

MR CHRIS WOLFE — PROSECUTION FOR DEATH

242. Hon MATT BENSON-LIDHOLM to the parliamentary secretary representing the Attorney General:

I refer to the death of Mr Chris Wolfe in Albany, I believe some time last year.

- (1) On what grounds did the Director of Public Prosecutions come to the decision that a successful conviction of publican Wayne Leslie Stewart was not possible?
- (2) Why was it cited that there was no public interest in proceeding with a criminal charge in this case?
- (3) What further avenues does the widow, Renee Wolfe, have to pursue this matter?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of the question.

- (1) The Director of Public Prosecutions carefully considered all possible criminal offences arising from the death of Mr Wolfe. After carefully reviewing all the available evidence, the director determined that there was no reasonable prospect of conviction. In particular, a difficulty for any prosecution is that there was a voluntary assumption of risk by Mr Wolfe in being served the alcohol. There was no evidence to indicate that at that time he was so intoxicated that he would not, and should not, have been served. Further, Mr Wolfe made the decision to consume the alcohol at speed in the hotel. Although the publican was not promoting safe drinking practices, this fact is not sufficient to found criminal liability such that a properly instructed jury would convict.
- (2) The reference to public interest was in the context of acknowledging that the Liquor Commission imposed penalties upon the publican. However, if the evidence had been sufficient and there was a reasonable prospect of conviction, the director would have prosecuted.
- (3) The director has formed the opinion that no other criminal charges are available arising from the death of Mr Wolfe.