



Western Australia

Aboriginal Communities Act 1979

Warmun Community By-laws 2006

As at 18 Aug 2006

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Warmun Community By-laws 2006

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Defined terms

Warmun Community By-laws 2006

1. Introduction

- (1) These are the *Warmun Community By-laws 2006*.
- (2) These by-laws replace the *Warmun Community (Turkey Creek) Inc. By-laws* made in 1991, which are repealed.
- (3) These by-laws have been made by the Council of Warmun Community (Turkey Creek) Inc. and approved by the Governor.
- (4) Warmun Community (Turkey Creek) Inc. is an Aboriginal community to which the *Aboriginal Communities Act 1979* applies.
- (5) 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.
- (6) Under that Act the Governor has said which lands are the community lands of the community.
- (7) You are a member of the community if you are a member of Warmun Community (Turkey Creek) Inc. under its constitution or if the Council has agreed that you are a member for the purposes of these by-laws.
- (8) 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 must tell you about a decision it has made under these by-laws and can do so 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 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 refuse to give permission.

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 16(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 from the Council.
- (2) In order to ask for permission to be on the community lands, you may enter the community lands between 8.00 a.m. and 12.00 noon and between 1.00 and 4.00 p.m. on any day except Saturdays and Sundays, 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. Places that are out of bounds

- (1) The Council 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 Council can decide that some places on the community lands are out of bounds to all vehicles or some vehicles, at all times or at some times.

7. Driving and traffic control

- (1) When you are driving you must not be under the influence of alcohol or any drug or harmful substance.
- (2) When you are driving you must drive carefully and not cause danger to your passengers or other people.
- (3) When you are driving you and your passengers must wear seatbelts and young children must be secured with safety harnesses.
- (4) When you are riding a motorcycle you and any passenger must wear a safety helmet.
- (5) When you are driving you must have a valid Australian driver's licence.
- (6) When you are driving your car must be licensed under the *Road Traffic Act 1974*.
- (7) When you are driving your car must be in good mechanical condition.
- (8) The Council can put up signs telling drivers where they can drive, how fast they can drive and how they must drive.
- (9) When you are driving you must obey those signs.

8. Damage

- (1) You must not damage anything that belongs to Warmun Community (Turkey Creek) Inc. or anything that does not belong to you.
- (2) You must not damage any plant that has been planted by another person or the Council.

9. Rubbish

- (1) You must not leave rubbish at any camping or fishing or other place 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.

10. Fires

- (1) The Council can decide where fires cannot be lit on the community lands.
- (2) You must not light or use a fire on the community lands at a place where fires cannot be lit.
- (3) This by-law does not let you break the law in the *Bush Fires Act 1954*.

11. 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.

12. 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) If you are under the influence of an illegal drug or harmful substance —

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- 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.
- (4) 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.

13. 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.

14. Bad behaviour

- (1) 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.
- (2) You must not make it difficult for the Council or any of its members or employees to do their jobs.
- (3) You must not disrupt a meeting of the Council or of members of the community or a customary meeting.
- (4) If you do disrupt such a meeting, the meeting can ask you to leave the meeting and, if it does, you must leave immediately.

15. 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.

16. 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 16(1), you must tell him or her.
- (3) If a member of the Police Force believes a person is breaking, or has broken, 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 by-law 16(3) must be released after being dealt with by a court for the breach and in any event must not be kept in custody for longer than 24 hours.
- (5) A member of the Police Force can remove any thing from the community lands that is connected with the breach of one of these by-laws including but not limited to vehicles.

17. 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) A court that finds a person guilty of an offence against these by-laws can fine the person not more than \$5 000.

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- (4) 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 association, the court may order the person to pay compensation of not more than \$250 to the other person or the association.

The Common Seal of Warmun
Community (Turkey Creek) Incorporated
was put here in accordance with a
resolution of the Council in the presence
of—

MAX THOMAS (CHAIRMAN)

BETTY CARRINGTON

PATRICK MUNG MUNG

SHIRLEY PURDIE

JOHN MOSQUITO

Date 25.7.06

Notes

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

Compilation table

Citation	Gazettal	Commencement
<i>Warmun Community By-laws 2006</i>	18 Aug 2006 p. 3451-62	18 Aug 2006

Defined terms

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	12(1)
illegal drug	12(1)