

STEVENSON, Mr D.

13 March 2007

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police a question about the investigation of the Derrance Stevenson murder.

Leave granted.

The Hon. D.G.E. HOOD: This unfortunate case involves Derrance Stevenson, a lawyer in Adelaide who was found shot dead and placed in a freezer at his home. David Szach was convicted of his murder. He has always maintained his innocence and recently convincingly passed a polygraph test. I appeared on the *Today Tonight* program last night concerning the case of David Szach. He will be resubmitting his Petition for Mercy to the Governor after unsatisfactory appraisal was made of his original petition, which he then chose to withdraw.

A number of prominent lawyers have also expressed concern at the forensic pathology used in this case. Attached to their Petition for Mercy is a new report on the errors in the calculation of the time of death by the former state pathologist, Dr Manock, during the trial. Indeed, Professor Bernard Knight (Professor of Forensic Pathology and a British Home Office pathologist) notes that Dr Manock's evidence during the trial relied on 'very speculative and tenuous calculations' and was 'ill founded and that the degree of accuracy he offers cannot be substantiated'.

Dr Manock's questionable handling of this and many other cases must be answered and addressed. If Mr Szach is innocent, as he claims, it means that the real perpetrator of Derrance Stevenson's murder has never been apprehended and is probably still at large. My questions are:

1. In what circumstances will police reopen murder investigations?

2. Given that several pathologists have called into question Dr Manock's evidence during this trial, will the minister instruct police to reopen this case in the light of that new evidence and analysis which has now become available?

3. Does the minister accept that Dr Manock's handling of the case has called his professionalism into question?

4. Will the minister commit to investigating and trialling the use of polygraphs as an investigative tool to be used by the South Australian police force?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the latter question, it is my understanding that polygraphs are not registered in this country and are not being used for investigations. However, it is really more a matter for the Attorney-General, as indeed is the general thrust of the honourable member's questions. As far as I am aware, in this case the person was found guilty by trial and was committed and, as I understand it, he has served his sentence. So, in terms of the police reopening the case, I do not think that that comes into question at all; rather, it is a matter for the Attorney-General to determine whether he believes that there are any grounds on which to have the conviction reconsidered. I will refer the question to the Attorney-General for his reply.

Given the recent media interest in the case, I am aware that Mr Szach wrote to the Attorney-General (Hon. Michael Atkinson) on 20 December 2004 and on 17 April 2005 about what Mr Szach has called his wrongful conviction for the murder of Derrance Stevenson in June 1979. The Attorney-General advises me that questions about the reliability of the forensic evidence given by Dr Manock were raised in 1995 with the then attorney-general (Hon. Trevor Griffin) and the then solicitor-general and now his Honour Chief Justice John Doyle. These concerns included the interim report, dated 9 March 1992, and the final report, dated 5 August 1994, of forensic pathologist Dr Byron Collins.

Mr Szach did not present the Attorney-General with any new evidence that would lead him to form a different view from the former attorney-general (Hon.

Trevor Griffin) and the former solicitor-general and now Chief Justice Doyle. Nevertheless, as I mentioned earlier, I will refer the question to the Attorney-General and ask him to prepare a response to the matters raised by the honourable member.