

IX301*

Aboriginal Communities Act 1979

**Wongatha Wonganarra Aboriginal Community
By-laws 2003**

1. Introduction

- (1) These are the *Wongatha Wonganarra Aboriginal Community By-laws 2003*.

- (2) These by-laws have been made by the Governing Committee of the Wongatha Wonganarra Aboriginal Corporation and approved by the Governor of Western Australia.
- (3) As the *Aboriginal Communities Act 1979* says, these by-laws apply to you if you are on the Wongatha Wonganarra Aboriginal community lands and it does not matter if you are a member of the community or not.
- (4) You are a member of the Wongatha Wonganarra Aboriginal community if the Committee says you are in accordance with the Corporation's rules.
- (5) Under the *Aboriginal Communities Act 1979* the Governor has said which lands are the Wongatha Wonganarra Aboriginal community lands.

2. How the Governing Committee makes decisions

- (1) When it is making a decision under these by-laws the Governing Committee will consider the welfare of the Community as the most important consideration.
- (2) The Committee does not have to give reasons for any of its decisions under these by-laws.
- (3) The Committee 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 Governing Committee can permit a member of the Committee 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 Committee's permission under these by-laws to do something you must ask the Committee or a person who the Committee has permitted to make decisions on its behalf about giving or refusing permission.
- (3) If these by-laws allow the Committee 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 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 Committee to give permission to do something, it can refuse to give permission.

4. Who can be on the community lands

- (1) If you are a member of the community you can be on the community lands at any time except when —
 - you are ordered to leave by the Governing Committee under by-law 9(1); or

- you are removed by a member of the Police under by-law 12.
- (2) If you are not a member, you can only be on the community lands if you have got permission from a member, or from the Governing Committee, or if another law says you can.
 - (3) If you have got permission from a member of the community to be on the community lands you must not stay for longer than 7 days in a row.
- 5. Places that are out of bounds**
- (1) The Governing Committee can decide that some places on the community lands are out of bounds to all people, or to some people, at all times or at some times.
 - (2) The Committee can decide that some places on the community lands are out of bounds to all vehicles, or to some vehicles, at all times or at some times.
 - (3) The Committee can decide that all people, or some people, must get the Committee's permission to enter those places.
 - (4) The Committee must mark those places with signs saying who can and cannot enter them and put up a map showing those places in a public place on the community lands.
 - (5) You must obey those signs and not enter those places unless you are allowed to or have the Committee's permission.
- 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 not be drunk or under the influence of any drug or harmful substance.
 - (3) The Governing Committee 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. Damage**
- (1) You must not damage anything that belongs to the Corporation or anything that does not belong to you.
 - (2) You must not damage any building or vehicle, even if it is yours.
 - (3) You must not damage any plant that has been planted by another person or the Corporation.
- 8. Rubbish**
- (1) You must not leave rubbish on the community lands except in a rubbish bin or a rubbish tip set up by the Governing Committee.
 - (2) You must not abandon a vehicle on the community lands except in a rubbish tip set up by the Committee.

9. Bad behaviour

- (1) If you are drunk the Governing Committee can ask you to leave the community lands and, if it does, you must leave.
- (2) You must not annoy or frighten other people by using bad or abusive language, by fighting, by carrying a weapon, by being rowdy, or by driving irresponsibly.
- (3) You must not make it difficult for the Committee or any of its members or employees to do their jobs.
- (4) You must not disrupt a meeting of the Committee or of members of the community or a customary meeting.
- (5) If you do disrupt such a meeting, the meeting can ask you to leave and, if it does, you must leave.

10. Other people's houses

- (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.

11. Alcohol and drugs

- (1) Unless you have the Governing Committee's permission to do so you must not —
 - bring any alcohol or harmful substance, on to the community lands; or
 - give any alcohol or harmful substance, to another person; or
 - have or keep any alcohol or harmful substance; or
 - drink any alcohol.
- (2) You must not —
 - bring any illegal drug on to the community lands; or
 - give any illegal drug to another person; or
 - have or keep any illegal drug; or
 - use or take any illegal drug; or
 - deliberately swallow or inhale any illegal drug or harmful substance.
- (3) An illegal drug is any drug that it is illegal to possess under the laws of Western Australia.
- (4) A harmful substance is any substance that may harm a person's health if they swallow or inhale it, such as glue and petrol.
- (5) This by-law does not stop you taking any medicine in the way it is meant to be taken or any drug that has been prescribed for you by a doctor or nurse.

12. Police powers

- (1) If a member of the Police Force believes a person is breaching, or has breached, 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 sub-bylaw (1), you must tell him or her.
- (3) If a member of the Police Force believes a person is breaching, or has breached, one of these by-laws, he or she can arrest the person and remove him or her from the community lands.
- (4) A person who is arrested under sub-bylaw (3) must be released after being dealt with by a court for the breach and in any event not be kept in custody for longer than 24 hours.

13. 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 comply with a condition that was imposed by the Governing Committee 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 be not 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 of another person or the Corporation, the court may order the person to pay compensation of not more than \$250 to the other person or the Corporation.

The Common Seal of the Wongatha
Wonganarra Aboriginal Corporation
was affixed here in accordance with a
resolution of the Committee in the
presence of —

BRUCE SMITH.
DENNIS CALYUN.
SOPHIA THOMAS.

Date: 21st May 2003.

Approved by the Governor in Executive Council on 24th June 2003.

M. C. WAUCHOPE, Clerk of the Executive Council.