



Western Australia

Aboriginal Communities Act 1979

## **Bardi Aborigines Association Inc., By-laws**



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## **Bardi Aborigines Association Inc., By-laws**

## **Part A — General**

### **1. Citation**

These By-laws shall be called the *Bardi Aborigines Association Inc., By-laws* and shall come into operation when approved by the Governor and published in the *Government Gazette*.

### **2. Interpretation**

In these By-laws —

***Community*** means the Bardi Aborigines Association Inc.

***Community Land*** means that land declared by the Governor under Section 6 of the *Aboriginal Communities Act 1979* to be the community lands of the Bardi Aborigines Association Inc.

***Member of the Community*** means a member for the time being of the Bardi Aborigines Association Inc. Whether a person is or is not a member for the time being of the Bardi Community is a question of fact to be determined according to the customs of the Bardi Community.

***The Council*** means the council of management of the Community.

### **3. Application**

These By-laws shall apply —

- (a) On all community land; and
- (b) To all persons on community land.

## **Part B — Land**

### **4. Permission required to enter and remain on community land**

- (1) Except as provided in any Act or Regulation to the contrary, no person other than a member of the community shall come onto community land or remain on community land without the prior permission of the Council which may, in its discretion, grant permission subject to such terms and conditions and restrictions as it sees fit, or refuse permission.
- (2) The permission referred to in paragraph (1) of this Clause may be given verbally or in writing and may be revoked by the Council at any time.

### **5. Being on land contrary to any permission an offence**

Any person who comes onto community land without permission of the Council or who, having been given permission on terms and conditions to come onto community land, breaks a term or condition of that permission commits an offence.

### **6. Restriction of entry to areas**

- (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 and any person who fails to obey the directions on the inscription on such sign commits an offence.

### **7. Occupier may direct person to leave**

Any person who, being in the home occupied by another and upon being directed by the occupier to leave refuses so to leave commits an offence against these By-laws.

## **Part C — Traffic**

### **8.        Control of traffic**

- (1)    The Council may place signs called “Traffic Signs” on community land for the purpose of prohibiting, regulating, guiding or directing vehicle traffic.
- (2)    An inscription on a traffic sign operates and has effect according to its tenor and any person who fails to obey the directions on the inscription on such sign commits an offence.
- (3)    No person shall drive a vehicle on community land in a careless or dangerous manner.



## **Part D — The regulation of other matters**

**9. Malicious damage**

No person shall maliciously damage any planted tree, bush, flower, lawn, building, structure, vehicle or other thing.

**10. Litter**

No person shall, except in rubbish bins or areas set aside by the Council for leaving rubbish, leave rubbish or litter on community land.

**11. Offensive behaviour**

No person shall cause a disturbance or annoyance to other persons by using abusive language or fighting or by any other offensive or disorderly behaviour.

**12. Disruption of meetings**

No person shall interrupt any meeting of the Council or Community or any customary meeting by noise or by any other disorderly or offensive behaviour.

**13. Restriction on alcohol**

- (1) No person shall bring alcohol onto community land without permission of the Council.
- (2) The Council may, in its discretion and subject to such terms, conditions and restrictions as it sees fit, permit any person to bring, possess, use or supply alcohol on community land.
- (3) In exercising its discretion under paragraph (2) of this Clause, the Council shall have regard to the welfare of the Community as the paramount consideration.
- (4) The permission referred to in paragraph (2) of this Clause may be given verbally or in writing and may be revoked by the Council at any time.

**14.        Offences relating to alcohol**

Any person who brings, possesses or uses alcohol on community land without the permission of the Council, or who supplies it to others on community land without the permission of the Council, or who, having been given permission in relation thereto subject to terms and conditions breaks such terms or conditions commits an offence.

**15.        Proceedings and apprehension etc. powers**

A member of the police force may:

- (1)(a) Take proceedings against any person for a breach of these By-laws.
- (b) Where any person has committed or is committing an offence against these By-laws and it appears likely that injury to persons or damage to property will be caused by that person, apprehend and remove that person from community land for a period not longer than 24 hours or until a Court is convened to deal with the person according to law, whichever is the earlier.
- (2) Subject to the Child Welfare Act 1947, proceedings for an offence against a By-law shall be commenced by way of complaint and summons under and in accordance with the Justices Act 1902 and shall be commenced within six months after the offence was committed.

**16.        Penalties**

- (1) Any person who breaks any of these By-laws is guilty of an offence and is liable to a fine of not more than \$100.
- (2) In addition to any fine imposed under paragraph (1) of this Clause, the Court may order any person convicted of an offence under these By-laws to pay compensation not greater than two hundred and fifty dollars to the Community or other person where, in the course of committing the offence, the person

convicted has caused damage to property of the Community or of that other person.

*[By-law 16 amended: Gazette 14 May 2004 p. 1452.]*

**17. Defence of acting under custom**

It is a defence to a complaint of an offence against these By-laws to show that the defendant was acting under and excused by any custom of the Community.

### **Notes**

- <sup>1</sup> This is a compilation of the *Bardi Aborigines Association Inc. By-laws* and includes the amendments made by the other written laws referred to in the following table.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Bardi Aborigines Association Inc., By-laws</i>	7 Nov 1980 p. 3743-4	7 Nov 1980
<i>Sentencing Legislation (Short Sentences - Aboriginal Community By-Laws) Amendment Regulations 2004</i> r. 4	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.]*

<b>Defined term</b>	<b>Provision(s)</b>
Community .....	2
Community Land .....	2
Member of the Community.....	2
The Council.....	2