



## **OFFICIAL OPENING OF SAIBAI ISLAND**

### **MAGISTRATES COURT**

**Tuesday 29 January 2008 at 12.00 midday**

**Community Hall, Saibai Island**

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#### **Judge Marshall Irwin Chief Magistrate**

I acknowledge the traditional owners and custodians of the land on which we meet. I also recognise Mr Warusam the Chairperson of the Saibai Island Council, elders of the community and Mr King representing the local Community Justice Group.

I am happy to be here today with Magistrate Trevor Black on this significant occasion – the official opening of the Saibai Island Magistrates Court.

Thankyou for your warm welcome and the inspirational opening prayer.

The Regional Justice Agreement between the residents of the Torres Strait and the Queensland Government identified the need for 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 from today will create a link between it and the Saibai 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 will be facilitated through a principle in our sentencing legislation that requires the court to consider relevant submissions from local Community Justice Groups, including elders and respected persons when sentencing Torres Strait Islanders 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 an offence attend 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 the court.

This is because members of your community will have an opportunity to attend court to 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.

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 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 Saibai 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 thank and congratulate all of those who have been involved in this effort which has culminated in the opening today. In particular I would like to thank your community for supporting the opening of this court.

I can assure you that 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.