MANINGRIDA JUSTICE COLLABORATION AGREEMENT
Between the
MANINGRIDA ELDERS
And
CHARLES DARWIN UNIVERSITY

Whereas the Traditional Land Owners of Maningrida, Senior Djunggay of both moieties (Dhuwa and Yirritja) and the Dalkarra and Djirrikay Ringgich Leaders (collectively known as ‘the Maningrida Elders’) aim to take responsibility for justice, law and safety issues in their community, and to be recognised for doing so, the Maningrida Elders have worked consultatively with the community of Maningrida over a number of years on the construction of this Justice Collaboration Agreement for the good governance of Maningrida.

To further these aims the Maningrida Elders desire to collaborate with Charles Darwin University, in particular with the Law discipline (CDU Law), in ways that are agreeable to both parties. Central to the Maningrida Elders efforts is the Maningrida Elders Dispute Resolution Group, known as the Burnawarra, which will hear and resolve certain justice and safety issues in Maningrida by mediation and provide diversion and sentencing options to Police and Courts. Attached to this Agreement is Appendix 1 which sets out the aims and functions of the Burnawarra.

Purpose of the Agreement

The purpose of this Agreement is to facilitate collaboration between the Maningrida Elders and CDU Law with the goal of establishing and maintaining existing
cooperative relationships in areas of mutual interest to the Maningrida Elders and CDU Law staff and students.

Areas of Cooperation

Subject to the availability of funds, the Maningrida Elders and CDU Law agree to use their best endeavours to develop activities of mutual interest, including but not limited to, activities in the following areas of cooperation:

a. Research and publication in Aboriginal customary law;
b. Collaboration in drafting documents for the Maningrida Elders;
c. Opportunities for CDU Law students to learn and experience aspects of Aboriginal customary law.

Research and publication in Aboriginal customary law

Very little is known about Aboriginal customary law by the broader Australian legal community thus the research and publication on matters of Aboriginal customary law is a high priority under this Agreement. Research and publication activity between the Maningrida Elders and CDU Law has already resulted in the publication of ‘Introduction to the Ngarra law of Arnhem Land’ (2011) 1(6) *Northern Territory Law Journal* 281 which was written by Gaymarani George Pascoe (a Maningrida Elder) and edited by Danial Kelly (CDU Law). Further similar collaborations are planned.

Collaboration in drafting documents for the Maningrida Elders

Documents such as this Agreement have been created collaboratively by first drafts being completed by Maningrida Elders who send the first drafts to CDU Law staff who, sometimes together with CDU Law students, edit the documents which are then sent back to the Maningrida Elders for checking and approval. By this process the Maningrida Elders are able to be assisted by CDU Law staff and students and CDU Law students obtain valuable practical experience in an Aboriginal context.
Opportunities for CDU Law students to learn and experience aspects of Aboriginal customary law

CDU Law students have already benefitted by having Maningrida Elders contribute to CDU law units such as LWB201 Indigenous Peoples and the Legal System. The Maningrida Elders also wish to invite CDU Law staff and students to observe Aboriginal customary law events in Arnhem Land under this Agreement.

Financial Arrangements

Both CDU Law and the Maningrida Elders agree that all specific financial arrangements are to be negotiated separately for each component and are dependent on mutual interest and on the availability of funds.

Administration

Both CDU Law and the Maningrida Elders will use their best endeavours to maintain close relations between each other, and to meet regularly to foster relations. The terms and necessary budget for each activity that is implemented under the terms of this Agreement shall be mutually discussed and agreed upon by both parties prior to the initiation of the particular activity. Both CDU Law and the Maningrida Elders will designate a contact person to develop and coordinate specific activities. Initially the contact person for CDU Law will be Danial Kelly and the contact person for Maningrida Elders will be Ben Pascoe.

Intellectual Property Rights

Both parties acknowledge that nothing in this Agreement shall affect ownership, including third party ownership, of any intellectual property rights.

Duration of Agreement

This Agreement will be effective from the date of signature for an initial period of five years. Thereafter it may be renewed on such terms and conditions by mutual written agreement by both parties.

Termination

This Agreement may be terminated by the written notice of either party to the other.
**Dispute Resolution**

Any differences in views or interpretations of this Agreement or any dispute arising from this Agreement will in the first instance attempted to be resolved amicably through mutual consultation between both parties. If mutual consultation fails to resolve the dispute both parties agree to attempt mediation facilitated by the Community Justice Centre. Any amendments to the Agreement must be agreed by mutual consent and advised in writing prior to approval of the changes sought.

The Maningrida Elders and Charles Darwin University hereby enter into this agreement:

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<thead>
<tr>
<th>On behalf of Charles Darwin University</th>
<th>On behalf of the Maningrida Elders</th>
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<tr>
<td>Date: 2 May 2012</td>
<td>Date: 28 June 2012</td>
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<tr>
<td>Professor Les McChimmon</td>
<td>Ben Pascoe</td>
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<tr>
<td>Head of Law</td>
<td>Dalkarra, Burnawarra Member</td>
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<tr>
<td>Date: 2 May 2012</td>
<td>Date: 28 July 2012</td>
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<tr>
<td>Professor Ram Vemuri</td>
<td>Margaret Rainbuma</td>
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<tr>
<td>Acting Head of School</td>
<td>Senior Djunggay, Burnawarra Member</td>
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<tr>
<td>School of Law &amp; Business</td>
<td>Margaret rainbuma</td>
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<tr>
<td>Date: 22 May 2012</td>
<td>Gaymarani George Pascoe</td>
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<tr>
<td>Professor Giselle Byrnes</td>
<td>Dalkarra, Burnawarra Member</td>
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<td>Pro-Vice Chancellor</td>
<td>Date: 28 June 2012</td>
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<td>Faculty of Law, Education, Business &amp;</td>
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<td>Professor Steven Larkin</td>
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<td>Pro-Vice Chancellor</td>
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<td>Indigenous Leadership</td>
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<td></td>
<td>Jacky Pascoe</td>
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<td>Dalkarra, Burnawarra Member</td>
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Appendix 1: Aims and functions of the Burnawarra

Authorised by the Dalkarra, Djirrikay, Yirritja Djunggay and Dhuwa Djunggay
MANINGRIDA

Central to this Justice Collaboration Agreement will be the Maningrida Elders Dispute Resolution Group, known as the Burnawarra, which will hear and resolve certain justice and safety issues in Maningrida by mediation thereby taking pressure off the Northern Territory courts, especially the Court of Summary Jurisdiction that sits in Maningrida. The Burnawarra will also assist the Northern Territory Police by providing possibilities for diversion, and Northern Territory Correctional Services by providing possibilities for alternative correctional services that are culturally appropriate. The Burnawarra aim to sign a Maningrida Justice Collaboration Agreement with the Police Force of the Northern Territory, the Northern Territory Department of Justice and other relevant agencies and organisations.

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The Burnawarra will work in partnership with the Police Force of the Northern Territory, the Northern Territory Department of Justice and other relevant agencies, organisations and interested parties for the common goal of increased adherence to law and justice in Maningrida and increased confidence in the Burnawarra, the Police Force of the Northern Territory and the Northern Territory Department of Justice by the people of Maningrida.

The Burnawarra will hear and mediate certain justice issues in Maningrida, especially issues that face the community on a day to day basis so that we may bring peace and harmony to Maningrida and enhance the integrity of the Aboriginal customary law and the Northern Territory law. The Burnawarra will not be a purely adversarial tribunal as is the Supreme Court of the Northern Territory, but rather it will combine the functions of mediators and will aim for consensus among all parties according with Aboriginal customary law principles. The Burnawarra will also facilitate options for diversion and culturally appropriate and effective sentencing options. Thus the Burnawarra will take pressure off the Northern Territory courts, especially the Court of Summary Jurisdiction that sits in Maningrida, by resolving disputes by mediation, the Northern Territory Police by providing possibilities for diversion, and Northern Territory Correctional Services by providing possibilities for alternative correctional services that are culturally appropriate. The Burnawarra will be open to the public unless sensitive issues are discussed.

The Burnawarra undertakes to be not only accessible but also approachable by all members of the Maningrida community. The various community sub-groups will be acknowledged, recognised and represented in the Burnawarra. The Burnawarra will provide opportunities for all members of the community to have input into the decision making processes associated with the Burnawarra. Such decision making will include setting priorities and developing strategies for helping, assisting and protecting our children. The Burnawarra will demonstrate cultural and moral leadership by showing equal respect to all men, women and children and will advise the Police Force of the Northern Territory, the Northern Territory Department of Justice on how to conduct community policing and other justice activities in culturally appropriate ways.

**COMMUNITY MUTUAL OBLIGATION**

The Maningrida Elders will guide and educate the members of the Northern Territory Police to show respect and invite them to participate in cultural activities that the general public are allowed to participate in. The Maningrida Elders will teach the members of the Northern Territory Police about respect in the traditional culture and respect in family groups, and invite the members of the Northern Territory Police to participate in community public hearings, if requested by the community and authorised by the Senior Djunggay law man. Police will attend one week cultural workshops
conducted by the Maningrida Elders in the community or in a bush camp to teach the members of the Northern Territory Police about Aboriginal law and culture in theory and in practice.

The Maningrida Elders will show Police the restricted areas where non-ceremony initiates are not allowed to enter (the prohibited and restricted men’s and women’s ceremony grounds of sacred significance).

The Maningrida Elders will introduce to Police the Dhuwa and Yirritja Djunggays, so that Police will know who to approach and speak to if in need of assistance with cultural matters. The Maningrida Elders will facilitate a frequent (perhaps weekly) walk through the camps and around town for Police, other Government agencies and NGOs. A Senior Djunggay law man or other person authorised by the Dalkarra and Djirrikay men will lead the walks. The walks will enable the participants to identify and get to know the male and female Djunggays of each clan group.

The Maningrida Elders will invite members of the Northern Territory Police to attend community meetings and learn about the wellbeing of the people, understand body language and work together to solve issues the way the community wants to solve the problems.

The members of the Northern Territory Police will sit with the Maningrida Elders to discuss how the community and the members of the Northern Territory Police can improve local justice and safety.

In return the Maningrida Elders want to learn from Northern Territory Police and Department of Justice officials about their legal system, in particular:

1. Power: Where do they get their powers from?
2. Authority: Under whose authority do they act?
3. Jurisdiction: Under what jurisdiction do they operate?
4. Head of Power: Who is the Head of Power of The Northern Territory and the Commonwealth of Australia?
5. Constitution: How do the constitutions of the Commonwealth of Australia and of the Northern Territory work?

**COMMUNITY SAFETY PLAN**

Respect for individuals and the safety of women, children and the family are paramount. If the sacred women’s law of the women has been broken, the sacred law of the men has also been breached. If this occurs then the senior law men of the Yirritja and Dhuwa and Ngarra law men and women and the Djunggay law men and women and other relevant leaders and elders will have discussions about how to respond to the offence. These discussions will include a senior ranking member of the Northern Territory Police.
The Maningrida Community is willing to be responsible for and resolve their own indigenous justice issues in the community. The involvement of the Northern Territory Police should be a last option.

The Maningrida Elders in collaboration with the Northern Territory Police will work together to prepare a Maningrida and Surrounding Outstations Community Safety Plan. The plan will be built on the two foundational aspects of ‘Safe Community’ and ‘Governance and Leadership’. Elders and Police will together seek endorsement of the plan from the residents of Maningrida and the surrounding outstations.

The Maningrida Elders will also review the Shire By-laws that affect Maningrida and the surrounding outstations in collaboration with Shire representatives.

**RESPECT**

All members of the Northern Territory Police will respect moral and cultural values of the people of Maningrida during their stay in the community of Maningrida and its surrounding outstations, including in the following ways:

1. Respect all people great and small,
2. Respect people as unique individuals including their race and colour,
3. Respect Traditional Land Owners and their traditional government,
4. Respect cultural boundaries and borders,
5. Respect customary law, including laws of restricted access and privacy,
6. Respect the different language and clan groups and tribal leaders,
7. Respect the land and the sea and the significance that surrounds it traditionally and culturally,
8. Respect the areas that are of cultural and ceremonial sacred significance including the land and the sea,
9. Respect the human rights of the original people of Maningrida Community,
10. Respect the English language ability of people who do not speak English as their first language and learn the Yolngu and An-gugaliya, Bininy Rules,
11. Respect people by speaking and handling information in a culturally appropriate way,
12. Baggage searches by police must be made by police officers of the same sex as the owner of the bag,
13. Respect for the Northern Territory law including the common law principles of rule of law. Police must not treat Aboriginal people with less respect than they treat non-Indigenous people.
14. Respect traditional marriage law’s, outside and inside promised marriages’ including customary laws polygyny.
MEN’S AND WOMEN’S SACRED CEREMONIES

At different times throughout the year, the Maningrida region hosts a number of Aboriginal ceremonies. These ceremonies involve the Dhuwa and Yirritja ceremony men who are the hosts, organisers, care takers and sworn officers of each ceremony. When there is a Yirritja or Dhuwa ceremony, the senior law man who oversees the ceremony will, with the agreement of his fellow law men and women, advise the Northern Territory Police of the ceremonies.

If during a time of ceremony the Northern Territory Police wish to execute a search warrant, warrant of arrest, a search for alcohol or conduct a ‘drug bust’ in the community where a ceremony is being held and the police activity may involve arresting or interrogating the hosts of the male or female ceremony, or there are victims or persons of interest within the perimeter of the ceremony ground or near the perimeter of the ceremony ground (that is within viewing distance of the restricted men’s or women’s ceremony) which are considered restricted areas by Aboriginal customary law, the Northern Territory Police will seek collaboration from the Maningrida Elders, namely the Dalkarra or Djirrikay, Senior Djunggay law man or the Senior Djunggay law woman, in order to:

1. Ascertain to whom the ceremony belongs,
2. Speak with the appropriate Aboriginal customary law leaders for the ceremony, and
3. Give information to the Aboriginal customary law leaders for the ceremony regarding the police intentions and the grounds for their intended actions.

Having taken the above steps police will then make sure the Senior Djunggay law man or woman or their appointee accompanies the member of the Northern Territory Police to conduct the Police activity.

SACRED OBJECTS AND PLACES

If there are items of cultural significance in the care of a person, their house, or vehicle which are taboo to the general public, including women, children and non-initiates, then the Police must not expose the items until the senior Dalkarra or Djirrikay law man or the Senior Djunggay law man is in the presence of the member of the Northern Territory Police.

The Dalkarra or Djirrikay man initiated to the appropriate ceremony can expose the object that contains the items of sacred significance only if the person has been authorised to do so and has been put in charge as the keeper of the ceremony items of sacred significance under the supervision of a Senior Djunggay law man.

Members of the Northern Territory Police must not touch, abuse, remove or damage any part of the sacred items of cultural significance. Items must be whole and intact, until a senior Dalkarra or
Djirrikay law man or Senior Djunggay law man is present with the member of the Northern Territory Police.

The members of the Northern Territory Police will respect the integrity of any sacred male and female ceremonial activities that are in progress. Where Police believe on reasonable grounds that a serious offence has taken place which contravenes Northern Territory law and the offences or the offender are connected to a sacred place (such as a ceremonial ground) that is considered a restricted area under Aboriginal customary law, then Police can liaise with the Maningrida Elders in order to mediate the appropriate method for Police to obtain access to the required place or person. Even when accompanied by appropriate senior Dalkarra or Djirrikay law man or Senior Djunggay law man, only male members of the Northern Territory Police are permitted to enter a restricted area when men's ceremonies are conducted. Female members of the Northern Territory Police shall not perform police duties connected to men's ceremonies.

Where there is a ceremony passing through from one community to another, the members of the Northern Territory Police will respect the passing of the ceremony and not interfere while the ceremony is in progress. Police will park their vehicles at least 50 metres from the entrance of the ceremony ground as a sign of respect.

In the vicinity of the ceremony grounds the members of the Northern Territory Police will always present themselves in a culturally appropriate manner towards the ceremony leaders and Maningrida Elders, and any other people who are present, and will work in a respectable manner in conjunction with the Dalkarra, Djirrikay, Senior Djunggay law man or woman, ceremony men and women or persons of equal authority.

Where the Maningrida Elders become aware of a member of the Northern Territory Police abusing their police powers under the Police Administration Act (NT) or other relevant provisions, The Maningrida Elders will forward a complaint to the Commissioner of the Northern Territory Police Force.
THE FUNCTIONING AND PROTOCOLS OF THE BURNAWARRA

The Burnawarra will work towards achieving the following:

GENERAL

(i) The Burnawarra will provide leadership and governance in the Maningrida community.

(ii) The Burnawarra recognises Shire by-laws for the purposes of community safety and is prepared to decide issues that arise from Shire by-laws.

(iii) The Burnawarra will try to resolve Maningrida safety and justice issues by itself. Police and Magistrates Court involvement in community safety and justice issues should be as a last resort.

(iv) A Neighbourhood watch program must be established and maintained for Maningrida.

(v) All Maningrida streets require appropriate street lighting for the safety for all persons young and old.

(vi) Maningrida Health Centre is to open on Saturdays and Sundays from 09:00 am to 12:00 pm

TREATY

(i) The Burnawarra and the sovereign people of Arnhem Land shall organise a treaty with the Commonwealth of Australia Government and the Northern Territory Government.

ENTERING MANINGRIDA

(ii) Police are to conduct routine checks for drugs and other illicit substances on Perkins Barges in Darwin and Maningrida.

(iii) Baggage checks are to be conducted by the Maningrida Police upon arrival at Maningrida for residents and visitors, Balanda and Indigenous people, including Northern Territory Government and Australian Government staff, NGO staff, government agents and politicians.

(iv) Outside visitors who are coming to the Maningrida community are to notify the Bawinanga Aboriginal Corporation, the Maningrida Progress Association and the Shire of the reasons for the visit. If visiting outstations visitors are to notify the outstation land owners.

(v) If visits occur without notification, the traditional land owners of the particular territory may treat the visitor as entering without a permit and trespassing private property under the Northern Territory Land Rights Act and may be prosecuted under the Courts of the Northern Territory.

CARD GAMES

(vi) Card games may only be played between the hours of 1600 hours and 2200 hours.

(vii) Yirritja and Dhuwa ceremony Djunggay will remove any group of people who are playing card games in public and populated areas if they think fit.

(viii) School children are not permitted to be involved in card games.

(ix) Yirritja and Dhuwa ceremony Djunggay will issue warnings to confiscate playing cards if children are involved in card games.

JUVENILES
No juveniles are allowed to participate in programs if the department or organisation running the program promotes alcohol, drugs or other illicit substances.

Juveniles under the age of 18 must comply with a night curfew between 2200 hours and 0800 hours. During curfew hours juveniles must be indoors.

Bilingual Education must be reintroduced into Maningrida schools as it is a fundamental right for Indigenous children to learn their native language, whether written in text or orally, for the history of the community and for the safety of the language for generations to come, as set forth in the United Nations Declarations of The Rights of Indigenous People.

**MALE AND FEMALE RELATIONS**

All women and girls in the Maningrida Community must wear proper women’s clothing such as dresses and skirts; no trousers or shorts are to be worn by females. Exceptions to this rule include clothing for special purposes and for those who have a medical condition who may use clothing as instructed by a Medical Practitioner or a Registered Nurse.

Mobile phones and sim cards are not to be banned of sales from the local shops in the Maningrida Community. Recharge cards or recharge vouchers may be sold.

Only married couples are allowed to be appointed to health, nurse and doctor positions in the community. No single male or female is permitted to be appointed to these positions as when they have in the past it causes many problems in the community.

**BURNAWARRA CODE OF ETHICS AND CONDUCT**

1. Burnawarra members must comply with the sovereign principles of Madayin law and the fundamental rights and good ethical practises granted by Djankawu and Barama the supreme ancestral Wangarr creators of customary law.

2. Burnawarra must respect the customs and customary rights, dignity and worth of every male, female and child of every clan group and language group and treat everyone equally respecting their rights, beliefs, values, customs and religion.

3. Members of Burnawarra who are Dalkarra, Djirrikay, Yirritja Djunggay and Dhuwa Djunggay must act with integrity, fairness and honesty in their work and duties.

4. Dalkarra, Djirrikay, Yirritja Djunggay and Dhuwa Djunggay will avoid actual and perceived conflicts of interest when dealing with the rights of person, male and female, and shall be impartial (must not take sides).

5. Burnawarra members will conduct themselves in a manner which is consistent with the Burnawarra reputation, intentions and functions of which was developed under the Burnawarra fundamental rights granted by Djankawu and Barama.

6. Burnawarra members must refrain from any conduct which might bring discredit to the Burnawarra and its members. A Burnawarra member who acts impartially does not discredit the Burnawarra.

7. Burnawarra members have a duty of care to exercise, uphold, care for and be diligent in performing our ceremonial duties and our cultural responsibilities to maintain our culture, practices and religion.
**BURNAWARRA ROLES & RESPONSIBILITIES**

The Burnawarra will be constituted by the following positions:

1. Dalkarra and Djirrikay who have the authority to oversee the Burnawarra and appoint individuals to the remaining positions,
2. A Djunggay prosecutor, Yirritja or Dhuwa, depending upon the moiety of the accused (Yirritja prosecutor for a Dhuwa accused and Dhuwa prosecutor for a Yirritja accused),
3. A mediator who will attempt to achieve a consensus by all parties (Burnawarra members, accused (and the accused’s family) and victim (and the victim’s family),
4. A panel of ten (10) Maningrida Elders (five male and five female) who will hear all evidence and submissions and form opinions on sentencing,
5. Two Senior Djunggay law men and women, of both Yirritja and Dhuwa moieties (totalling four Djunggay), who will communicate between other members of the Burnawarra and the accused and the victim as appropriate and facilitate the completion of the sentence.

The Roles, Responsibilities and Rules of Procedure of the Burnawarra

The Burnawarra:

(i) Will hear disputes in an open forum,
(ii) Will mediate resolutions to disputes according to Ngarra law principles,
(iii) Will make decisions impartially,
(iv) May recommend a matter be referred to the Magistrate’s Court or the Supreme Court,
(v) Are obligated to respect and work towards achieving magaya (peace), rehabilitation, and justice through conflict resolution.

**Yirritja Djunggay and Dhuwa Djunggay** will display traditional authority when acting in their Burnawarra capacities and must fulfil the obligations laid upon them by the authority of the Dalkarra and Djirrikay and by the Burnawarra, in relation to their responsibilities both in and outside of Burnawarra.

All Burnawarra members must comply with the Burnawarra Code of Ethics. Burnawarra members who breach the Burnawarra Code of Ethics may be disciplined by the Dalkarra and Djirrikay.

**Police**

(i) Non-indigenous Police Officers of the Northern Territory will not enter Burnawarra except as authorised by the Burnawarra.
(ii) Police may be requested to stand before the Burnawarra to read the charge if the matter involves police.

(iii) Police shall assist the Burnawarra Djunggay where it is relevant and culturally appropriate as determined by the Burnawarra.

Mediators

(i) Mediators must act completely impartially in relation to the accused, the victim, their families and the Burnawarra members.

Panel of Maningrida Elders

(i) The Panel of Maningrida Elders are allowed to discuss and debate the details of a case with the Dalkarra and Djirrikay.

Termination of membership

(i) In the event that a member of the Burnawarra wishes to discontinue as a Burnawaraa member the Dalkarra and Djirrikay may terminate the appointment of the member.

Removal

If the Burnawarra reaches consensus that a conflict of interest exists for one of the Burnawarra members, Burnawarra will order the exclusion of the conflicted member from the Burnawarra until the matter is completed.

Meetings

The Dalkarra and Djirrikay may call Burnawarra meetings as they see fit.

Quorum

There shall be a quorum of 6 (six) members from the Burnawarra to proceed meetings.

Attendance

Burnawarra members shall attend meetings at all times whenever possible.
SENTENCING GUIDELINES FOR BURNAWARRA

The purposes of the Burnawarra include:

(i) to deliver Ngarra law sentences reached by consensus through mediation for offending adults or juveniles, regardless of their cultural background, that are just in the circumstances and that will help rehabilitate the offender,
(ii) To warn and advise offenders not to do the same offence or a similar offence again,
(iii) To provide education where appropriate that will educate, discipline and rehabilitate the offender, whether in a traditional way or a western way or a combination of both, and
(iv) To protect the community from violence and other anti-social behaviours.

In sentencing the offender, the Burnawarra will have regard to:

(i) The nature and seriousness of the offence, including if the offence is a breach of the sacred customary law,
(ii) Whether the offender pleaded guilty to the offence,
(iii) Evidence of harm to the victim whether physical, emotional, psychological, or other type of harm,
(iv) Evidence of harm to the community however described,

Ceremonial forums for Burnawarra sentencing

In addition to ordering compensation, community work and other types of sentences commonly ordered by Magistrates, the Burnawarra can order culturally appropriate forms of sentencing to be carried out in ceremonial forums according to the type and seriousness of the offence.

Ngarra

Ceremonial sentencing involves strict discipline and is considered the most serious type of sentencing for Aboriginal people in Arnhem Land. The highest and most authoritative ceremonial forum for sentencing purposes is Ngarra. In Ngarra an offender is required to publicly demonstrate acceptance of law and the rule of law. Sentences carried out in a Madayin ceremony are similar to Ngarra sentences but at a lower level.
Gunapipi Ceremony camp

Another form of ceremonial sentencing is Gunapipi\(^1\). Gunapipi takes the form of a remote and secluded bush discipline and law learning camp. It is not public; access in and out of Gunapipi is highly restricted. Gunapipi can also function as a diversion program. Gunapipi, strictly speaking, is a Dhuwa ceremony. The Yirritja equivalent is Yapadurrwa.

Gunapipi aim to teach the offender to become a good person. Offenders are taught about leadership and governance, how the offender can be a role model in their family and clan group, and how to handle the challenges that face people today. Offenders are also taught about levels that they have to complete before entering into the ceremony of law leaders. Offenders who have committed an offence under Northern Territory law will also be taught about how to not breach that law for the future and about the value of western education and health.

Gunapipi rehabilitation and education specifically aims to foster the following values and qualities in offenders:

(i) The value of practise in order to improve in a certain area,
(ii) Strength of character including not getting angry quickly,
(iii) Listening to others,
(iv) Teamwork,
(v) Sharing,
(vi) Patience,
(vii) The value of consensus and how to reach consensus,
(viii) Helping others,
(ix) Being responsible and trustworthy,
(x) Personal mastery of feelings,
(xi) The significance of each individual,
(xii) Survival in bush settings,
(xiii) The value of apologising,
(xiv) Honesty,
(xv) Equality,
(xvi) Unity,
(xvii) Co-operation,
(xviii) Environmental well being,
(xix) Social well being,
(xx) Physical well being,
(xxi) Economical well being, and
(xxii) Spiritual well being.

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\(^1\) Gunapipi is not the same as Kunapipi as described by anthropologists such as Professor Ronald Berndt. The Kunapipi ceremony is known locally as Ngurlmarrk and originates from the Djungawul law. Ngurlmarrk was closed (finished) about 1960.