



Mr Neil Laurie
Clerk of the Parliament
Parliament House
Corner of Alice and George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter dated 17 February 2011 to the Honourable Cameron Dick MP, enclosing petition 1507-10. Following recent ministerial changes, responsibility for the Department of Justice and Attorney-General has been transferred to me as Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State.

The petitioners request that the House ‘amend the law so that all convictions are recorded, thus forcing judges to give priority to future innocent victims, not offenders.’

Pursuant to Standing Order 125, I provide the following Ministerial response to the petition:

Any matter that comes before the courts is recorded on a person’s criminal history even where the court orders ‘no conviction recorded’.

A ‘no conviction recorded’ sentence merely means, for the purpose of that person communicating with outside parties (but not, for example, courts, police or bodies such as the Queensland Supreme Court in the case of prospective lawyers) that they may indicate that they have not been convicted of a criminal offence.

There are many good policy reasons for this. Consider, for example, where a young person of unblemished background commits a relatively minor offence. In those circumstances a court may order ‘no conviction recorded’ as many professions provide for exclusion where a person has a recorded criminal offence.

Judicial discretion is an important element of Queensland’s criminal justice system, as it allows the particular facts of each case, the impact on the victim and community, and the circumstances of the offender to be taken into account. No two cases are the same.

The petition requests that all convictions are recorded to, in effect, give priority to future victims.

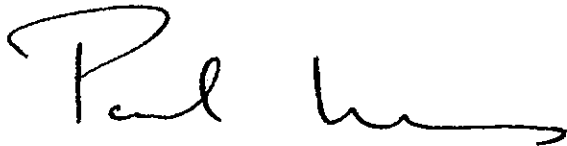
The Bligh Government makes no apology for taking a tough position when it comes to those who break the law.

In relation to graffiti, the *Summary Offences Act 2005* makes it an offence for a person to even have in their possession an implement for doing graffiti, punishable by up to 1 year's imprisonment. *The Police Powers and Responsibilities Act 2000* provides police with the power to stop, detain and search a person or their possessions if it is reasonably suspected the person is carrying a graffiti implement. These are on top of the offence of wilful damage, which applies to a person who actually does graffiti on property, which carries a maximum of 5 years jail.

More broadly, today Queensland has a record average daily prison population of 5,655, up from 4,709 in 1998. There are more than 10,000 police officers on the beat for the first time in Queensland's history and we have some of the toughest laws in the country.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Lucas', with a stylized flourish at the end.

PAUL LUCAS MP
Deputy Premier and Attorney-General,
Minister for Local Government and Special Minister of State