

# By-Laws

## CHRG

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Any reference to the “Club” will refer to the CHRG Group

### INTRODUCTION

CHRG Constitution:

#### *Clause 56 – 58.*

56. The Board has power to make such By-laws not inconsistent with this Constitution as in the opinion of the Board are necessary or desirable for the proper control, administration and management of the Club's finances, affairs, interests, effects and property and for the convenience, comfort and well-being of the members of the Club and to amend or rescind from time to time any such By-laws. Without limiting the generality of the Board's power, the By-laws may relate to the following matters:

- (a) such matters as the Board is specifically by this Constitution empowered to regulate by By-law;
- (b) the general management and control of the trading activities of the Club;
- (c) the management and control of the Club's premises;
- (d) the management and control of play and dress on the Club's premises;
- (e) the upkeep and control of the Club's property;
- (f) the management and control of all competitions;
- (g) the conduct of members and guests of members;
- (h) the privileges to be enjoyed by members;
- (i) the relationship between members and the Club's employees;
- (j) generally all such matters as are commonly the subject matter of club constitutions or by-laws or which are not reserved either under the Act, the Registered Clubs Act or this Constitution for decision by the Club in General Meeting.

57. The Board has power to enforce the observance of all By-laws in accordance with the disciplinary proceedings provisions of this Constitution.

58. Any By-law made under this Constitution comes into force and has the full authority of a By-law of the Club on being posted upon the Club Notice Board.

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### BY-LAWS

#### 1. CHRG DIRECTORS HANDBOOK

1.1 Once appointed or elected, all Directors must comply with the CHRG Directors Handbook.

1.2 Director breaches of the CHRG Directors Handbook will be referred to the disciplinary process in Section 16 of the CHRG Directors Handbook.

1.3 Director breach referral to an Independent Expert –

- a) If the Directors form the view that a Director has committed a breach of that Director's obligations under the Directors Handbook or the Constitution, they may retain an Independent Expert to review the conduct of that Director.
- b) The Independent Expert will be identified and appointed by the Directors with expertise considered by the Directors relevant to the issues to be considered.
- c) The Independent Expert will be instructed to make a finding as to whether or not the Director has committed a breach of that Director's obligations under the Directors Handbook or this Constitution.
- d) A Director who is the subject of review under this clause may not participate in or vote at any meeting of Directors called to consider the issues the subject of this clause.
- e) A Director subject to review under this clause is entitled to make representations to the Independent Expert, as determined by the Independent Expert, in relation to the conduct being investigated by the Independent Expert.
- f) A decision of the Independent Expert will be final and binding on the Director the subject of review under this clause.

1.4 Vacation of office of Director - In addition to the circumstances in which the office of a Director becomes vacant under the Corporations Act, and the Constitution, the office of a Director becomes vacant (and the CHRG Directors Handbook Casual Board Vacancy Policy - Section 6.4 - is applied) if the Director -

- a) dies;
- b) ceases to meet any Eligibility Criteria referred to in clause 49-50 of the constitution or By-law 2;
- c) fails or ceases to meet any Director Training & Qualification Requirements in By-Law 3 or the CHRG Directors Handbook;
- d) has had an Independent Expert make a finding that the Director has committed a breach of that Director's obligations under the CHRG Directors Handbook or the Constitution as provided for in By-law 1;
- e) has had an Independent Expert make a finding as per the process in Section 16 of the CHRG Directors Handbook, that the Director is medically unfit to fulfil the Director's

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responsibilities in a reasonable manner.

### 2. DIRECTOR ELIGIBILITY

2.1 In addition to the eligibility requirements of the constitution (clauses 49-50), to be eligible to be appointed/elected as a Director a person must –

- a) not have been disqualified from managing a corporation or been found liable for, or admitted to, an offence involving corporate or financial misconduct (which has not been the subject of a successful appeal);
- b) in the 15-year period prior to the closing date for receipt of nominations, the person has not been found guilty of or admitted to a criminal offence (other than an offence that cannot give rise to a custodial sentence) (and which has not been the subject of a successful appeal);
- c) not, and has not previously been, bankrupt;
- d) not have had a declaration made against them by ILGA, OLG or a court under the Registered Clubs Act that they are ineligible to stand for election or to be appointed to or hold office in the position of secretary or member of the governing body of a Registered Club or been convicted by a court of an offence under the Registered Clubs Act (and in each case which has not been the subject of a successful appeal);
- e) not have any pending or threatened investigation or enquiry by a government agency or other authority that could lead to proceedings or action of the type described in paragraphs (a) to (d) above; and
- f) comply with the CHRG Directors Handbook Sections 6.3 and 6.5.

### 3. DIRECTOR'S TRAINING AND QUALIFICATION REQUIREMENTS

3.1 A Director is to successfully complete the Australian Institute of Company Directors (AICD) Company Director Course and qualify to have the postnominals GAICD within 6 months of election to the Board. CHRG will pay for a Directors' first attempt to complete the course only; if a Director fails the course (including the single test resit option), the Director will be responsible to pay for any further attempts of the course.

3.2 The Governance Committee will provide a schedule of training & qualifications to Directors to be completed within the timeframes specified, including training recommended by Management (RSA, RCG, AMLF).

3.3 Each Director must also successfully complete any required training under the Registered Clubs Act (and any regulations under it).

3.4 Each Director must also successfully complete any required training provided by ClubsNSW as a member of the Club Directors Institute.

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### 4. ELECTION REQUIREMENTS

4.1 In addition to the election requirements of the constitution, a person nominating for the role of Director must –

- a) as part of the nomination form, provide a signed declaration containing the declarations specified in the CHRG Directors Handbook Section 6.3;
- b) have agreed to the electioneering requirements concerning appointment as a Director set out in By-law 3 and the Directors Handbook Section 6.6 and have not breached those requirements prior to appointment or election as a Director;

4.2 Members and guests have the right to access and utilise the Clubs facilities without being lobbied. When on CHRG premises, persons are required to:

- a) not approach patrons with a view to distributing material or to otherwise interrupt patrons;
- b) ensure that no electioneering or lobbying takes place within 500 metres of the Club premises such as lobbying of members or distribution of material;
- c) not act in any way that may be considered conduct unbecoming of a Member or conduct prejudicial to the interests of the Club by a Member, which includes the Member making statements or engaging in conduct that:
  - i. is misleading or deceptive;
  - ii. a reasonable person would consider to be offensive, obscene or physically intimidating;
  - iii. a reasonable person would consider to constitute vilification;
- d) in each case in relation to Candidates for Director or in relation to the Club by public statements, written or electronic contact (including by social media) or public act (as defined in the Anti- discrimination Act). A determination by the Board as to whether or not statements or conduct is conduct unbecoming or conduct prejudicial for purposes of this By-law will be binding on the Member making the statement or engaging in the conduct.
- e) not denigrate, ridicule, or criticise any other candidate either verbally, by publication of print or digital media, or by any other method.

4.3 Any serious breach of these conditions may render the person's candidacy invalid. The Board will review the breach as per the disciplinary procedure in the CHRG Directors Handbook Section 16.

4.4 Persons who interrupt patrons of the Club using the facilities to lobby or distribute promotional or material to influence members voting will be asked to leave the premises.

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### 5. DRESS STANDARDS

5.1 Members and their guests are requested to be well presented, clean, neat and tidy at all times when on the Club's premises. Management and staff's interpretations of neat and tidy dress of the day should be respected, and any decision should be adhered to.

5.2 Per S77(13) Liquor Act 2007, a patron can be refused entry or asked to leave if they do not comply with the dress code.

### 6. RESTRICTED AREAS

6.1 Unless invited by a manager, members and visitors are not permitted to enter the following:

- a) Offices as well as behind Reception
- b) Board room
- c) Strong Room and counting room
- d) Store rooms
- e) Kitchen, food storage and preparation areas.
- f) Bar interior and poker machine change boxes
- g) Staff amenity and ablution area is out of bounds to all patrons other than those members of staff on duty.
- h) Goods loading docks.
- i) Maintenance areas

6.2 Doors marked "Staff Only" or with any other caution sign, are not to be used by members and visitors unless in an emergency or authorised by a staff member.

6.3 Door and window safety locks and fittings are not to be tampered with.

6.4 On the authority of the Chief Executive Officer, certain areas of the Club may be restricted for use by certain members and their guests during specific times.

### 7. MEMBERSHIP

7.1 A member is required to produce his or her membership card when entering the Club and on demand to a member of staff, Police or Government officer (L&G NSW). The Club may insist upon an additional form of Identification, as well as swiping membership cards upon entry.

7.2 When applying for membership, you must:

- a) complete the application form with all required fields
- b) produce suitable photo ID to verify address and date of birth
- c) have your photo taken,
- d) pay for the membership.

### 8. VISITORS

8.1 Visitors who are at least eighteen (18) years of age and reside outside the 5km radius may

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sign in by providing valid identification with their current address.

8.2 A member accepts responsibility for the behaviour of any guest who he or she has signed into the Club.

### 9. CONDUCT OF MEMBERS (AND THEIR GUESTS)

9.1 Club members are expected to conduct themselves in a responsible manner and comply with all reasonable requests made to them by the Chief Executive Officer or his representative.

9.2 Members are responsible for the conduct of their guests and must remain in their immediate company.

9.3 Members must ensure that they do not sign in barred or suspended members.

9.4 The Club will not tolerate intoxicated, indecent, violent or quarrelsome behaviour. Any of these actions will result in the patron being asked to leave the premises, as per Section 77 of the NSW Liquor Act (2007) which gives staff the authority to turn out or prevent from entering the premises.

9.5 An intoxicated, violent, quarrelsome or disorderly patron who is ejected from a Licensed venue must not re-enter or attempt to re-enter the venue within 24 hours. They must also move more than 50 metres away from the venue and not re-enter this 50-meter vicinity within 6 hours. The vicinity is defined as any place less than 50 metres from the boundary of the premises.

9.6 Per Section 77(3) of the Liquor Act (2007), the decision of management shall be final and not open to further challenge. The purpose of this provision is to prevent further challenge and unnecessary expenses in dealing with disciplinary matters.

9.7 A patron who damages the Clubs facilities in any way will be required to pay a fee calculated by the Club.

9.8 A patron who interferes with or interrupts the Clubs operations in any way will be asked to leave.

9.9 Management may suspend any persons who fail to comply with any section of this by-laws as this behaviour is disorderly. The Liquor Act empowers licensees and their delegates to turn out and continue to refuse entry to persons engaging in disorderly conduct on licensed premises in NSW.

9.10 At times when the Club hires venues for events, the area hired will considered 'the Club' for the purposes of application of these by-laws.

9.11 Persons who make unwanted approaches to patrons may be considered to be harassing patrons and may be asked to leave the premises.

9.12 Any breaches of these by-laws will be considered conduct unbecoming of a member.

### 10. SMOKING

10.1 In the interests of other member's comfort and health, members are not permitted to smoke in designated non-smoking areas.

10.2 ~~Smokers are required to dispose of cigarette refuse in the receptacles provided for that~~

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purpose.

10.3 As per section 77 Liquor Act, members and visitors who smoke in a non-designated area will be asked to leave.

### **11. COMPLAINTS**

11.1 Should a member have a complaint concerning any aspect of the Club's personnel or operation, the matter should be drawn to the attention of the Duty Manager, on 8858-4800.

11.2 Matters of a serious nature are to be submitted in writing to the Chief Executive Officer.

11.3 Complaints may be submitted verbally or in writing. The Club will endeavour to respond to complaints and resolve to complainant's satisfaction.

### **12. CHILDREN**

12.1 Persons under the age of 18 years may not purchase or partake of alcoholic beverages under any circumstances whilst on the Club's premises including the Club's car parking areas.

12.2 Bar staff are directed to refuse service to any person who cannot produce proof of age when requested to do so.

12.3 Persons under the age of 18 years of age are not entitled to be in any restricted area of the Club.

12.4 It is an offence to leave children unattended in a motor vehicle. Authorities will be contacted for any child safety issues.

12.5 Children must be supervised by a responsible adult whilst in the Club. If children are not supervised properly, the responsible adult may be asked to leave the Club and face disciplinary action.

### **13. TELEVISION, AIR CONDITIONING & HEATING FACILITIES**

13.1 A member shall not interfere with the setting of the television, air conditioning or heating controls. A request for adjustment to these facilities shall be directed to the Duty Manager.

13.2 The Duty Managers decision will be made based on the circumstances at the time and their decision is final.

### **14. PARKING AREAS**

14.1 The Club's car parks are for patrons using the premises at the time, and T&C's must be adhered to.

14.2 Members are to comply with all traffic and other signs in the Club's car parking areas.

14.3 Car parking bays reserved for disabled patrons are not to be used for general patron parking.

14.4 The Club is not responsible for any damage or theft of a vehicle or its content in any car park.

14.5 Management reserve the right to manage the carpark as they deem necessary in order to maintain safety and accessibility to members and their guests. This may include but is not limited

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to: presold tickets, online bookings, limiting access to members only.

### 15. INTERPRETATION & IMPLEMENTATION OF BY-LAWS

15.1 The Chief Executive Officer or his or her representative is responsible for the day-to-day implementation of the By-laws.

15.2 A member must accept the decision of the Chief Executive Officer, Duty Manager, Supervisor or staff member on the interpretation of these By-laws, and must comply with any direction.

15.3 Members and patrons may make a written submission to the Board of Directors.

### 16. RESPONSIBLE GAMING POLICY

16.1 All persons who play gaming machines in the Club do so, subject to the Gaming Machine Play rules which shall be the terms and conditions of play.

16.2 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;

16.3 The Board has adopted the "ClubSafe Responsible Service of Gambling Policies and Procedures Manual";

16.4 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.

16.5 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.

16.6 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.

16.7 There will be some instances when the Club will be required to initiate a persons' exclusion from the Club's premises in order to protect the interests of an individual and those of the Club.

16.8 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 Duty Manager. The Duty Manager will notify the Gaming Manager, who will then contact the consultancy for its advice.

16.9 Members and visitors shall not be extended credit from the Club.

### 17. PROMOTIONS

17.1 Eligibility to participate in promotions vary depending upon the nature of the event. e.g., Club raffles and loyalty programmes.

17.2 Any interpretation and application of the rules and conditions of a promotion is up to the Duty Manager.

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17.3 Directors are permitted to enter minor trade competitions and raffles, unless they are excluded as part of the rules of the Trade Promotional Lottery (TPL). Examples are club raffles, sub-Club raffles, fundraising raffles, bingo and skill-based competitions. Directors and their spouses are not permitted to enter any trade competition and / or raffle where the Trade Promotional Lottery (TPL) rules exclude them from entering. Examples are major membership promotions and gaming promotions. The Trade Promotional Lottery (TPL) is reviewed and approved by the Department of Fair Trading and Directors must strictly adhere to the rules relating to the same.

### **18. MEDIA INCLUDING SOCIAL MEDIA**

18.1 A Member must not make false comments about the Club in any public forum. Members are entitled to complain, and to make reasonable comment about the Club, however knowingly false statements will be considered as conduct prejudicial to the interests of the Club.

18.2 For the purposes of paragraph (17.1) (but without limitation) a statement or representation is made to the public if it is made in any print or electronic media, in any form of social media, in a handbill or circular or by any sign or banner which can be seen or accessed by persons who are not members of the Club or by an oral or other audible publication which can be heard or accessed by persons who are not members of the Club.

18.3 Members who have any complaints or concerns regarding the Club are requested to bring them to the attention of the Club which depending on the circumstances may be a Duty Manager or the Chief Executive Officer.

### **19. GENERAL**

19.1 Members and visitors will be granted time to vacate any area of the Club after the scheduled or announced closing time for that area however must comply with directions from Club staff.

19.2 A member representing the Club at an external function, event, trip or meeting must act so as not to bring discredit to the Club and is subject to applicable by-laws.

19.3 Members are expected to report any hazard, potential incident or threat which may cause damage to patrons or Club property.

19.4 In the event of an emergency, patrons must follow the instructions provided by Management regarding the quick and effective evacuation of the building.

**These By-laws were made by a resolution of the Board on 1st June 2022.**