

OPENING OF COMMUNITY JUSTICE CENTRES BAMAGA AND KOWANYAMA

FRIDAY 28 APRIL 2000

Chief Justice Paul de Jersey

I am very excited to be here today. I represent the Judges of the State. As Chief Justice, I am driven by two goals: to provide the people, all people that is, with justice; and also, to bring justice to all people, that is, so far as practicable, where they reside. In recent times it has been encouraging to see a number of Queensland Judges sitting in places a long way distant from their home centres: Justice Jones and Judge White on Thursday Island, Judge Robertson on Mornington Island and at Normanton and Doomadgee, and Judge Bradley at Kowanyama. This is part of the regular routine of the magistracy. The initiative for the judges goes back as far as 1989, when Justice Moynihan sat on Murray Island and Thursday Island, hearing evidence in Mr Eddie Mabo's case, or as I will perhaps better describe it, that case pivotal not only for the Aboriginal and Torres Strait Islander people, but for all Australians.

It is wonderful to see now this impressive upgrading of facilities for the delivery of justice in an important part of our State. I am uplifted to have had the opportunity to come from Brisbane to be here today, on such a great occasion.

We Judges swear to deliver justice, justice, that is, according to law. It is not generally up to the Judges to determine what is "just". That most often falls to the community: by the people electing the parliaments which make the statute law; and as another example, by the people who constitute the juries in the criminal courts who effectively draw the line as to what is acceptable conduct.

That is why the name of this new centre: a "Community Justice Centre", is significant. Those three words really say all that need to be said: justice, so necessary to civilized order; community justice, the justice we as a community devise and want; and community justice which is at the centre of things. An importantly symbolic collection of words!) and you devised it.

It is very important that we people see the system of justice, so essential, as one which we have substantially made for ourselves. Of course we must ultimately have a judge or a magistrate. But we have to work together even further towards a system in which the judges and the magistrates are used only when necessary.

Modern trends foster the achievement of that goal. In civil disputes we see a greater focus these days on the mediation of the disputes, the negotiation of

settlements, rather than having the judge or magistrate impose a ruling. And in the criminal area, in a somewhat similar way, we have over the last 20 years or so seen a focus on the desirability of having offenders repay their debt to the community by putting something back, as through community service orders rather than a preference for simply unproductive imprisonment. This is why, again, the name of your centre is so interesting: community justice, rather than punitive courts - courts working with the community, to produce more productive results, rather than courts simply imposing their own judgments or sanctions.

The Aboriginal people thirst for justice in many areas of life: in this legal area, we judges endeavour to work with you, to mould a more just society.

This is the first time the Chief Justice has officially visited your community. It is very exciting to meet with you, and to witness the opening of this fine new community justice centre. I hope it will see visits by other judges to conduct court sittings: as I say, justice should, where practicable, be brought to the people where they reside.

I want finally to mention a book on your unique art which is about to be released. It was published only last week, and is entitled, "The Serpent of Good and Evil". It has been written by Mrs Patricia Derrington, who has lived with Aboriginal people, is an expert commentator on Aboriginal art, and is the wife of a very recently retired judge of the Supreme Court of Queensland. I will send you the book as soon as it is available and I hope you will accept it as a sign of the respect and friendship felt for you by the Judges and Magistrates of this State.

And may I, in conclusion, convey the judiciary's very best wishes today, and for our future together.