

In reply please quote: 519906/1; 1174877, J/09/02862

2 SEP 2009

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
TableOffice@parliament.qld.gov.au

Dear Mr Laurie

Please find attached my response to Petition Numbers 1192-09 and 1220-09.

I would appreciate it if you would arrange for the tabling of this response.

Yours sincerely



**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**

Enc.

In reply please quote: 517986/1; 519906/1 (1080139), J/09/01007

20 JUL 2009

Mr Sam Watson
106 Norton Street
UPPER MT GRAVATT QLD 4122

Dear Mr Watson

I refer to Petition No 1192-09, which was received by the Legislative Assembly on 11 February 2009, and Petition No 1220-09, which was received by the Legislative Assembly on 23 April 2009 regarding the conviction of Lex Patrick Wotton on charges relating to the Palm Island riot on 26 November 2004, and the inquest into the death of Mulrunji Doomadgee.

Under the Standing Orders of the Queensland Legislative Assembly, the Clerk of the Parliament is required to forward a copy of each petition to the Minister responsible for the subject matter of the petition.

Following the recent State Election, I have been appointed as the Attorney-General and Minister for Industrial Relations. The petitions raise issues within my portfolio responsibilities which I will address in turn.

The Premier, the Honourable Anna Bligh MP has publicly stated that there are no plans for a Royal Commission in relation to this matter.

As you would be aware, on 16 June 2009, the Court of Appeal ordered that the coroner's ultimate findings on how Mulrunji died and what caused him to die (which were published on 27 September 2006) be set aside. The Court then ordered that the inquest be re-opened and directed that the State Coroner direct another Coroner (other than Coroner Clements) to re-examine the findings set aside. The Court explained that it is appropriate that a different Coroner re-examine the findings to avoid any perceived preconceptions which might be argued to follow from Coroner Clements' reasoning which led to the findings set aside.

In relation to the issue of public funding to enable Mr Wotton to appeal his conviction, I advise that funding for legal representation in criminal appeals is available through Legal Aid Queensland (LAQ) to persons who obtain a grant of legal aid. Like most LAQ services, assistance for legal representation is means and merit tested. This is necessary to ensure the most appropriate use is made of LAQ resources. In order to obtain a grant of legal aid a person must:

- be financially eligible under the LAQ means test;
- have a case which comes within the guidelines; and
- have reasonable prospects of succeeding in the legal action.

LAQ is unable to make a grant of aid on the basis of a petition or at the request of a third party. For a grant of aid to be considered, it would be necessary for Mr Wotton himself to make a formal application for aid to LAQ.

Further information on the tests and guidelines is available from the LAQ Client Information Service on phone 1300 65 11 88.

Mr Wotton may also wish to contact the Aboriginal and Torres Strait Islander Legal Service (ATSILS) on this issue. The ATSILS Brisbane Office can be contacted on phone 3025 3888.

In relation to the issue of pardons, the Queensland Constitution contains powers that give the State's Governor the ability to grant pardons to prisoners and remit fines or sentences imposed by our courts (section 36 of the *Constitution of Queensland Act 2001*).

In terms of process, petitions for pardon must be submitted to the Governor, Her Excellency, Ms Penelope Wensley AO, for consideration. After receiving a petition, and in keeping with constitutional convention, the Governor would usually seek the advice of the Attorney-General about the factual details surrounding a specific case. The advice of the Crown Solicitor, and other relevant material, would then generally be obtained.

A pardon has the effect of discharging the convicted person from the consequences of their conviction.

In addition to advising the Governor on the petition for pardon, the Attorney-General has the power to:

- refer the case to the Court of Appeal for determination as if it were an appeal against conviction; or
- if the Attorney-General desires the assistance of the Court of Appeal on any point arising in the case with a view to the determination of the petition, refer that point to Court for its opinion (section 672A of the Criminal Code).

I trust this information is of assistance.

Yours sincerely

SIGNED

**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**