

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X

4643



PERTH, TUESDAY, 31 OCTOBER 2006 No. 185 SPECIAL

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

© STATE OF WESTERN AUSTRALIA

ABORIGINAL COMMUNITIES ACT 1979

**PARNPAJINYA COMMUNITY
BY-LAWS 2006**

Western Australia

Parnpajinya Community By-laws 2006

CONTENTS

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

Aboriginal Communities Act 1979

Parnpajinya Community By-laws 2006

1. Introduction

- (1) These by-laws are the *Parnpajinya Community By-laws 2006*.
- (2) These by-laws have been made by the Committee of Management of Parnpajinya Aboriginal Association Incorporated and approved by the Governor.
- (3) The Association 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 rules.
- (7) These by-laws are in addition to the laws of Western Australia.

Parnpajinya Community By-laws 2006**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 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 has been given permission under by-law 3(1) to make decisions.
- (3) If these by-laws allow the Committee to give permission to do something, it can instead refuse to give permission to do that thing.
- (4) If the Committee gives a person permission to do something it can also require the person to comply with conditions when doing the thing, and it can change or remove any such conditions, and it can take away permission.

4. Who may be on 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 these by-laws.

Parnpajinya Community By-laws 2006

bl. 5

- (2) If you are not a member of the community, you can only be on the community lands if you have the permission of the Committee of Management or if you have permission under another law.

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 are out of bounds to all vehicles, or to some vehicles, at all times or at some times.
- (3) The Committee can decide that some or all people must seek permission to enter those places.
- (4) The Committee can put up signs to say that some places are out of bounds and which people can and cannot enter them.

6. Driving and traffic control

- (1) When you are driving on the community lands you must drive carefully and not cause danger to any person.
- (2) The Committee can put up signs on the community lands telling drivers where they can drive, how fast they can drive and how they must drive.
- (3) When you are driving you must obey those signs.

7. Damage

- (1) You must not damage anything that does not belong to you, or anything that belongs to the Association.
- (2) You must not use anything that belongs to others or the Association without their permission.

Parnpajinya Community By-laws 2006**bl. 8**

8. Bad behaviour

- (1) You must not behave in an indecent or disorderly way such as by using bad or abusive language, by fighting, carrying a weapon, or being rowdy.
- (2) You must not make it difficult for the Committee of Management, its members or employees to carry out their jobs.
- (3) You must not disrupt a meeting of the Committee or the community, or any customary meeting.
- (4) If you disrupt a meeting of the Committee, the Committee can ask you to leave, and if it does, you must leave.

9. Noise at night

You must not be a nuisance by making a loud noise or playing loud music —

- after midnight on Friday and Saturday or after 10 p.m. on other nights; and
- before 7 a.m. on any day,

without the Committee of Management's permission.

10. 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.

11. Alcohol

- (1) You must not —
 - bring alcohol onto the community lands; or
 - give or sell alcohol to another person; or
 - have or keep any alcohol; or

Parnpajinya Community By-laws 2006

bl. 12

- drink any alcohol; or
 - be under the influence of alcohol.
- (2) If you are under the influence of alcohol, you must either leave the community lands or —
- if you are not at home, you must go straight home; and
 - you must stay in your home until you are sober.

12. Illegal drugs

- (1) An “illegal drug” is any drug that is illegal to possess under the laws of Western Australia.
- (2) You must not —
- bring an illegal drug onto the community lands; or
 - give or sell an illegal drug to another person; or
 - have or keep an illegal drug; or
 - deliberately swallow or inhale or inject yourself with an illegal drug; or
 - be under the influence of an illegal drug.
- (3) This by-law does not stop you taking any medication in the way that it is meant to be taken or any drug that has been prescribed for you by a doctor or nurse.

13. Harmful substances

- (1) A “harmful substance” is any substance that is not meant to be swallowed, inhaled or injected by you, and that may harm your health if you swallow, inhale or inject it, such as glue or petrol.
- (2) You must not —
- give or sell a harmful substance to another person if there are reasonable grounds to suspect the other person will swallow, inhale or inject it or give or sell it for any of those purposes; or

Parnpajinya Community By-laws 2006**bl. 14**

- have or keep a harmful substance for the purpose of swallowing, inhaling or injecting it; or
- deliberately swallow or inhale or inject yourself with a harmful substance.

14. Police powers

- (1) If a member of the Police Force believes a person is breaking, or has broken, one of these by-laws they 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 them.
- (3) If a member of the Police Force believes that a person —
 - is breaking, or has broken, one of these by-laws; or
 - is going to injure other people or damage property,that member of the Police Force can arrest the person and remove him or her from the community lands.
- (4) A member of the Police Force can remove from the community lands any thing, including but not limited to vehicles, if they believe it is connected with, or is evidence of, a breach of these by-laws.
- (5) Any member of the Police Force can enforce these by-laws, including by —
 - using existing police powers; and
 - charging people who break 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
 - a condition that was imposed by the Committee of Management when it gave you permission under these by-laws to do something.

Parnpajinya Community By-laws 2006**bl. 15**

- (2) 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.
- (3) If a court finds you guilty of an offence against these by-laws you can be fined no more than \$5 000.
- (4) If a court finds you guilty of an offence against these by-laws and finds that when you committed the offence you damaged the property of another person or of the Association, the court may order you to pay compensation of not more than \$250 to the other person or to the Association.

The Common Seal of Parnpajinya Aboriginal Association Incorporated was put here with the express authority of the Committee of Management in the presence of either the chairperson, vice-chairperson, secretary or treasurer —

GAVIN JACKSON

Office:

BARBARA BYNDER

EILEEN CHARLES

Office:

ALLAN CHARLES

KEVIN HESLINGTON

Office:

HEATHER CHARLES

PETER TINKER

Office:

ALISTAIR SAMMY

TERRY SAILOR

Office:

VIRGINIA BOOTH

Chairperson.

Date 4 October 2006.

Approved by the Governor in Executive Council
on 24 October 2006.

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

