

Western Australia

Bindi Bindi Aboriginal Community By-laws

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THE TEXT OF THE LEGISLATION FOLLOWS

Western Australia

Bindi Bindi Aboriginal Community By-laws

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Notes

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

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- (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.

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- (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-by-law (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;

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- (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
<i>Bindi Bindi Aboriginal Community By-laws</i>	16 February 2001 pp. 904-907	16 February 2001	