



OFFICIAL OPENING OF WUJAL WUJAL MAGISTRATES COURT

Wednesday 4 June 2008 at 10.00 am

Community Hall, Wujal Wujal

Judge Marshall Irwin Chief Magistrate

I acknowledge the traditional owners and custodians of the Wujal Wujal Warra. 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 invite you to join in one minute silence for the passing of Aieleen Walker out of respect for her significant role in your community.

I thank the Wujal Wujal community for the warm words of welcome. Thank you also for the smoking ceremony, and the corroboree with which you have honoured us.

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 Wujal Wujal to speak to community representatives with a view to determining their attitude to holding a court here. They gave us their whole-hearted support to a court being held in this community. This is demonstrated again today by the presence of three of your councillors and your Chief Executive Officer, Mr Opio-Otim.

Therefore I am happy to be here today with Magistrate Alan Comans on this historic occasion – the official opening of the Wujal Wujal Magistrates Court. Magistrate Suzette Coates, who will also be well known to you, sends her congratulations to you on this opening. She is unable to join us today because of a family loss.

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 to have seen already the amount of work they have done on this occasion to provide the court with reports on many of the persons who will appear before us today. I congratulate Ms Joan Beacroft on her recent appointment as Community Justice Group co-ordinator.

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 changes 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 Wujal Wujal 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 Wujal Wujal Magistrates Court will deliver open accessible justice to your community.

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 Wujal Wujal community for supporting the opening.

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 Inspector Swan, the local officer-in-charge Sergeant Roberts, and Constable Montague, and Mr Carter 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.

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

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.