

Legislative Council

Tuesday, 12 February 2008, Page 1616

MANOCK, DR C.

The Hon. A. BRESSINGTON (14:35): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question on a matter relating to forensic investigations in South Australia.

Leave granted.

The Hon. A. BRESSINGTON: Members of this chamber would be well aware that the Medical Board has now commenced formal proceedings in relation to Dr Manock before the Medical Tribunal of South Australia. The Medical Board is asserting that Dr Manock:

1. Failed to make and retain adequate written records of his findings and observations;
2. Failed to record and retain records of the weights of organs;
3. Failed to record and to retain records of the height and weight of the body of the victim;
4. Failed to collect and preserve adequate histological material and, by reason thereof, rendered any future substantiation of a particular observation or observations impossible;
5. Failed to collect and retain adequate tissue and other body samples from relevant organs, suspected bruises and body fluids to enable adequate and proper histological examination;
6. Failed to collect, or arrange to be collected, adequate photographic records of major findings; collected and retained black and white photographs which were of poor quality; and failed to make use of colour photography; and
7. Failed to consider and exclude, if appropriate, all reasonable and feasible alternative hypotheses in order to seek to disprove his stated conclusion and opinion as to the cause and manner of death, namely, non-accidental drowning.

As a result, the board states that Dr Manock (1) is guilty of incompetence in relation to the provision of medical treatment and/or (2) is guilty of negligence in relation to the provision of medical treatment. The Medical Board's findings, which are now being referred to the tribunal, are not consistent with the parliamentary statements previously made by the Attorney-General, Hon. Michael Atkinson, on 20 January 2003 and 1 April 2003, when he laid much emphasis on the fact that Dr Ross James corroborated the findings of Dr Manock.

There have now been some references made that Dr James is himself subject to a complaint to the Medical Board in respect of this very case. As the Medical Board has now taken the view that Dr Manock's work was negligent and incompetent in relation to this case and, given that Dr James said that he had checked the work of Dr Manock in that case and found nothing wrong with it, surely it would follow

logically that Dr James was also negligent and incompetent with respect to Dr Manock's findings.

Dr Manock and Dr James were the key forensic pathologists in South Australia who, between them, would have conducted some 17,000 autopsies and were responsible for giving evidence in a great many of the most serious criminal prosecutions in this state for a period of some 25 years. Even the suggestion that they might have both been negligent and incompetent would be bound to set alarm bells ringing for all. My questions are:

1. Does the Attorney-General intend to correct the errors which were contained in those statements and which are conveniently set out in chapters 7 and 8 of the book *Losing Their Grip: the Case of Henry Keogh*?
2. Does the Attorney-General intend to conduct an inquiry to ascertain whether the support and information which he has relied upon all this time are, in fact, reliable?
3. Will the Attorney-General give an assurance that the case of Henry Keogh is referred to the Supreme Court to determine the adequacy of the conviction in accordance with the law; ensure that any similar cases, such as that of Derek Bromley, which has also been the subject of a petition to the Governor, is similarly referred; and call for the establishment of a royal commission to investigate these most serious allegations which strike at the very heart of our justice system?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:39): I think all of us are aware that there is someone in Adelaide who has been conducting a very longstanding campaign. I can recall when these questions about Dr Manock were asked when Trevor Griffin was Attorney-General in this place, which must be at least seven years ago. If, in fact, those practitioners conducted more than 17,000 autopsies, I am sure that, inevitably, in one or two of them people might wish to revisit them. What one can achieve by going back through such a long period of time I will leave to the—

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: What you would actually find out and what good it would do retrospectively is probably another matter. I will refer this to the Attorney-General, as it is his area, and I will bring back a reply.