



OFFICIAL OPENING OF WARRABER ISLAND MAGISTRATES COURT

Wednesday 30 April 2008 at 10.00 am

Philemon Memorial Hall, Warraber Island

Judge Marshall Irwin Chief Magistrate

Esso

I acknowledge the traditional owners and custodians of the land on which we gather. I also acknowledge their enduring wisdom and culture. I thank Ms Alison Sailor the co-ordinator of the Community Justice Group for her presence here today. 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 Warraber Island Magistrates Court.

Thank you to Mr Bob Jeffrey for your warm welcome to the Island and to Apostle Ted Billy for the inspirational opening prayer.

I also appreciate the effort which has been made to set up this Memorial Hall as a court today as we sit with the Queen above us and the Australian flag in front of us – you have done yourselves, and us, proud today. 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.

My travels around the Torres Strait Island communities over the past four months leading up to the opening of this court has confirmed that the 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 Warraber 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 Warraber 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.

On 20 December last year Magistrate Black and I visited Warraber Island to speak to community representatives with a view to determining their attitude to holding a court here. We spoke with your Council Clerk, Mr Dawson Sailor. He told us of the wholehearted support for a court being held in this community.

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

This is the first of three visits of our court to the community during this year.

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 as we are finding in other Torres Strait Island communities where we have commenced to hold courts, 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. Earlier this year 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. As a result there will be an element of shaming of the defendants in their own community.

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 Warraber 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 Warraber 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 Noble and Mr Maza 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 developed over 25 years of holding courts in the Torres Strait has been fulfilled.

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.

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.

Once again Esso.