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ABORIGINAL COMMUNITIES ACT 1979

**KUNDAT DJARU
COMMUNITY BY-LAWS 2005**

Western Australia

Kundat Djaru Community By-laws 2005

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Aboriginal Communities Act 1979

Kundat Djaru Community By-laws 2005

1. Introduction

- (1) These by-laws are the *Kundat Djaru Community By-laws 2005*.
- (2) These by-laws have been made by the Governing Committee of the Kundat Djaru Aboriginal Corporation and approved by the Governor.
- (3) The Kundat Djaru Aboriginal Corporation 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 Corporation under its constitution.
- (7) These by-laws are in addition to the laws of Western Australia.

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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 Governing Committee does not have to give reasons for any of its decisions under these by-laws.
- (3) The Governing 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 Governing 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 Governing Committee's permission under these by-laws to do something, you must ask the Governing Committee, or a person who the Governing Committee has permitted to make decisions about giving or refusing permission on its behalf.
- (3) If these by-laws allow the Governing 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 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 Governing Committee to give permission to do something, it can refuse to give permission.

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bl. 4**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 10(4); or
 - you are removed by a member of the Police Force under by-law 14(3).
- (2) If you are not a member of the community, you can only be on the community lands if you have got permission from the Governing Committee.
- (3) If you get permission to be on the community lands before you enter them, you must tell a member of the Governing Committee of your arrival as soon as you do arrive.
- (4) If you get permission from the Governing Committee to be on the community lands, you must obey any conditions imposed by the Governing Committee on you when you are on the lands.
- (5) If you do not obey those conditions when you are on the community lands, the Governing Committee can order you to leave the lands and, if it does, you must leave immediately.

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 Governing Committee 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.
- (3) The Governing Committee can put up signs to say which places are out of bounds and which people can and cannot enter them.
- (4) You must not enter a place that the Governing Committee has said is out of bounds to you.

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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 and your passengers must wear seatbelts and young children must be secured with safety harnesses.
- (3) When you are driving your car must be in good mechanical condition.
- (4) The Governing Committee can put up signs telling drivers where they can drive, how fast they can drive and how they must drive.
- (5) 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 Governing Committee.
- (2) You must not leave rubbish in any house or outside any house without the permission of the people living in the house.

8. Damage

- (1) You must not damage any thing that belongs to the Kundat Djaru Aboriginal Corporation or any thing that does not belong to you.
- (2) You must not damage any plant that has been planted by another person or by the Governing Committee.

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.

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- (3) You must not use any thing that belongs to the Kundat Djaru Aboriginal Corporation or to any other person without their permission.

10. Drugs and harmful substances

- (1) For this by-law —
- a “harmful substance” is any substance that may harm your health if you swallow or inhale it, such as glue or petrol; and
 - an “illegal drug” is any drug that it is illegal to possess under the laws of Western Australia.
- (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
 - deliberately swallow or inhale or inject yourself with any illegal drug or harmful substance.
- (3) You must not be under the influence of an illegal drug or a harmful substance.
- (4) If you are under the influence of an illegal drug or a harmful substance, the Council can order you to leave the community lands and, if it does, you must leave immediately.
- (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 any alcohol to another person; or

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- have or keep any alcohol; or
- drink any alcohol.

- (2) If you are under 18 years of age you must not drink any alcohol.
- (3) If you are under the influence of alcohol, the Council can order you to leave the community lands and, if it does, you must leave immediately.

12. Bad behaviour

- (1) You must not annoy or frighten other people by using bad, threatening 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 Governing Committee or any of its members or employees to do their jobs.
- (3) You must not disrupt a meeting of the Governing Committee 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.

13. Guns and other weapons

- (1) For this by-law a “gun” is any shotgun, rifle, pistol or other weapon that is a firearm under the *Firearms Act 1973*.
- (2) You must tell the Governing Committee about every gun that you own.
- (3) You must tell the Governing Committee about every gun that you bring to the community lands, even if it is not your gun.
- (4) You must always keep a gun in a safe place and in a place where children cannot touch it.
- (5) The Governing Committee can decide where people can or cannot shoot on the community lands.

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- (6) The Governing Committee can put up signs to say where you can and cannot shoot.
- (7) You must not shoot in a place where the Governing Committee has said you cannot shoot.

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 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) If a person is arrested under by-law 14(3) the person must not be kept in custody for longer than 24 hours but this by-law does not affect the operation of the *Bail Act 1982*.
- (5) A member of the Police Force can remove any thing from the community lands, not just vehicles and animals, if he or she believes it is connected with or 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 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.

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- (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 under one of 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 Kundat Djaru Aboriginal 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 Kundat Djaru Aboriginal Corporation was affixed hereto this 1st day of November 2005, in our presence pursuant to a resolution of the Governing Committee passed on the 1st day of November 2005.

ROSIE LALA

ANGELA GORDON

NIDA TCHOOGA

TERESA MATTHEWS

GEOFFREY MATTHEWS

JAMES SEELA

ALBERT YOUNG

TOMATO GORDON

Approved by the Lieutenant-Governor and Administrator in Executive Council on 6 December 2005.

G. M. PIKE, Clerk of the Executive Council.



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