

IX301\*

Aboriginal Communities Act 1979

## **Bidyadanga Community By-laws 2004**

### **1. Introduction**

- (1) These are the *Bidyadanga Community By-laws 2004*.
- (2) These by-laws replace the *Bidyadanga Aboriginal Community La Grange Incorporated By-laws* made in 1979 and approved in 1980, which are repealed.
- (3) These by-laws have been made by the Council of the association called the Bidyadanga Aboriginal Community La Grange Incorporated and approved by the Governor.
- (4) Bidyadanga Aboriginal Community La Grange Incorporated 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 the association under its constitution.
- (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 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 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 the Council has permitted to make decisions on its behalf about giving or refusing permission.
- (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 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 Council to give permission to do something, it can refuse to give permission.

**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 removed by a member of the Police Force under by-law 13(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 Council.
- (3) In order to ask for permission to be on the community lands you may enter the community lands, as long as you go straight to the Council's office.
- (4) 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.
- (5) If you get permission from the Council to be on the community lands, you must obey any conditions imposed by the Council on you when you are on the lands.

- (6) 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.

**5. 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.
- (3) You must not enter a place that the Council has said is out of bounds to you.
- (4) The Council can put up signs to say which places are out of bounds and which people can and cannot enter them.

**6. 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 must hold a valid Australian driver's licence.
- (4) The Council 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. Damaging other people's things**

- (1) For this by-law damage includes graffiti.
- (2) You must not intentionally damage any thing that does not belong to you.
- (3) You must not damage any plants or trees that have been planted by another person or the Council.

**8. 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.

**9. Alcohol and drugs**

- (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 alcohol on to the community lands; or
  - give any alcohol to another person; or
  - have or keep any alcohol; or
  - drink any alcohol.
- (3) 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.
- (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.

#### **10. Bad behaviour**

- (1) You must not be a nuisance to people such as by playing music loudly.
- (2) You must not behave in an indecent or disorderly way such as by using bad, threatening or abusive language, fighting or being rowdy.
- (3) You must not interrupt any meeting of the Council or Community or any customary meeting by being noisy or by any other disorderly or offensive behaviour.

#### **11. Guns**

- (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 Council about every gun that you own.
- (3) You must tell the Council about every gun that you bring on to the community lands, even if it is not your gun.
- (4) The Council must keep a list of all community members who have a gun.
- (5) You must always keep a gun in a safe place and in a place where children cannot touch it.

#### **12. Obstruction**

You must not obstruct a person doing his or her duty under the by-laws or any lawful activity on the community lands.

**13. 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 13(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 member of the Police Force can remove anything from the community lands including but not limited to vehicles and animals.

**14. 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 comply with 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 under one of these by-laws can fine the person not more than \$5 000.
- (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 the property of another person or the association, the court can order the person to pay compensation of not more than \$250 to the other person or the association.

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The Common Seal of Bidyadanga Aboriginal Community La Grange Incorporated was put here in accordance with a resolution of the Council passed on the 7th day of September 2004 in the presence of —

JAMES YANAWANA, Chairperson.

ELAINE McMAHON, Councillor.

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Approved by the Governor in Executive Council on 26 October 2004.

M. C. WAUCHOPE, Clerk of the Executive Council.