

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X

6163



PERTH, WEDNESDAY, 21 DECEMBER 2005 No. 238 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

ABORIGINAL COMMUNITIES ACT 1979

**IRRUNGADJI COMMUNITY
BY-LAWS 2005**

Western Australia

Irrungadji Community By-laws 2005

CONTENTS

1. Introduction
2. How the Committee makes decisions
3. Giving and refusing permission
4. Who can be on the community lands
5. Places that are out of bounds
6. Driving and traffic control
7. Damage
8. Rubbish
9. Bad behaviour
10. Other people's houses and belongings
11. Alcohol and drugs
12. Guns and other weapons
13. Police powers
14. Offences against these by-laws

Aboriginal Communities Act 1979

Irrungadji Community By-laws 2005

1. Introduction

- (1) These are the *Irrungadji Community By-laws 2005*.
- (2) These by-laws have been made by the Committee of Management of the association called the Irrungadji Group Association Incorporated and approved by the Governor.
- (3) The Irrungadji Group Association Incorporated 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 association under its constitution.
- (7) These by-laws are in addition to the laws of Western Australia.

Irrungadji Community By-laws 2005**bl. 2**

2. How the Committee makes decisions

- (1) When it is making a decision under these by-laws the Committee of Management will consider the welfare of the community as the most important consideration.
- (2) The Committee does not have to give reasons for any of its decisions under these by-laws.
- (3) The 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 Committee of Management can permit a member of the 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 Committee's permission under these by-laws to do something, you must ask the Committee, or a person who the Committee has permitted to make decisions on its behalf, about giving or refusing permission.
- (3) If these by-laws allow the 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 Committee to give permission to do something, it can refuse to give permission.

Irrungadji Community By-laws 2005

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 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 Committee of Management.
- (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 Committee's office.
- (4) If you get permission to be on the community lands before you enter them, you must tell a member of the Committee of your arrival as soon as you do arrive.
- (5) If you get permission from the Committee to be on the community lands, you must obey any conditions imposed by the Committee on you when you are on the lands.
- (6) If you do not obey those conditions when you are on the community lands, the 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 Committee of Management 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 Committee can decide that some places on the community lands are out of bounds to all vehicles, or to some vehicles, at all times or at some times.
- (3) You must not enter a place that the Committee has said is out of bounds to you.
- (4) The Committee can put up signs to say which places are out of bounds and which people can and cannot enter them.

Irrungadji Community By-laws 2005**bl. 6**

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 must not be drunk or under the influence of any drug or harmful substance.
- (3) When you are driving you must hold a valid Australian driver's licence.
- (4) The Committee of Management 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. Damage

- (1) In this by-law, damage includes graffiti.
- (2) You must not intentionally damage any thing that belongs to the Irrungadji Group Association Incorporated or any thing that does not belong to you.
- (3) You must not damage any plant or tree that has been planted by another person or by the Committee of Management.

8. Rubbish

- (1) You must not leave rubbish on the community lands except in a rubbish bin or a rubbish tip set up by the Committee of Management.
- (2) You must not abandon a vehicle on the community lands except in a rubbish tip set up by the Committee.

9. 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.

Irrungadji Community By-laws 2005

bl. 10

- (2) You must not be a nuisance to people such as by playing music loudly.
- (3) You must not make it difficult for the Committee of Management or any of its members or employees to do their jobs.
- (4) You must not disrupt a meeting of the Committee or of members of the community or a customary meeting.
- (5) If you do disrupt such a meeting, the meeting can ask you to leave and, if it does, you must leave.
- (6) You must not be offensive to any elder of the community.

10. 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.
- (3) You must not use any thing that belongs to someone else without that person's permission.
- (4) You must not use any thing that belongs to the Irrungadji Group Association Incorporated without the permission of a member of the Committee of Management.

11. 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;
 - an "illegal drug" is any drug that it is illegal to possess under the laws of Western Australia; and
 - "prohibited alcohol" is port, wine, spirits or any other drink containing alcohol but not beer.

Irrungadji Community By-laws 2005**bl. 11**

- (2) Unless you have the Committee of Management's permission to do so you must not —
- bring any prohibited alcohol or harmful substance on to the community lands; or
 - give any prohibited alcohol or harmful substance to another person; or
 - have or keep any prohibited alcohol or harmful substance; or
 - drink any prohibited 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
 - use or take any illegal drug; or
 - deliberately swallow or inhale or inject yourself with any illegal drug or harmful substance.
- (4) If you are under 18 years of age you must not drink any alcohol.
- (5) You must not give any alcohol to a person who is under 18 years of age.
- (6) If you know that a community member has been told by a doctor not to drink alcohol, you must not give alcohol to that person.
- (7) You must not be under the influence of an illegal drug or a harmful substance.
- (8) If you are drunk or under the influence of an illegal drug or a harmful substance, the Committee can order you to leave the community lands and, if it does, you must leave immediately.

Irrungadji Community By-laws 2005**bl. 12**

- (9) This by-law does not stop you taking any medicine in the way it is meant to be taken or any drug that has been prescribed for you by a doctor or nurse.

12. 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 Committee of Management about every gun that you own.
- (3) You must tell the 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 Committee can decide where people can or cannot shoot on the community lands.
- (6) The Committee can put up signs to say where you can and cannot shoot.
- (7) You must not shoot in a place where the Committee has said you cannot shoot.

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 bylaw 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.

Irrungadji Community By-laws 2005**bl. 14**

- (4) A person who is arrested under bylaw 13(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 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 obey a condition that was imposed by the Committee of Management 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) You will be not 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 against 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 Irrungadji Group Association Incorporated, the court may order the person to pay compensation of not more than \$250 to the other person or the association.

Irrungadji Community By-laws 2005

bl. 14

The Common Seal of the Irrungadji
Group Association Incorporated was
affixed here in accordance with a
resolution of the Committee of
Management in the presence of —

BRUCE BOOTH, Chairperson.
COLIN CRUSOE, Vice Chairperson.
LLOYD PATCH, Councillor.
WALTER DALBIN, Councillor.

Date: 21 November 2005.

Approved by the Lieutenant-Governor and Administrator in Executive
Council

on: 20 December 2005.

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

