



OFFICIAL OPENING OF HOPEVALE MAGISTRATES COURT

**Wednesday 4 June 2008 at 10.00 am
PCYC, Hopevale**

Judge Marshall Irwin Chief Magistrate

I acknowledge the traditional owners and custodians of the land on which we gather. I respect and am grateful for the wisdom of the elders – past, present and future – and their dedication to their communities, and in preserving the knowledge and rich cultural heritage of Queensland for all.

I adopt these words from the Queensland Murri Court DVD which was unveiled recently at a successful and stimulating Murri Court Conference.

I thank your Mayor, Mr McLean, his father Herbert and Justice Group Chairperson, Mr Bowen for their warm and wise words of welcome. I also thank Mr McGreen for his welcome on behalf of the traditional owners and Mrs Rosendale for her opening prayer which invoked the importance of peace and justice in the Hopevale community.

In the 2007 – 2008 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 Cape York and the Torres Strait.

Last December Magistrate Trevor Black and I visited Hopevale to speak to community representatives with a view to determining their attitude to holding a court here. We spoke to your mayor, Mr Bowen and a number of your councillors. They gave us their whole-hearted support to a court being held in this community.

Therefore I am happy to be here today with Magistrate Alan Comans on this significant occasion – the official opening of the Hopevale Magistrates Court. This is an occasion which has been described in the speeches as historic and the beginning of a new era.

As a result we celebrate the commencement of a partnership between our court and your community. This will give your community an increased

participation in the administration of justice, including the development of your own solutions to local justice issues.

It is a positive initiative which will present this community with an opportunity to work co-operatively with the court to develop innovative and productive sentencing options which are appropriate to the community.

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

We invite the Community Justice Group to participate in the court proceedings to assist us in this way. I am pleased that today there is a link between our court and the former Justice of the Peace Courts in this community through the involvement of the mayor's father who sat as a member of that court and Mrs Rosendale whose late husband also did this. I hope that one of the benefits of the court commencing in the community is to enhance the respect in which Justices of the Peace are held in this community and support the return of the Justice of the Peace Courts as a viable part of the life of the community.

It is also hoped that our presence here as many as four times a year depending on weather conditions will reduce the number of warrants that are required to be issued to ensure that residents who are charged with offences attend court. It will also reduce the risk that these residents have a charge of failing to appear put on top of the original charge.

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 persons do not return to Hopevale after being sentenced in Cooktown 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.

I am optimistic that the opening of the Hopevale Magistrates Court will deliver open accessible justice to your community.

As you are aware Hopevale is within the jurisdiction of the newly created Family Responsibilities Commission. The newly appointed Commissioner is former Magistrate, David Glasgow who possesses the combination of the unique skills and experience necessary to undertake this challenging role. There is an opportunity for a close working relationship between our court and the Commission to the mutual benefit of both, and to the benefit of Indigenous communities. Although we may be approaching matters from different directions what we are both seeking is to address the causes of offending and to divert people from the criminal justice system. As the mayor said, "Let the Courts be the last place we look to."

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 Hopevale community for supporting the opening. I recognise the carpentry work done by Mr Allum under the supervision of Mr Chris Woibo to build the bench and the lecterns. This is in keeping with what I have said about community service being seen to be done in the community. I am pleased that the court has already made a contribution to this. Glynis Woibo, the Community Justice Group co-ordinator has also played an important role in making this event possible.

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 White and Mr McElhinney respectively. This support is also demonstrated by the Department of Corrective Services through the presence of Ms Rush and Mr Franklin to assist the court and any persons admitted to probation or community service. In addition Ms McGuire and Ms Campbell are here from the Department of Communities to provide support for any Childrens Court matters.

I would also like to thank Magistrates Black and Spencer and Mr Steve Shorey the Cooktown Magistrates Court registrar and Jennifer Reuben for their role in the establishment of this court.

In conclusion, as the mayor said this morning “Let's work together.” And 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.

Again in the mayor's words today is the “start of the real deal.”