

THE WEST AUSTRALIAN - ABORTED MANSLAUGHTER TRIAL

951. Mr R.C. KUCERA to the Attorney General:

I refer to the manslaughter trial of Jake Becker, which was aborted yesterday after *The West Australian* recklessly published material that could prejudice the jury. Will the Attorney General advise the house what action will be taken against *The West Australian* and its editor, given that this is not the first time a trial has been aborted as a result of that newspaper's irresponsible action?

Mr J.A. McGINTY replied:

Mr Speaker -

Ms S.E. Walker: Cough up

The SPEAKER: Order, member for Nedlands!

Mr J.A. McGINTY: I will come to the member for Nedlands in a minute, as I am sure she will appreciate. This morning the Director of Public Prosecutions advised me that he will be initiating contempt-of-court proceedings against *The West Australian* and its editor, Paul Armstrong. The DPP has advised that the action arises from the aborting yesterday of a trial of a 20-year-old man charged with manslaughter following *The West Australian* publishing a letter to the editor in yesterday's edition. This is the third time in just two months that the reckless and irresponsible actions of *The West Australian* have aborted a trial here in Western Australia.

Yesterday was the sixth and final day of the trial of Jake Becker, who has pleaded not guilty to the unlawful killing of a youth outside the Greenwood Tavern. All the evidence had been heard and closing addresses were due to commence when District Court Judge Paul Healy reluctantly agreed to an application to discharge the jury for fear that the publication in *The West Australian* would prejudice the jury's decision. Mr Becker's defence lawyer described *The West's* action in publishing the letter as "absolutely ridiculous", while the prosecutor, Amanda Forrester, said -

... it's entirely unacceptable -

Ms S.E. Walker interjected.

Mr J.A. McGINTY: I will start that again, Mr Speaker.

The SPEAKER: I call the member for Nedlands to order again.

Mr J.A. McGINTY: The Director of Public Prosecutions' lawyer prosecuting this particular matter, Amanda Forrester, said -

... it's entirely unacceptable and I cannot comprehend how the editorial department of *The West Australian* could be so silly as to publish this.

Ms S.E. Walker interjected.

The SPEAKER: I call to order the member for Nedlands for the third time.

Mr J.A. McGINTY: Judge Healy agreed and, while he had no criticism of the author of the letter, he described its publication in *The West* as "unbelievable and destructive". To quote Judge Healy further -

... to publish a letter in the Letters column of the only newspaper available to most people in Western Australia on a day when all the evidence has been completed and addresses are to commence seems to me to be an incredibly bad system of being able to edit a newspaper.

He states further on -

... the director of public prosecutions should seriously consider taking proceedings against *The West Australian* for the publication of this letter. It seems to me to be a gross contempt of court.

I also note the views expressed on radio this morning by Bar Association president, Ken Martin, QC, who stated -

... newspapers have got a responsibility ... to make sure that what they publish does not have a tendency to interfere with someone's right to a fair trial. And that's where the law of contempt comes into place.

On the face of it, I can only agree that *The West Australian* and its editor have been reckless and irresponsible in publishing this letter on the final day of the trial. The Director of Public Prosecutions estimates that this trial has already cost taxpayers in excess of \$100 000. There is also the cost of legal representation for the accused, as

well as the emotional strain on the victim's family and friends, witnesses and the accused. It will be financially and emotionally taxing for all concerned to have to go through this extremely stressful experience again.

It is not the first time that *The West's* reckless publication of material has aborted a trial. Just two months ago, on 19 October, *The West* published an article on page 1 quoting the member for Nedlands making a number of irresponsible comments about organised crime figures in Western Australia. The member for Nedlands, who is also the shadow Attorney General, used parliamentary privilege to claim that the brother of a man on trial who gave false evidence to the Australian Crime Commission may have replaced John Kizon as the organised crime figure in WA. Those irresponsible comments by the member for Nedlands and the reckless publication of them in an article on the front page of *The West* resulted in a four-day-old trial of Jason Mercanti being aborted. Again, the DPP estimates that the wasted direct cost to taxpayers for this trial is in the order of \$100 000. Thank you very much, member for Nedlands.

Several members interjected.

The SPEAKER: Order, members!

Mr J.A. McGINTY: As the shadow Attorney General, the member for Nedlands was responsible for aborting a trial. She should hang her head in shame.

The third trial to be aborted was on 5 October after the *Kalgoorlie Miner* -

Several members interjected.

The SPEAKER: Order, members!

Mr J.A. McGINTY: The third trial to be aborted was on 5 October after the *Kalgoorlie Miner*, a wholly owned subsidiary of *The West Australian*, published on the front page highly prejudicial and inaccurate material about a man charged with gold theft. When the irresponsible and reckless publication of articles in a daily newspaper directly affects the administration of justice, the community is the loser. We must put a stop to West Australian Newspapers Ltd aborting trials in Western Australia. I support the action taken by the Director of Public Prosecutions to initiate contempt of court proceedings against *The West Australian* newspaper and its editor.