

# BY-LAWS

## FOREWORD

The Board of Directors has compiled these By-Laws pursuant to Rule 57 of the Constitution, with the primary object being the comfort and convenience of Members and their guests.

The Management and Staff will enforce these By-Laws.

It is the Members' responsibility to ensure they are familiar with these By-Laws.

It is the responsibility of the Member to observe these By-Laws and to ensure their guests do likewise.

All visitors are likewise subject to these By-Laws.

In the event of conflict between the By-Laws and the Constitution of Western Suburbs Leagues Club Ltd, **in all cases**, the Constitution will have precedence.

Any reference to Wests Ashfield Group includes Wests Ashfield and amalgamated properties.

### **1. MEMBERSHIP** – See Constitution Rules 15 to 23 inclusive.

- a) Members must produce their membership card, or such other proof of membership as the Club may require, to gain admittance to the Club when requested to do so by any representative of management.
- b) The rights of Members are not transferable and the membership card or other proof of membership, issued by the Club shall in no circumstances be transferred, handed to or lent to any person. A breach of this By-Law shall be dealt with by the Board as conduct prejudicial to the interests of the Club.
- c) No Member whose name has been erased from the membership register for any reason, shall be admitted to the Club.
- d) A Member may be refused admission to the Club, should he or she fail to establish his or her bona fides as a Member.

### **2. HONORARY MEMBERSHIP** - See Constitution Rules 26 to 28 inclusive.

- a) No person who has been rejected as a candidate for membership or has been expelled from the Club or has had his or her Honorary Membership cancelled shall be eligible to be admitted as a visitor.

### **3. TEMPORARY MEMBERSHIP** – See Constitution Rules 29 to 30 inclusive.

- a) Visitors will not be admitted to the Club unless they qualify under the 5km Rule for Temporary Membership.

### **4. GUEST OF MEMBER** – See Constitution Rule 49.

See Registered Clubs Act (RCA) – Part 1. 4 Definitions *Guests* (a) & (b) inclusive.

- (a) (i) The name and address of the guest (unless the person is a minor) countersigned by the Member, are entered in a register kept for the purpose by the Club.

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(a) (ii) A guest of a Member who at all times whilst on the Club premises, remains in the reasonable company of the Member.

(a) (iii) A guest of a Member will not remain on the Club premises any longer than the Member.

Members shall be responsible for the conduct of the guests they introduce to the Club.

The introduction of visitors will be subject to the provisions of the RCA and these By-Laws approved by the Board of Directors.

A Duty Manager may at any time deny any visitor admittance to the Club or may terminate a visitor's stay at any time.

Failure to comply with these By-Laws will lead to immediate exclusion and may lead to loss of membership of the Member.

### **5. CONDUCT OF MEMBERS AND VISITORS**

Whilst on the Club premises, it shall be an offence for any Member or visitor to:

- a) Attempt to or cheat or defraud the Club or any person in any way whatsoever.
- b) Be in possession of any offensive weapon or instrument.
- c) Be under the influence of any liquor, drug or substance.
- d) Assault, intimidate, harass, bully or molest any person on Club premises.
- e) Conduct him or herself in any offensive manner which is prejudicial to the good order of the Club, or to the comfort or welfare of any member or use any offensive language.
- f) Racially vilify or denigrate any person.
- g) Hinder or impede any Member of management or Club employee or Board member of Directors in the execution of their duties, or fail to obey any reasonable direction.
- h) Attempt to or interfere with, damage or steal the property of the Club or any other person.
- i) Breach any current gaming and liquor laws and regulations or be knowingly concerned with such breach by any other person.
- j) Enter or remain on Club premises at unauthorised times.
- k) Fail to comply with the By-Laws.
- l) Solicit, borrow or beg money from any person on Club premises.
- m) Fail to comply with the Responsible Service of Alcohol legislation.
- n) Create undue disturbance during any function, performance or activity held at the Club.

### **6. FEES AND SUBSCRIPTION – See Constitution Rules 38 to 42 inclusive.**

### **7. TRADING HOURS**

- a) The trading hours of the Club will be determined from time to time by the Board of Directors and will be posted in the Club's advertising media.

### **8. GAMING MACHINES**

- a) No machine will be operated in any manner contrary to its design and specification.
- b) Where machines are designed to accept currency, only notes or coins of legal tender appropriate for each particular machine will be used.
- c) No payouts or payments shall be made where the machine has been operated in contravention of the Gaming Machines Act.

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- d) It is the player's responsibility to report any Gaming Machine malfunction. Failure to report to Club staff any malfunction of a Gaming Machine in the Club may result in legal proceedings being instituted against the player.
- e) A malfunction on the machine voids all plays without limiting the generality of the Gaming Machines Act. A malfunction shall be deemed to have occurred when a machine overpays or pays or purports to pay on a non-winning combination.
- f) Legal proceedings may be instituted against any person who is observed using any foreign object on, in, or near any Gaming Machine.
- g) Any person violating these or any other displayed Gaming Machine rules may be asked to leave the Club and the member who signed in the visitor may be liable to legal action or suspension/exclusion.
- h) Any payout in excess of \$5000 will be payable by cheque. The player must produce acceptable identification to collect the cheque. \$5000 in cash or EFT is the maximum allowable to be paid to a player.
- i) Visitors playing Gaming Machines must prove their identity to Club staff with the officially accepted means of identification and have signed the Temporary Membership register or the Guest of Member register.
- j) Members playing Gaming Machines may be required to prove their identity if their photograph is not on their membership card.
- k) No payout or winning combination will be paid to a player after closing time has been announced.
- l) The Club reserves the right to refuse payment to any person, Member or visitor who is not abiding by any of the abovementioned rules.
- m) The Club reserves the right to refuse any person, Member or visitor the right to play Gaming Machines in this Club.
- n) The Club reserves the right to investigate any gaming dispute in a timely manner.
- o) Money is only to be inserted in gaming machines to enable gaming machine play. Persons who insert amounts in excess of \$100 into a gaming machine at a time and then cash out after no play or minimal play without excuse may be guilty of misconduct and excluded from the Club.
- p) You must not use another person's club membership card or permit another person to use your Club membership card.
- q) Gaming machines are provided for the recreation of individual patrons and activities of a commercial nature including syndicate play, "link chasing", bet hedging on Multi Terminal Gaming Machines or arrangements to play a gaming machine on behalf of another person are prohibited.
- r) A person in the Club shall not:
  - i. ask or require any other person to give or lend him or her any money;
  - ii. give money or lend money to any other person; or
  - iii. take any actions to recover monies claimed from or owed by any other person.
- s) A patron who has won a prize by playing a poker machine must not offer to sell or transfer that prize to another patron; similarly, a patron must not offer to purchase a prize won by another patron as a result of playing a gaming machine.

- t) Legal proceeding and/or Club disciplinary action may be taken against any player who maliciously damages a machine, makes a fraudulent claim, fails to report a machine malfunction, uses undue force playing a machine, uses a machine for the intent of money laundering, or breaks any of the Club's gaming machine rules.

### 9. MEMBER'S SELF EXCLUSION

- (a) The Club must grant any Member or non-member's request for self-exclusion.
- (b) Members and non-members requesting self-exclusion will give a written and signed undertaking that the person will not gamble at the Club.
- (c) The Member or non-member will be given the option of:
  - i. Full venue exclusion, meaning that the Member or non-member is not permitted to enter Wests Ashfield or any properties amalgamated with the Wests Ashfield Group whilst the exclusion is active.
  - ii. Partial venue exclusion, meaning that the Member may nominate to be excluded from the gaming areas of Wests Ashfield and the gaming areas of any premises amalgamated with the Wests Ashfield Group as well as the wagering on TAB or Keno at Wests Ashfield or any properties amalgamated with the Wests Ashfield Group
- (d) Members or non-members who breach (9c) (ii) will be automatically reverted to a (9c) (i) full venue exclusion until a review is conducted by the Chief Executive Officer or Board of Directors.
- (e) Members and non-members must agree to have their photograph taken as part of the undertaking in (9b) so that the Club can readily identify the person seeking self-exclusion.
- (f) Members and non-members at their own expense can seek legal advice as to the meaning and effect of the undertaking.
- (g) Members and non-members seeking self-exclusion will be provided with information on gambling-related counselling and treatment services.
- (h) Members seeking reinstatement of membership cannot do so for a minimum of six months after signing the undertaking not to gamble at the Club. Then only by written request to the Board of Directors, with suitable references from Counsellors, Medical Practitioners and proof that the Member has successfully gone through a counselling service, will this request be considered.
- (i) Entry to the Club at all times is subject to Management's discretion.

### 10. DRESS REGULATIONS

Management may refuse entry to anyone whose dress and/or cleanliness is unacceptable.

### 11. GAMES

- a) Betting shall not be permitted unless of the approved form as determined by the Board of Directors. All decisions relating to the conduct of such games will be made by Supervisors or Management and their decision will be final.

### 12. GENERAL RULES

- a) A Club Member complaint relating to the conduct of a Club employee must be done so in writing to the CEO who will act upon the complaint in an equitable and timely manner.

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- b) Any unredeemed membership loyalty points accumulated as a result of any business activity, will be forfeited at the close of trading on 31 October each year. Members are encouraged to redeem these points prior to the date indicated.
- c) No Member of the Club shall attempt to deface, tear, damage or take away from the Club premises any item which is the property of the Club.
- d) No dogs or other animals will be allowed on Club premises unless with the expressed permission of Management.
- e) The Club or an employee of the Club must not publish or cause to be published, anything which identifies any person who wins a prize without authorisation from the individual.
- f) The Club cannot offer or supply any free or discounted liquor as an inducement to participate in any gambling activity at the Club.
- g) The Club cannot offer free credits by means of letter box flyers, shopper dockets or any other means as an inducement to play gaming machines at the Club.

### 13. INTERPRETATIONS

- a) The decision of the Board on the meaning or interpretation of any By-Law is conclusive and binding.
- b) The Board may decide to amend, rescind or add to these By-Laws at any time and any such decision by the Board shall come into force and be fully operative upon the posting of an appropriate notice on the notice board or Club's website
- c) The Board, in addition to the powers under clause (13) of the By-Law, may temporarily suspend or temporarily amend or temporarily rescind or temporarily add to these By-Laws and such action by the Board shall come into force and be fully operative upon the posting of an appropriate notice.

### 14. DISCIPLINING OF MEMBERS – See Constitution Rules 46 to 47.

- a) If a Member or guest/guests is reported and/or ejected by a Management representative for behaviour or conduct unbecoming a member, this matter will be referred to Executive Management for adjudication and a recommendation as to further action will be considered.
- b) If a Member is cited to appear before the Disciplinary Committee of the Club, they shall be prohibited from using the facilities of the Club and its amalgamated properties until the matter is determined by the Board of Directors
- c) In the case of a Club Member, if the Board of Directors finds them guilty of the offence, disciplinary action may be taken against their membership and the Board of Directors' decision will be final.
- d) Any unseemly conduct in the immediate vicinity of the Club by Members or visitors shall be deemed an offence and the finding(s) shall be dealt with by the Board of Directors.
- e) Any Member who represents Wests Ashfield and/or its amalgamated properties in any way whatsoever and acts in a manner which could defame or embarrass the Wests Ashfield Group, could have disciplinary action taken against them.
- f) Any Member who has been requested or cited to appear at a Disciplinary Committee meeting, who has been given adequate notice (at least 14 days) and does not appear at that meeting or afford a reasonable excuse, will have their membership suspended for a

period of six (6) months and will then need to reapply to have their case heard by the Disciplinary Committee.

- g) All matters connected with Members' or guests' behaviour and the general good running of the Club, which are not provided for in these By-Laws, will be dealt with by the Management or the Board of Directors and their decision will be final.

### 15. USE OF CAR PARKING FACILITIES

- a) All Club Members and guests utilising the vehicle parking facilities are to abide by all directional signage for vehicle and pedestrian traffic.
- b) Vehicle parking facilities provided by the Club shall only be used by Members, guests, temporary Members or provisional Members (hereafter referred to as Members and others), for the purpose of attending and using the Club's facilities.
- c) Car parking facilities are not to be used by Members and others, whilst those persons attend their place of employment or for commuter parking, without the written permission of the Board of Directors of the Club.
- d) Members and others shall not deliberately or otherwise damage any parking deterrent device installed in the car park by the Club.
- e) Members and others will immediately vacate any Club car park when asked by management or a management representative.
- f) No Member or guest will park in the disabled section of the car park unless displaying the appropriate disabled parking ticket.
- g) Wests Ashfield takes no responsibility for any loss of property, theft of vehicle or damage caused to any vehicle.
- h) Members and guests park at their own risk.

### 16. PERSONAL INFORMATION

- a) **Western Suburbs Leagues Club Ltd** ABN 69 000 154 736 (the Club) and our related entities appreciate that privacy is very important to people. The Club Privacy Policy recognises the right of our Members and guests to keep their personal information private. This Privacy Policy covers the Club's treatment of personally identifiable information that we collect or hold.
- b) The Club complies with the National Privacy Principles contained in the Privacy Act when dealing with personal information.

### 17. ELECTION OF BOARD OF DIRECTORS

***An election by ballot of the Members for the Board of Directors shall be conducted in the following manner: -***

- a) Only those financial Members with full voting privileges at 1 March of the election year will be permitted to take part in the election.
- b) The ballot shall be conducted by a Returning Officer to be appointed by the Board of Directors.
- c) The ballot shall be conducted between the hours of 12 noon and 8.00 pm on the 2 days immediately preceding the date fixed for the Annual General Meeting or between such other hours and on such other 2 days as the Board of Directors may from time to time direct.

- d) The ballot shall be conducted at the place appointed for the holding of such a meeting.
- e) Voting material is not to be distributed on Club premises. It is at Management's discretion as to where voting material can be distributed at the front of the Club.
- f) After the close of nominations, the Returning Officer shall determine the order of names of candidates on the ballot paper by drawing lots.
- g) The voter shall mark his/her voting paper by striking out the names of the candidates for whom he or she does not wish to vote and thus leave the name or names of the candidate or candidates for whom he or she votes.
- h) Each candidate for election shall have the right to nominate one scrutineer to act during the progress of and at the counting of the ballot.
- i) At the closing of the poll, the Returning Officer or other authorised person assisted by the scrutineers, shall proceed with the examination of the voting papers. The result of the poll shall be advised to the Secretary and the presiding Chairman, who shall then declare at the Annual General Meeting such candidate or candidates who received the greatest number of votes to be duly elected.
- j) Any voting paper upon which the votes are not recorded for the exact number of candidates to be elected shall be rejected as informal.
- k) In any case of doubt as to the formality of the voting paper, the matter shall be referred to the Returning Officer whose decision shall be final.
- l) In the event of an equality of votes in favour of 2 or more candidates for the last position to be filled, then the names of those candidates who received the same number of votes shall be placed in a vessel and the one name drawn out by the Returning Officer shall be declared duly elected.
- m) Nominations for the position of Debenture Holder Director must be proposed and seconded by existing eligible Debenture Holder members.
- n) On the occasion of vacancies on the Board reserved for Debenture Holders, the preselection process of the Debenture Holder group will be conducted by the Debenture Holders.
- o) Nominations for the position of Floor Member Director must be proposed and seconded by eligible members.
- p) The election process will be in accordance with:
  - a) The Registered Clubs Act
  - b) The Corporations Act
- q) The result of nominations not requiring an election will be subject to a separate confirming resolution at the following Annual General Meeting.
- r) All nominations for election to the Board must have completed the ClubsNSW Mandatory Director Training Program or equivalent.

#### **18. ANNUAL REPORT – FINANCIAL QUERIES**

- a) All Members are requested to advise the General Manager in writing, fourteen (14) days prior to the date of the Annual General Meeting of any query relating to the Financial Statements or Accounts, so that any necessary research of the records of the Club can be undertaken in order to give an informed reply.

**Authorised and approved by the Board of Directors  
Holman Barnes Group**