



Western Australia

Aboriginal Communities Act 1979

Mindibungu Aboriginal Corporation By-Laws

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Mindibungu Aboriginal Corporation By-Laws

Contents

Part 1 — Preliminary		
1.	Citation	2
2.	Commencement	2
3.	Definitions	2
Part 2 — Community land		
4.	Permission required to enter and remain on Community land	3
5.	Restriction of entry into areas	3
6.	Homes	4
Part 3 — Traffic		
7.	Traffic signs	5
8.	Careless and dangerous driving	5
9.	Areas prohibited to vehicles	5
Part 4 — Offences relating to alcohol		
10.	Prohibition of alcohol on community land	6
Part 5 — Regulation of other matters		
11.	Wilful damage	7
12.	Litter	7
13.	Offensive behaviour	7
14.	Disruption of meetings	7
Part 6 — Enforcement and proceedings		
15.	Powers of police	8

Contents

16.	Offences	8
17.	Fine	8
18.	Restitution	8
19.	Defence of acting under custom	9

Notes

	Compilation table	10
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Defined terms

Western Australia

Aboriginal Communities Act 1979

Mindibungu Aboriginal Corporation By-Laws

Made by the Council of the Mindibungu Aboriginal Corporation under the *Aboriginal Communities Act 1979*.

Part 1 — Preliminary

1. Citation

These by-laws may be cited as the *Mindibungu Aboriginal Corporation By-laws*.

2. Commencement

These by-laws shall come into effect when approved by the Governor and published in the *Government Gazette*.

3. Definitions

In these by-laws unless the context requires otherwise —

the Act means the *Aboriginal Communities Act 1979*.

Community means the Mindibungu Aboriginal Corporation.

Community Land means that land declared by the Governor under S6 of the Act to be the community lands of the community.

The Council means the council of the Looma Community Inc.

Member of the Community means any person who is accepted as a member of the Community for the time being.

vehicle has the same meaning as it has under the *Road Traffic Act 1974 (as amended)*.

Part 2 — Community land

4. Permission required to enter and remain on Community land

- (1) Except as provided to the contrary in any Act or regulation a person who is not a member of the community shall not enter or remain on community land without the permission of the Council.
- (2) The Council may in its absolute discretion —
 - (a) grant or refuse permission for a person to enter community land orally or in writing;
 - (b) impose such conditions as it thinks fit in granting permission to enter community land and;
 - (c) revoke such permission at any time.
- (3) The Council may delegate its powers under this by-law to any community adviser or other officer in the employ of the Community as the Council thinks fit and without prejudice to its own exercise of its powers under this by-law.
- (4) Except as provided to the contrary in any Act or regulation any person who —
 - (a) enters community land without the prior permission of the Council;
 - (b) having been granted permission to enter community land on certain conditions breaches any such condition; or
 - (c) having entered community land with permission of the Council refuses to leave when requested to do so by the Council or its duly authorised delegate; commits an offence.

5. Restriction of entry into areas

Subject to the provisions of any Act or regulation to the contrary —

bl. 6

- (1) The Council may place signs on community land for the purpose of prohibiting entry to the part of the land on which the sign is placed or to such part of the community land indicated by the inscription on the sign.
- (2) An inscription on such a sign operates and has effect according to its tenor.
- (3) Any person who fails to obey the directions in the inscription on such a sign commits an offence.

6. Homes

- (1) A person shall not enter the home of another person without obtaining the prior permission of that person.
- (2) A person who is in a home other than his own shall leave that home if and when he is directed to do so by an occupier of that home.

Part 3 — Traffic

7. Traffic signs

- (1) The Council may cause signs called “traffic signs” to be erected on community land for the purpose of prohibiting, regulating or guiding vehicle traffic and the passage of pedestrians.
- (2) The inscription on a traffic sign operates and has effect according to its tenor.
- (3) Any person who fails to comply with the directions in an inscription on a traffic sign commits an offence.

8. Careless and dangerous driving

- (1) A person shall not drive a vehicle on community land without due care and attention.
- (2) A person shall not drive a vehicle on community land at a speed or in any other manner that is, having regard to all the circumstances of the case, dangerous to the public or to any person.

9. Areas prohibited to vehicles

- (1) The Council may declare any area of community land as an area to which access by vehicles or certain types of vehicles shall be prohibited.
- (2) Any person who drives a vehicle in an area declared to be a prohibited area by the Council under this by-law commits an offence.

Part 4 — Offences relating to alcohol

10. Prohibition of alcohol on community land

Any person who —

- (1) brings alcohol onto community land;
- (2) possesses alcohol on community land;
- (3) supplies alcohol to another on community land;
- (4) enters community land in a drunken condition;
- (5) is drunk on community land;
- (6) consumes alcohol on community land; or
- (7) drives a vehicle on community land whilst under the influence of alcohol;

commits an offence.

Part 5 — Regulation of other matters

11. Wilful damage

A person shall not wilfully damage any tree, bush, flower, lawn, building, structure, vehicle or other thing.

12. Litter

A person shall not leave any rubbish or litter —

- (1) in any home or in an enclosure around a home without the permission of the occupier of that home; or
- (2) in any other area of the community land except in a rubbish bin or in an area set aside by the Council for leaving rubbish and litter.

13. Offensive behaviour

A person shall not cause a disturbance or annoyance to other persons by using abusive language or fighting or otherwise act in an offensive or disorderly manner.

14. Disruption of meetings

A person shall not interrupt any meeting of the Council or the community or any customary meeting by noise or any other offensive or disorderly behaviour.

Part 6 — Enforcement and proceedings

15. Powers of police

- (1) Where any person has committed or is committing an offence against a by-law and it appears likely that injury to persons or damage to property will be caused by that person, a member of the Police Force may apprehend and remove that person from community land for a period not exceeding twenty four hours and in any event that person shall be returned to community land if a Court is convened to deal with him according to law.
- (2) A member of the Police Force may request the name and address of any person who he believes on reasonable grounds to have committed a breach of any of these by-laws.
- (3) Any person who when called upon to give their name and address under this by-law fails to give their name and address commits an offence.
- (4) A member of the Police Force may commence proceedings for any breach of a by-law.

16. Offences

A person who breaches or fails to comply with any of the provisions of by-laws 6, 8, 11, 12, 13 and 14 commits an offence.

17. Fine

A person who is convicted of an offence against a by-law is liable to a fine of \$100.

[By-law 17 inserted: Gazette 14 May 2004 p. 1455.]

18. Restitution

In addition to any fine imposed for breach of the by-laws the Court may order a person convicted of an offence against these by-laws to pay compensation of not more than \$250 to the

community or another person where, in the course of committing the offence the person convicted has caused damage to the property of the community or of that other person.

[By-law 18 amended: Gazette 14 May 2004 p. 1456.]

19. Defence of acting under custom

It is a defence to a complaint of an offence against a by-law to show that the defendant was acting under the excused by any custom of the community.

Notes

- ¹ This is a compilation of the *Mindibungu Aboriginal Corporation By-laws* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Mindibungu Aboriginal Corporation By-laws</i>	10 May 1991 p. 2362-5	10 May 1991
<i>Sentencing Legislation (Short Sentences - Aboriginal Community By-Laws) Amendment Regulations 2004</i> r. 13	14 May 2004 p. 1451-8	15 May 2004 (see r. 2 and <i>Gazette</i> 14 May 2004 p. 1445)

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)
Community	3
Community Land	3
Member of the Community.....	3
the Act.....	3
The Council	3
vehicle.....	3