



**OFFICIAL OPENING OF YAM (IAMA) ISLAND
MAGISTRATES COURT
Wednesday 27 February 2008 at 10.00 am
Community Hall, Yam Island**

**Judge Marshall Irwin
Chief Magistrate**

I acknowledge the traditional owners and custodians of the land on which we gather. I also acknowledge their wisdom and culture. I thank the Deputy Chairperson of the Yam Island community, the elders and the Community Justice Group members for their presence here today, Father Gaetano Lui and Mr Peters. I thank all of you who have attended. I am happy to be here today with Magistrate Trevor Black on this significant occasion – the official opening of the Yam Island Magistrates Court for the Central Islands.

Thankyou for your warm welcome and the inspirational opening prayer. It is an honour and privilege for us to be greeted in this way. I also thank you for rolling out your traditional welcome mats as a symbol of justice, and your presentation of the symbol of peace, friendship, justice and truth. You can be assured that our court will honour this important symbol of justice. I hope that it will be a permanent part of this court.

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 Torres Strait Island communities. There is no “one size fits all” solution to the delivery of justice in Queensland.

The establishment of this court from today will create a link between it and the Yam 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 Yam Island community.

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

Magistrate Black and I had hoped to visit your community during late December 2007 to discuss holding a Magistrates Court here. We did not visit because there was a tombstone at that time. However your Chairperson, Mr Mackie later wrote to Magistrate Black and extended an invitation to us to hold a Magistrates Court for the Central Islands here today. He said that the Council welcomes our visit as a means of educating your people about legal processes. I thank you for this wholehearted support for our court being held in your community.

As a result today we celebrate the opening of a new chapter in the history of Yam Island – the commencement of a partnership between our court and your community.

This is the first of two visits of our court to the community during this year – our next visit will be on 30 July.

During our visits here 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 offender 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 court. I believe that it will also reduce the time that it will take for charges to come before the court. Only yesterday at Boigu Island a person's case was finalised by our court 45 minutes after being given a Notice to Appear for the offence.

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 the 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 video-conferencing 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 Yam Island Magistrates Court will be a *New Dawn* for the delivery of open accessible justice to your community and to 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 Yam Island community for supporting the opening of this court.

I would also like to recognise the support of the Queensland Police Service and the Aboriginal and Torres Strait Island Legal Service which are represented here today by Sergeant Austin and Mr Morton respectively. This support is also demonstrated by the Department of Corrective Services through the presence of Mr Keilbour 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 after a 24 year journey in which Father Lui has also played an integral part.

I would also like to thank Ms Francesca Adams, the Regional Indigenous Adviser 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.

As your Deputy Chairman has said your community is excited and enthusiastic about the commencement of the Magistrates Court at Yam

Island. Very few of your visitors receive the cultural welcome that you honoured us with today. We accept this as a mark of your great respect for the court; the due process of law and the return of justice to the island.

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 communities.