Club Mudgee (Mudgee Soldiers Club Ltd) By-Laws

1. **PRELIMINARY**

1.1 These By-Laws are made pursuant to Rule 46(b) of the Club's Constitution.

1.2 These (and or any additional By-Laws) passed by the Board shall come into force and be fully operative upon the posting of an appropriate notice containing such By-Law on the Club Notice Board and website.

1.3 The Board may alter or repeal a By-Law as it may deem necessary or desirable for the proper conduct and management of the Club.

1.4 These By-Laws are to be read subject to the Club's Constitution and in the event of any inconsistency, the Constitution shall prevail.

1.5 These By-Laws are binding on each member of the Club in the same manner as if each member had signed a copy agreeing to be bound by them.

1.6 In these By-Laws:

(a) the expression "the CEO" means the person who is approved by the Independent, Liquor and Gaming Authority as the Secretary of the Club;

(b) the expression "the Club" means the licensed club known as "The Mudgee Soldiers Club Ltd - Trading as Club Mudgee"

(c) the expression "the Constitution" means the Constitution of the Club;

(d) the expression "the Board" means the Board of Directors of the Club;

(e) the expression "Club Notice Board" means the Club's Notice Board that is available for information for all members of the Club; and

(f) the expression "Club premises" means the Club's licensed premises;

(g) the expression "Duty Manager" means a duty manager or supervisor who is acting on behalf of the secretary of the Club whilst on duty.

1.7 A copy of all By-Laws are available to any member on the Club's website, on the Club Notice Board and can be printed upon request. There will be no charge for any member who requests a copy of the By-Laws.

2. **MEMBERSHIP**

2.1 Any member who supplies false information with their membership application shall be deemed to have conducted themselves in a way that is unbecoming of a member within the meaning of Rule 31(a) of the Constitution.

2.2 Any candidate for membership of the Club who has had their application for membership rejected shall not be eligible to reapply for membership for a period of twelve (12) months from the date of such rejection.

2.3 Any candidate who withdraws their application for membership prior to approval shall be entitled to have any subscription they paid when applying for membership refunded to them.

2.4 A resignation or cessation of membership pursuant to 38(a) will not be entitled to any refund of any joining fee, subscription, levy or other payments made to the club.

2.5 Any member who has been expelled from membership of the Club shall not be able to reapply for membership of the Club for a period of at least five (5) years from the date of such expulsion. This does not apply to a person who has been suspended from membership of the Club.

2.6 The effect of the Board's decision to suspend a member shall take effect from the date of the disciplinary hearing as provided for in Rule 31; however, the time from which the suspension ceases to have effect will be calculated from the date the suspension is imposed.

2.7 Each member shall be expected to make himself/herself aware of and become familiar with the Constitution and By-Laws of the Club.

2.8 Membership is of the individual member and not transferable and remains the property of Club Mudgee.

2.9 Every member must advise the Secretary of any change to their contact details (Address) or legal name within seven (7) days of the change to their details.

3. **CONDUCT IN THE CLUB**

3.1 In accordance with Rule 32 of the Club's Constitution, the CEO and or their delegate, has the power to remove a member or a guest from the premises if such person is acting in a manner prejudicial to the interests of the Club or considered to be guilty of conduct which is unbecoming of a member.

3.2 Further, in accordance to Rule 31 of the Club's Constitution, the Board has the power to reprimand, suspend for such period as it considers fit, expel or accept the resignation of any member in the opinion of the Board, guilty of any conduct prejudicial to the interests of the Club or by guilty of conduct that is unbecoming of a member.

3.3 While not a complete list of examples, such conduct would include intoxication; violent acts; refusal to comply with a lawful direction of the CEO (or their delegate); assisting under-age guests to access alcoholic liquor; use, have in his or her possession, or supply of any illegal substance; engaging in anti-social behavior, disorderliness; hawks, peddles or sell any goods on the premise of the Club, smokes while on any part of the premise that is smoke-free or is verbally abusive towards staff or other members . This type of conduct will not be tolerated in the premises of the Club.

3.4 The type of conduct referred to in paragraph 3.3 is an offence for which a member or guest may be asked to leave Club premises and/or be cited to appear before the Board to show cause why the member or guest should not be reprimanded, suspended, or expelled from membership.

3.5 All members are required to conduct themselves in a proper manner. Members are responsible for the conduct of their guests.

3.6 A member has engaged in conduct that is unbecoming of a member if that member says or does anything or engages in any conduct on any social media platform which will, or is likely to, disparage or otherwise bring into disrepute or ridicule the Club or its directors, officers, employees or contractors in any way.

3.7 A member shall not sign in or attempt to sign in as a guest to the Club any member whose membership is currently under suspension or any member who has been expelled from membership of the Club.

3.8 A member shall not allow for their membership card to be used for personal gain in membership points or discount whilst not on the premise of the club or without the person presenting such card.

3.9 No advertisements of any kind shall appear on the Club premises nor may any goods or services be offered for sale without the prior approval of the CEO or his or her authorised representative.

3.10 No member, guest or patron of the Club shall appoint the Club premises (including by advertisement or otherwise) as a place for meeting applicants for employment or as a place of meeting to transact their private or company business.

3.11 Members Points or status earned via the Club Mudge (CM) Rewards will be covered by the terms and conditions of such loyalty program and the expiry of such points or change in status will be managed under these such terms & conditions only.

4. **GUESTS AND TEMPORARY MEMBERS**

4.1 In accordance with Rule 17(f) of the Club's Constitution, the CEO or the CEO's delegate, may determine in their absolute discretion that a Temporary member or a guest of the Club is availing themselves of the Club's facilities too frequently (a period up to but not exceeding seven (7) consecutive days) and accordingly invite them to become a member of the Club. If such Temporary member or guest of the Club refuses, or membership is declined, that person may be refused further entry.

5. **PARKING**

5.1 The Club has made provision for off street parking for the use of Members and guests while using Club facilities. Only Club members who are visiting the Club and remaining in the Club may park in the

car park. The car park cannot be used as a public car park by members not attending the Club.

5.2 Members or guests are not permitted to camp, sleep or otherwise house themselves within the Club Carpark.

5.3 Members are advised that the Club cannot be held responsible for damage caused to vehicles or personal items stolen from vehicles. The Club accepts no responsibility or liability for any damage or theft occasioned in the vicinity of the car park. Members' use of the car park is entirely at their own risk.

5.5 It is a statutory offence in NSW to leave children alone in a vehicle at any time. It is a statutory offence in NSW to leave animals in an unattended vehicle or in the car park. The Club does not permit members or guests of the Club to leave children or animals in a car located in the car park.

5.6 Car park areas of the Club are monitored by CCTV and members will be recorded while using these facilities.

6. **PROHIBITION ON ELECTIONEERING**

6.1 No member shall issue, display, publish, distribute or cause to be issued, displayed, published or distributed any written material advocating either for or against the election of any candidate or candidates for the Board of the Club ('Electioneering Material').

6.2 The restriction in paragraph 6.1 includes but is not limited to issuing, displaying, publishing, or distributing or causing to be issued, displayed, published, or distributed any Electioneering Material:

(a) within the premises or surrounding precincts of the Club; or

(b) via any electronic means (including on social media);

(c) via any multimedia messaging service or short message service.

6.3 Any breach of sub paragraphs 6.1 and 6.2 of this By-Law shall be deemed to be conduct prejudicial to the interests of the Club for the purposes of the Club's Constitution.

7. **FOOD AND BEVERAGE**

7.1 Only alcoholic beverages purchased from the Club may be consumed in the Club.

7.2 Only food purchased from the Club may be consumed in the Club.

7.3 In reference to section 7.2, the CEO or their delegate may approve external food such as Baby Food, commercially made cakes for functions or events and food products that are required for medical reasons. *Note: Commercially made cakes will fall under the*

terms and conditions of functions and may be subject to a cakeage fee.

7.3 Members and guests are not permitted to leave the premises with any opened alcoholic beverage container. Unopened take-way alcohol can be purchased and removed from the premises during licensed take-away hours only.

7.4 Members and guests are asked not to take or consume liquor, in places not set aside for that purpose (for example, the foyer, bathrooms or any area outside of the Licensed Zone)

7.5 Queue jumping and pushing into queues within the Club is deemed to be conduct unbecoming of a member.

8. **BORROWING & LOANING MONIES**

8.1 Whilst in the Club no person may borrow, attempt to borrow, lend or pressure or attempt to pressure any other person to advance or loan money.

8.2 If a member engages in the type of conduct referred to in paragraph 8.1, that member may be subject to disciplinary proceedings for engaging in conduct unbecoming of a member of the Club.

8.3 If a guest of the Club engages in the type of conduct referred to in paragraph 8.1, that guest may be asked to leave the Club's premises.

9. **DRESS REGULATIONS**

9.1 In order to preserve the Club atmosphere, Members and their Guests must be neatly attired at all times.

9.2 The following items are not permitted to be worn at the premises of the Club at any time:

(a) Offensive or revealing clothing;

(b) Untidy, ripped or dirty attire;

(c) Obscene, Offensive or unseemly language thereon clothing;

(d) Swimwear;

(e) Clothing (including uniforms, jackets, patches, insignia or any other related paraphernalia) identifiable as related to any criminal gang or OMCG (Outlaw MotorCycle Gang);

(f) Bare feet.

9.3 The Club reserves the right to refuse entry if dress or tidiness does not conform to the Club's

standards.

9.4 The final decision as to what is considered acceptable and neat attire will be left with the CEO or the Duty Manager.

10. **GAMING MACHINES**

10.1 Only $1 Coins, $5, $10, $20, $50, $100 Australian notes and approved Member or Guest CardIT Cards are to be inserted in gaming machine coin, card or note acceptors.

10.2 It is the player's responsibility to report the following matters:

(a) a machine not paying correctly on winning combinations;

(b) a machine being able to be played without credits being deducted or coins/inserted; or

(c) a machine door or cash-box door being unlocked.

10.3 The Club reserves the right to bring legal proceedings against any player who:

(a) makes any fraudulent claim;

(b) causes malicious damage to a gaming machine;

(c) tilts, rocks or mishandles any machine;

(d) uses undue force when playing a machine;

(e) uses any foreign object on, in or near any gaming machine; or

(f) fails to report any malfunction of a gaming machine.

10.4 Any member violating these rules will be liable to disciplinary proceedings in accordance with Rules 31 and/or 32 of the Constitution.

10.5 Any guest violating these rules may be asked to leave the Club.

10.6 The Club reserves the right to:

(a) Refuse payment by means of splitting a Gaming Machine payment. A Club must not share any receipts arising from the operation of an approved Gaming Machine.

(b) withhold any payout, where such payout is in dispute or where the credentials of the player to receive the jackpot are not established, or are not established to the reasonable satisfaction of the Club;

(c) to refuse any person, member or guest, the right to play gaming machines;

(d) place any machine "out of order"; or

(e) ask any player to only play one machine at any one time.

(f) refuse the exchange of cheque for cash for any value under our financial transactions policy.

10.7 Only one gaming machine may be reserved at any one time and only for the period specified on the gaming machine through the use of the 'Reserve' button on the EGM or through 'Breakaway' as a part of the CM Rewards Loyalty system.

10.8 It is the player's responsibility to ensure that he or she has been given the correct amount of money by an employee of the Club.

10.9 It is the player's responsibility to ensure that he or she has removed the credits from the machine (collect) via the Membership or Transfer Card prior to leaving the machine.

10.9 Any disputes over payment or non-payment by any gaming machine will be decided within one week by management.

10.10 The Club operates a self-exclusion scheme for people who wish to exclude themselves from gaming at the Club's premises. Details of the self-exclusion scheme may be obtained from the Duty Manager, the Gamble Aware Phone Number 1800 858 858 or www.gambleaware.nsw.gov.au

10.11 Club Mudgee will conduct the operations of Gaming Machines inline with the Gaming Machines Act, Gaming Machines Regulations, Anti-money laundering and Counter Terrorism Financing Act as well as the Clubs NSW Code of Conduct.

10.12 Members in the gaming room area who are not playing a gaming machine may be asked to move to a bar or lounge area.

10.13 Unauthorized gambling is forbidden on the Club premises.

11. **KENO & TAB**

11.1 It is the player's responsibility to:

(a) check the original entry form for incorrect markings;

(b) check ticket/s immediately they are issued; and

(c) ensure he/she has sufficient time to place a wager on a particular game.

11.2 A ticket may only be declared void and monies refunded if the ticket is presented prior to the next game being conducted.

11.3 All disputes will be referred to Keno or TAB for its determination.

12. **COMPLAINTS AND SUGGESTIONS**

12.1 Any complaint regarding an employee, member or the Club generally shall be made to the CEO in writing and signed by the member making the complaint. Unless a complaint is frivolous or vexatious, it shall be submitted by the CEO to the Board.

12.2 Any suggestion made by a member shall be submitted in writing to the CEO and signed by the member making the suggestion. Unless a suggestion is frivolous or vexatious, it shall be submitted by the CEO to the Board.

13. **DISPLAY OF NOTICES**

13.1 Notices, advertisements, posters, articles or any other similar items shall not be displayed in the Club premises by any person without the authorisation or sanction of the CEO of the Club or his or her delegate.

14. **CONDUCT TOWARDS EMPLOYEES**

14.1 No member shall interfere in any way with any Club employee in the carrying out of their duties.

14.2 Any queries, questions or complaints are to be directed to the CEO or his or her delegate.

14.3 No member shall send any Club employee out of the Club premises for any purpose, without the approval of the CEO.

14.4 No member shall reprimand an employee of the Club.

14.5 No member shall induce any employee to leave the service of the Club.

14.6 Shouting at any Club employee, or verbally or physically abusing any Club employee is conduct unbecoming of a member for the purposes of Rule 20 of the Club's Constitution, and may be deemed to be conduct in breach of section 77 of the Liquor Act

15. **RULES FOR CLUB MEMBERS USING THE COURTESY BUS SERVICE**

(a) Club members must use Club facilities in a "bona fide" manner to be eligible to use the Club's bus service. Such as utilizing the Clubs facilities for an allocated period of time (such as 30 minutes) prior to or after utilizing the service of the Courtesy Bus.

(b) Club members who are adversely intoxicated or adversely affected by any other substance are not eligible to use the Club's bus service.

(g) The Club's CEO or in his or her absence, the Club's Duty Manager will be the sole arbiter as to

which members have or haven't used the club facilities in a bona fide manner, thereby qualifying such members to use the Club's bus service.

(h) Club members should note that the Club's disciplinary policy, Rules and By-Laws apply to those traveling on the Club's bus.

(j) Disregard for these rules may result in Club members being refused Club bus services and/or being charged with conduct unbecoming of a member.

(l) Smoking (including the use of e-cigarettes), eating, and drinking are not permitted whilst on board the bus.

(m) The bus driver has the discretion to refuse the carriage of passengers on the bus.

(o) Club employees or Club security have the right to ID passengers who wish to use the bus.

16. **SECTION-CLUBS**

16.1 A person must be a Financial member of the Club before they can be admitted to membership of any approved section-club of the Club. It is the responsibility of each section-club to ensure that a person is a financial member of the Club before being admitted to membership of a section-club.

17. **ACCESS TO PREMISES**

17.1 Access to the premises is subject always to the Club's Constitution, the Liquor Act, the Registered Clubs Act and any Club By Laws or Policies that may apply.

17.2 No person who is then suspended or expelled from membership of the Club or is presently refused access to the Club shall be admitted to the premises of the Club in any capacity including:

(a) as a guest of a member;

(b) as a Temporary Member;

(c) as an Honorary Member;

(d) for the purpose of attending a function pursuant to the Club's functions authority under Section 23(1)(b) of the Registered Clubs Act.

17.3 Members and guests may not enter the kitchen, go behind the bar, enter the greenkeeper shed or any other areas designed exclusively for the use of the Club and its employees.

18. **TRADING HOURS**

18.1 The Club shall be opened and closed at such hours as may from time to time be determined by the Board. Entry will not be permitted prior to Trading Hours unless otherwise approved by the Duty Manager for the use of clubs facilities (EG) Functions or Events. All recreation must cease at the time of closing or beforehand as advised by the Duty Manager.

19. **CLUB ELECTIONS / CLUB MEETINGS**

19.1 If more than one ballot is required in a term/year, that an eligible candidate cannot nominate in both ballots.

19.2 AGM 'Notice of Meeting' to members include an option for the member to request a postal vote. The request by the member is to be made with the Returning Officer who will post the appropriate information to the member and collect the postal votes on behalf of the Club.

19.3 The Club, The Board or Secretary of the Club may;

- Distribute a notice of, or information about, a meeting or election of the registered club, governing body, or committee by electronic means;
- Hold a meeting at which all or some persons attend by electronic means but only if a person who speaks at the meeting can be heard by the other persons attending;