



Western Australia

Aboriginal Communities Act 1979

Bayulu Community By-laws 2006

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Bayulu Community By-laws 2006

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Defined terms

Bayulu Community By-laws 2006

1. Introduction

- (1) These by-laws are the *Bayulu Community By-laws 2006*.
- (2) These by-laws have been made by the Council of Leaders of the association called Bayulu Community Incorporated and approved by the Governor.
- (3) Bayulu Community Incorporated is an Aboriginal community to which the *Aboriginal Communities Act 1979* applies.
- (4) As that Act says, these by-laws apply to you if you are on the community lands of that Aboriginal community and it does not matter if you are a member of the community or not.
- (5) Under that Act the Governor has said which lands are the community lands of the community.
- (6) You are a member of the community if you are a member of the association under its constitution.
- (7) These by-laws are in addition to the laws of Western Australia.

2. How the Council makes decisions

- (1) When it is making a decision under these by-laws the Council will consider the welfare of the community as the most important consideration.
- (2) The Council does not have to give reasons for any of its decisions under these by-laws.

- (3) The Council can tell you about a decision it has made under these by-laws by speaking or writing to you or by putting up a notice of it in a public place on the community lands.

3. Giving and refusing permission

- (1) The Council can permit a member of the Council or any other person to make decisions on its behalf about giving, refusing or taking away permission under these by-laws and if it does it must do so in writing.
- (2) If you want the Council's permission under these by-laws to do something, you must ask the Council or a person who has been given permission under by-law 3(1) to make decisions.
- (3) If these by-laws allow the Council to give permission to do something, it can give permission to any person or to any class of persons and also can at any time —
 - require the person or class of persons to comply with conditions when doing the thing; or
 - change or take away any such conditions; or
 - take away the permission.
- (4) If these by-laws allow the Council to give permission to do something, it can instead refuse to give permission to do that thing.

4. Members on community lands

If you are a member of the community you can be on the community lands at any time except when you are removed by a member of the Police Force under by-law 14(3).

5. Non-members on community lands

- (1) If you are not a member of the community, you can only be on the community lands if you have got permission in writing from the Council.

- (2) In order to ask for permission to be on the community lands, you may enter the community lands, as long as you go straight to the administration office.
- (3) If you get permission to be on the community lands before you enter them, you must tell a member of the Council of your arrival as soon as you do arrive.
- (4) If, after you get permission from the Council to be on the community lands, you go on them, you must obey any conditions that the Council has imposed.
- (5) If you do not obey those conditions when you are on the community lands, the Council can order you to leave the lands and, if it does, you must leave immediately.

6. Driving and traffic control

- (1) When you are driving you must drive carefully and not cause danger to your passengers or other people.
- (2) When you are driving you must hold a valid Australian driver's licence.
- (3) The Council can put up signs telling drivers where they can drive, how fast they can drive and how they must drive.
- (4) When you are driving you must obey those signs.

7. Rubbish

- (1) You must not leave rubbish on the community lands except in a rubbish bin or a rubbish tip set up by the Council.
- (2) You must not leave rubbish in any house or outside any house without the permission of the people living in the house.

8. Damaging other people's things

- (1) You must not intentionally damage any thing that does not belong to you.

- (2) You must not damage any plants or trees that have been planted in a residential area by another person or the Council.

9. Other people's houses and belongings

- (1) You must not enter another person's house without their permission.
- (2) You must leave another person's house if they ask you to leave.

10. Drugs and harmful substances

- (1) For this by-law —
a *harmful substance* is any substance that is not meant to be swallowed, inhaled or injected by you, and that may harm your health if you swallow, inhale or inject it, such as glue or petrol;
an *illegal drug* is any drug that it is illegal to possess under the laws of Western Australia.
- (2) You must not —
- bring an illegal drug on to the community lands; or
 - give or sell an illegal drug to another person; or
 - have or keep an illegal drug; or
 - deliberately swallow or inhale or inject yourself with an illegal drug or harmful substance.
- (3) You must not be under the influence of an illegal drug or harmful substance.
- (4) If you are under the influence of an illegal drug or harmful substance —
- you must go home and stay in your home until you are no longer under the influence; and
 - you must not go into the association's store or office or any other public place.

- (5) This by-law does not stop you taking any medication in the way it is meant to be taken or any drug that has been prescribed for you by a doctor or nurse.

11. Alcohol

- (1) Unless you have the Council's permission to do so, you must not —
- bring any alcohol on to the community lands; or
 - give or sell any alcohol to another person; or
 - have or keep any alcohol; or
 - drink any alcohol.
- (2) If you are under the influence of alcohol —
- you must go home and stay in your home until you are no longer under the influence; and
 - you must not go into the association's store or office or any other public place.

12. Bad behaviour

You must not behave in an indecent or disorderly way such as by using bad, threatening or abusive language, by fighting or by being rowdy.

13. Noise at night

After 10.00 p.m. on Sundays to Thursdays, and after midnight on Fridays and Saturdays, and before 7.00 a.m. the next day, you must not play loud music or make a loud noise that disturbs people.

14. Police powers

- (1) If a member of the Police Force believes a person is breaking, or has broken, one of these by-laws, he or she can ask the person for the person's name and address.

- (2) If a member of the Police Force asks you for your name and address under by-law 14(1), you must tell him or her.
- (3) If a member of the Police Force believes that a person —
 - is breaking, or has broken, one of these by-laws; or
 - is going to injure other people or damage property,that member of the Police Force can arrest the person and remove him or her from the community lands.
- (4) A person arrested under by-law 14(3) must be released after being dealt with by a court for the breach or alleged breach and in any event must not be kept in custody for longer than 24 hours.
- (5) By-law 14(4) does not affect the operation of the *Bail Act 1982*.
- (6) A member of the Police Force can remove from the community lands any thing, including but not limited to vehicles and animals, if he or she believes it is connected with, or is evidence of, an offence against these by-laws.

15. Offences against these by-laws

- (1) You commit an offence against these by-laws —
 - if you do not obey one of these by-laws; or
 - if you do not obey a condition that was imposed by the Council when it gave you permission under these by-laws to do something.
- (2) A member of the Police Force can charge a person with committing an offence against these by-laws.
- (3) You will not be guilty of an offence against these by-laws if you show the court that at the time of the offence you were a member of the community and that what you did was a custom of the community.
- (4) A court that finds a person guilty of an offence against these by-laws can fine the person not more than \$5 000.

- (5) If a court finds a person guilty of an offence against these by-laws and finds that when the person committed the offence the person damaged property or another person or of Bayulu Community Incorporated, the court may order the person to pay compensation of not more than \$250 to the other person or to the association.

Notes

- ¹ This is a compilation of the *Bayulu Community By-laws 2006*. The following table contains information about those by-laws.

Compilation table

Citation	Gazettal	Commencement
<i>Bayulu Community By-laws 2006</i>	19 May 2006 p. 1841-52	19 May 2006

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)
harmful substance	10(1)
illegal drug	10(1)