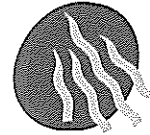




Hon Cameron Dick MP
Member for Greenslopes



**Queensland
Government**

In reply please quote: J/10/03728, 530703/1
Your reference: Petitions

**Attorney-General
and Minister for Industrial Relations**

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr ~~Laurie~~ Neil,

Thank you for your letter dated 11 June 2010 regarding the Parliament of Queensland e-Petition No. 1422-10 which calls for an amendment to provide that all wilful damage in cemeteries is unauthorised.

The recent dismissal at committal stage of four persons charged with wilfully damaging gravestones at the Toowong Cemetery has highlighted the evidentiary difficulties that such prosecutions can face and has highlighted the community's outrage at such appalling conduct.

An element of the offence of wilful damage which must be proven by the prosecution is the 'absence of the owner's consent'. While the common law allows for 'absence of consent' to be inferred from the circumstances, the issue is more complex when the owner is not readily identifiable.

The Department of Justice and Attorney-General is reviewing this legal issue with a view to determining whether a legislative response is required; and if so, the appropriate response. The proposal outlined in this petition will be considered as part of that review.

Yours sincerely

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

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