



## **OFFICIAL OPENING OF MOA ISLAND MAGISTRATES COURT**

**Monday 25 February 2008 at 1.50 pm  
Community Hall, Kubin Village, Moa Island**

---

**Judge Marshall Irwin  
Chief Magistrate**

I acknowledge the traditional owners and custodians of the land on which we gather, Mr Paul Tom, Deputy Chairperson of the Kubin Village Council, Ms Rita Kaitip of the Kubin Village Community Justice Group, Elders from Kubin Village, Mr Sam Kris representing the St Pauls Village Community Elders, Community Justice Group members and all of you our distinguished guests – I am happy to be here today with Magistrate Trevor Black on this significant occasion – the opening of the Moa Island Magistrates Court.

Thankyou for your warm welcome. I thank Mr Tom for his opening prayer. I also thank Mr Kris for his kind words.

The Regional Justice Agreement between the residents of the Torres Strait and the Queensland Government identified the need for the Torres Strait Islander people to have increased participation in the administration of justice, including the development of their own solutions for local justice issues.

Torres Strait Island communities have unique histories and circumstances. As a result, the kind of programs that may work in other Queensland communities are not always likely to work in them.

The establishment of this court today will create a link between it and the Moa Island community. It is a positive initiative which will present this community with an opportunity to work cooperatively with the court to develop innovative and productive sentencing options which are appropriate to the community.

This has been facilitated by additional funding provided by the Queensland Government and the support provided by the Moa Island community.

In the last state budget the government funded the position of an additional magistrate to Cairns to enable our court to spend more time on circuit in the Torres Strait and Cape York.

As a result on 21 December 2007 Magistrate Black and I visited Moa Island to speak to community representatives with a view to determining the attitude to holding a court here at Kubin Village. We talked to your Chairperson, Mr Salle, Deputy Chairperson Mr Tom, Moses Joe and Ms Kaitip. All present wholeheartedly supported our court being held in your community. I also thank Mr Toshie Kris, the Chairperson of St Pauls Village for being supportive in commencing the Moa Island Magistrates Court here.

As a result today we celebrate the opening of a new chapter in the history of Moa Island – the commencement of a partnership between our court and the community. This is the first of four visits by our court to your community this year.

During our visits we will be applying a principle in the Queensland sentencing legislation that requires the court to consider relevant submissions from local Community Justice Groups, including elders and respected persons when sentencing Torres Strait Islander offenders.

As we have found in other parts of Queensland the involvement of elders and respected persons in the court process:

- assists the offenders to understand the process;
- assists the magistrate to understand cultural issues;
- assists the magistrate to decide on a sentence that is most appropriate; and
- acts as a connection between the court and the local community.

Importantly it will reduce the need for residents of this community to undertake expensive and often perilous journeys to Thursday Island and Badu Island to appear at the Magistrates Court. It is also hoped that it will reduce the number of warrants that are required to be issued to ensure that residents who are charged with offences attend the court.

It will also mean that no longer will persons return to this island after being sentenced with the result that your community does not know what has happened in court.

This is because members of your community will have an opportunity to attend court and hear and see what has happened or at least they will be able to hear about it from people who were there.

In cases where an offender is sentenced to undertake community service, this will be performed in the community. The penalty will therefore be visible to members of the community – they will see justice being done.

As a result your people will see what justice is.

I want them to see the court as an accessible and vital part of your community – a court which makes a visible difference to the day to day lives of everyone who lives here, including offenders.

In this way the court will be an effective mechanism for increasing participation and ownership by the community in the criminal justice process.

In future it is also hoped that we can supplement this with the use of videoconferencing facilities to link your Island with the Thursday Island Court so that your residents will no longer need to leave this Island for adjournments and bail applications.

To borrow a term from the Torres Strait Justice Negotiation Table I am optimistic that the opening of the Moa Island Magistrates Court will be a *New Dawn* for the delivery of open accessible justice to your community and the Torres Strait.

An event such as this is always the result of the contribution by many people. Because it is difficult to single out individuals I would simply like to congratulate and thank everyone who has been involved in the effort which has culminated in the opening of this court.

In particular I would like to thank the Moa Island Community for your support for the establishment of this court.

I would also like to recognise the support of the Queensland Police Service and the Aboriginal and Torres Strait Islander Legal Service which are represented here today by Sergeant Austen and Mr Morton respectively. This support is also demonstrated by the Department of Corrective Services through the presence of Ms Yorkston to assist the court and any persons admitted to probation or community service.

This momentous day is also the culmination of the passion and commitment of Magistrate Black to the extension of court circuits throughout the Torres Strait. I am glad that his vision has been fulfilled.

I would also like to thank Ms Francesca Adams, the Regional Indigenous Advisor and Mr Rick Grice, the Thursday Island Magistrates Court Registrar for their role in the establishment of this court. Mr Rob White, the Regional Services Manager for this area has also played an important role.

I can assure you that with your support the magistracy will continue to work hard at making the legal system accessible to the people of your community and to other Torres Strait Islands.