



Western Australia

ABORIGINAL COMMUNITIES ACT 1979

## **Djarindjin Aboriginal Community By-laws**

---

As at 11 Nov 1998

Version 00-d0-16

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



## Djarindjin Aboriginal Community By-laws

### Contents

<b>Part 1 — Preliminary</b>		
1.	Citation	2
2.	Definitions	2
3.	Council permission	2
<b>Part 2 — Community land</b>		
4.	Permission to enter Community land	3
5.	Restricted access areas	3
6.	Homes	3
<b>Part 3 — Traffic</b>		
7.	Restricted traffic areas	4
8.	Traffic signs	4
9.	Careless or dangerous driving and driving while intoxicated	4
<b>Part 4 — Alcohol</b>		
10.	Regulation of alcohol	5
<b>Part 5 — Miscellaneous</b>		
11.	Damage to property	9
12.	Rubbish	9
13.	Disorderly behaviour	9
<b>Part 6 — Enforcement</b>		
14.	Offences	10
15.	Police powers	10
16.	Penalties	10

Contents

---

**Notes**

Compilation table

12

**Defined terms**

Western Australia

ABORIGINAL COMMUNITIES ACT 1979

**Djarindjin Aboriginal Community By-laws**

## Part 1 — Preliminary

### 1. Citation

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

### 2. Definitions

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*.

### 3. Council permission

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**

### **4. Permission to enter Community land**

- (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.

### **5. Restricted access areas**

- (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).

### **6. Homes**

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**

### **7. Restricted traffic areas**

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

### **8. Traffic signs**

- (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)

### **9. Careless or dangerous driving and driving while intoxicated**

- (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.

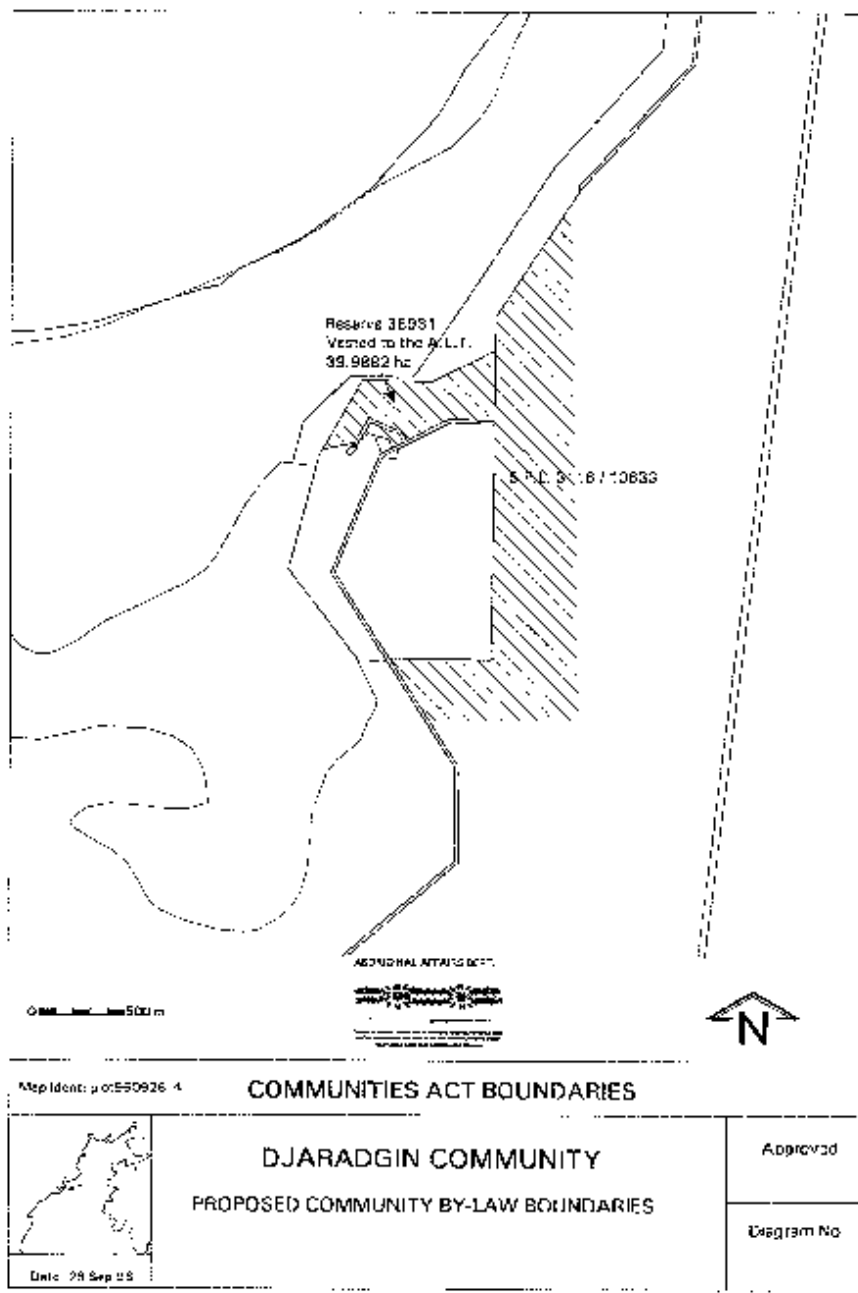


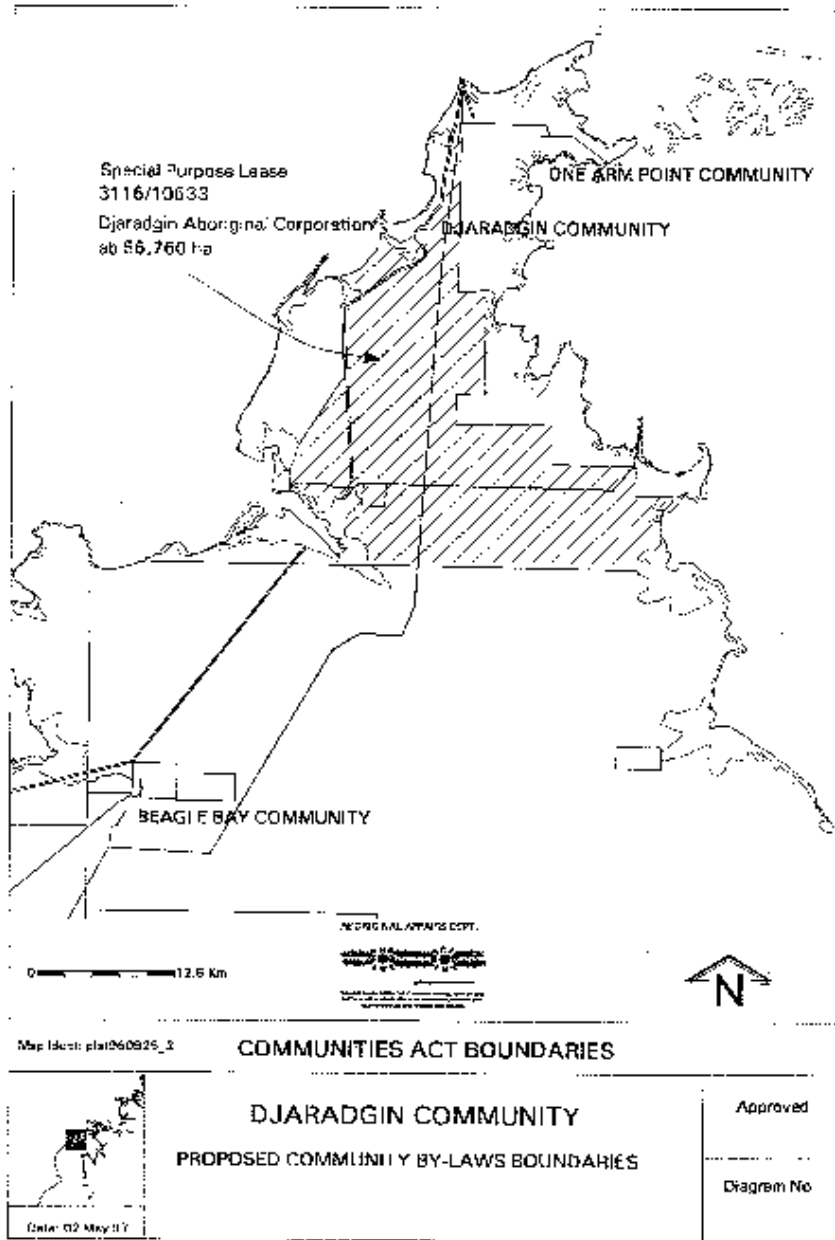
## **Part 4 — Alcohol**

### **10. Regulation of alcohol**

- (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.

r. 10





- (2) A person must not, while on Community land;
  - (a) drink alcohol;

**r. 10**

---

- (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**

### **11. Damage to property**

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

### **12. Rubbish**

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.

### **13. Disorderly behaviour**

- (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

### 14. Offences

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.

### 15. Police powers

- (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.

### 16. Penalties

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.

**Notes**

- <sup>1</sup> This is a compilation of the *Djarindjin Aboriginal Community By-laws* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Djarindjin Aboriginal Community By-laws</i>	15 Jul 1997 p. 3661-6	15 Jul 1997



**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
Corporation .....	2
Council.....	2
member of the Community .....	2
vehicle.....	2