

Legislative Council

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MANOCK, DR C.

The Hon. A. BRESSINGTON (15:52): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions again about Dr Colin Manock and the Medical Board.

Leave granted.

The Hon. A. BRESSINGTON: The council has already been made aware that the Medical Board is now proceeding with allegations of unprofessional conduct regarding Dr Manock before the Medical Tribunal of South Australia. It is also aware that there are also proceedings before the Medical Board in relation to Dr Ross James, who was Dr Manock's deputy for some 25 years. The last time I asked a question on this matter in this place, the Hon. Paul Holloway suggested that, if these two senior pathologists have done about 17,000 autopsies between them, it would not be surprising if one or two needed to be revisited. His response shows a lack of awareness of the nature and gravity of the allegations.

In the UK, some 250 convictions have been overturned by the Criminal Cases Review Commission and, in Canada, there have been at least eight judicial inquiries into wrongful convictions. In the USA, over 200 convictions have been overturned on DNA evidence alone. In none of those jurisdictions has there been such serious allegations against such senior pathologists who have been responsible for so many cases over so many years. In none of those jurisdictions have such serious allegations gone unexamined for such a long time.

In the case of Mr Van Beelan, Dr Manock said that he could narrow down the time of death to within 30 minutes by examining the dead girl's stomach contents. Just recently in Canada, the case of Stephen Truscott was overturned where very similar evidence was used. Four years after the Van Beelan case, Dr Manock admitted, in another case, that such an attempt to ascertain the time of death would be very unreliable. Nothing was done. In the case of Derek Bromley, Dr Manock gave evidence to the court which was false and misleading. Mr Bromley has petitioned the Governor to have his case referred to the Court of Appeal. He has served 23 years in prison. Nothing has been done.

In the case of David Szach, an independent expert has examined Dr Manock's calculation of the time of death, and his report on the errors runs to some 200 pages.

Similar criticisms were put forward some time ago by Professor Knight and Dr Byron Collins in Melbourne. He has petitioned the Governor to have his case referred to the Court Of Appeal. He is suffering from a terminal illness. Nothing has been done.

In the case of Mrs Emily Perry, the High Court of Australia said that the forensic evidence in that case, which had been put forward by Dr Manock, represented an appalling departure from acceptable standards. Nothing was done.

There were criticisms of Dr Manock's work in the Royal Commission into Aboriginal Deaths in Custody. Nothing was done. In the case of Terry—

The PRESIDENT: Order! The honourable member must move on to her question.

The Hon. A. BRESSINGTON: In the case of Terry Akritidis, Dr Manock told the coroner that Mr Akritidis had died at a time which would have been two hours after his dead body, already stiff with rigor mortis, had been found by police. Self-evidently, that could not have been right. Again, nothing was done.

My question to the minister is: will the Attorney-General agree to refer the cases of Henry Keogh, David Szach and Derek Bromley to the Court of Criminal Appeal and to establish a royal commission into the cases upon which Dr Manock and Dr James were engaged?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:56): I think the Attorney-General has already answered that question. As indicated in the last question, the matter in relation to the Keogh case, for example, has been examined and re-examined on a number of occasions, beginning with the former government, when Trevor Griffin was the attorney. I will refer the question back to the Attorney to see whether there is any additional information.

However, I think it has been pointed out that, regardless of what evidence or what one might think of other cases in which individual pathologists were involved, convictions—at least in relation to that one case referred to—have been based on a whole range of other information. So, whatever doubt one might have on one particular part of the evidence, there is generally a large amount of other evidence which is central to a conviction in particular cases. However, I will refer this back to the Attorney to see whether he has any further comment to make on the case.