

Opening Ceremony –Thursday Island Courthouse

Wednesday, 4 May 2005

Judge Marshall Irwin, Chief Magistrate

It is a privilege to participate in this ceremony to mark the opening of this wonderful new court facility.

I firstly acknowledge the traditional owners of the land on which this courthouse is built.

I wish to thank Mr Wasaga for his special welcome.

I also thank Mr Ketchell and Ms Mc Donald for their kind words of welcome which have significantly enhanced this occasion.

I acknowledge the presence here today of:

- The Honourable Rod Welford, Attorney-General and Minister for Justice
- Jason O'Brien, Member for Cook
- Ms Rachel Hunter, Director General, Department of Justice and Attorney-General
- My Colleague, Magistrate Trevor Black
- Mr David Hay, Registrar of this Courthouse
- Father Mullins
- Community Justice chair people; and
- each of you, our distinguished guests

The Chief Justice has specifically asked me to record his regret at being absent today. It was not practicable for him to be here. He fondly recalls his visit to Thursday Island in October 2002 and looks forward to sitting in this new facility and meeting again with the people who so warmly welcomed him at that time. He will do his best to come back again soon and sends his warm greetings on this important occasion.

The connection between Thursday Island and the Queensland Magistrates Court goes back to 1876 when the Island became the administrative centre in the Torres Strait.

The task of establishing Thursday Island as the administrative centre fell to Henry. M. Chester, the then Police Magistrate at Somerset, and who in the following year became the first Police Magistrate for Thursday Island. A new courthouse had been built on the Island which was declared "a Place where Courts of Petty Sessions shall be Holden" . Chester was also made sub-collector of Customs and Harbour Master.

In 1885, a former Premier of Queensland, John Douglas arrived to take up duty as Police Magistrate and Government Resident. During his service, he made frequent trips to the inhabited Islands of the Torres Strait and was well loved by its people.

In 1935 the previous Courthouse was built. However on 27 February 1942 in the dark days of World War II all non military personnel were ordered to evacuate the Island. All private homes and Government buildings were handed over to military control. All records of the Court were transferred to Cooktown.

It was not until 1947, that the civilian population and the Magistrates Court returned. It was also necessary to carry out massive repairs to restore the courthouse.

It is a rich and colourful history, and until today that courthouse has continued to serve the Torres Strait Island community. The building has a distinct place in indigenous history, as some evidence in the historic "Mabo Case" was heard in its modest court room. These days' magistrates continue their commitment to access to justice for Torres Strait Islanders by visiting Thursday Island from Cairns for 4 days each month, with a one day circuit to Badu Island every three months.

This is consistent with our commitment to indigenous communities in Cape York and the Gulf. These are also visited by magistrates monthly. As you know the Chief Justice also visits these communities when the opportunity exists, as does the District Court.

For many magistrates, former magistrates, registrars and Judges, including my colleague Magistrate Black who has had such a long and affectionate association with Thursday Island as registrar, acting Magistrate, and Magistrate, the move from the old court house will be a matter of some sadness. They will all have had occasion to admire the views from its verandas.

However, the old court house has served its purpose and does not meet the requirements necessary for the delivery of modern justice services for the Torres Strait Island community.

This new courthouse which includes interview and conference rooms, covered public waiting areas, a dispute resolution area, and facilities for vulnerable witnesses and victims of domestic violence provides a modern justice facility for the benefit of the Torres Strait Island Community.

It will be accessible and safe for everyone who uses it, including the disabled.

In this new courthouse the traditional Torres Strait Islander concepts of law, order and justice are symbolically brought together with the concepts of the Western justice system.

Thus we see in the woodcarving of Edward Turner an Islander kneeling before five elders who traditionally passed judgement on any person who committed an offence within their community. Elders and respected persons still play an integral role in our criminal justice system through our sentencing and bail legislation. Either as individuals or as part of Community Justice Groups, they advise magistrates on culturally appropriate ways in which to deal with the people who come before them. They also play an important role in our Murri Courts and the courts in indigenous communities.

The Glass Panels of Dennis Nona relate the traditional ceremonial masks to today's justice system. The smiling mask preserves the connection of the Thursday Island Courthouse to the Mabo ruling while brought joy and hope to most indigenous Australians.

All of the artists and everyone who has been involved in the creation of this important public facility are to be congratulated on their achievement.

We hope you are as proud of it as we are. It will serve the Torres Strait Island community well for the future, and the Magistrates of Queensland look forward to the continued opportunity to serve your community here.