Western Australia

Aboriginal Communities Act 1979

Bindi Bindi Aboriginal Community By-laws

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Contents

1. Citation 1

2. Definitions 1

3. Members of the Community 1

4. Visiting Community land 2

5. Damage to property 2

6. Homes 2

7. Regulation of alcohol and drugs 3

8. Disorderly behaviour 3

9. Killing animals 4

10. Rubbish 4

11. Offences 4

12. Enforcement 4

13. Committee permission 5

Notes

Defined terms

Western Australia

Aboriginal Communities Act 1979

Bindi Bindi Aboriginal Community By-laws

##### 1. Citation

These by-laws may be cited as the *Bindi Bindi Aboriginal Community By-laws.*

##### 2. Definitions

In these by-laws —

Committee means the council of the Corporation;

Community means the Bindi Bindi Aboriginal Community;

Community land means the land declared by the Governor under section 6 of the Act to be the community lands of the Community;

Corporation means the Bindi Bindi Community Aboriginal Corporation Incorporated;

member of the Community means a person who is a member of the Community under by-law 3.

##### 3. Members of the Community

(1) A person is a member of the Community if the person —

(a) is accepted by the Committee as a member of the Community; and

(b) has entered into an agreement with the Corporation allowing the person to reside on Community land.

(2) A child of a member of the Community is a member of the Community if the child —

(a) is under 16 years of age; or

(b) being 16 years of age or older, but under 18 years of age, is financially dependent on his or her parents.

(3) An application to become a member of the Community is to be made to the Committee in a form approved by the Committee.

(4) A person who enters into an agreement under sub-bylaw (1)(b) must comply with the agreement.

##### 4. Visiting Community land

(1) Subject to sub-bylaw (2) and any other written law, a person who is not a member of the Community must not enter or remain on Community land without the prior permission of the Committee.

(2) For the purpose of seeking permission to enter or remain on Community land a person may go to the Committee’s office, on Community land, between 8.00 a.m. and 4.30 p.m. on a weekday.

(3) If a person who is not a member of the Community resides on Community land for more than 5 continuous days the person is to pay a temporary residency fee to the Corporation at a rate determined by the Committee.

##### 5. Damage to property

A person must not wilfully damage any building, structure, vehicle, planted vegetation or other property on Community land.

##### 6. Homes

(1) A person must not enter another person’s home without that person’s prior permission.

(2) A person who is in another person’s home, must leave promptly when asked to do so by that other person.

##### 7. Regulation of alcohol and drugs

(1) A person must not —

(a) drink alcohol on Community land other than land used for private residential purposes; or

(b) give alcohol to a person under 18 years of age who is on Community land.

(2) A person who is under the influence of alcohol or drugs must not —

(a) enter the Community’s administration area; or

(b) attend a meeting of the Committee, the Corporation or the Community or a customary meeting.

##### 8. Disorderly behaviour

(1) A person on Community land must not cause a disturbance, annoy other people, or cause fear by —

(a) using offensive or abusive language;

(b) fighting;

(c) behaving in an offensive or disorderly manner; or

(d) carrying a weapon or other dangerous object.

(2) A person must not disrupt —

(a) a meeting of the Committee, the Corporation or the Community; or

(b) a customary meeting held on Community land.

(3) A person must not hinder or prevent the performance by the Committee, the Corporation or any of their employees, of their duties.

##### 9. Killing animals

A person must not kill, skin or dress an animal on Community land unless it is done in a manner that is not harmful to the health of the people on Community land.

##### 10. Rubbish

A person must not leave rubbish or abandon a vehicle on Community land other than —

(a) in the case of rubbish, in a rubbish bin; or

(b) in any case, at a place set aside by the Committee for the dumping of rubbish.

##### 11. Offences

(1) A person commits an offence against these by-laws if the person fails to comply with —

(a) a by-law; or

(b) a condition imposed by the Committee on a permission granted under these by-laws.

(2) A person who commits an offence against these by-laws —

(a) is liable to a fine of up to $5 000; and

(b) may be ordered by the court to pay up to $250 in compensation to the owner of any property that was damaged as a result of the commission of the offence.

##### 12. Enforcement

(1) A member of the Police Force may take proceedings against a person who commits an offence against these by-laws.

(2) A member of the Police Force may apprehend and remove a person from Community land if —

(a) the person has committed, or is committing —

(i) an offence against these by-laws; or

(ii) an offence against the *Road Traffic Act 1974* on Community land;

and

(b) it appears to the member of the Police Force that the person will cause injury to other persons or damage to property if he or she is not removed.

(3) A person removed from Community land under sub-bylaw (2) must be released from police custody within 24 hours if not dealt with by a court before then.

(4) If a person is convicted of —

(a) committing an offence against these by-laws; or

(b) committing an offence against —

(i) Chapter XXXI of *The Criminal Code*; or

(ii) the *Road Traffic Act 1974*,

on Community land,

the Committee may —

(c) order the person to leave Community land; and

(d) if the person is a member of the Community, revoke the person’s membership of the Community.

##### 13. Committee permission

(1) Where a by-law provides that the Committee may grant permission to a person to do an act that would otherwise not be permitted, the Committee may —

(a) grant or refuse to grant that permission;

(b) grant permission subject to any conditions it thinks fit;

(c) if it has granted permission, revoke the permission at any time; and

(d) notify the person concerned of the granting, refusal to grant or revocation of the permission either orally or in writing,

and the Committee need not give reasons for its decisions.

(2) The Committee may delegate its powers to grant, refuse and revoke permissions under these by-laws to any member of the Committee or employee of the Corporation.

Notes

1 This is a compilation of the *Bindi Bindi Aboriginal Community By-laws* and includes the amendments referred to in the following Table.

**Table of Regulations**

| **Citation** | **Gazettal** | | **Commencement** | | **Miscellaneous** | |
| --- | --- | --- | --- | --- | --- | --- |
| *Bindi Bindi Aboriginal Community By-laws* | | 16 February 2001 pp. 904-907 | | 16 February 2001 | |  | |

Defined terms

*[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]*

**Defined term Provision(s)**

Committee 2

Community 2

Community land 2

Corporation 2

member of the Community 2