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**ABORIGINAL AFFAIRS**

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AB301

## ABORIGINAL COMMUNITIES ACT 1979

## DJARINDJIN ABORIGINAL COMMUNITY BY-LAWS

Made by the Council of the Djarindjin Aboriginal Corporation Incorporated under section 7 of the Act and approved by the deputy of the Governor in Executive Council.

## PART 1 — PRELIMINARY

**Citation**

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

**Definitions**

2. In these by-laws —

“**Community**” means the Djarindjin 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 Djarindjin Aboriginal Corporation Incorporated.

“**Council**” means the council of the Corporation;

“**member of the Community**” means a person who the Council accepts as a member of the Community for the time being;

“**vehicle**” means a vehicle as defined in the *Road Traffic Act 1974*.

**Council permission**

3. Where a by-law provides that the Council may grant permission to a person to do an act that would otherwise not be permitted, the Council —

- (a) may grant or refuse to grant that permission;
- (b) may grant permission subject to any conditions it thinks fit;
- (c) may, if it has granted permission, revoke that permission at any time;
- (d) need not give reasons for its decision; and
- (e) may notify the person concerned of the granting, refusal to grant or revocation of the permission either orally or in writing.

## PART 2 — COMMUNITY LAND

**Permission to enter Community land**

4. (1) Subject to 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 Council.

(2) The Council may delegate its power to permit people to enter or remain on Community land to any member of the Council or employee of the Corporation.

**Restricted access areas**

5. (1) Subject to any other written law, the Council may declare any part of the Community land to be a restricted access area.

(2) For each restricted access area the Council must erect signs identifying the area and indicating who is permitted to enter that area and under what conditions they may do so.

(3) A person must not enter a restricted access area contrary to a sign erected under sub-bylaw (2).

**Homes**

6. A person —

- (a) must not enter the home of another person without the prior permission of that other person; and
- (b) if in another person's home, must leave promptly when asked to do so by that other person.

**PART 3 — TRAFFIC****Restricted traffic areas**

7. (1) Subject to any other written law, the Council may declare any part of the Community land to be a restricted traffic area.

(2) For each restricted traffic area the Council must erect signs identifying the area and indicating who, if anyone, is permitted to drive a vehicle in that area and under what conditions they may do so.

(3) A person must not drive a vehicle in a restricted traffic area contrary to a sign erected under sub-bylaw (2).

**Traffic signs**

8. (1) The Council may erect signs for the purpose of regulating the use of vehicles on Community land.

(2) A person must not use a vehicle contrary to a sign erected under sub-bylaw (1)

**Careless or dangerous driving and driving while intoxicated**

9. (1) A person must not drive a vehicle on Community land without due care and attention.

(2) A person must not drive a vehicle on Community land in a manner that is, having regard to all the circumstances, dangerous to the public or to any person.

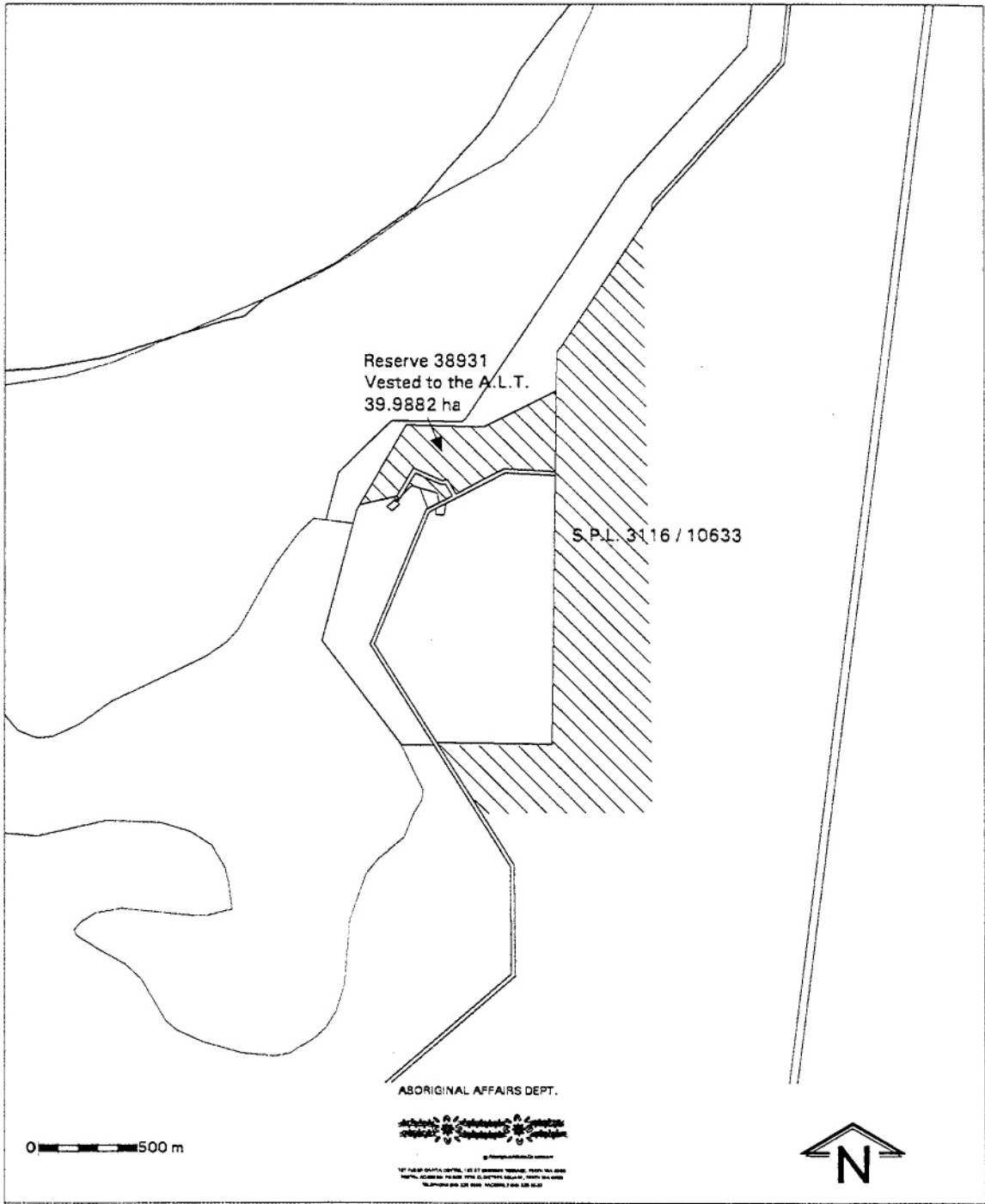
(3) A person must not drive or attempt to drive a vehicle on Community land while under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the vehicle.

**PART 4 — ALCOHOL****Regulation of alcohol**

10. (1) A person must not —

- (a) bring alcohol on to Community land; or
- (b) come onto Community land if the person is drunk,

without the prior permission of the Council.



Map Ident: plot960926\_4

**COMMUNITIES ACT BOUNDARIES**

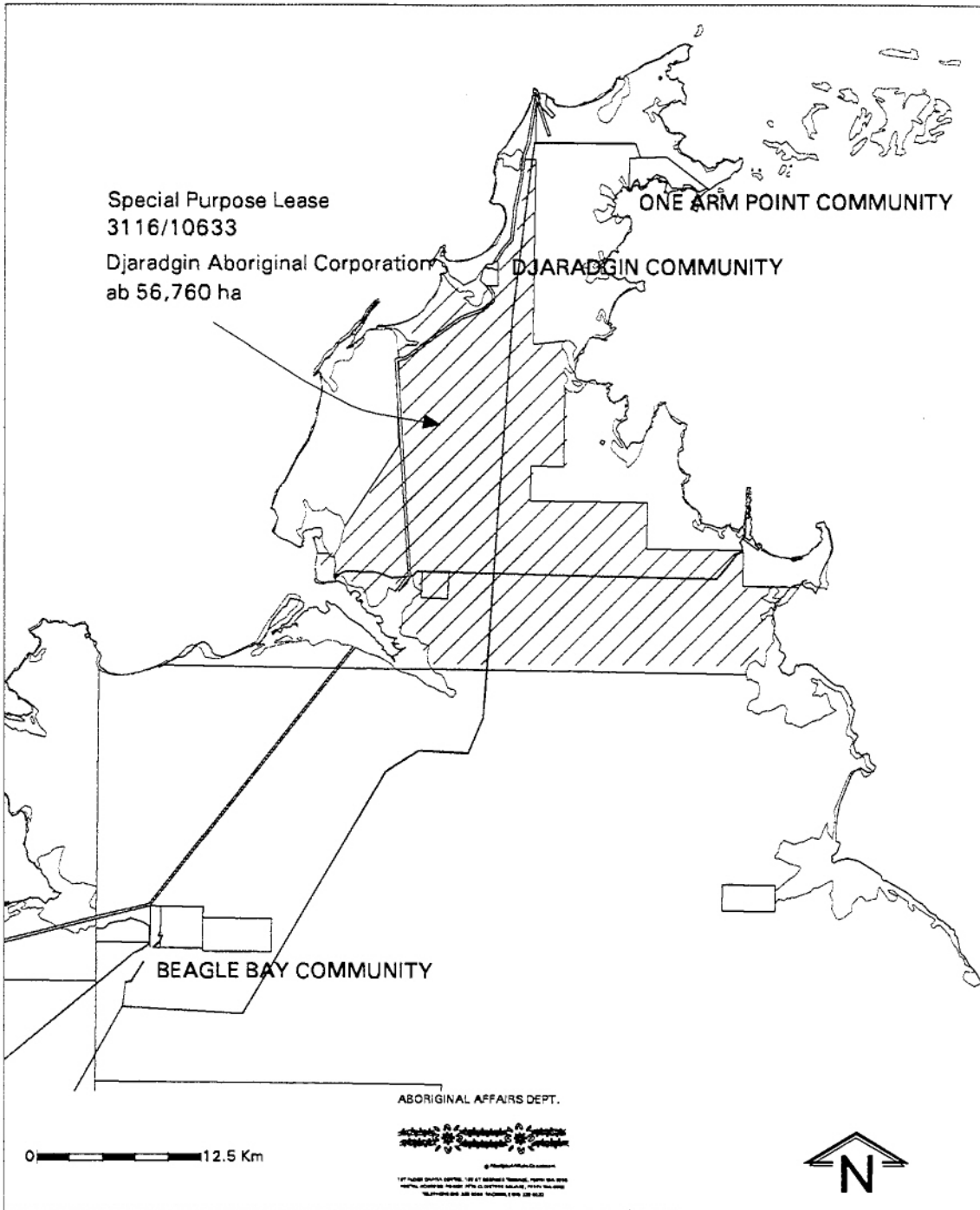


Date: 26 Sep 96

**DJARADGIN COMMUNITY**  
**PROPOSED COMMUNITY BY-LAW BOUNDARIES**

Approved

Diagram No



Map Ident: plot960925\_2

COMMUNITIES ACT BOUNDARIES



Date: 02 May 97

DJARADGIN COMMUNITY  
PROPOSED COMMUNITY BY-LAWS BOUNDARIES

Approved

Diagram No

- (2) A person must not, while on Community land;
  - (a) drink alcohol;
  - (b) supply give alcohol to another person; or
  - (c) possess alcohol,

without the prior permission of the Council

(3) When deciding whether to grant permission under this by-law the Council must have regard to the welfare of the Community as the paramount consideration.

## PART 5 — MISCELLANEOUS

### Damage to property

11. A person must not maliciously damage any building, structure, vehicle, planted vegetation or other thing on Community land.

### Rubbish

12. A person must not leave rubbish on Community land except in rubbish bins or places set aside by the Council for the dumping of rubbish.

### Disorderly behaviour

13. (1) A person must not cause a disturbance to or annoy other people by —

- (a) using offensive or abusive language; or
- (b) fighting or behaving in an offensive or disorderly manner.

(2) A person must not disrupt a meeting —

- (a) of the Council, the Corporation or the Community; or
- (b) about community law.

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

## PART 6 — ENFORCEMENT

### Offences

14. A person commits an offence against these by-laws if the person —

- (a) fails to comply with a by-law; or
- (b) fails to comply with a condition imposed by the Council on a permission granted under these by-laws,

unless the person is a member of the Community and is acting in accordance with a custom of the Community.

### Police powers

15. (1) A member of the Police Force may take proceedings against any 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, an offence against these by-laws; and

- (b) it appears to the member of the Police Force likely that the person will cause injury to other people or damage to property.
- (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.

### Penalties

16. A person who is convicted of an offence against these by-laws —
- (a) is liable to a penalty of up to the maximum penalty permitted under the Act to be imposed for a breach of the by-laws; and
- (b) may be ordered by the court to pay up to \$250 in compensation to the owner of any property that has been damaged as a result of the commission of the offence.

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The Common Seal of the Djarindjin Aboriginal Corporation Incorporated was hereunto affixed in accordance with a resolution and by authority of the Council in the presence of—

FRANK WILLIAMS,  
BERNADETTE ANGUS JP,  
DANIEL KYLE,  
ANDREW SAMPI,  
ELAINE JAMES,  
MADELINE GREGORY.

Dated 14th November 1995.

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Approved—

Hon. DAVID KINGSLEY MALCOLM,  
Lieutenant-Governor in Executive Council.