

# **EDEN FISHERMEN'S RECREATION CLUB LIMITED**

## **BY LAWS**

### **SEPTEMBER 2018**

1. These By-Laws are subject to revision and alteration at the discretion of the Board of Directors. They are governed by and shall be read in conjunction with the Club's Constitution.
2. Any By-Law made under the Constitution or any alterations to or repeal of any such By-Law shall come into force and have full effect and authority and be binding upon Members of the Club on being posted on the Club Notice Board.

### **BOARD OF DIRECTORS**

3. The regular meetings of the Board, shall unless otherwise arranged, be held on the "fourth Thursday" of each month. The Chairman, at any time, or the Secretary, on the request of a member of the Board, must summon a meeting of the Board by giving 48 hours notice or at shorter notice if agreed by all Board Members. The Secretary or his delegate shall record in the Minutes the names of all Board Members present.
4. The Board shall be responsible for enforcing the Constitution and the By-Laws of the Club including the conduct of any member or visitor.
5. All decisions of any Board Committee or Constituted Sporting Body Committee shall be subject to ratification, alteration or revocation by the Board. When the Board adopts a rule, policy or procedure, a Committee in following that rule, policy or procedure shall subsequently report its actions to the Board for approval. A Committee shall not take any action, which is at variance with a Board rule, policy or procedure without Board approval.

### **6. RIGHTS OF MEMBERS**

- (a) Life members, Members & Pensioner members (who shall be considered to be ordinary members) of the Club shall have full voting rights and, subject to the Constitution, be eligible to be elected to or hold office on the Board.
- (b) Subject to Article 51 of the Constitution, each financial member who is eligible to vote shall have one vote.
- (c) The rights of members to use the sporting and other facilities of the Club shall be as the Board may determine from time to time by By-law or otherwise.
- (d) To be eligible to join any sporting or social club within the club or use and play any sport as part of the Eden Fishermen's Recreation Club Limited that person shall first and foremost be a member of the Eden Fishermen's Recreation Club Limited.
- (e) Without limiting the general powers of the Board conferred in paragraph (c), the Board has the power from time to time to organise and enforce the

exclusion from the Club's premises of any member or other person (either with or without that member's or person's agreement) in accordance with:

- (i) The Club's responsible service of alcohol policy (as adopted and amended by the Board from time to time); or
- (ii) The Club's responsible service of gambling policy (as adopted and amended by the Board from time to time).

## **7. MEMBERSHIP**

The requirements for eligibility of persons for election to the following classes of Ordinary membership shall be:

### **(7.1) Eden Fishermen's Recreation Club Members**

A person who has attained the age of 18 years and is elected as a member per the rules of the Club's Constitution.

### **(7.2) Junior Sporting Members**

- (a) A person who is under the age of 18 years and is elected by the Board to Junior Sporting membership of the Club.
- (b) A person applying for Junior Sporting membership must satisfy the Board that he or she has an interest in taking an active part in the sporting activities of the Club regularly, and the Board must receive from the parent or guardian of that person a written consent to the person joining the class of membership applied for and taking part in the sporting and other activities of the Club.
- (c) Junior Sporting members shall be entitled to those privileges as the Board may determine from time to time but shall not be eligible to hold office, vote at the election of the Board, vote at meetings of the Club, nominate persons for membership or introduce guests to the Club nor shall they have any part in the management of the Club.
- (d) Junior Sporting members shall use only those areas of the defined premises of the Club in respect of which an authority has been granted pursuant to Section 22 of the Registered Clubs Act or in respect of which an approval has been granted pursuant to Section 22A of the Registered Clubs Act.

### **(7.3) Life Members**

The requirements for eligibility of persons for election as Life members of the Club shall be:

- (a) An Eden Fishermen's Recreation Club Limited member of at least 10 years membership standing of the Club and who has rendered long or meritorious service to the Club and has been elected as such by resolution carried by a two-thirds majority of those present and voting

at a General Meeting, following the submission to such meeting of an appropriate recommendation from the Board, shall be a Life member.

- (b) Nominations for Life membership of the Club shall be presented to the Board for recommendation not less than 2 months prior to the next Annual General Meeting of the Club, provided that such nomination is made in writing by 2 Life members or members of the Club.
- (c) A Life member shall be relieved from payment of any subscription or levies paid by an ordinary member (not including sports levies) and shall have all the rights and privileges of an ordinary member.

**(7.4) Honorary Members**

- (a) The following persons may be admitted as Honorary members of the Club in accordance with procedures established by the Board from time to time:
  - (i) the Patron or Patrons for the time being of the Club;
  - (ii) any prominent citizen or local dignitary visiting the Club.
- (b) Honorary members shall be entitled only to those facilities and amenities of the Club as determined by the Board from time to time, and shall not be entitled to attend or vote at any meeting of the Club, nominate for or be elected to the Board or any office of the Club or participate in the management, business and affairs of the Club in any way.
- (c) When Honorary membership is conferred on any person, the following particulars shall be entered in the Club's Register of Honorary members:
  - (i) the name in full, or the surname and initials, of the Honorary member;
  - (ii) the residential address of the Honorary member;
  - (iii) the date on which Honorary membership is conferred;
  - (iv) the date on which Honorary membership is to cease.
- (d) Honorary members may be relieved by the Board of any obligation or liability with respect to the payment of entrance fees and subscriptions.
- (e) The Board shall have power to cancel the membership of any Honorary member without notice and without being required to give reason.

**(7.5) Temporary Members**

- (a) The following persons may be admitted as Temporary members of the Club in accordance with procedures established by the Board from time to time:
  - (i) a person whose permanent place of residence in New South Wales is at least 5 kilometres from the Club's defined premises or such greater distance as may be determined from time to time by the Board by By-law pursuant to the Constitution;

- (ii) a full member (as defined in the Registered Clubs Act) of any other club which is registered under the Registered Clubs Act and which has objects similar to those of the Club;
- (iii) a full member (as defined in the Registered Clubs Act) of any registered club or any interstate club (as defined in the Registered Clubs Act) who, at the invitation of the Board, or a Full member of the Club, attends on any day at the premises of the Club for the purpose of participating in an organised sport or competition to be conducted by the Club on that day, from the time on that day when the person so attends the premises of the Club until the end of that day;
- (iv) an interstate or overseas visitor;
- (b) Temporary members shall not be required to pay an entrance fee or subscription.
- (c) Temporary members shall be entitled only to those facilities and amenities of the Club as determined by the Board from time to time, and shall not be entitled to attend or vote at any meeting of the Club, nominate for or be elected to the Board or any office of the Club or participate in the management, business and affairs of the Club in any way.
- (d) Temporary members shall not be permitted to introduce guests into the Club.
- (e) The Secretary Manager, or in the Secretary Manager's absence the senior employee of the Club then on duty, may terminate the membership of any Temporary member at any time without notice and without being required to give reason
- (f) No person under the age of 18 years may be admitted as a Temporary member of the Club.
- (g) When a Temporary member first enters the Club's premises on any day, the following particulars shall be entered in the Club's Register of Temporary members:
  - (i) the name in full, or the surname and initials, of the Temporary member;
  - (ii) the residential address of the Temporary member;
  - (iii) the date on which Temporary membership is granted;
  - (iv) and, the signature of the Temporary member.
- (h) Any person (other than a member) whether as a temporary member or a guest of a member shall upon request and before being admitted to the Club, produce one of the following forms of identification:
  - (i) current driver's licence;
  - (ii) current passport;
  - (iii) or, Proof of age card.

**(7.6) Staff Membership**

- a. An employee of the Eden Fishermen's Recreation Club Limited who has signed the conditions of employment approved from time to time by the Board and who has made application for membership of the Club in accordance with the requirements of this Constitution may be admitted to Membership of the Club.
- b. Staff Members shall be entitled to the social privileges of the Club only as determined by the Board from time to time and shall not be eligible to hold office on the Board of the Club or on any committee of the Club, vote at the election of the Board, vote at meetings of the Club.
- c. The membership and privileges of a Staff Member shall be subject to the Registered Clubs Act 1976, the Club Employees (State) Award and a recognized Australian Workplace Agreement and the conditions of employment of the Club as amended from time to time.

**(7.7) Guests**

- (a) All members other than Junior Sporting members and Temporary members shall have the privilege of introducing guests to the Club.
- (b) The Register of guests shall have entered therein on each occasion on any day on which a person of or above the age of 18 years enters the premises of the Club as the guest of a member the name in full or the surname and initials of the given names, and the address, of that guest, the date of that day and the signature of that member; provided always that if any entry in this register is made on any day in respect of the guest of a member, it is not necessary for an entry to be made in this register in respect of that guest if he or she subsequently enters the premises of the Club on that day as the guest of that member.
- (c) No member shall introduce the same guest/s to the Club more frequently than four (4) times in any one year, nor shall a member introduce any person as a guest who has been expelled from the Club for misconduct or non-payment of any entrance fee and/or subscription or who is currently under suspension.
- (d) Members shall be responsible for the conduct of any guests they may introduce to the Club.
- (e) The Board shall have power to make By-laws from time to time, not inconsistent with the Constitution or the Registered Clubs Act, regulating the terms and conditions on which guests may be admitted to the Club.
- (f) A guest shall at all times remain in the reasonable company of the member who countersigned the entry in the Register of guests in respect of that guest.
- (g) A guest shall not remain on the premises of the Club any longer than the member who countersigned the entry in the Register of guests in respect of that guest.

- (h) Any person (other than a member) whether as a temporary member or guest of a member shall upon request and before being admitted to the Club produce one of the following forms of identification:
  - (i) current drivers licence;
  - (ii) current passport;
  - (iii) or, proof of age card.
- (i) The Secretary Manager, or in the Secretary Manager's absence the senior employee of the Club then on duty, may refuse a guest admission to the Club's premises (or any part thereof) at any time without notice and without being required to give reason.

**(7.8) Cessation OF Membership.**

- (a) There is no provision of refund for a membership if cancelled / resigned prior to the end of the membership term under these Rules.
- (b) A Membership is deemed to have lapsed upon payment of renewal not being received within 30 Days of the due date for payment.
- (c) Any or all Bonus ( Reward ) unclaimed points are cancelled upon cessation of membership.

**(7.9 ) Membership Identification**

- (a) All financial members must carry on their person a current financial Membership Card at all times whilst on Club Premises.
  - (b) Membership cards are Strictly Non Transferable and it is breach of the By-Laws for a member to use another members card to claim a reward or transact points for purchases or cash.
  - (d) A member must have their photograph clearly displayed on their membership card for the membership to be valid. Where a Member elects NOT to have their photo ID taken shall forfeit Any right of claim in the event there card is stolen or lost and points used by other parties in circumstances where proof of identity is required by Club employees validating such transactions.
- (v)
- (a) A Member must produce their membership card upon request by a Club official if requested whilst on Club premises.

**8. MINORS**

- (a) Minors (persons under the age of 18 years) are to be in the company of a responsible adult member, responsible adult or responsible employee at all times. Leaving minors unattended on the Club's premises or in vehicles in the Club's car park or in the vicinity of the Club's premises is prohibited.

- (b) Minors are subject to the same regulations as guests. They have to be invited to enter the Club by a member and must leave when the member leaves.
- (c) Minors are not to sign the guest register.
- (d) Minors are not to consume or be served alcohol.
- (e) Minors are not to be in the Club premises after 11.00pm unless for special occasions predetermined by the Board of Directors and must at all times be accompanied by a responsible adult.
- (f) Minors behaviour is the responsibility of the responsible adult. If a minor misbehaves, the minor will be asked to leave and disciplinary action could be taken against the member and the minor.
- (g) Minors are not to play poker machines.
- (h) Minors are to stay strictly within the areas designated.
- (i) Minors are to be properly dressed at all times and must wear footwear.

## **9. COMPLAINTS**

Complaints on any matters connected with the management or services of the Club or the conduct of any employee of the Club shall be made to the Secretary Manager, who may, if necessary, insist that such complaint shall be made in writing. If the Secretary Manager is unable to satisfy the complainants, then he shall submit the matter to the Chairman or Board of Directors.

## **10. STAFF**

No employee of the Club shall be directly reprimanded or given any directions or instructions regarding matters of work or terms of employment by any Director or member.

## **GAMBLING**

- (a) Gambling other than that permitted by the Registered Clubs Act is prohibited on the Club's premises.
- (b) Employees and any associated Contractor or contractor's employees or their immediate family members engaged by the Club are not permitted to participate in the Club's trade promotions or members badge draws whilst on duty. Employees and contract staff may not participate in the Club's raffles or in any other draws while on duty.
- (c) An employee is not permitted to engage in any form of gambling activity on the Club's premises unless:
  - (i) the employee is not wearing his or her staff uniform;

- (ii) the gambling activity is completed prior to commencement of the employees shift and after the completion of the of the employee's shift;
- (iii) and, an employee must follow the rules regarding gaming established under our agency licences for Keno and TAB.

(d) Conditions of Gaming Machine Play:

All persons who play gaming machines in this Club do so subject to the following Rules which shall be the terms and conditions of play. The decision of the Club as expressed by its officers and/or employees as to the interpretation of the Rules shall be final.

- (i) Only coins and notes of Australian legal tender in the denomination of \$1, \$5, \$10, \$20, \$50, \$100 are to be used to play the Club's gaming machines and as indicated on the gaming machines themselves.
- (ii) Machines may only be reserved for a maximum of three (3) minutes through the use of the machine reserve button facility only.
- (iii) The gaming machines in this Club can only be played by and any jackpots or prize won will only be paid to, financial members of this club or guests of members and temporary members and honorary members who have complied with all legal requirements to be admitted in the Club.
- (iv) No payment will be made unless verification is made within Club trading hours by authorised staff pursuant to the Club's procedure of gaming machine payouts and only during Club trading hours.
- (v) Any gaming machine prize amount of \$3,000 or more will be paid by cheque within 48 hours of verification of financial club membership or verification of the person's honorary membership, temporary membership, guest or member status or provisional membership, as the case may be. Payment of the whole amount in either cheque or direct deposit will be encouraged, although a part of the prize less than \$1,000 may be paid in the form of cash.
- (vi) The Club reserves the right to ensure that every payment is played off or cancelled.
- (vii) The Club reserves the right to refuse any person, member, guest of a member, temporary member or honorary member the right to play gaming machines in this club.
- (viii) A player of this Club's gaming machines acknowledges, by choosing to play the club's gaming machines, that the club's decision as to whether a gaming machine has malfunctioned or not and/or if a winning combination showing has not been registered on the machine is final.



- (ix) If the gaming machine is able to be operated without using legal tender or if playing the machine does not reduce the credit meter by the appropriate amount, it is the player's responsibility to immediately report the malfunction to an employee of the Club.
- (x) If a gaming machine overpays, or pays on a non-winning combination, it is the player's responsibility to immediately report the malfunction to an employee of the Club.
- (xi) If an ancillary gaming product or link jackpot system pays or purports to pay as a result of a malfunction, it is the player's responsibility to immediately report the malfunction to an employee of the Club. In the event that the player receives payment as a result of the malfunction, and the Club subsequently becomes aware of the malfunction, the player shall reimburse all monies paid to him/her as a result of the malfunction.
- (xii) In the event that a gaming machine, or any ancillary gaming product or link jackpot system malfunctions as a result of a manufacturer's error or maintenance repairer error, either in the configuration or setting of software other than to the standard manufacturer's deviation, it is the responsibility of the player to immediately report the malfunction to an employee of the Club. Any amount the player receives as a result of such error shall immediately be repaid to the Club.
- (xiii) Failure to report any malfunction of a gaming machine in this Club may result in legal proceedings being instituted against the player.
- (xiv) Tilting, rocking or in any way moving or damaging a gaming machine in this Club is strictly prohibited.
- (xv) It is an offence under Section 83 of the Registered Clubs Act for a person:
  - to have possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of a gaming machine in the Club;
  - to do anything calculated, or likely to interfere with the normal operation of a gaming machine in the club;
  - or to do anything calculated to render a gaming machine in the Club incapable, even temporarily, of producing a winning combination.

N.B. The maximum penalty for an offence is \$10,000. The Club will report to the police any person that it believes may be committing any such offence.
- (xvi) This club reserves the right to refuse payment to any member, guest of a member, temporary member or honorary member

who in the opinion of the Club has breached any of the abovementioned rules.

- (xvii) Any member, guest of a member, temporary member or honorary member violating these gaming machine rules may be asked to leave the Club and the member may be liable to suspension and disciplinary action.

**(xviii) BONUS POINT POLICY**

- Bonus ( Reward Points ) are Strictly Non Transferrable and belong exclusively to each Member.
- Bonus points cannot be claimed at any point after cessation of membership.
- It is an offence under the Club's By-laws for another member to use or claim Bonus Points on another members card.

**11. RESPONSIBLE GAMING POLICY**

- (a) Members and Guests must use the Club's gaming facilities in accordance with the Club's Responsible Service of Gambling Policy as adopted and amended by the Board from time to time;
- (b) The Board has adopted the "ClubSafe" Responsible Service of Gambling Policies and Procedures Manual";
- (c) The Club reserves the right to refuse any person, member, guest of a member, temporary member or honorary member the right to play gaming machines or to participate in any of the gambling activities in the Club.
- (d) Members and guests acknowledge and accept that the Board has the power to exclude any member or other person from the Club's premises in accordance with the Club's Responsible Service of Gambling Policy.
- (e) Any member, guest or other person may apply to be excluded from the Club's premises on the Application for Voluntary Exclusion Form provided on request from the Club.
- (f) There will be some instances when the Club will be required to initiate a person's exclusion from the Club's premises in order to protect the interests of an individual and those of the Club, in accordance with the disciplinary proceedings provisions of the Club's Constitution. In deciding whether to initiate an exclusion, the Club will first obtain a recommendation from the consultancy to ensure that the Club has a sound basis for taking such action.
- (j) Disclosure of the existence of a gambling problem by a patron to a staff member will constitute disclosure to the Club. The staff member will complete a Problem Gambling Notification Report and forward it to the Secretary Manager. The Secretary Manager will then contact the consultancy for its advice.

**12. PROHIBITED AREAS OF MEMBER AND VISITOR ENTRY**

No member or visitor without proper authority shall at any time or for any purpose be permitted to:

- (a) enter any areas or offices, allocated to providing Club administration services;
- (b) go behind bar areas;
- (c) enter cellar or storage areas within the Club;
- (d) or, enter Club kitchen areas.

**13. CLUB PROPERTY**

No asset of the Club shall be taken from the club premises or property without the consent of a Director or the Secretary Manager. Any member who is granted permission to borrow assets of the club is required to acknowledge their liability for use, the assets suitability and its condition of use and accept responsibility for any repairs for damage caused by the members' use.

**14. CANVASSING OR COLLECTING FOR CHARITIES**

No canvassing for subscriptions for outside organisations or selling raffle tickets and the like is allowed in any way in or about the Club's premises unless the permission of the Secretary Manager is first obtained.

**15. UNAUTHORISED NOTICES**

No notice, publication, picture or document shall be distributed, posted or displayed in the Clubhouse or its precincts without the authority of the Secretary Manager.

**16. DRESS REGULATIONS**

- (a) Notices shall be posted in the Clubhouse governing dress regulations as laid down by the Board from time to time.
- (b) All members' visitors must be neatly attired at all times whilst attending the Club premises.
- (c) All members' visitors are required to adhere to all reasonable directions in respect of their dress, conduct and behaviour from the senior manager on duty.
- (e) Neat casual attire is permitted at all times.
- (f) All males shall remove their headdress whilst in the club premises unless otherwise approved.
- (g) The following attire shall not be permitted:

- (i) bare feet;
  - (ii) soiled or torn clothing;
  - (iii) offensive logos or writing on clothing;
  - (iv) singlets or sleeveless shirts on males;
  - (v) revealing or offensive clothing.
  - (vi) or, thongs after 7.30pm.
- (h) The Management of the club reserves the right to refuse entry to the club of any person they deem unsuitably attired.

## **17. USE OF SNOOKER TABLE AT COUNTRY CLUB**

- (a) Persons using the Snooker table must abide by the following rules:
- (i) no eating in snooker area or over tables;
  - (ii) no smoking over tables;
  - (iii) and, no drinking over tables.
- (a) When using club snooker equipment (cue/balls) the user must sign the equipment out and in, leaving his/her club membership card or a Drivers Licence as security.
- (b) The snooker table shall be exclusively reserved for the usage of Club members and their bonafide guests as well as temporary members.

## **18. FOOD AND BEVERAGE CONSUMPTION – COUNTRY CLUB \_**

### **1. Prohibited.**

No member / Visitor to the E.G.C.C. may bring , prepare, cook or consume food or beverage products unless express written consent is granted by Executive Management of the Eden Fishermen's Recreation. Club.

Members are required in the first instance to make direct arrangements with the appointed Country Club Caterers for on site provision of meals and Club staff for the supply of alcoholic and non alcoholic products.

### **18.2 BBQ.**

Under the Club's policy, it is permissible for sporting and social groups to use the Club's BBQ providing that food stocks are purchased directly from the Club's Caterer.

### **18.3 Exceptions .**

Formal Sporting and social groups May apply to the Board of Directors for an Exception to this policy whereby the proposed event meets on the following conditions;

- 4.1 The proposed event is specifically for a charitable fund raising purposes.
- 4.2 The Club's Contract Caterer is either not in a position to provide catering for that specific event, or elects not to .
- 4.3 The event planned is a reciprocal sporting requirement ( Golf or Bowls ) and cannot be commercially provided by the Caterer within the allowances provided for the catering of such event.
- 4.4 The event is a sanctioned E.F.R.C. promotional / social event conducted exclusively by the Club.
- 4.5 The event is planned on a day at which time the Country Club's Bistro is not open.

#### **18.4 Country Club Kitchen**

Subject to Clause 4,

#### **18.5 Damage and Cleaning of BBQ and Country Club Kitchen Facilities.**

The Eden Fishermen's Recreation accepts No liability for theft or damage arising to the Clubs catering equipment or BBQ.

Individual Users of approved BBQ events where they are self catered Must ensure ALL facilities are cleaned and ALL rubbish removed after use.

### **19. RESPONSIBLE SERVICE OF ALCOHOL**

- (a) The Board of Directors and Staff are committed to the Responsible Service of Alcohol.
- (b) All Management and Bar Staff shall be trained in the Responsible Service of Alcohol and at their discretion they shall not serve liquor to any member or visitor who in their opinion should not be served with liquor or where any legal liability may arise from such service either personally, on the Club, or both.
- (c) Bar trading hours shall be as determined by the Board from time to time. However Bar trading hours may be extended at the Secretary Manager's discretion.
- (d) Liquor shall not be sold to members for the supply to any person under the age of eighteen (18) years.

### **20. MEMBER CONDUCT**

#### **Member Breach of Club Rules**

**It is an offence under the By-Laws of the club for any member to engage in the following :**

- a) Commit any act that breaches Australian common law provisions or Liquor /Gaming Act requirements.
- b) Refuses to obey a lawful /instruction instruction by a duly authorised Club official whilst on Club premises
- c) Is found to have used abusive or offensive language in public whilst on Club premises towards another Member, Member of the public or Club employee or elected Club official.
- d) Is found to have engage in public behaviour whilst on Club premises which incites or is deemed defamatory, provocative or intentionally conflicting in nature as regards the good standing and reputation of the Eden Fisherman's Recreation Club Limited and any elected or appointment representative .
- e) Is found be engaged in conduct deemed to be unbecoming a member of the EFRC.
- f) Engages in any act whilst on Club premises which is deemed to be bringing the EFRC and it's affiliates into disrepute, including use of social media posts or other online defamatory commentary.
- g) Is found to breach those requirements of compliance under published club policy and procedures.

### **Disciplinary Procedures**

- (a) Pursuant to Rule 30.4 of the Club Constitution, if a member refuses or neglects to comply with any of the provisions of the Constitution of the Club or the By-laws thereof or be in the opinion of the Board guilty of any conduct prejudicial to the interests of the Club or be in the opinion of the Board, guilty of conduct which is unbecoming of a member or which shall render the member unfit for membership, the Board shall have power to reprimand, suspend from all privileges of membership for such period as it considers fit, expel or accept the resignation of such member and to remove the person's name from the Register of members.
- (b) Such member shall be notified of any charge against the member pursuant to this Rule by notice in writing to the member at least seven (7) clear days before the meeting of the Board at which such charge is to be heard. The notice shall set out the facts, matters and circumstances giving rise to the charge.

- (c) The member charged shall be entitled to attend the hearing for the purpose of answering the charge or may answer the charge in writing, and is entitled to call witnesses in his or her defence.
- (d) If a member is unable to attend the scheduled meeting date, the Board may elect to extend and reschedule the proposed hearing date by a Maximum of One Month. There shall be no other extensions issued and the matter determined in the members absence after that date.
- (e) The voting by the members of the Board at such meeting shall be by secret ballot if request by any member of the Board and no resolution by the Board to reprimand, suspend or expel a member shall be deemed to be passed unless at least two-thirds of the members of the Board present vote in favour of such resolution.
- (f) If the member fails to attend such meeting the charge may be heard and dealt with and the Board may decide on the evidence before it, the member's absence notwithstanding, but having regard to any representations made to it in writing by the member charged.
- (g) Any decision of the Board at such hearing or any adjournment thereof shall be final and the Board shall not be required to assign any reason for its decision.
- (h) In the event that a notice of charge is issued to a member pursuant to paragraph (a) of this Rule, the Board shall have power to immediately suspend that member from all privileges of membership until the charge is heard and determined. Notice of an immediate suspension imposed by the Board or disciplinary committee on a member shall be notified in writing to that member.
- (i) The powers of the Board under this Rule may be exercised by a disciplinary committee appointed by the Board and comprising not less than 3 members of the Board. A quorum of the disciplinary committee shall be 3 members of the board.
- (j) The Secretary Manager shall not vote but may assist the Board or disciplinary committee in its deliberations.

**Power to Remove Members from Club**

- (k) The Secretary Manager, or in the Secretary Manager's absence the senior employee of the Club then on duty ("the senior employee"), shall have the power to remove any member from the premises of the Club:
  - i. who in the opinion of the Secretary Manager or the senior employee is then intoxicated, violent, quarrelsome or indecent;
  - ii. whose presence on the premises of the Club in the opinion of the Secretary or the senior employee may render the Club or the Secretary liable to a penalty under the Registered Clubs Act;
  - iii. or, who does does not comply with the conditions of member conduct as set out under Article 27 of the Club's Constitution.

- (l) The Secretary Manager or the senior employee of the Club who has removed a person from the club premises referred to in paragraph (a) of this Rule shall make a written report to the Board or the Board's duly constituted disciplinary committee within 7 days of the date of the removal of the member. The report will set out the facts, matters and circumstances giving rise to the removal.

N.B. Fines of \$550 as per the Registered Clubs Act may apply to any member or visitor who refuses to vacate the Club premises upon request, which may necessitate the calling of police by management.

## **20. CHEQUE CASHING PROCEDURES**

The club cheque cashing procedures are subject to the provisions of the current corporate policy and as such Club Supervisors may authorise the cashing of Members personal cheques made payable to the club to the value of \$100.00.

The Secretary Manager or in his absence a club Director may authorise the cashing of a Member's personal cheque made payable to the club to the value of \$200.00.

There is a limit of cashing one cheque per day per member and no third party cheques are to be cashed under any circumstances.

## **21. PERSONAL INFORMATION**

- (a) In this By-law "personal information" has the meaning given in the Privacy Act as amended from time to time.
- (b) The Club may collect personal information about members, whether from members or third parties, for the purposes associated with those member's memberships and the activities of the Club. The Club may deal with personal information in accordance with the Club Privacy Policy as amended from time to time.
- (c) The Club may disclose personal information to third parties who provide services and/or sponsorship to the Club or otherwise in connection with the activities of the Club unless specifically requested not to by a member

## **22 SPORTING SECTIONS**

### **SPORTING CLUB BY- LAWS.**

Election of the Sporting Club Committees:



1. Constituted Sporting Club Committees comprising from Ordinary and Life Members who have paid the amount entitling them to participate in all activities relative to each Bowls Section or Golf Section for the then current year shall consist of the following positions as listed.

Golf Section Committees (9 persons )

President  
Vice-President  
Men's Captain  
Ladies Captain  
Secretary  
Treasurer  
Three Committee people

Male & Female Bowls Section Committees

President  
Two Vice-Presidents  
Secretary  
Treasurer  
Five Committee people

2. Each Constituted Sporting Club Committee shall be elected at an Annual General Meeting of their relative Sporting Sections, held in June of each year, or such other month as the Directors determine.
3. At any General Meeting of a Constituted Sporting Club Committee Ten (10) members personally present shall form a quorum.
4. Nominations for each of the Constituted Sporting Club Committees shall not be received unless the nominee is present and signifies his or her consent or unless he or she shall signified his or her assent in writing.
5. Any member so elected shall hold office until the election of their successors at the Annual General Meeting of their relative Sporting Sections. If any member of a Constituted Sporting Club Committee shall die, resign, absent themselves from three (3) consecutive meetings of such Committee without leave of absence or be declared by resolution of the Board of Directors to have become incapable of acting or shall cease to be a member of the Club such Committee may, at its discretion, declare this position vacant and shall thereupon select another qualified member in their place. Any member so selected to fill such a vacancy shall hold such office until the successor shall have been elected or their position declared vacant.

6. In the event of more than the required number being nominated for any office, a ballot shall take place and the Chairman shall appoint scrutineers. In the event of an equality of votes in favour of two (2) or more candidates the Chairman shall have a casting vote or votes so as to ensure the election of the requisite number to fill the vacancy or vacancies. The declaration of the Chairman of the meeting shall be final and conclusive.
7. All acts done at any meeting of each of the Constituted Sporting Club Committees or by any person acting as a member a Constituted Sporting Club Committee shall notwithstanding that it shall afterwards be discovered that there was some defect in the election or appointment of such Committee or person acting as a member of the Constituted Sporting Club Committee or that they or any of them were disqualified, be as valid as if such Constituted Sporting Club Committee and every such person had been duly elected and appointed and was duly qualified.
8. Each Constituted Sporting Club Committee shall meet as required upon notice in writing from any two (2) of the President, Vice-President and Secretary or any three (3) of the Committee and in any event shall meet at least once in every three (3) months.
9. Any Director of the parent club shall be entitled to be present at any meeting of a Constituted Sporting Club Committee at which six (6) members of the relative Constituted Sporting Club Committee shall form a quorum.

#### Financial Year for all Sporting Sections

10. The Annual Financial Reporting Period for each of the Constituted Sporting Sections shall run concurrently with the with the Annual Financial Reporting Period of the Parent Club. The Annual Financial Reporting Period is from the 1<sup>st</sup> of May to the 30<sup>th</sup> of April each year.

#### **Income, Banking and Financial Accountability**

11. The relative Constituted Sporting Club Committees shall deposit all income derived from their activities to the credit of accounts, which as a minimum should be styled as listed.
  - "Eden Fishermen's Recreation Club Limited – Golf Section"
  - "Eden Fishermen's Recreation Club Limited – Male Bowls Section"
  - "Eden Fishermen's Recreation Club Limited – Female Bowls Section"

These moneys are to be deposited with such Banking organisations as the Board may direct. All competition fees and other income received by each of the Constituted Sporting Committee's shall be deposited to the credit of such accounts except where another account to deposit these funds has been authorised by the Board. All withdrawals from such account shall be signed and/or countersigned by any two (2) of the President, Secretary and Treasurer of the relative Constituted Sporting Committee plus any one of the approved cheque signatories for the Eden Fishermen's Recreation Club Limited.

12. Each Constituted Sporting Committee shall be at liberty to and be authorised to draw on all moneys standing to the credit of the account referred to in Article 89(d) for its own purposes and requirements but shall not be at liberty nor have authority to incur expenses of a capital nature, nor provide benefits to the members of its sporting section beyond those available to all other members of the Eden Fishermen's Recreation Club without the authority of the Board of Directors. Each Constituted Sporting Committee shall not incur expenses that exceed the credit funds available in their bank account described in By-Law (11) above.
13. Each Constituted Sporting Committee will cause true accounts to be kept of all sums of money received and expended by it and the matters in respect of which such receipts and expenditure takes place and of all sales and purchases of goods by those Committees and of the assets, credits and liabilities of each the Committees and submit these accounts in the required format to the Eden Fishermen's Recreation Club.
14. At the Annual General Meeting of the each of the Constituted Sporting Sections as provided for in these By-laws in every year each Constituted Sporting Committee shall lay before their Members a Statement of the Income and Expenditure and a Balance Sheet as at April 30<sup>th</sup> containing a summary of the property and liabilities of the Committee made up to that date which shall be available to their members two (2) weeks before the meeting as presented to the Board.
15. Each Constituted Sporting Section Committee is not permitted to make donations or sponsorships to any bodies or organizations without first seeking the specific direction and authorization of the Club's Board of Directors.
16. Each Constituted Sporting Section Committee is required to follow all instructions regarding financial internal control matters and standards of financial documentation as directed by the Club's Chief Executive Officer or his delegated executive or the duly appointed Auditor of the Club.

### ***Sporting Section Member Discipline***

17. Discipline of a member of any sporting section must be done in accordance with the Club's Constitution, with the relative disciplinary actions contained under Articles 27 and 89(h) of the Club's Constitution.

### **Non Profit Status**

18. The objects of the Constituted Sporting Bodies is to apply the income and property derived from the activities of the relative Constituted Sporting Bodies to the promotion, management and improvement of the relative Sporting Sections, in so far as no portion of any profits derived from the activities of the Sporting Sections is to be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to persons who at any time are or have been members of those Sporting Sections as allowed for under the Club Constitution.

### *Winding Up of Sporting Sections*

19. If any of the Constituted Sporting Bodies ceases to operate through the dissolution of that particular sporting body and after satisfying all of its debts and liabilities the property and assets of that particular sporting body is to be passed to the Eden Fishermen's Recreation Club Limited, so that no part of the property or assets of that particular sporting body are capable of being distributed among the members of that particular sporting body.

### **General Rules & By-laws**

20. Each Sporting Section Committee shall have power to recommend from time to time subject to the Articles and by-laws of the Club to amend or rescind any such Rules or Regulations pertaining to their sports section and subject to Article 89 (f) of the club's constitution.
21. Each Sporting Section Committee can recommend to the Club's Board of Directors changes in rules or regulations for the control, administration and management of their respective affairs and interests and for the comfort and well being of members of the Club and to amend or rescind any such Rules or Regulations.
22. Each Sporting Section Committee shall approve all sporting programs for their relative Sporting Section.
23. Each Sporting Section has the ability to handicap and grade players or appoint a handicapper or handicappers, grader or graders, selector or selectors.

24. Each Sporting Section Committee has the ability to adjudicate and decide upon any protests relative to the operation of their particular sporting body.
25. Junior Sports Members shall only be entitled to play and participate in any tournament, competition, match or game on such days and subject to such conditions as the Male or Female Section Committees may from time to time determine.
26. Sporting Committees may recommend to the Club's Board of Directors one of their sporting members for Life Membership of their sporting body. The recommendation for sporting member life membership must be authorised by the Club's Board of Directors prior to submission to the general membership of the concerned sporting body at their General Meeting. A majority of two thirds of the sporting body members present and able to vote at the General Meeting is required to authorize the life membership nomination.
27. In the case of Sporting Body Life Members, those members who attain life membership and are still active in their sport are required to have their sports subscription paid by the Sports Body of which they are a life member.

If the member who has attained life membership of their Sports Body is no longer active in that particular sport, the Sports Body is not required to pay the sports subscription so long that if the life member does become active again they will then be liable to pay the sports subscription. It is the responsibility of the Sports Body to notify the parent club if a life member is active or not with their sporting membership.