if she wasn't, she was battling against your will?

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A. Okay, yes.

Q. If we go to--

5 JUDICIAL OFFICER: Just before you do that.

Q. In that particular line, "I know that battling wills and sleep deprivation were the causes last time", when you used the word "the causes" what did you mean, the causes of what?

10 A. My belief at the time, your Honour, was it was all linked and related, my frustration and my inability to be a successful parent, I had belief that, you know, it was a wrong belief and a warped belief, but I had a belief that my children had decided they weren't staying with me anymore, and I did not understand why.

15

Q. So when you say "were the causes last time", the causes of?

A. The causes of their - yeah, the causes of them dying. They woke up and decided to never wake up again.

20 Q. So--

A. Like they'd sleep and decided never to wake up again.

Q. --it would read then on that basis, "I know now that battling wills and sleep deprivation were the causes of their deaths"?

25 A. In some respect to me, yes that's what I believed at the time.

JUDICIAL OFFICER: Yes, thank you.

CUNNEEN SC

30

Q. Might we move to 1 January 1997 please. You say there, it's on the first day of the year of course, "I have a baby on the way which means major personal sacrifice for both of us."

A. Yes.

35

Q. "But I feel confident about it all going well".

A. Yes.

Q. Sorry, perhaps I've been unfair.

40

"But I feel confident about it all going well this time. I'm going to call for help this time and not attempt to do everything myself anymore. I know that that was the main reason for all my stress before stress made me do terrible things."

45

You are in a New Year's resolution mood there aren't you?

A. Yes.

Q. You're going to do it differently this time?

A. Yes.

50

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Q. You're going to call for help this time?

A. Yes.

Q. Call out to Craig perhaps?

5 A. I'm referring to asking for help from anywhere.

Q. Yes, but this time it's "call for help". I'd suggest to you it's like a sing out to someone, physically call out, is that what you mean?

10 A. No, I'm simply stating that I would like to call out or ask for help from anyone.

Q. And in the night that would mean calling out to Craig wouldn't it?

A. Obviously, yes.

15 Q. And not attempting to do everything yourself anymore?

A. Yes, and that goes back to my view of where I always thought that I was lonely and doing everything myself.

Q. That gave you the stress that made you do terrible things?

20 A. And as it's been covered before, "terrible things", is a general term. For me, it covers a multitude of things. It's not a terrible word - a terrible action as in any action of mine.

25 Q. You were talking weren't you in that few lines about what was going to happen when you made the major personal sacrifice of becoming a mother again?

30 A. The personal sacrifice section of that is that's, that's generalised as in Craig and I had been, as in a single couple for a while, and now we were going to be going into having another child and creating that family unit, so you don't do the same things as if you were going to be single and a couple, your life changes, so yeah, you sacrifice a few things so that you may venture into your family life.

Q. You considered it a major personal sacrifice?

35 A. Yes, because it was a big decision, it was a humungous decision to, to be going down this path and have another child.

Q. Certainly, but we're talking about the major personal sacrifice involved in the decision.

40 A. Yes.

Q. What things did you feel--

45 A. Well there would be no more, you know, going out with, with Craig or anybody else, in my view, this is how I was believing it to be. There will be money constrictions due to another child coming on the scene. Life in general just changes dramatically once you have a child. It is a big personal sacrifice.

50 Q. But you felt confident it will go well this time because unlike the other times, that's my words putting in, but this is what you meant, tell me if this is fair, unlike the other times you are going to call for help to stop the stress that made

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you do terrible things the other times?

5 A. Again I'm saying that the word "terrible things" is that it covers a whole heap of ground here. You're, you're trying to limit it to a terrible action I'm supposed to have taken, and I will always argue that point, there was no terrible action on my part.

Q. You thought it was terrible when you lost it with Laura later on, didn't you, the first time you lost it with Laura?

10 A. Of course I did.

Q. Was that terrible?

A. Yes, it was terrible.

15 Q. What about when you lost it with Caleb and Patrick and Sarah? Is that what you meant?

20 A. I never lost it with Caleb. I don't recall ever losing it with Patrick. Did I lose it with Sarah due to frustration and all the issues I was having, yes. I've never denied that, and I've written and fully admit that, yes, I, I lost it that time with Laura and that particular time was quite stressful even, and distressing even for me.

Q. You say that you similarly lost it with Sarah?

A. Yes.

25 Q. In the same sort of way that you later lost it with Laura?

A. In a, in the way that, incessant crying and I've had to walk away to take a deep breath, then yes.

30 Q. How did you lose it? Walking away and taking a deep breath seems like you're handling it.

A. I didn't look at it like that. I looked at it as I'm not handling this at all.

Q. So what were the "terrible things" that you did?

35 A. For me the "terrible things" are anything. As I said, it's a broad spectrum of things that I'm using the word terrible for. It could be me placing my child down to let her cry for even 30 seconds. That's a terrible thing in my view.

Q. You only thought that it was selfish and thoughtless of your father to kill your mother.

40 A. What has that got to do with what you're trying to refer to here?

Q. I'm just trying to get into your lexicon, into the way you use words.

45 A. As I say before, the actions of my father and my father in general, he does not crop up much in my life and my thoughts at all, so I'm refusing to have it enforced on me which is what I'm feeling you're trying to do, that he has anything to do with my writings in these diaries at such a late stage.

50 Q. My point madam is this, that you don't even describe your father's killing of your mother as terrible, only selfish and thoughtless, and here you have admitted that you did terrible things as a result of stress in relation to your

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other children, don't you?

A. My father killing my mother, it's just an assumed terrible thing. I, I don't think I would need to be stating that anywhere. Why would that not be a terrible, why would that, not be an awful thing?

5

Q. Of course it's an awful thing, but you only referred to it as a selfish and thoughtless thing because you were only thinking of yourself, weren't you?

A. Of course I was. I was lamenting my father's actions as to how my own life had ended up. Of course I was talking about myself. They're my diaries. It's my thoughts and they are about myself.

10

Q. Yes.

A. Yes.

15

Q. Well, poor Kathy.

A. At times, yes.

Q. What were the terrible things that stress made you do with your other children?

20

A. As I've stated before, terrible things is such a general term. Terrible things can be anything from me not meeting the needs of my child and not understanding how to. Terrible things could be a negative thought at any time that I wasn't coping, that I wasn't good enough, that it just wasn't happening how I thought my plan of life was supposed to go.

25

Q. As you have said, you found the children who died very shortly after they had died, you say.

A. Yes.

30

Q. You were the one to find them.

A. Yes.

Q. You were the one with them.

A. Of course I was, yes.

35

Q. In this entry you say that you're going to call for help this time, when you - if you have any stress?

A. Yes.

40

Q. The terrible things you're referring to there are smothering your other children under great stress, isn't it? The terrible things were the killing of your children.

A. No.

45

Q. That's what you refer to there.

A. No it's not.

Q. Stress made you do terrible things.

A. No, it's not referring to that at all.

50

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Q. On 14 January 1997, at the end of that passage, "I am sure this is training for when baby arrives. That's okay. I'm pretty sure this time I'll handle it better. Hope so." You are really psyching yourself up to do a better job than last time. That's right, isn't it?

5 A. Yes.

Q. The training, you're meaning, is having to be up in the night?

A. Yes.

10 CUNNEEN SC: Is that a convenient time your Honour?

JUDICIAL OFFICER: Yes, we'll adjourn for 20 minutes.

SHORT ADJOURNMENT

15

JUDICIAL OFFICER: Yes, Ms Cunneen.

CUNNEEN SC

20 Q. Ms Folbigg perhaps we might turn to 4 February 1997, and this is an entry that you made at 2.30am and you say after a while, perhaps on to the next page please, sorry perhaps the page after that. Sorry could we just go back a page, I do beg your pardon, one more back please. "Yes AM I know, should be in bed sleeping, think maybe I'm in practice for my future wake up calls for junior" is it?

25

A. Yes, spelt wrong.

Q. "That's okay, I've learnt finally that I can catch up sleep later on each day." Again, you were awake at an inconvenient time during the night, even without a baby born yet?

30

A. Yes.

Q. So were you pretty used to sleep deprivation or did you often, did you wake up every night in the middle of the night and do things?

35

A. I woke up a lot, early hours of the morning, yes, as with Caleb, that was not an issue, I was still a person that could sleep for 12 hours a day if you really wanted me to, after Patrick it became an issue and waking up early hours of the morning, I still do it now and it is just an instinctive thing that I do, I wake up early hours of the morning.

40

Q. All right thank you. May we turn to another page, the next page after that, you reflect on the fact that your parents never came to your school functions and so forth, no-one was there for you during your childhood?

A. Yes.

45

Q. And that's part of something that you blame ultimately on your birth father?

A. As I keep saying, my father, my father's irrelevant except for the fact that the life path that I ended up, I'm to going to say I, I'm not going to say I keep blaming him for anything because he was irrelevant in my life.

50

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Q. Although later on you even refer to him by his first name of Tom?

A. As I'd been told that was his name, Tom, Thomas, yes.

5 Q. May we move on to the second entry on that night, 4 February 1997 at 3.30am. In that entry you say "Still can't sleep, seem to be thinking of Patrick and Sarah and Caleb, makes me" is that--

JUDICIAL OFFICER: "Seriously", "seriously wonder."

10 CUNNEEN SC: Seriously, thank you.

15 Q. "Seriously wonder whether I'm stupid or doing the right thing by having this baby, my guilt of how responsible I feel for them all haunts me, my fear of it happening again haunts me, my fear of Craig and I surviving if it did haunts me as well", once again you're saying that you acknowledge responsibility for their deaths, aren't you?

A. As in I feel responsible all the time yes, that passage is quite good really at explaining constantly how my mind was going.

20 Q. You were, on that night anyway, racked by guilt about being responsible for the deaths of your children, weren't you?

25 A. Not for the physical response no, you keep, you know I will always say I had no direct part in the killing of my children, do I feel responsible for their deaths, as their mother and the fact that I did not do something in any way whatsoever that could've helped prevent that in some way then yes I will always say I'm responsible.

30 Q. Well that just doesn't make any sense madam does it, if you had done nothing active to bring about those children's deaths, you would deserve no more guilt than your husband?

35 A. I'm not going to agree with that, because I constantly blamed myself for everything, including the responsibility. I took the onus of responsibility because I was their mother and being their mother was very important to me, and the idea of being a mother was very important to me. The idea of family was important to me. The constant need of me wanting a family was important to me.

40 Q. And your fear of "it happening again" haunted you?

A. The fear of me walking in and finding one of my children deceased, yes.

45 Q. You feeling guilt, because you feel "responsible for it happening". That's because you did something active to bring about their deaths during those times when you were alone or felt alone--

A. No.

50 Q. --and stressed?

A. No.

Q. When you say:

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"I wonder whether having this one wasn't just a determination on my behalf to get it right and not be defeated by the total inadequate feelings about myself. What sort of mother am I? Have I been a terrible one? That's what it boils down to"?

5

A. Yes, and that is, pretty much, a statement agreeing with how my mind was working at the time, where I constantly felt that I'd failed, I--

10 Q. And that is because, I'd suggest to you, you did fail, in the most extreme way, with each of your children by bringing about their deaths?

A. No.

Q. You weren't a terrible mother in any other way, were you?

15 A. No. That doesn't stop the, the responsibility of which I felt for that. I could have been the best caring, as in, day-to-day carer of my child ever, but when you lose a child you doubt all that, and that's what I was doing, constantly doubting that.

20 Q. If it was just a feeling that you failed because as a mother you're responsible, you would join Craig in those feelings, that the two of you are responsible because our children keep dying?

A. Why would I? If I'm taking the onus of responsibility on my own shoulders, why would I be including Craig in that?

25 Q. Well, I'm suggesting to you, that the only reason you take that responsibility is because you, in contrast to Craig, were the one to do something active to kill your children?

A. No.

30 Q. And there is the word "terrible" again when, in relation to your father, you say, some years later on 19 June 1999, "I can't help but feel my life would have been so different, and how it was meant to be, if only Tom hadn't made a stupid mistake one night and the family hadn't interfered in the way they did"?

35 A. It was a stupid mistake, wasn't it? An error of judgment, a stupid mistake, be it, however he made it.

Q. You're speaking, of course, of your father's murder of your mother?

A. Yes.

40 Q. That was "a stupid mistake"?

A. Of course, it was. I'm sure he felt that too.

45 Q. Returning to you calling yourself a "terrible mother", I am going to suggest to you that that strong word is used because of the active thing that you did to your children?

A. No.

Q. To kill them?

50 A. No, absolutely not.

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Q.

"What sort of mother am I? Have I been a terrible one? That's what it boils down to. That's how I feel and that is what I think I'm trying to conquer with this baby, to prove that there is nothing wrong with me. If other women can do it, so can I."

5

You thought, didn't you, that if you could improve yourself and overcome your mood swings and your anger and your jealousy and your extreme stress, and have a baby who survived, that you could expunge all your previous wrongdoings in relation to the other children?

10

A. You're partly right. I will say you're partly right with that. This, this extract is well and truly me questioning my abilities as to whether I'm going to be a successful mother this time round. That particular extract, was - "to conquer with this baby", yes, I felt I had failed, I felt I had to succeed, I felt family was what I was desiring the most. I felt that Craig and I could have the family that we were supposed to be having and, did I view that as a, a challenge, as such, to try to conquer all that? Then, yes, I did.

15

Q. And then you say:

20

"Is that a wrong reason to have a baby? Yes, I think so, but it's too late to realise now. I'm sure, with the support I'm going to ask for, I'll get through. What scares me most will be when I'm alone with baby. How do I overcome that, defeat that?"

25

A. Yes, the first part of that extract is, "Is that a wrong reason", I'm still questioning things, I'll - eternally questioning things. And then I concede that it's "too late" now because I'm pregnant, and the child. And, "scares me the most" will be "alone", is reference to my fear of anything happening and me discovering another child that was deceased.

30

Q. Well, that's not so, is it? You clearly there, are fearful of what you will do when you find yourself alone with the baby, unable to call for help, without help, what you will do if the stress you know you're capable of overcomes your will again?

35

A. No, that's not what that whole extract means at all.

Q. "What scares me most will be when I'm alone with baby"?

A. Yes, because even though Craig might have been asleep and present for two of the deaths of my children, I was the one that kept discovering them. I was the one that found them, and I felt alone.

40

Q. I'll suggest to you that you were alone with your baby on each occasion that he or she died, weren't you?

45

A. I was alone on discovering them, yes. I felt that I was alone when I was discovered them--

Q. You were with them--

A. --that's what I'm getting at there.

50

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Q. You were alone with them when they died because you killed them?

A. No.

5 Q. And that's why you were worrying, in this personal journal, that you thought that no-one else would ever see, "How do I overcome that, defeat that?"

A. No.

Q. You knew--

10 A. My, my diaries are a pouring out of every fear, every thought - negative, positive - every emotion, anything that was concerning me, anything at all, they were all poured into this diary. They were a way for me - as has been explained, I used those diaries as a friend and a confidant and, if you're having a discussion with your friend and confidant, are you expecting that friend and
15 confidant to then go around telling everybody about it? You don't. So, I'm not expecting that people are going to be reading my diaries.

Q. Yes, and so this was your "friend and confidant", this journal?

A. Yes.

20 Q. And because it was your confidant, you felt free to divulge the deepest secrets of your mind?

A. I felt alone, I felt lonely, I had limited people to talk to - or I felt that I had limited people to talk to. These diaries were something that I could empty my head, get rid of emotions, try to figure out what was going on, how to figure out
25 where I was going with life and they are - that's all they are. There's--

Q. Put it down on paper and get rid of the guilt in your head?

A. Put it down on paper and get rid of all the emotions and thoughts that were rallying around in my head, yes.
30

Q. The "guilt"?

A. As - no.

Q. Well, you used--

35 A. You're, you're implying a guilt as in an action I've done. I've done no action to be guilty about.

Q. You used the word "guilt" in a previous entry, you recall?

A. Because of the responsibility of - which I was feeling, yes. The responsibility that I took on myself to feel.
40

Q. I'd suggest to you that you only felt guilt not because children had accidentally or naturally died, but because they had died at your hands?

A. No.
45

Q. May we go to 17 February 1997? You talk about Craig on the first page, about "Now I know what to do and say to keep him happy with me and everything else". And you say, "Found out he's jealous already of bub. He says he only has six months left to be with me and for me". So, did you feel
50 that you might lose some of Craig when the baby came, some of Craig's

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attention?

A. That's a reference to Craig possibly feeling jealous.

Q. Yes?

5 A. That's not a reference to me.

Q. Except for the part that you note that "He says he only has six months left to be with me and for me"?

10 A. Yes, that's as in Craig having limited attention from me, not the other way around.

Q. Yes, well, I expect though that you only would have written about it if it affected you in some way, and that the way it affected you was that you thought that Craig would not be able to give you as much attention when the baby came?

15 A. As in, reflecting how both of us would most likely not be giving each other the attention to our marriage and relationship as we could or should.

Q. Then you say - I'm going from the bottom of the page on the left to the page on the right:

20

"Hopefully, I've explained that's not true. He should be for me forever. Just because a baby is entering our life, it makes no difference really, one day it will leave. The others did, but this one's not going in the same fashion"?

25

A. Yes, I'm referring to my view of marriage there. That, if we're married, we're married and we're to be together forever, that our attention for each other should be forever, whether a child is in the picture or not. It should actually improve that, not detract from it.

30

Q. Aren't you deflecting attention from the comment about how your other children left and how this one wouldn't leave the same way?

A. No, you didn't ask me about that.

35

Q. "It makes no difference really, one day it will leave. The others did, but this one's not going in the same fashion"?

A. Okay, "it will leave", is when - I have a hopeful thought there that my child's going to get older, become an adult and will leave. That refers to that.

40

Q. Yes, you're going to try your best to make sure that happens?

A. Yes. "The others did", well, they did. They died, they left.

Q. Yes, "but this one's not going in the same fashion", you say?

45

A. Because I'm trying my hardest to make sure that she doesn't go, like the other three of my children did.

Q. Quite so. And you are confident at that point, you're able to say it unequivocally, "this one's not going to go in the same fashion", because you have determined to change and have control of your homicidal rages?

50

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A. No. I'm going to say that that is a hopeful thought, I'm having a hopeful thought there that my child will survive to adulthood and then she will leave as a normal adult, and not like my last three who died.

5 Q. You knew you could be confident in saying it because you were in control of what happened with your next child I'd suggest to you?

A. No.

10 Q. In the same paragraph you say, "This time I'm prepared and know what signals to watch out for in myself, changes in mood et cetera. Help I will get if need be."

A. Yes, and that goes again to my belief that my moods affected everybody and everything around me, including my children.

15 Q. What that means is you got frustrated and angry and in a rage when you felt that you weren't getting help, when you felt alone?

A. No.

20 Q. The result of that rage was the death of your children, the deliberate killing of your children?

A. No.

25 CUNNEEN SC: Perhaps we could move forward to 28 April 1997. The next page please.

Q. Again just in relation to your writing style, at the top of that page "Me, well piling on weight now." Sometimes you talk about your thoughts in that way "Me" comma, and so forth, that's right isn't it?

A. Yes.

30

Q. You have this to and fro about breast feeding Laura when she comes, don't you, you're considering it because you didn't really do that with the others?

A. Yes.

35 Q. You said, "I think this baby deserves everything I can give her, considering I really gave nothing to the others."

A. That was how I was feeling at the time, yeah.

40 Q. Another reflection of your guilt about how they met their deaths wasn't it?

A. No. It was a feeling of, as a mother, I was constantly criticising myself and felt that I hadn't given enough.

Q. You said:

45 "I think even my feelings towards this one are already deeper. Shame, but that's the way it is. I think it's because I'm 30 now and time to settle and bring up a child. Obviously I wasn't ready before at all."

50 I'm going to suggest to you that it is clear there that in your spirit of trying to

make reparations for the past, trying to do the right thing with this child you are psyching yourself up, as it were, to the idea that now you were mature at the age of 30, not as young as you were before of course, that you would be able to have control of yourself and ensure that you did nothing to harm the baby that you were about to have?

5

A. No. I'll agree with you that I had thoughts that now that I'm older, yes, I did have my three children previously before that at a reasonably young age, and the time to settle and bring up a child, well yes, you know, I thought that it was the right time, that we were at the point where we could.

10

Q. You say--

A. And I wasn't ready before. That's a constant thing. I was always doubting whether I was ready or not.

15

Q. Because you really resent in those dark times alone with baby, your moods swung and you in a feeling of resenting the baby, feeling sleep deprived and jealous or angry, you did something to harm them?

A. No, I've never resented my children ever.

20

Q. Because you weren't ready before at all.

A. That's how I felt at the time when I wrote that, yes.

25

Q. On 1 May 1997, in fact it's a very positive entry, isn't it, because you say "Worst thing last time was the feeling that I was being deprived. I think that feeling will be", this is at the end of the page on the right, "I don't think that's, that's, that feeling will be too great this time because", may we turn the next page please, "I have everything I could ever want already. Baby will be icing on our cake."

30

A. Yes. I had my home, I had my husband, we were financially set, we were in a right position to try again and see if we - if I - me personally, see if I could succeed at where I felt I'd failed.

35

Q. Everything was just exactly as you wanted it at that point--

A. Yes.

Q. --wasn't it?

A. Yes.

40

Q. A couple of weeks later, 16 May 1997, 2am - perhaps it's on the next page please. On the left-hand side, "I think that she", you're talking about a woman friend, Mel, I think here, "I think that she will be a great help in preventing me from stressing out as much as I've done in the past." Is that right?

A. Sorry, I'm just reading. Yes.

45

Q. Mel was I think a close neighbour in that house that you had not been in with the other children?

A. That's right.

50

Q. So you thought that she might make the difference for you?

A. Yes.

Q. From stressing out like you had before?

A. In helping me cope and, and be the mother I wish to be, yes.

5 Q. Then you say, "Night time and early mornings such as these will be the worst for me. That's when wishing someone else was awake with me will happen. Purely because of what happened before."

10 A. That's referring to me finding my own children. Craig may have been there but I had to wake him to be there with me. That's referring to a thought that, along the lines of why couldn't he have been the one? Why did it always have to be me that found my children? Why wasn't he with me by my side awake with me at the time?

15 Q. That doesn't make sense I'd suggest to you, because what you're saying is that there is a time when you were wishing someone else was awake with you when something happens. Am I right so far?

A. Yes, because I had a morbid and dreaded fear of being alone and discovering things like that.

20 Q. May I suggest without wishing to upset you in any way, if as you say you came across your children just recently deceased, do you recall thinking "I wish someone else was awake with me now" instead of thinking "Oh God, my child's dead"?

25 A. I don't recall thinking anything other than panicking.

Q. You're talking there, when you say "Night time and early mornings such as these will be the worst for me. That's when wishing someone else was awake with me will happen."

30 A. Yes, because I never liked to be alone. I never liked feeling like I was being - that I was alone in anything. I was always, always - it always goes back to me having a doubt into my abilities, and a doubt that I will not react fast enough or I would not be seeing something that I should have been seeing, and it refers to me wishing that at that particular extract is about just wishing that at night times when I'm feeling that way is someone else is awake with me and they're with me.

35 Q. It's not true for you to say "I never wanted to be alone" is it? Because, I suggest to you, these journals are full of entries where you're saying "I wish I could just get some time to myself".

40 A. But this extract is referring to me discovering things that no one should be discovering on their own, and me feeling things and emotions that I truly thought that someone else should be there with me.

45 Q. With respect, you're not just referring to the three times wasn't it in the night, during the night, that something went wrong with your babies?

A. Yes, and once early in the morning, like -

Q. Yes, two of your babies died during the day didn't they?

50 A. Yes.

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Q. When you were alone with them?

A. Yes.

5 Q. So when you say, "Night time and early mornings such as these will be the worst for me. That's when wishing someone else was awake with me will happen purely because of what happened before"--

A. Purely because of what happened before is referring to my discovery of my children.

10 Q. I'd suggest to you it is referring to the fact that you know that during night time and early mornings you had before had such a mood swing, or such an angry reaction, that you killed your children.

A. No.

15 JUDICIAL OFFICER

Q. Can I just ask you this. In that passage that's been read out to you, it says you wish that somebody would wake up that morning and "take over from me" which tends, seems to indicate you want them to take over from you?

20 A. The care, yes, the general care of my child, yes.

Q. But is your explanation for this passage that you wanted somebody to be there when the baby was found to have died?

25 A. Yes, because by this stage your Honour I had an absolute fear of that. I never wanted to go through that again.

Q. But what I'm pointing out, that you're saying you wanted somebody to take over from you, which seems inconsistent with just having somebody there to be there when you found the dead baby.

30 A. I'm, I'm not sure I understand the difference, your Honour. I'm still saying that I didn't wish to be alone in either situation.

CUNNEEN SC

35 Q. You then say, "This time I've already decided if I ever feel that way again I'm going to wake him up."

A. That is a spontaneous decision that I've made right there and then whilst writing that, that I would wake him up.

40 Q. Yes, and so it's not about you finding a baby dead is it?

45 A. No, that, that particular passage does switch thoughts again and I'm thinking of how Craig could help me and that I did have a frustration level with his ability to be able to just sleep through things. And I'd made a spontaneous decision in that extract to, I was going to wake him if I ever felt that I needed him.

Q. When you had the babies you'd be frustrated that you could hear them crying and he couldn't?

50 A. Yes, a little.

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Q. Then you go on to say on the next page, I think. Sorry, I beg your pardon stay there.

CUNNEEN SC: Please return, sorry.

5

Q. "Craig says he will stress and worry but he still seems to sleep okay every night and did with Sarah. I really needed him to wake that morning and take over from me."

A. Yes, and as I explained, taking over from me as in the care of my child.

10

Q. Well, what--

A. Be it that it might be--

Q. --what was "that morning"?

15

A. Even if it was that morning.

Q. What morning?

A. I've been, you know I'm getting told that's the morning that she died.

20

Q. You wrote the entry in the journal madam.

A. Yes.

Q. What did you mean by "that morning"? "I really needed him to wake that morning and take over from me"?

25

A. Because I was awake, so I thought to myself, "Why couldn't he be awake at the same time?"

Q. You were awake weren't you?

A. I, I got up to go to the toilet, yes I was awake. I, I got up to go--

30

Q. What did you need him to take over--

A. --toilet. I was awake. I then discovered my child and Craig's asleep. That, that extract is me not understanding why he couldn't have taken over. Why was I there by myself again, discovering such a thing? Even with him in the room and he was asleep.

35

Q. Sarah was sleeping in the same room as you that night, the night she died wasn't she?

A. Yes, she was.

40

Q. Was it the first or the second night that she slept without the apnoea blanket?

A. I don't know, first I think. I'm not sure.

45

Q. And at 1 o'clock that morning she died didn't she?

A. I am not sure on the actual time, no.

Q. I think you put an entry in a diary that it was 1 o'clock that morning that she died.

50

A. Okay, yep.

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Q. Yet, you didn't wake Craig until sometime after that?

A. I don't have a clear memory of times. I may have written a time but that doesn't mean that it was the time.

5

Q. At ten past one, you and Laura were both outside the bedroom?

A. No, we weren't.

Q. And Craig woke to find you both missing?

10 A. No. And I understand that statements have been made where that statement was then decided to be incorrect and he wasn't sure.

Q. You remember that night with some resentment towards Craig don't you?

15 A. In the fact that he was asleep and I felt totally alone discovering my daughter, yes.

Q. Well, "I really needed him to wake that morning and take over from me", means take over looking after the baby doesn't it?

20 A. Yes.

Q. Not take over making arrangements for a dead child?

A. When am I discussing making arrangements for a dead child?

25 Q. There's nothing to take over with great respect if the baby is deceased is there?

A. As in providing support and being there for each other, then yes.

30 Q. You didn't mean that there did you? "Craig says he will stress and worry, but he still seems to sleep okay every night and did with Sarah. I really needed him to wake that morning and take over from me."

35 A. Yes, I am saying my frustration at Craig's ability to be able to sleep through things. And then I was saying why he couldn't have woken up to have been with me and yes, it was in care, in general response to the care of my child. But there's also the added part there when I'm the one that was discovering Sarah and I felt alone again.

40 Q. That can't be right because the next thing you write is, "This time I've already decided if I ever feel that way again I'm going to wake him up."

A. Yes, a spontaneous decision that I don't care what's going on, I'm going to wake him up.

45 Q. If the baby's annoying you?

A. Not if the baby's annoying me. If, if, if there's any reason that if I'm overtired or if I'm feeling like I need some help then instead of allowing him to sleep I'm going to wake him up. It's a spontaneous decision I'm making there.

50 Q. That will you hope preserve your new baby's life you hope at that stage?

A. I hoped that with him by my side to do this and help me with Laura that there's an extra pair of eyes, an extra pair of, an extra guardian, an extra, to prevent any such thing as me finding and discovering my children as I did the

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last three times.

Q. An extra pair of eyes and an extra guardian to prevent you taking the life of your child?

5 A. No.

Q. On that occasion?

A. No.

10 Q. Would you turn to the next page please? As to your dislike of being alone, you say there, "I also have selfish reasons and I'd like my last amount of private own time to myself to just do what I want." That's what you said in relation to leaving work early isn't it?

15 A. I'll just read sorry. Yes, that's in relation to me leaving work early yes.

Q. So that you could have private time to yourself to do what you want, pictures, videos, sleep in late et cetera?

A. Yes.

20 Q. That was being alone, doing things on your own wasn't it?

A. Yes, and that's - why is that unusual? Are you saying that no one likes to have private time?

25 Q. I'm suggesting it's only unusual because you said in evidence within the last half hour that you disliked being on your own.

A. I disliked being on my own with my children because of my morbid paranoia and for - and fear sorry of any tragic thing happening. By the time I'd had lawyer(as said) - Laura, that was extreme. My fear of anything happening at all, accidental or otherwise was extreme.

30 Q. May we move on 8 June 1997 please. And yet, may I suggest that you considered yourself to be a good mother in terms of looking after a baby on a day to day basis?

A. Yes.

35 Q. You even noticed in other people, things when they were not good mothers didn't you?

A. I guess I had comments and opinions about it, yes.

40 Q. On the right-hand page there you say something about a lady called Megan, what's that, Fogo is it?

A. Yes.

45 Q. And you say that you weren't interested in talking to her. "She's fat, lazy, not much good at anything but, and not a good mother either."

A. It's an extreme view but--

50 Q. What about that lady, whoever she is, what was not a good mother about her?

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JUDICIAL OFFICER: We're straying a bit from where we should be Ms Cunneen.

CUNNEEN SC: Very well.

5

Q. Perhaps if we just move on to 6 July 97. In that entry you talk about big changes occurring soon and in fact, it's a very positive entry about your beautiful home and friends and husband. Everything is going very well at that time?

10

A. Yes.

Q. How you're going to be 30 in seven more days. If you just turn to the next page please? Then you say, on the left-hand side of the page near the top,

15

"From now on though I'm sure his attention and focus will change from me to his child and so it should. I couldn't see that before. I was very selfish when it came to Craig's attention. Hopefully this time we have both learned how to share it, but still manage to keep a little something aside for just each other. We will see."

20

Did you mean that with your first three children, you were unable to cope with feelings of jealousy about Craig's attention to the other children?

A. No.

25

Q. What did you mean by you said, "I was very selfish when it came to Craig's attention"?

A. Craig's attention is a reference to I felt we had a relationship issue at many times where his attention was not focused on me. It would be on others.

30

Q. This is about his attention to his and your child isn't it?

A. Yes.

Q. It's not about attention to any other thing outside--

35

A. The reference to me being very selfish when it comes to Craig's attention, that's a reference to his attention not being on me. It was on others and hopefully we have both learned is I'm hoping and having a positive outlook that our relationship can get back on track. We can be strong. We can succeed in being the family we should be.

40

Q. If you move to on the page on the right, just before we leave the page on the left, "Maybe if I remember to pamper him he will remember me." You've got a plan to keep things happy with Craig?

A. Yes, it's a relationship comment, yes.

45

Q. Then on the next page you say, "Not let baby totally domineer my emotions and feelings. Maybe then he will see when stress of it all is getting to be too much and save me from ever feeling like I did before during my dark mood." "Mood" is it or--

A. Mood, yes.

50

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Q. I think it's in the plural in the original. Would you agree?

A. I don't know.

Q. "My dark moods"?

5 A. Not let, not--

Q. You are saying there, aren't you, that you are going to do your best to try to keep Craig considering you and helping you so that you don't descend into the dark moods that brought about your having lost control to the extent of killing your previous children?

10

A. No, that's not what this is about at all. The, the sentence where I'm saying I totally domineer my emotions, it's because I would let all of my emotions and my feelings be for my baby and the time and I was feeling that I'd let Craig down in not being the wife that I should have been to him.

15

Q. Well you were hoping that if you treat him even better than before, he will help you when the stress of it all is getting too much and save you from feeling like you did before during your dark moods?

A. Yes.

20

Q. And the dark moods were what led to the killing of your children?

A. My dark mood is as I've stated before, when I say dark mood I'm referring to when I'm depressed.

25

Q. And well didn't these dark moods come on you without warning, with very little warning and even surprise you?

A. Occasionally yes.

30

Q. And they shocked you and you were shocked at what they brought about after they had passed, isn't that right?

A. No I'm not going to agree with that, that they shocked me.

35

Q. Well you go on to say, "Hopefully preparing myself will mean the end of my dark moods or at least the ability to see it coming and say to him or someone, hey help I'm getting overwhelmed here, help me out"?

A. Yes, as in I'm getting depressed and that I will require help at that time.

40

Q. You don't say depressed, even though you do say depressed a lot of times in the journal, you don't say that here do you?

A. My reference to a dark mood is a reference to depression.

45

Q. This is worse than that I'd suggest to you, this is a dark and murderous mood?

A. No.

Q. Because then you say, "That will be the key to this baby's survival, it surely will"?

A. As in reference to me being, if I'm not as depressed I can give 120% to my child and her needs, then yes that is what that's referring to.

50

LTS:DAT

Q. The key to survival, the one thing that keeps baby alive that means doesn't it?

A. It's an extreme way of thinking about it but my diary is full of extreme thoughts, they're not, at times not even making sense to myself, so--

5

Q. Madam you always made sense to yourself in these journals didn't you?

A. Not all the time no.

Q. There was no point--

10 A. There's many a time I've said in my journal, that's rather silly or along those lines, realising and accepting that I've just said something that is totally silly.

Q. You may have looked back in hindsight years before and thought that things were silly, in hindsight, that may have happened, correct?

15 A. Yes, of course.

Q. But when you were writing these entries, you were being very sincere with yourself I'd suggest, for how you felt at that time?

20 A. Yes okay.

Q. And you knew that the key to the baby's survival, the one thing that it was essential to do, was to have someone help you see the dark moods coming, someone to be with you to identify that, what do you say?

25 A. Someone to help me at the time when I'm feeling depressed and lonely and unsure of myself, then yes I would've liked that.

Q. But there's nothing indefinite about this, "That will be the key to this baby's survival, it surely will", is there?

30 A. I'm convincing myself there that whatever I'm doing in my preparation for this is going to work and Laura will survive and everything will be well.

Q. You're trying to tell yourself that you can do it in the future, you can resist the temptation to kill your child when the stress builds up so high, that's what you're trying to tell yourself isn't it?

35 A. No, I'm telling myself that yes I can do it and I'm trying to convince myself that yes I can do it and that everything will be well.

Q. "At least the ability to see it coming", that is the dark moods, you were really worried about that then weren't you, that you couldn't - you didn't even know when these moods were going to overcome your mind?

40 A. I'm always, in my diaries I'm always questioning myself, I'm always doubting myself.

Q. Let's not talk about what you're always doing all through your diaries, I'm just asking you about those lines, "Or at least the ability to see it coming, hopefully preparing myself will mean the end of my dark moods or at least the ability to see it coming"?

45 A. Yes, I'm doubting my ability and I'm pretty much stating it there, I'm doubting my abilities in general.

50

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Q. Your ability to what?

A. My ability to cope, my ability to be the best mother that I could be.

5 Q. You're doubting your ability to see the mood coming that you know results in you taking a baby's life, that's it?

A. No I don't know that at all and that's not what it's saying.

10 Q. Well that's exactly what it says isn't it?

A. No it's not.

15 Q. You want to have the ability to see those moods coming don't you?

A. Wouldn't anybody want to see or understand if they're depressed and try to help themselves or figure out why.

20 Q. Certainly. I am suggesting to you that you, knowing what you had been - had done to the other children, you did genuinely want not to do it again and you wanted to see, you wanted some foresight of when the mood would overcome you?

A. No.

25 Q. What do you say?

A. I'm going to refute and say no.

30 Q. May we go to 11 June 1997 please, on the next page please. On the right-hand side Ms Folbigg, you say, "Don't think I'll suffer Alzheimer's Disease, my brain has too much happening, unsorted and unrecalled memories just waiting, heaven help the day they surface and I recall, that will be the day to lock me up and throw away the key, something I'm sure will happen one day"?

35 A. Yes, that paragraph is after going through some counselling, it was mentioned to me that I had a tendency to block a lot of my memories and I wasn't remembering things I should've and I'm merely reflecting there as to something that was suggested to me that it may not be a good thing if all of those memories are ever unlocked and I could not know how to handle that or what would happen with me if that happened.

40 Q. Are you deliberately missing the point, the main point of that entry, where you are acknowledging that your conduct has been such that a day will come when you will be locked up and the key thrown away?

A. No, I'm reflecting and wondering whether I could end up in a mental institution if I was to recall all of the memories that I've ever had in my life.

45 Q. Madam you know very well that when someone uses the expression, "The day to lock me up and throw away the key", means someone going to prison for a long time, doesn't it?

A. I only know that because I happen to be in prison and I've been in prison for 16 years now.

50 Q. Yes well it's a very common expression that you knew then?

A. No it would not have been an expression that I would've known at all back then.

Q. So just by chance you came up with an expression about, "That will be the day to lock me up and throw away the key"?

5 A. Because I'm referring to my psychiatric state there yes, lock up throw away the key, back then I'd heard of people that could end up in mental institutions if they didn't gain the help they were supposed to with whatever psychiatric conditions or whatever was happening with them.

Q. What does "Throw away the key mean"?

10 A. I'm merely reflecting along the lines of after being through counselling and having it suggested to me that I have an awful lot that I've blocked and not remembered, that unblocking that could be detrimental to me in a psychiatric fashion and I'm merely stating there and pointing out an opinion that gosh I could end up in a mental institution and never get back out again, it's a
15 comment.

Q. "Something I'm sure will happen one day"?

20 A. If I ever unblocked all the emotions, feelings and memories that I probably have, I was wondering if it could.

Q. You said you were sure it would happen one day?

A. Well at that particular time I wrote that I probably thought so.

25 Q. You were sure that one day the law would catch up with you for killing our children, weren't you?

A. That part of my diary there's absolutely no mention of law, it is referring to a psychiatric state and I had no--

30 Q. Are you saying, "That will be day to lock me up and throw away the key", has got nothing to do with the law?

A. Absolutely.

35 Q. Come now madam, you were very worried that one day it would occur to people, even before Laura's death, that the deaths of Caleb, Patrick and Sarah might be looked at again for suspicious circumstances, weren't you?

A. No I wasn't.

40 Q. You even show there I'd suggest to you, a guilty conscience about those things, a guilty conscience about something so serious that you felt deep down that you deserved to be incarcerated for your life?

A. No, absolutely not, that part of that diary doesn't talk about that at all.

45 Q. 20 June 1997, another 4am, a 4am entry this time ma'am and you are saying there - would you move on to - I'm sorry it might be 26 June, I apologise I have made a sloppy note. In that entry of 26 June, towards the end of the left-hand page you say ma'am, "This time I'm positive, with support from friends et cetera and Craig, this time everything will work out fine and the sight and visions of the future I've been having will come true this time, with the other three I never bothered to think of school and teenage years, maybe
50 because I always knew they'd never get there", ma'am can that possibly have

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any other meaning than that you always knew you would never have the patience not to bring about those babies' deaths?

5 A. It has a lot of other meaning besides that. With the other three, Caleb was too young, Patrick was so sick we concentrated on the present and the now with him, or at least I did and with Sarah, just as I was starting to think of a future she died, it was taken away, with Laura I'm hoping that I can have that future.

10 Q. What did you mean by "Maybe because I always knew they'd never get there"?

A. "I always knew" is a separate thought again, and it is because of my depressed state and a doom and gloom aspect, I always just was expecting the worst, everything, I was always expecting the worst and "I always knew" refers to that.

15 Q. So you always knew, during their lives you always knew that each of those babies would die?

20 A. I always knew that I was going to have problems of some sort, I was always expecting a problem of some sort, it doesn't refer to always knowing that I'm responsible for their deaths in that way.

Q. You say, "Because I always knew they'd never get there", they'd never get to school and teenage years?

25 A. As I've just explained, the three different children, one was too young, Patrick was always sick and Sarah was taken away before I had the opportunity to be thinking of a future and her going to school.

Q. But Patrick did become sick but he still would have school and teenage years wouldn't he?

30 A. But at the time I was looking after Patrick, my whole instinct and care of him was in the now and the present and getting him through each day.

Q. And Sarah lived to nine months old?

35 A. She did and as I said, I was just starting to think of having a future with her.

Q. But you said you never did, you never bothered to think of it because you knew she and the others would never get there?

40 A. No that's not what it's meaning at all, "I always knew" is a doom and gloom aspect to the whole thing, when I say "I always knew", it's because I just constantly was expecting the worst situations or the worst scenario or the worst scenario or the worst whatever to happen, that what "I always knew" means, it's a separate thought to the rest of it. It is connected but it's a separate thought.

45 Q. You knew your moods wouldn't allow those children to live--

A. No.

Q. --during their lives?

50 A. No.

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Q. That's what it means doesn't it?

A. Not what it means at all.

CUNNEEN SC: Is that a convenient time, your Honour?

5

JUDICIAL OFFICER: Yes, that would be a convenient time. We'll adjourn until 2.

LUNCHEON ADJOURNMENT

10

JUDICIAL OFFICER: Yes, Ms Cunneen.

CUNNEEN SC: Thank you, your Honour.

15

Q. When you were living at Neilson Street, Edgeworth--

A. Yes.

Q. --with your then husband Craig, you lived there up until about late 95, early 96, did you not?

20

A. I believe so, yes.

Q. You had a separation from him at that time?

A. Yes.

25

Q. And left the home?

A. Yes.

Q. You left and left him there?

A. Yes.

30

Q. At that time, you left behind some diaries from the early 1980s, didn't you?

A. I don't know, I have no recollection.

Q. What about, you had some diaries that were in a box in the roof cavity of the house?

35

A. No, I'm not remembering that at all, no.

Q. I'm going to suggest to you that the diaries, the ones that we've discussed which we don't have from the early 1980s, were diaries that you left behind at that house?

40

A. Can I--

FURNESS SC: I'm sorry, your Honour, that just isn't clear to me.

45

JUDICIAL OFFICER: Yes, I don't - what's it going to, Ms Cunneen?

CUNNEEN SC: Yes, nothing, your Honour - not much. Thank you, your Honour.

50

FURNESS SC: Just for the transcript, I'm sorry, Ms Cunneen, what isn't clear

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5 to me is what diaries are being referred to, because there have been a number of different entries that have been considered. So, I wasn't clear whether my friend was putting that diaries had been found in a particular location that have been the subject of discussion or found in a location that have never been seen again.

JUDICIAL OFFICER: Her question related to 1980s diaries that are no part of the proceedings--

10 CUNNEEN SC: Sorry, early 1990s diaries, I beg your pardon, your Honour.

JUDICIAL OFFICER: Early 1990s, otherwise--

15 CUNNEEN SC: Yes, I beg your pardon. I no doubt misspoke because I was looking at the number of the house, which happened to be 83.

JUDICIAL OFFICER: I see.

20 CUNNEEN SC: Sorry.

Q. I'm just suggesting to you, so it's clear, that you may have left some of the diaries from the early 1990s at that house when you left Craig - not for the last time but - in that house at Edgeworth, and you had them in the roof cavity?

25 A. No, I'm not remembering that at all, no.

Q. And you put them there yourself?

A. No.

30 Q. Returning to 26 June 1997, at the end of the page on the right, you say now that:

35 "I don't wish to die with no-one really knowing I was here. At least now I know my son or daughter will, if god or that elusive higher power doesn't take them away from me once they are older to punish me. I'm trying to do right" - on to the next page - "this. I hope that is received and understood."

40 What I suggest to you what you're saying there is that you do intend to do your best with Laura, but you are worried that fate or god will take the child from you when she or he is older "to punish" you. That's clear, isn't it?

A. Can I please just have it go back, so that I can read it again?

Q. Yes.

45 CUNNEEN SC: Can it go back one, please?

WITNESS: Yes, but I always felt I was being punished, in some form or other.

50 CUNNEEN SC

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Q. Well, I'm suggesting that you are acknowledging there that, even if you get your child past infancy, she or he is at risk of fate or someone punishing you for what you did to your other children, your earlier children?

5 A. No. I - I'm thinking of the - when my child could be older and fate or whatever could interfere, and that child may have an accident and then die and be taken away from me.

10 Q. Yes, precisely, you're worried that you think that you deserve punishment by that means, that is your child being taken from you by accident or other causes later in his or her life, because of what you did to your previous children?

A. But I didn't do anything to my previous children.

15 Q. Well, you understand that I am suggesting to you that you did and these words are a reflection of your consciousness of that?

20 A. No. You know, I'm, I'm merely stating that, you know, I again am seeing the worst and, and having a fear, that even if the - if Laura reaches adulthood, that something could happen and she could still end up being taken away from me. And, yes, I did regard that as a--

Q. Yes, well, then you--

A. --if you'd let me finish--

Q. I'm so sorry.

25 A. --regard that as, as I did with all the others, a punishment for a failure as, as not being good enough in what I was doing.

30 Q. But I'm suggesting to you that this is different. The punishment comes when this child is older and the punishment is for what happened to the other children, that's clear, isn't it?

A. The punishment for, yes, the responsibility that I felt, yes. Whether my child would reach adulthood or not, I don't think that that would make any difference to my responsibility feeling on it all.

35 Q. You see, then you say, "I'm trying to do right this" and may I suggest that, perhaps because the page required turning, you didn't finish that sentence "I'm trying to do right this time". Is that what that line means, or not?

A. I, I don't know. I probably could have just finished the sentence.

40 Q. Well, it's not a complete sentence, is it--

A. No.

Q. --if it's "I'm trying to do right this"?

45 A. Yes.

Q. So, do you accept that that really means, "I'm trying to do right this time"?

A. Possibly, yes.

50 Q. And, on the next page, "I hope that is received and understood". You are saying there, aren't you, "I hope that god, fate, karma, destiny receives this

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message and understands that I'm trying to do the right thing this time and, therefore, please don't punish me"?

A. Yes.

5 Q. And that's because--

A. I don't - I don't have anything further to say on that, because it all goes to my struggle I was having with blaming myself and, yes, I always knew that, you know, if anything ever happened then it was my fault and it was punishment, and how was I going to deal with that?

10

Q. Punishment is only relevant when you have done something to deserve punishment, isn't it?

A. And I had decided for myself that I deserved what I was getting throughout my life because things were failing, I was failing, and things weren't happening how I wanted them to be.

15

Q. You were saying to the higher power, whatever it was, "Please understand, I know I deserve punishment, but don't, because I'm doing the right thing this time. I am not going to kill this baby"?

20

A. No, it doesn't mean that at all.

Q. Then, the next words are:

25

"Most of my life has been turmoil, sadness, anger, et cetera. I think now I might of actually realised it was mostly of my own making, stupidity, that made it that way. Now I understand, truly, that your life and how it turns out is in your control, no-one else's".

Have I read it accurately, ma'am?

30

A. Yes, yeah.

Q. Wouldn't you say that it is very unlikely that a parent who has, in years not long before this, lost three children to natural causes would say that "your life is in your control and it turns out the way you make it"?

35

MORRIS SC: I object. It's unlikely whether "a parent".

JUDICIAL OFFICER: Yes.

40

MORRIS SC: It's a meaningless question, your Honour.

JUDICIAL OFFICER: I don't know that she can express a view about it, Ms Cunneen.

45

CUNNEEN SC

Q. If we turn to 2 July 1997?

JUDICIAL OFFICER: The second?

50

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CUNNEEN SC: Yes, thank you, your Honour. On the next page, please. Sorry and another page over, please. Yes, go to the next page, if you will. I'm terribly sorry. Thank you.

5 Q. On the left-hand side of the page, Ms Folbigg, you mention there about "It would only benefit me, surely, and possibly help me to have a quiet, healthy baby". Do you see those words?
A. Mm.

10 MORRIS SC: It needs to be put in context, with respect.

CUNNEEN SC: Well, yes, it's - well, okay--

15 MORRIS SC: Your Honour, that's with respect to a specific issue and the whole thing ought to be put in context, with respect.

CUNNEEN SC: Yes, if you wish, but it's not a contextual question.

20 Q. "So, there is no real excuse, except my laziness. I have four weeks left to provide healthy food, energetic food, for both baby and me. It would only benefit me, surely, and possibly help me to have a quiet, healthy baby".

CUNNEEN SC: Is that enough context?

25 MORRIS SC: I think you should--

CUNNEEN SC

30 Q. "It will be my fault when I have a baby that required sweet, sugary things to keep it quiet, because I have addicted it to it already". My only question is that your major priority, even over health, was to have a "quiet" baby?

A. No, I - that passage is about me being concerned of my health and making sure at the pregnancy stage I was the healthiest I could possibly be.

35 Q. Yes?

A. I was addicted to sugar and would eat a lot of it and I'm worried that, you know, would me being addicted to sugar affect my child in some way?

40 Q. And quiet was slightly more important than healthy?

A. No.

CUNNEEN SC: Maybe go to the end of that entry, please.

45 Q. At the end you say, "Hopefully, everything will prove to be different this time. It has to be. I have to be, Kathy"?

A. Yes, and that's the amount of pressure I was putting on myself.

50 Q. Yes, but it's the message to yourself that the survival of the baby about to be born was about you being different, wasn't it?

A. To have the family that I wanted and to have a child was everything to me,

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and that is me putting a lot of pressure on myself and, yes, stating that it has to be this way, because I certainly could go through what I'd already been through three times before.

5 Q. And the thing that had to change was you?

A. I believed at the time, as I said, I took the onus of responsibility all on myself. So, yes, I was trying to fix everything, so, yes.

Q. May we go to the 25th, and then your little baby Laura arrives in August.

10 A. Mm-hmm.

Q. 1997, and may we go to 25 August 1997. You say in the second paragraph there, "Scary feelings. I've realised I actually love her and have bonded with her, wish to protect her et cetera. Maternal instinct is what they call it. I now know I never had it with the others."

15

A. It was, it was a scary feeling. I had - Caleb I was a first time mother so I was struggling with did I bond or not? Patrick was - I had bonded with him and then was so intent on his survival and day to day care that I didn't really think of much else. Sarah I was restrained in my bonding with her because I'd already lost Caleb and Patrick, but I did in the end, and with Laura, yes, I was feeling an immediate bond with her and it was the first time that I'd felt that.

20

Q. In fact you say not only did you - you don't say there, "I know my maternal instinct didn't arrive for several weeks or months after the others", you say "I know now I never had it with the others".

25

A. Because the feeling was extremely strong with Laura so I just merely commented in there that I didn't believe I had it with the others.

Q. Then you're talking about the monitor being a good idea, and that's about Laura having had a device which was connected to something at the Children's Hospital so that her life sounds, heartbeat, respiration, whatever it was, could be recorded at the hospital, is that right?

30

A. Yes, and it was downloaded, or it was connected to her by electrodes. Once we brought her home it was downloaded back to a doctor at the hospital, yes.

35

Q. Yes. You said, "Monitor is a good idea. Nothing can happen without the monitor knowing and since I'm not game enough to not plug it in because they'll want to know why I hadn't, everything will be fine this time."

40

A. Yes. When we first brought her home, the monitor was a good idea, and yes, I didn't wish to unplug it because yes, they'd want to know why. If there was no downloading they'd want to know why, what was going on.

Q. You don't say there, "I'm not game not to put it on in case Laura dies suddenly", you say "I'm not game not to put it on because they'd want to know why I hadn't."

45

A. Yes, it's an observation. An observation if I don't use this monitor people will want to know why.

50 Q. I would suggest to you that you knew that Laura was not in any danger of

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Sudden Infant Death Syndrome or other natural causes death, and the only reason you used the monitor was to keep them happy, people watching at the hospital or the family, or someone else, happy and reassured that Laura was on the monitor.

5 A. No.

Q. If you thought that she needed it, that there was danger, you would say "I'm not game not to plug it in because I don't want her to die, I don't want to lose her", wouldn't you?

10 A. Yes, absolutely.

Q. But you're saying there, "I'm not game not to do it because they'll want to know why".

15 A. Because that's an observation, they would want to know why.

Q. 20 September is also on that screen, and you say "Sleep, who needs it? Yes, I'm getting a little irritable now", 3.15am:

20 "This is my punishment for the others, to be continually woken up because this time we know that we have a child with a sleeping disorder, even though I'm sure they are all false alarms. Her thought is still scary. Must admit the only thing this has taught me is how to go to sleep myself quickly."

25 Then something about being an insomniac.

30 "Am getting very stressed because I can't depend on Craig for any real help or support. He doesn't hear her or the alarm and I can't even trust and depend on him to look after her properly. He refuses to bother to learn anything about her."

And so on.

35 MORRIS SC: It ought to be completed, with respect.

CUNNEEN SC: Yes, all right.

Q.

40 "--about her. He doesn't pay attention when feeding her, hasn't changed a nappy, doesn't do washing or ironing. Only wakes up once in a while and his life continues as normal, work, come home, and I look after him. He doesn't even work through every now and then unless I ask him to, and then it is begrudgingly."

45 Your counsel asked me to put that in context, but really the thing I was going to just ask you about that area was that the monitor which you were using with Laura was something that gave many false alarms, was it not?

A. Yes.

50 Q. So rather than relieve your stress, is it fair to say that added to your stress--

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A. Yes.

Q. --because you had to get up when it went off as well as when Laura woke up?

5 A. Yes.

Q. Also in that area there you say, in relation to Craig, "How dare he complain to me about lack of sleep. What the fuck would he know. Think he'll have to sleep in other room just so he's not disturbed. Selfish prick." So we get there an insight into the sorts of things that you felt in the early hours of the morning when you were awake without help?

10 A. Yes.

Q. May we move to 17 October 97. You there have a positive entry do you not about Laura:

15

"Laura is growing up so fast now. 3 months old next week. Hard to believe. She's now really starting to come alive personality wise. I'm pretty lucky, she's a fairly good baby. At least she doesn't fight sleep as bad as Sarah did."

20

Would you go to the next page please. So you had noticed that Laura was an easier baby to get to sleep and keep to sleep?

A. Yes, totally different.

25

Q. Not a catnapper?

A. No.

Q. You say, "This new life is great".

30

A. Yes.

Q. So very happy there at that point.

A. Yes.

35

Q. On 23 October 1997 you say on the left-hand side halfway down the page:

"She sleeps pretty good during the night too. Hell of a lot better than Sarah ever did and I think that's why I seem to be coping better this time. Sure I'm really tired by the evening but not too bad during the day. Also exercising is helping me to release stress and energises me, something the week. I was fat and lazy last time. I really not ready like I am this time."

40

So you're saying that because you're able to exercise you can get rid of stress and you feel more ready for your experience as a mother compared to the last time, which was when you had the baby Sarah?

45

A. Yes.

Q. May we move to 25 October 97 please. It's a Saturday night. You say,

50

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5 "Just watched video of Sarah. Little upsetting but she did some funny things. Made us laugh. Think John was a little upset but he hid it well. I looked at it but have to be honest and say I cherish Laura more. I miss her yes, but am not sad that Laura is here and she isn't. Is that a bad way to think? I don't know."

10 Then you go on to say, "I think I am more patient with Laura. I take the time to figure what is wrong now instead of just snapping my cog. Also she is a far more agreeable child and easily flows most of the time."

Is that right?

A. Yes.

15 Q. You are making the direct comparison the way you were with each of your daughters and saying really, it's much easier with Laura because she's a more agreeable easier going baby than Sarah?

A. Yes.

20 Q. Then you say on the right-hand page:

25 "I think Laura is beautiful compared to Sarah. She was cute but Laura has a special look about her. Her slight difference in looks gives her a beautiful face, not just pretty, cute or cuddly. Gorgeous and beautiful, well so far anyway. Looking at the video Sarah was boyish looking. Laura has definite feminine features. They are chalk and cheese and truthfully just as well. Wouldn't have handled another one like Sarah."

30 A. I'm merely comparing my children, the differences between them, and they were chalk and cheese.

Q. Yes, so you say, and first of all you compared their agreeability and easy going nature. That's right isn't it?

A. Yes.

35

Q. Then you compared their faces, the looks of their faces?

A. Yes.

40 Q. And then you said that they are chalk and cheese and that must mean not just looks but personality does it or does it mean just--

A. Yes.

Q. --looks?

45 A. No, personality you know, it must be remembered though that Sarah was only eight months old. Her personality was just starting to develop and she had a very cheeky personality.

Q. Well, Laura at this stage was only two months old wasn't she?

50 A. Yes, and I was foreseeing that you know, I'm commenting more on her looks there rather than her personality but yes, I am saying that they're two

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different children. They're chalk and cheese.

5 Q. But if you were comparing two little girls' faces or appearances do you say they're chalk and cheese or more to the point I'm suggesting to you you're talking about their nature being chalk and cheese aren't you?

A. The nature as in referring to how easy a child Laura seemed to be at two months old, then yes.

10 Q. Yes, that's it then, how easy the child was?

A. Yes.

Q. One was very easy and one was very difficult, is that right?

A. Not very difficult.

15 Q. Well chalk and cheese sounds like two ends of the spectrum doesn't it?

20 A. Sarah was frustrating to me and I've already admitted that, as in, being able to have her fit a routine and sleep that I thought she would need and myself included. At two months of age Laura was already proving to have been totally different to that, that she didn't, that she settled easily and calmly and there was no issue in that regard. So, yes I guess they're two ends of the spectrum so I'll agree, yes.

Q. Indeed, Sarah was so difficult that you said of her, "Wouldn't have handled another one like Sarah."

25 A. Because again, I was doubting my abilities as to whether I would have been able to handle someone who was difficult.

30 Q. Well, it goes further than that doesn't it? You would have done something about a child who aggravated you and was frustrating you as much as Sarah did?

A. No.

Q. That's what you mean isn't it?

35 A. No.

Q. Well, why do you then say, "She saved her life by being different."?

40 A. That's a mystical representation. That's me reflecting on my beliefs as in karma and the children talking to each other and God and all of those sorts of beliefs that I had.

Q. That's a fanciful answer which cannot be believed, I'd suggest to you.

A. It's of no concern to me whether it can or cannot be believed. It was my belief at the time when I wrote this diary.

45 Q. You were saying there in the plainest of terms that because those two little baby girls were so different in their nature that the second one, Laura had saved her life by not being as frustrating to you as Sarah was?

A. No, that's not what I'm saying at all.

50 JUDICIAL OFFICER

Q. Can you explain to me what you were saying? Do you say, "saved her life by being different" and you're now saying that's not what you were saying at all.

5 A. It's--

Q. Can you explain to me what you were saying?

10 A. That sentence your Honour is where I switched from, I've been talking about comparing my children; how easy one is to the other and then I switched and said "she saved her life by being different" as in the thought of my beliefs when it came to a spiritual belief or clairvoyant sort of belief and that the children would have spoken to each other and, and all that sort of thing and but yes, Sarah, Laura being a bit different could, could save her life. I'm meaning could save her life, not that it did save her life because it didn't.

15

Q. I'm sorry, I'm not familiar with the clairvoyant beliefs or what you're talking about. Can you explain it to me in some way?

20 A. At the time, when writing these because I was searching for questions so hard and always wanting to know why I had a belief that fate, karma, God, a spiritual thing going on that there was another reason as to why all this was happening. And when I went to a clairvoyant, which was mentioned in the last 24 hours, that clairvoyant gave me the peace that my children and Sarah were happy and it was a belief that just was ingrained in me; that there was other things going on beyond my control and all the answers that I was seeking all the time, "she saved her life by being different" is my hope and dream that Laura being different would have saved her life but in the end it didn't.

25

Q. Are you saying to me that you believe that there was some supernatural power that took the other three children away from you and you were concerned that that same supernatural power would take Laura away from you, and that she saved her life by being different?

30

A. Yes.

Q. On that basis?

35 A. Yes, along those lines, yes your Honour.

Q. Thank you.

CUNNEEN SC

40

Q. Or madam, were you blaming Sarah for her own death?

A. No.

45

Q. Laura had so far saved her life but Sarah had lost her life because she was different from Laura. That follows doesn't it?

A. No, not at all.

Q. It wasn't your fault. It was Sarah's fault.

50

A. No, no, it wasn't Sarah's fault. It wasn't my fault. I didn't know why.

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Q. May we go to 29 October 97 please. Towards the end of the page on the right you say, "Felt a little angry towards Laura today. It was because I am and was very tired." Next page please. When you felt, "a little angry towards Laura today", what was it that made you angry?

5 A. It was just a comment on the fact that I was very tired and getting a little annoyed.

Q. There was nothing that the child did to make you angry?

10 A. No.

Q. It was just because you were tired you got angry with her?

A. I wouldn't say I got angry. I, yes, all right yes. I might have got a little terse with her and a little annoyed so, and to me as I've said before, anger, terseness, crankiness all that sorts of things all means the same to me.

15

Q. You think that it's nothing that she did, because you felt angry you directed it to her?

A. It's simply, I'm simply stating a feeling that I had. Not that it was directed at her.

20

Q. Well, you said, "felt a little angry towards Laura."?

A. But not directed as in an action. I'm getting the feeling that you're saying I directed it as in an action in some way.

25

Q. Well, you're not saying, "Gee I felt angry all day today." You, yourself, have said it was towards Laura and I'm just asking you whether it was in response to something that Laura had done or whether you were spontaneously angry towards that child?

30

A. I was extremely tired and I'm simply saying that I'm angry about that, annoyed about that and what Laura would have done is inconsequential. It was just that I was extremely exhausted and tired.

Q. Why do you put Laura into it?

35

A. Because of caring for her and I may not have slept well that night and she may not have slept well that night. Anything could have been going on and I'm tired and I'm merely stating that.

Q. We must draw from that that if you are tired, if you haven't slept then you may and have become angry towards your child for no reason to do with them at all?

40

A. No. I, I, I'm, I'm simply stating there that I'm tired and looking after a baby is, can be a tiring thing. And that's all there is to it. There's, there's nothing complicated about it.

45

Q. Well, there's nothing complicated about the fact that looking after a baby can be a tiring thing. I'm asking you about feeling angry towards Laura because you're tired. Is that what you're saying?

A. (No verbal reply)

50

Q. Are you blaming Laura for being tired?

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A. No. I'm blaming myself for being tired.

5 Q. But you are acknowledging there - are you giving yourself a warning there that you felt a little angry towards Laura and you'd better watch it or something bad might happen?

A. No.

10 Q. You wanted to keep a record for yourself of when you'd had this feeling of anger towards her, didn't you?

A. No.

Q. Because you knew what to look out for with the dark moods?

A. No, that's, no.

15 Q. Further on there you say, "Wonder if Craig was anxious about trip to Melbourne. Would be great to see his face but also scary because it's a little--"

JUDICIAL OFFICER: "Similar".

20 CUNNEEN SC

25 Q. "--a little too similar to what we did with Sarah. But Laura's different. Totally she, she, totally, she doesn't push my button anywhere near the extent she did which is good for her is all I can say." You're saying there that Laura used to push your buttons is that right? Sorry, Sarah used to push your buttons and Laura doesn't do it to any much the same extent?

A. Yes, I'm talking about--

30 Q. How did Sarah push your button?

A. It was simply my frustration level would exasperate the situation with her when she wasn't sleeping and I became overtired.

Q. Then you would feel anger towards her?

35 A. Not anger towards her, anger towards myself that I wasn't being capable of meeting her needs and being able to figure out why she was so overtired and not being able to put her to sleep, yes.

Q. Something bad would happen to Sarah if she pushed your buttons would it?

40 A. No.

Q. Well, why do you say that the fact that Laura didn't push your buttons anywhere near the extent is "good for her is all I can say"?

45 A. Because it was good for her. We were having a nice calm life. She was a calm baby and everything was going very well. It was good for her.

Q. You mean there, don't you, it's good for Laura that she's not like Sarah because she would wind up, "pushing my buttons to the extent that I would do something to end her life."?

50 A. No, not at all.

- 5 Q. On 3 November 97 thanks. Things aren't so good that day because you say, "Very depressed with myself at the moment. Feeling deprived of my freedom. I know that's the price that you pay for having a baby--" and so on. "Getting down" and so forth. You're saying that, you're commenting on a difficult day that day I expect are you?
A. Yes.
- 10 Q. Could we go onto the next page please. On the right-hand side of the page halfway down the page you say, "Someone's awake, got to go. Lost it with her earlier. Left her angry" - no, sorry - "Left her crying in our bedroom and had to walk out. That feeling was happening. And I think it was because I had to clear my head and prioritise" - is that the word?
A. Yes.
- 15 Q. "As I've done in here now, I love her, I really do, I don't want anything to happen."
A. Yes.
- 20 Q. That feeling was happening ma'am, you are referring there to the dark moods that you'd experienced with the other children weren't you?
A. I'm referring there to me not being able to understand what she needed and my frustration level raising.
- 25 Q. Well the feeling that you're referring to is your feeling isn't it?
A. Yes.
- 30 Q. Something inside you?
A. Yes, of me not being able to figure out what it was that she wanted, she was upset and crying and I couldn't figure out why and the crying had become an all-day thing and incessant and losing it and leaving her on the floor in the bedroom was an exasperated frustrated feeling where I couldn't figure out what it was she wanted and I walked out thinking okay let's go outside, let's prioritise, breathe and I can maybe help this child.
- 35 Q. So you succeeded there, because you did love Laura and you didn't want anything to happen to her?
A. Yes.
- 40 Q. You walked away and left her so that nothing bad would happen to her?
A. No, that's not correct.
- 45 Q. But you said "That feeling was happening"?
A. Yes, my upset feeling--
- 50 Q. "That feeling"?
A. --of not being able to figure out what my child wanted and how I could help her.
- 50 Q. It was that feeling that you had hoped before Laura's birth to be able to

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identify when it was growing within you?

A. No.

Q. Growing inside you?

5 A. No.

Q. In your head?

10 A. That comment in that diary is in reference to a particular episode where I was struggling, not understanding how I could help her, wasn't meeting her needs I got frustrated like every other mother would to leave her to it for a minute, came back in and helped solve the problem.

Q. You say you lost it with her, did you have some angry demonstration with her, did you--

15 A. No.

Q. --shout at her or--

A. No I simply walked in and put her on the floor.

20 Q. What does "lost it" mean?

A. Control of myself, I'm talking about myself there, not--

Q. What about "lost it with her"?

25 A. Well I did because I couldn't figure out what was going on, I had a frustrated moment with her, I couldn't figure out why she was crying so much, so "lost it" is in reference to me, okay I'm not handling this and you're not handling this, let's just put you here and I'll go out and figure it out and we'll come back and we'll fix this.

30 Q. Well she doesn't have to handle anything, she's only a baby isn't she?

A. Absolutely.

Q. So "lost it with her", did you shout at her?

35 A. No I'm not recalling that no.

Q. Did you growl at her?

A. No.

Q. Had anything made her cry in your bedroom?

40 A. I can't remember that no.

Q. May we move on to 9 November please, on 9 November 97 you're talking about Craig, you say "There's a problem with his security level with me and he has a morbid fear about Laura", so far have I read it properly?

45 A. Yes, security level as in our relationship and our marriage.

Q. And you're saying there that Craig has a morbid fear about Laura, does that mean that Craig is constantly worried about Laura's health and wellbeing, in view of what has happened with other children?

50 A. Yes, same as me yes.

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Q. But you say "me, well I know there's nothing wrong with her", that's right isn't it?

A. (No verbal reply)

5

Q. "Me, well I know there's nothing wrong with her."

A. Well I did know at the time there was nothing wrong with her, she was a very healthy baby.

10

Q. "Nothing out of ordinary anyway" and then you say "Because it was me not them"?

A. Because again I always constantly blamed myself for everything and took the responsibility and onus of responsibility on the fact that I'd lost the last three as my inability and failure as a mother.

15

Q. Here is perhaps the clearest expression of the truth of what happened to your first three babies in any event, because Laura was still living at this stage, you are saying there that you know that there is nothing wrong with Laura and that Craig really doesn't need to have this fear about her, aren't you?

20

A. No, I would never presume to think that I should tell Craig he shouldn't have a feeling of any sort.

Q. You're saying, we didn't say, we have a morbid fear about Laura, you said "He has a morbid fear about Laura"?

25

A. An observation yes.

Q. So he on the one hand has a morbid fear, "Me" meaning yourself, "Well I know there's nothing wrong with her"?

A. In an attempt to try and ease his fear, yes.

30

Q. No, you are making the distinction, like the chalk and cheese distinction, that Craig, because he thinks his children are liable to die suddenly of natural causes, has a morbid fear about his fourth child, you on the other hand know there's nothing wrong with her, that's what you're saying isn't it?

35

A. Because it's what I desperately wanted, for there to be nothing wrong with her.

Q. You're saying there's nothing wrong with her because it was "me not them"?

40

A. Two separate thoughts, one--

Q. In the same paragraph?

45

A. I do it all the time yes in the same paragraph, one is where I'm noting there is nothing wrong with my child, at that particular time she's very healthy, I had hope for a future with her, the second thought I'm always blaming myself for everything, so if anything was to go wrong I would've instantly blamed myself anyway because I was her mother.

50

Q. But that paragraph says "Craig is worried about Laura dying suddenly, I, on the other hand, know that she won't, because" in relation to the other children,

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it was me who killed them not them, that died?

A. No.

Q. That's what that means, very plainly isn't it?

5 A. No it's not very plain at all, no.

Q. It is very clear in the context of these journals isn't it?

A. No.

10 Q. "It was me, not them"?

A. I always thought it was me, always blamed myself.

Q. And that's because it was?

A. No.

15

Q. Isn't it?

A. No it's not.

Q. Then you go on to say and it's not another thought at all, it's connected I suggest to you, "Think I handle her fits of crying better than I did with Sarah"?

20

A. Yes and that's, that was in a passage before where the children are totally two different children.

Q. "I've learnt to once getting to me, to walk away, I've learnt to once getting to me, to walk way", have I read that fairly?

25

A. Yes.

Q. So you've learnt that now for Laura?

A. Yes.

30

Q. And that means you didn't know that before, with Sarah?

A. I thought I didn't, no.

Q. You didn't walk away?

35

A. I didn't handle the frustration of the difficulty I was having with Sarah very well, so no.

Q. "It helps me cope and figure out how to help her", walking away helps you to manage--

40

A. Yes.

Q. --with the crying child?

A. As demonstrated in the entry before.

45

Q. Then you say "With Sarah all I wanted was her to shut up and one day she did"?

A. Because that's what happened, I'm merely making an observation that that's--

50

Q. With Sarah you didn't walk away did you?

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A. Yes I did.

Q. With Sarah you wanted her to shut up, you wanted the battle of the wills to cease and you shut her up didn't you?

5 A. No, yes, I wanted maybe the battle of the wills to cease, yes, I wanted her to sleep better, I wanted to sleep better, I wanted our life to go as it should've.

Q. And you made her sleep didn't you?

A. No.

10

Q. You put something over her face so that she couldn't breathe?

A. No.

Q. And you killed her?

15

A. No.

Q. May we move to 8 November 1997, it's 8 December, it's in the diary, perhaps it says 8 November but that's where we've made an error. This one, it seems like it's out of order but as you are saying "Bub is four months old", it must be 8 December 1997, "Had a bad day today, lost it with Laura a couple of times, she cried most of the day, why do I do that, I must learn to read her better." How did you lose it with Laura?

20

A. Walked away a few times, left her to cry.

25

Q. No but you'd learnt that's the successful way of dealing with a frustratingly sleepless child haven't you, by this?

A. Yes.

Q. You were back to your old ways of losing it with the child and that's why you had a bad day, isn't it?

30

A. No.

Q. What did you do to her that she cried most of the day because you say "Why do I do that"?

35

A. Why do I do that refers to why do I not cope, or why am I not handling this right now.

Q. "She cried most of the day, why do I do that"?

40

A. Yes, it's a reference to going back to the very beginning where I've had a bad day and where I've left her to cry, lost it and why do I do that, I'm questioning myself on that.

Q. Yes, what do you mean by "lost it"?

45

A. Where I've walked away and left her to cry.

Q. No, "lost it" means losing your temper doesn't it?

A. No not at all.

Q. You said "lost it with Laura a couple of times"?

50

A. Yes would've left her in her room to cry a couple of times.

Q. So you are saying to this Inquiry that when you say "lost it", you mean that you just get up and leave her in her room?

5 A. Yes and we'd already had part of a diary that we discussed that, where I actually put Laura on the floor and walked away.

Q. You "lost it" before she started crying and then you worked out to walk away then, back on 3 November 1997. That was when "that feeling" was happening?

10 A. Yes.

Q. But, this day, you lost it with Laura a couple of times, not just once?

A. Yes.

15 Q. So, because of that, she cried most of the day, is that right?

A. No, I didn't know why she was crying most of the day. There could have been any reason as to why she was crying most of the day, she was a baby.

Q. And when you said, "Why do I do that?", what did you mean?

20 A. "Why do", why - I'm asking myself, "Why am I - why am I not handling this?".

Q. Well, you're doing something to her, either angrily speaking to her or doing something to her physically, aren't you?

25 A. No, absolutely not.

Q. Well, why is it that you say, on the next page - towards the end of the page, on the right-hand side - "Must try to release my stress somehow, I'm starting to take it out on her. Bad move. Bad things and thoughts happen when that happen(as said). It will never happen again"?

30 A. Because I was of the belief that my negative feelings in any way whatsoever impacted on my own child.

Q. How did you, on that day, start to "take it out on her"?

35 A. Because I wasn't being the best mother to her that I could have been. I didn't understand what was needed--

Q. In what way?

40 A. I wasn't meeting her needs at the time.

Q. How were you--

A. She was crying, I couldn't stop it, I didn't know how or why.

Q. And you took it out on her?

45 A. I didn't take anything out on her.

Q. Well, why did you say, "I'm starting to take it out on her"?

50 A. Because I - as I said, I had the belief that any negative emotion from me was impacting on her. I did not understand why she was crying. I even had started to think that maybe my being in that sort of not understanding mood

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was even making her cry. I got desperate as to - trying to understand why she was crying all day.

5 Q. When you say that you "lost it with Laura a couple of times. Why do I do that? Must try to release my stress somehow, I'm starting to take it out on her. Bad move. Bad things and thoughts happen when that happen. It will never happen again", you're expressing fear and worry about your own behaviour there, aren't you?

10 A. No, I'm expressing fear and worry about any eventuality, at all, that could arise from Laura being unhappy or me being unhappy and, and then extending it to an extreme - in the extreme, saying "What if she then decides to leave as well?".

15 Q. You were saying, "It will never happen again"?

A. Because I'm not wanting it to, that's right.

Q. Because you know you are in control of what happens in relation to that child's survival?

20 A. No.

Q. You're trying to muster all your strength not to "lose it" to such an extent that that baby is killed by you?

A. No, that's incorrect, no.

25 Q. What did you mean by, "I'm starting to take it out on her"?

A. My negative mood. Again, I thought, you know, my, my negative mood must be impacting her, she's getting more upset, I'm getting more upset, this - I'm exasperating the situation myself.

30 Q. You were yelling at her, were you?

A. I don't remember that, no. It doesn't state in there that I'm yelling at her in anyway.

Q. What, you have no recollection of ever yelling at Laura in her life?

35 A. I have a recollection of yelling, yes. Not at Laura, no.

Q. Never at Laura?

A. Not as far as I remember, no.

40 Q. That's not true, is it?

A. Yes, it is.

Q. Didn't you give evidence only yesterday that you had yelled at Laura "angrily"?

45 A. I'm not remembering, sorry.

Q. Just yesterday, at page 668 of the transcript - I appreciate you wouldn't have that in front of you, but I'm saying that for the benefit of the other people in the room - you said, at line 13, when asked by Mr Maxwell, "Lost it with her" - and that's about Laura - "means you yelled at her?", and you said, "Yes"?

50

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A. Okay, yes, I concede then, yes.

Q. So, have you forgotten today what you could remember yesterday?

A. In that point, yes, I did.

5

Q. Or are you just trying to distance yourself from any angry outburst of your children, even though it's untruthful?

A. No.

10 Q. On 10 November 1997, you say, "Craig's finally taking some of the heat for me. He puts her to sleep now. She doesn't seem to like me very much, except to feed and play with, lately." Did you have the impression that Laura didn't like you very much?

15 A. When I wrote that entry in there, it was a - just an observation, that particular day she was happy to be with Craig.

20 Q. On 11 December - would you turn to the next page please - you're talking about your sleep. "Sleep is also making me very irritable and snappy", that's at the end of the first paragraph. "I think Craig and I are having trouble. This stress of Laura is finally showing. I'm the one" - "we're trying to keep it from our marriage", something like that. You say that, down the end of the page, "Depression seems to get me more now too. Must control it, not it me"?

A. Yes.

25 Q. Was that a time when you were seeking some help for depression?

A. I can't remember. I don't know.

Q. What would be the effect if your depression controlled you rather than you controlling it?

30 A. That I tended to withdraw into myself and tended to not be engaging with people.

Q. Was that an effect of the "stress of Laura", that you mention in the same page?

35 A. The "stress of Laura" I'm referring to there is the constant vigilance that we had to have because she was on monitors and things.

Q. Although, you knew that they were not necessary?

A. I didn't know that, no.

40

Q. Because it was you, not them?

A. That's not what that means at all.

CUNNEEN SC: 15 December 1997, please.

45

Q. Towards the end of the page, on the left, you say "Craig"--

JUDICIAL OFFICER: "Caz sent a beautiful angel"?

50 CUNNEEN SC: Yes, thank you very much.

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Q. "Sent a beautiful angel and teddy for Laura". I'm sorry, I'm struggling with--

5 JUDICIAL OFFICER: "Both her and Craig are convinced that Laura's soul is not her own, by the looks of it. Me, well, I'm sure she met everyone. They've told her, 'Don't be a bad or sickly kid'. Mum"--

CUNNEEN SC: Thank you, your Honour.

10 JUDICIAL OFFICER: "Mum may, you know, crack it".

CUNNEEN SC

15 Q. "They've warned her. Good."

CUNNEEN SC: Thank you, your Honour.

20 Q. Now, may I ask you there, your references to "Don't be a loud or sickly kid", are references to Sarah and to Patrick, aren't they?

A. Yes.

25 Q. So, this is where you're talking about Laura having, what, before her birth, met her siblings somewhere?

A. Yes, a belief, yes.

30 Q. And they told her, "Don't be a loud or sickly kid because mum may, you know, crack it"?

A. "Crack it", is not cope with it, not be able to handle that. It would be upsetting.

35 Q. "They've warned her. Good"?

A. In reference to me believing that they've had a bit of a conversation.

40 Q. Well, warning is a strong conversation, isn't it?

A. No, not really. I'm simply stating, you know, they may have said to her, you know--

45 Q. We're warning you, don't be loud, don't be sickly or mum will crack it with you, and you'll end up here with us?

A. No, not at all.

50 Q. Of course, that's what it means, isn't it?

A. No.

55 Q. Craig and this kind lady who gave the gift, "They think that she's a lovely soul". You, "Me, well, I'm sure she met everyone, and they've told her 'Don't be a loud or sickly kid. Mum may"--

A. Well, that's incorrect because the--

60 Q. --"crack it"?

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A. That's incorrect, because I even said in the diary that they'd met everyone and I'm agreeing with that.

Q. They warned her about you?

5 A. No, that's not what I'm saying at all.

Q. Well, it is, it's precisely what you're saying. You're admitting to yourself, in your journal, that your previous children may have warned this one. It might be a joke, but it is a reflection of what happened, that if your other children were to meet this one who was still living, they'd warn her not to be loud or sickly, or she'd up dead like them?

10

A. No, not at all.

Q. It's all it can possibly mean, isn't it?

15

A. No.

Q. And then you say, "But she is still her own little person and will always be. Must stop calling her Sarah, she's most definitely not her"?

A. Yes. I made the error of calling her by the wrong name every now and then.

20

Q. And you added for good measure that, in the spirit of her being a much more agreeable person, chalk and cheese, "she's most definitely not" Sarah?

A. Yes.

25

Q. Disparagingly to Sarah, wasn't it?

A. No, not disparagingly at all.

CUNNEEN SC: Could we just move forward to the next page please, whatever that is.

30

Q. On the bottom of the next page you say, "Tell you what, don't think anyone could read this and find out all my secrets. I write like a five year old. Disgusting" - what else does it say, "disgusting"--

35

JUDICIAL OFFICER: To look.

CUNNEEN SC

Q. You knew that it's not easy to pick up this diary and be able to decipher it very readily there didn't you?

40

FURNESS: Might I just inquire, your Honour has indicated "disgusting to look" and I understand why your Honour has formed that view. But it may perhaps be better to ask the witness what that word is.

45

CUNNEEN SC: Yes.

Q. What is it Ms Folbigg, the last word before "Kathy"?

50

A. I actually can't decipher that myself, I don't know.

Q. All right, but whether it's true or not, whether anyone could make a good fist of it, you took some comfort there from the fact that it was difficult to read your writing and that--

5 A. No, I'm merely, I'm merely making an observation that my writing's really, really bad.

Q. And that that helped to conceal your secrets I'd suggest to you?

10 A. No, I'm merely stating it's a diary and that's where you put things like that.

Q. You said, "Don't think anyone could read this and find out all my secrets".

A. Yes, it's a diary. No anticipating that anyone would read your diary.

15 Q. I would suggest that you took comfort from that and that's another reason why you committed to paper all these things that very openly expose what really happened to your children.

A. No.

20 Q. On 31 December 1997, on the right-hand side of the page you say about Laura, about the battle of the wills will start when Laura is a bit older - or "wonder if the battle of the wills will start with her and I then. We'll actually get to see".

Q. Yes.

25 Q. "She's a fairly good natured baby, thank goodness, it has saved her from the fate of her siblings. I think she was warned."

A. And it goes back to what we were discussing before.

30 Q. Yes it does. She was saved from the fate of her siblings by the time of the last day of 1997, because she is a fairly good natured baby, and I'm suggesting to you that you are there plainly acknowledging that if Laura had been a catnapper like Sarah, or less agreeable as you say Sarah was, she would have met the fate of her siblings, that is to be suffocated by you.

35 A. No, not at all. That goes back to the discussion about the belief that, you know, my other children have spoken to her and--

Q. No it doesn't ma'am, does it. Can you explain please why being a fairly good natured baby, thank goodness, has saved her from the fate of her siblings. How did those two things follow?

40 A. She was still alive and my other three were deceased, but I'm commenting and saying that she's still here.

Q. What are you giving there, as the reason why she has not met the fate of her siblings?

45 A. I'm not giving any reason.

Q. Well you are, aren't you? That "She's a fairly good natured baby, thank goodness".

50 A. That's not a reason as such.

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Q. You say it in terms, "She's a fairly good natured baby, thank goodness, it has saved her from the fate of her siblings."

A. Because again it goes to my extreme view and my extreme belief that something else had taken the other three of my children.

5

Q. You had.

A. No, not at all.

10 Q. Because they weren't good natured enough for you. They didn't behave well enough for you not to lose it with them. That's right isn't it?

A. No.

15 Q. They battled your wills and they kept you from sleep, they weren't good natured enough.

15 A. No, not at all.

Q. And you could not tolerate them.

A. No, that's certainly not.

20 Q. And you suffocated them.

A. No.

Q. "I think she was warned", there's the warning again.

25 A. And as discussed previously, the warning is we were talking about Sarah's soul not being her own and the children all talking to each other.

Q. Yes, and the children saying to Sarah "Be good natured or you'll be killed like we were"--

30 A. No.

Q. --"by your mother".

A. No.

35 Q. On 2 January 1998 you again make a bit of a comparison between your two daughters, do you not? I think it's the next page please.

CUNNEEN SC: I'm sorry, it may be 4 January, I beg your pardon. Thank you.

40 Q. You say there:

45 "Sarah's missed. We watched her video. Made me realise how much I love Laura and cherish her like I never did the others. I don't take her for granted. I think with age has come a lot more patience and resignation that I can't fix or change things. For example, if she doesn't sleep all night, then so be it. Sure it shits me and makes me a little grumpy, but I sort of just catch up during the day sometime."

You are reflecting on a different path with Laura, more success, aren't you?

50 A. Yes.

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Q. More success than the others, and you say that you cherish and love Laura like you never did the others.

A. That's how I felt at the time, that I hadn't given enough to the others.

5 Q. Pardon?

A. I felt I hadn't given enough to the others, so yes, I felt that, I wrote that.

10 Q. But this is a bit different isn't it? It's not about how much you gave. It's about the spontaneous love in you. You're making the point that you feel love and a feeling of cherishing this child like you never did the others.

15 A. Because I didn't feel that I did. As I explained before, Caleb I didn't have long enough and was a new time mother. Patrick was sick and I lived in the moment with him trying to keep him alive, and Sarah, just when I thought I was having a bond and could feel this way, she died and left. Laura was here, Laura I had this connection with, Laura I bonded with, Laura I wanted, Laura I cherished, and yes, that's all there.

20 Q. Laura was not even half the age of Sarah at this stage was she?

A. What's that got to do with me bonding and cherishing her?

20

Q. You had time with all your children to love and cherish them I'd suggest to you.

A. Yes, and with Caleb, as I said, he was only four weeks old and I was a brand new mother and I was concerned about that, and with Patrick--

25

Q. You were concerned that you didn't love him and cherish him?

A. Well he wasn't around long enough for me to form a view either way.

Q. Are you saying that--

30

A. I'd only just gotten into being able to figure out just even how to care for him.

Q. Are you saying that you wanted Laura but you didn't want the other children?

A. No, that's not what's said there at all.

35

Q. You say, "I don't take her for granted". Did you take the other children for granted?

40

A. Caleb I fell pregnant fairly easily, Caleb was there. Patrick, there didn't seem to be an issue with me falling pregnant till he came along. Taking for granted, yeah I, I guess I did, I took for granted that those, those three pregnancies happened, my children were there. I wasn't taking Laura for granted because by that stage I'd lost those three so I was never going to take Laura for granted ever.

45

Q. Until you lost it with her again on 28 January 1998. May we turn to 28 January 1998 please. You say there:

50 "Very depressed with myself, angry and upset. I've done it. I lost it with her. I yelled at her so angrily that it scared her. She hasn't stopped crying. Got so bad I nearly purposely dropped her on the

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floor and left her."

You were really worried about yourself that day weren't you?

A. I was angry and upset and depressed, yes.

5

Q. Angry with yourself?

A. Yes.

Q. You were reproaching yourself?

10

A. Always.

Q. "I've done it. I lost it with her." You were saying, weren't you, all my good intentions since before I even became pregnant with Laura, all my affirmations, all my goodwill in the world has gone because I've lost it with her, I've done it.

15

A. If you'd like to put it that way, yes.

Q. What did you yell at her when you yelled at her angrily?

A. I don't remember that.

20

Q. Words or noises?

A. Don't remember, I can't tell you.

Q. You can't remember?

A. No. It's 1998, no. I can't remember what it was I yelled, if I yelled.

25

Q. "I restrained enough to put her on the floor and walk away", so at least you were able to say that you had stopped yourself and gone away.

A. Yes.

30

Q. That must mean that "lost it" doesn't mean walking away does it?

A. Why not?

Q. You lose it first and then if the child is lucky, you walk away?

A. Not if the child was lucky. It was - I walked away.

35

Q. On this occasion you restrained yourself enough to put her on the floor and walk away?

A. Yes.

40

Q. You said, "I feel like the worst mother on this Earth. Scared that she'll leave me now like Sarah did. I knew I was short-tempered and cruel sometimes to her and she left with a bit of help."

A. Well, I did feel like the worst, worst mother in the world.

45

Q. You were not saying you're scared that Laura will make up her mind to die and go away. You were saying there in somewhat veiled terms but clear enough that you are scared that, "Laura will leave like Sarah did." Laura had left, sorry Sarah had left, "with a bit of help". You were expressing there your fear that you were going to kill Laura like you killed Sarah?

50

A. No.

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Q. You were weren't you?

A. No, I wasn't.

5 Q. It's very clear isn't it?

A. It's not clear at all.

10 Q. Because you're not, you see you're not the worst mother. You say you feel like, "the worst mother on this Earth", you're not saying that because you've simply lost it with Laura and put her on the floor and left her?

A. Yes, I am.

15 Q. You're really saying you feel like the worst mother on this Earth because you know you were getting close to killing your fourth child the same way?

A. No, that's not true.

20 Q. "She'll leave me now like Sarah did." And there you, "I knew I was short-tempered and cruel sometimes to her and she left with a bit of help."

A. Because I thought, as I stated, I've already stated short-tempered and cruel could mean a variety of different things.

25 Q. I was going to ask you that; what did it mean with Sarah? How did you express your short-temperedness and cruelty to Sarah?

A. In being frustrated with her and not handling why she was crying or not being able to go to sleep.

30 Q. What cruel things did you say or do to her?

A. Not cruel as in inflicting harm in any way. I'm not talking by, cruel as in leaving them alone to, so you'd walk away or cruel as in not meeting their needs or cruel as in not understanding how to fix something and it, to me it all meant the same thing.

35 Q. "Cruel" is a very strong word for you isn't it?

A. Yes. It's a strong word I use in there yes.

40 Q. What did you do to Sarah?

A. I didn't do anything to Sarah.

45 Q. When you were short-tempered and cruel with her?

A. I didn't do anything to her.

50 Q. Well, you say, "I knew I was short-tempered and cruel sometimes to her." "To her"?

A. Yes, I was short-tempered. I was irritable. I was cranky.

Q. And cruel?

A. Not as in an action. No.

Q. "And she left with a bit of help." You mean she died don't you?

A. She died, yes.

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Q. "Bit of help"?

A. From God, fate or something else. Not me.

5 Q. There's a sardonic element to that isn't there, "with a bit of help"? There's a black humour to that?

A. No, absolutely not. There's no humour in it at all.

Q. "She left with a bit of help"?

10 A. And it refers to my belief that and my belief that something else happened out of my control.

Q. Well, it means this doesn't it; she left. She died with help from you?

15 A. No, absolutely not.

Q. That's what it means?

A. No. That's not what it means at all.

20 Q. And then you say, "I didn't want that to ever happen again. I actually seem to have a bond with Laura. It can't happen again. I'm ashamed of myself."?

A. Yes, I didn't want anything like that to ever happen again. I did have a bond with Laura and I was ashamed of myself in respect that I thought I was a failure as a mother.

25 Q. You say in there, "I don't want that to ever happen again." That is Sarah, "leaving with a bit of help". That's what you mean there isn't it?

A. Yes.

30 Q. "I actually seem to have a bond with Laura", which suggests clearly, doesn't it, that you didn't have a bond with Sarah?

A. No. It doesn't suggest clearly at all. It's, it's stating that I've got a bond with Laura.

35 Q. "I actually seem to have a bond with Laura." There's an air of incredulity there that you can hardly believe yourself that you have struck up a bond with that child doesn't it?

A. Yes, I suppose so.

Q. Because you didn't have that bond with the others?

40 A. I've already been through all this as to how my bonds were created or not created with all three children.

Q. You didn't have any did you?

45 A. Not with, probably not with the last three no.

Q. Or a maternal instinct at all, did you?

A. I wouldn't say not at all but--

Q. Not until you had Laura did you?

50 A. Okay. Fine, I agree.

Q. "It can't happen again. I'm ashamed of myself. I can't tell Craig about it because he'll worry about leaving her with me."

5 A. Yes. It can't happen again. I don't want anything like that to happen again. I was ashamed of myself as in being a failure as a mother and not thinking I was good enough at this job.

10 Q. You were ashamed of yourself because you knew how close you had come to bringing about the result that Laura also left this world with a bit of your help?

A. No.

15 Q. Then you couldn't ask for help from Craig because of course he wouldn't leave her with you again would he?

A. No, that's saying I couldn't talk to Craig. Craig and I were having rather problems with talking to each other by then. We didn't converse very well with each other. I felt I couldn't talk to him about that because he wouldn't have understood the feelings I was having.

20 Q. The feelings you were having, "Only seems to happen if I'm too tired. Her moaning, bored whingy sound drives me up the wall. I truly can't wait until she's old enough to tell me what she wants."

A. Yes. Are you saying there wouldn't be a mother on this planet who if their child has got a moaning, whinging tone it doesn't drive them up the wall?

25 Q. What you are talking about, which only seems to happen is what can't happen again; being short-tempered and cruel and babies leaving with help?

A. No.

30 Q. Perhaps we can move forward to 6 March 98. The second paragraph, "Laura not well. Really got on my nerves today. Snapped and got really angry but not nearly as bad as I used to get."

A. Yes.

35 Q. What did you do when you snapped?

A. I didn't do anything.

40 Q. What do you mean that you snapped when Laura got on your nerves?

A. I was just annoyed and angry with myself for not being able to handle the situation and figure out what was wrong.

45 Q. What, you got really angry? How did it manifest itself?

A. It didn't manifest itself in any way. It was just a feeling and an emotion I was having.

Q. How did you feel when you snapped?

A. I don't know.

50 Q. You got really angry that day but, "not nearly as bad as you used to get"?

A. Yes.

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Q. Laura was at that stage about eight months old?

A. Yes. Yes.

5 Q. She survived that day of course didn't she?

A. Yes.

Q. I'd suggest that's because you didn't get, "nearly as bad as you used to get that day"?

10 A. No.

Q. When you say, "not nearly as bad as you used to get", what used to happen when you used to get angry?

15 A. I used to allow them to cry in a room by themselves for a while.

Q. That's not too bad is it? Everyone does that.

A. That's correct but in my belief and view at the time, which was extreme, doing that as far as I was concerned was not a good thing to do.

20 Q. You snapped and got really angry but, "not nearly as bad" as you used to get?

A. Because I thought I was handling things a little bit better.

25 Q. Isn't that a reference to the times when you got so angry that you killed your children?

A. No.

Q. All right, 1 April 1998 please. The page on the right,

30 "Thought to myself today difference with Sarah, Pat, Caleb to Laura. With Laura I'm now ready to share my life. I definitely wasn't before. Very selfish. Maybe that's why my mother didn't have kids too successfully until she was older."

35 The meaning seems clear. Doesn't that mean that you weren't ready to share your life at the time that you had your first three children because you were too selfish?

A. I was also very young when I had the first three children.

40 Q. Well, you don't say anything about being young there. But you say you were very selfish and you weren't ready to share your life.

A. But I did.

Q. Not for long did you?

45 A. That was of no fault of mine.

Q. But it was wasn't it?

A. No, it wasn't.

50 Q. It was your selfishness that was allowing you to lose control of yourself and

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to dispense with these children?

A. No.

5 Q. You were persuading yourself that really everything was all right now because you had a justification. You'd seen inside yourself and realised you used to be selfish but you're not anymore. That, that's what you were calming yourself with there, isn't it?

10 A. No. I am merely making an observation as to my youth at the time when I had the children, possible selfishness at that age and my readiness to be and love Laura.

15 Q. In the Inquiry's tab 8 there's a journal entry by you for the first day of 1999. And you make your New Year's resolutions in the last paragraph and the first of them is what?

A. Sorry?

Q. In the last paragraph on that page, "Resolutions".

A. Resolutions.

20 Q. "Number 1, more tolerance where Laura is concerned."

A. Yes.

Q. Why was that your principal New Year's resolution, first of five?

25 A. She was now older, had personality of her own, and I think any parent needs to have a bit of tolerance as her child gets older and their personality emerges.

Q. Was something starting to worry you at that time about whether you could keep tolerating Laura?

30 A. No it's simply an observation as how my life is about to change as she gets older.

Q. Were you having some problems with controlling your stress or anger?

35 A. No not at all the time no.

Q. Can we move forwards to tab 8, it's probably the next page, 3 January 99. Two days later though you say don't you, "Sometimes I feel I could just drain the bank accounts and leave, leave Singleton, Craig and Laura behind, start new somewhere", that's three days into the New Year?

40 A. Sorry I'm just reading the whole thing, "Sometimes I feel I could just drain the bank accounts and leave", I'm actually discussing in that about unsatisfied feelings I'm having in my marriage.

45 Q. More than our marriage because you're going to leave Singleton, Craig and Laura behind?

A. Yes.

Q. And start new somewhere?

50 A. Yes.

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Q. So less than two months after this, Laura was dead wasn't she?

A. Yes.

5 Q. And you had been writing in your private journal that you were considering leaving Singleton, Craig and Laura behind, having cleared out the bank account?

A. Yes.

10 Q. The love affair with Laura was over wasn't it?

A. No, the love affair with my husband was coming to an end.

Q. But you were going to leave Laura behind?

15 A. Yes, because I had a belief and a thought that Craig could be happy if I did that, my love affair with my marriage might have been starting to disintegrate and that's how I was feeling at the time, that it was and I had a spontaneous thought that I could leave, leave Laura with Craig, she would be well looked after, she would be happy, they could both be happy.

Q. And if you'd done that she'd still be alive today wouldn't she?

20 A. I'm not going to answer that, I can't say that. I've got no way of knowing that.

25 CUNNEEN SC: Your Honour may inquire whether tab 9 is within the remit of the cross-examination, as to diaries, in that it's not a diary as such but a draft statement.

JUDICIAL OFFICER: My tab 9 is a statement and March 1990.

30 CUNNEEN SC: Yes your Honour am I permitted to ask the witness some questions about that or is that outside the area which your Honour has delineated for the cross-examination.

JUDICIAL OFFICER: I think it is outside the scope which is restricted to the diary entries.

35

CUNNEEN SC: Yes thank your Honour.

JUDICIAL OFFICER: Mr Morris what do you want to do, do you want to commence? You've got ten minutes.

40

MORRIS SC: Your Honour I'd like to start in the morning if you don't mind.

JUDICIAL OFFICER: I know you're very good at estimates.

45 MORRIS SC: I've given an estimate to Counsel assisting, on the basis that she does not tease me about it. I've got an estimate of somewhere between half an hour and an hour, something of that order.

50 JUDICIAL OFFICER: All right. Well we'll adjourn now then and resume in the morning at 10.

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<THE WITNESS WITHDREW

ADJOURNED PART HEARD TO WEDNESDAY 1 MAY 2019