

MILDURA WORKING MAN'S CLUB INC.

Constitution and By-Laws

Reg. No. A00250852

(Updated August 2015)

1. NAME OF CLUB

The name of the Club shall be "Mildura Working Man's Club Incorporated", and is established for community, sporting and social activities. The name of "Mildura Working Man's Club Incorporated" is in these rules here after called "The Association".

2. DEFINITIONS

(a) In these rules, unless the contrary appears;

- "Act" means the Associations Incorporation Reform Act 2012 as amended
- "Committee" means the Committee of Management of the Association known as the Board of Directors.
- "Financial year" means the year ending 30th June.
- "General meeting" means a general meeting of members convened in accordance with rule 12.
- "Member" means a member of the Association.
- "Ordinary member of the committee" means a member of the committee who is not an Officer of the Association under Rule 22.
- "Regulations" means regulations under the Act.
- "Relevant documents" has the same meaning as under the Act.

(b) In these rules a reference to the Secretary of the Association is a reference to: -

- (i) If a person holds office under these Rules as Executive Officer of the Association to that person; and
- (ii) In any other case to the Public Officer of the Association.

3. ALTERATION OF RULES

(a) These Rules and Statement of Purpose of the Association must not be altered except in accordance with the Act.

(b) In the event of legislative change to the Associations Incorporation Reform Act 2012 the Committee will, as soon as practicable, pass by-laws to encompass any amendment, addendum or variation to comply with the law and have listed to be permanently approved at the next Special Meeting or Annual General Meeting.

(c) The Committee may, from time to time, make by-laws and alter, amend, or rescind them as occasion may require, and such by-laws shall not be opposed to the Rules and Regulations of the Association. Upon adoption of any new by-laws, these shall be posted online at www.milduraworkers.com.au for at least three months to enable the members to become familiar with the same.

4. MEMBERS AND SUBSCRIPTION

(a) A person who applies and is approved for membership as provided in these Rules is eligible to be a member on payment of the entrance fee and annual subscription payable under these rules.

(b) An application for membership of the Association must: -

- (i) be made in writing on the application form as set out in Appendix 1; and be lodged with the Secretary together with the entrance fee and annual subscription payable under these rules; and
- (ii) Lodged with the Secretary.

(c) The issue of membership at the time of payment of the entrance fee and subscription, as referred to in rule 4(f), will be provisional until such time as the application is approved by the Committee at the next following meeting of the Committee.

- (d) The Committee must determine whether to approve or reject the application. If the application for membership is declined by the Committee the Secretary must notify the applicant in writing and refund within fourteen (14) days from the date of rejection, all fees and subscriptions paid by the applicant.
- (e) If the application is approved, the Secretary must, within twenty eight (28) days from the date of approval enter the name in the Register of Members.
- (f) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered into the Register of Members.
- (g) A right, privilege or obligation of a person by reason of membership of the Association: -
 - (i) Is not capable of being transferred to another person; and
 - (ii) Terminates upon cessation of membership whether by death, resignation or otherwise.
- (h) The entrance fee is the relevant amount set out in Appendix 3.
- (i) The annual subscription is the amount set out in Appendix 3 and is due and payable on the anniversary date of the membership each year.
- (j) The Committee at the first meeting in April of each year shall set the entrance fee and subscription to apply for each year commencing 1st July.

5. REGISTER OF MEMBERS

- (a) The Secretary must keep and maintain a Register of Members containing: -
 - (i) The name and address of each member, and
 - (ii) The date on which each member's name was entered into the register.

6. CEASING MEMBERSHIP

- (a) A member of the Association who has not paid the subscription fee within 60 days of the due date shall be deemed to have resigned their membership of the Association.
- (b) A member of the Association may resign their membership at any time by giving notice in writing to the Secretary.

7. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- (a) The Secretary may suspend any member whom in the opinion of the Secretary has breached the Liquor Control Reform Act 1998, been abusive or threatening towards a member of the Association's staff, guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (b) The Secretary must submit a report to the Committee on any member suspended in accordance with Rule 7(a) within twenty-eight (28) days of the effect of any suspension.
- (c) The Secretary shall have the power to call a special Committee meeting to consider the alleged misconduct of any member.
- (d) Subject to these Rules if the Committee is of the opinion that if a member has neglected or refused to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the Committee may by resolution;
 - (i) Reprimand the member; and/or
 - (ii) Suspend the member from the association; and/or
 - (iii) Expel the member from the association.
- (e) The resolution of the Committee under sub-rule (d) does not take effect unless;
 - (i) At a meeting held in accordance with sub-rule (b) the Committee confirms the resolution; and
 - (ii) If the member exercises the right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (f) The member, in order to exercise the right of appeal to the decision of the Committee, must do so in writing to the Secretary within fourteen (14) days of receipt of advice of the decision of the Committee.
- (g) The member in appealing the decision of the Committee must state the basis of the appeal and the names and details of any witnesses or referees which the member intends to call to evidence at the appeal.
- (h) On receipt of the appeal the Secretary must ensure that the appeal is heard by the Committee within twenty eight (28) days of lodgment of the appeal and must give in writing not less than fourteen (14) days notice to the member of the date and location of the appeal.
- (i) At the appeal hearing before the Committee the member must do one or all of the following: -
 - (i) Attend the meeting
 - (ii) Give to the Secretary not less than twenty four (24) hours prior to the time and date of the appeal hearing a written statement seeking revocation of the resolution.

(j) At the conclusion of the appeal process of Rule 7 (f) the Committee, by ballot, must confirm or revoke the resolution in respect of the member. The member must be advised as soon as practicable, but not more than seven (7) days after the appeal hearing, of the decision of the Committee.

8. DISPUTES AND MEDIATION

- (a) The grievance procedure set out in this Rule applies to disputes under these rules between: -
- (i) A member and another member; and/or
 - (ii) A member and the Association.
- (b) The parties to the dispute must meet and discuss the matter in dispute and if possible resolve the dispute within fourteen days after the dispute comes to the attention of all of the parties.
- (c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
- (d) The mediator must be: -
- (i) A person chosen by agreement between the parties; or
 - (ii) In the absence of agreement: -
 - (a) In the case of a dispute between a member and another member, a person appointed by the Committee of the Association; or
 - (b) In the case of a dispute between a member and the association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice)
- (e) A member of the association can be a mediator.
- (f) The mediator cannot be a member who is a party to the dispute.
- (g) The parties to the dispute must in good faith attempt to settle the dispute by mediation.
- (h) The mediator in conducting the mediation must: -
- (i) Give the parties to the mediation process every opportunity to be heard; and
 - (ii) Allow due consideration by all parties of any written statements submitted by any party; and
 - (iii) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
- (j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

9. ANNUAL GENERAL MEETINGS

- (a) The annual general meeting shall be conducted on the third Sunday of September each year commencing at 11am.
- (b) Together with the notice of annual general meeting, there shall be posted on www.milduraworkers.com.au a copy of the Association's balance sheet for the financial year concluded, certified by the President, Secretary and Auditor.
- (c) The ordinary business of the annual general meeting shall be: -
- (i) To confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - (ii) To receive from the Committee reports upon the transactions of the Association during the last preceding financial year; and
 - (iii) To receive and consider the statement submitted by the Association in accordance with Section 98 (1) and (2) of the Act.
- (d) The annual general meeting may conduct any special business brought to the notice of the Secretary and of which at least twenty one days notice has been given in accordance with Rule 12
- (e) The election of Committee members initiated in Rule 23 (d) shall be by ballot by the general body of ordinary members of the Association not under disqualification. The ballot shall commence at 10.30am on the Saturday following the annual general meeting, between the hours of 10.30am and 6.30pm until the following Saturday at 6.30pm.
- (f) There shall be appointed by the Committee, no later than forty eight (48) hours before the Annual General Meeting, a Returning Officer to conduct a ballot. At the completion of the voting period the Returning Officer shall count the votes and immediately advise the results to the Committee.

10. SPECIAL GENERAL MEETINGS

- (a) In addition to the annual general meeting, any other Special general meeting may be held in the same year.
- (b) All general meetings other than the annual general meeting are special general meetings.
- (c) The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (d) If but for this sub-rule, more than fifteen (15) months would elapse between annual general meetings, the Committee must convene a special general meeting before the expiration of that period.
- (e) The Committee must, on the request in writing of members representing not less than seventy five (75) financial members, convene a special general meeting of the Association.
- (f) The request for a special general meeting must: -
 - (i) State the objects of the meeting; and
 - (ii) Be signed by the members requesting the meeting; and
 - (iii) Be sent to the address of the Secretary.
- (g) If the Committee does not cause a special general meeting to be held within one (1) month after the date on which the request was sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than three (3) months after that date. The notice of meeting is to be advertised in a local daily newspaper and online at www.milduraworkers.com.au.
- (h) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Committee and the reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expense.

11. SPECIAL BUSINESS

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. NOTICE OF GENERAL MEETINGS

- (a) The Secretary of the Association, at least fourteen (14) days (or if a special resolution has been proposed) at least twelve (12) days before the date fixed for holding a general meeting of the Association, must post online at www.milduraworkers.com.au for the information of each member a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (b) Notice may be sent: -
 - (i) By electronic transmission to member e-mail addresses or posting on the Association website
 - (ii) Or by the placement of an advertisement in the local newspaper
- (c) No business other than that set out in the notice convening the meeting must be conducted at the meeting.
- (d) A member intending to bring any special business before a meeting must notify in writing, or by electronic transmission to the Secretary if that business is in accordance with sub-rule(a) The Secretary must include that business in the notice calling the next general meeting

13. QUORUM AT GENERAL MEETINGS

- (a) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (b) Twenty-five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- (c) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present;
 - (i) In the case of a meeting convened upon the request of members, the meeting must be dissolved; and
 - (ii) In any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson to which the meeting is adjourned) at the same place.
- (d) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than fifteen) shall be a quorum.

14. PRESIDING AT GENERAL MEETINGS

- (a) The President, or in the President's absence, the Vice President shall preside as Chairperson at each general meeting of the association.
- (b) If the President and the Vice President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

15. ADJOURNMENT OF MEETINGS

- (a) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (b) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (c) If a meeting as adjourned for fourteen (14) days or more, notice of the adjourned meeting must be given in accordance with Rule 12 (4) except as provided in sub-rule (3) it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. VOTING AT GENERAL MEETINGS

- (a) Upon a question arising at a general meeting of the Association, a member has one vote only.
- (b) All votes must be given personally or by proxy.
- (c) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A member is not entitled to vote at a general meeting unless all monies due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

17. POLL AT GENERAL MEETINGS

- (a) If at a meeting a poll on any question is demanded by not less than three quarters of the members present, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (b) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken as such time before the close of the meeting as the Chairperson may direct.

18. MANNER OF DETERMINING WHETHER RESOLUTION CARRIED

If a question arising at a general meeting of the Association is determined on a show of hands: -

- (a) A declaration by the Chairperson that a resolution has been: -
 - (i) Carried; or
 - (ii) Carried unanimously; or
 - (iii) Carried by a particular majority; or
 - (iv) Lost; and
- (b) An entry to that effect in the minutes of the Association: -
 - Is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.

19. PROXIES

- (a) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than twenty four (24) hours before the time of the meeting in respect of which the proxy is appointed.
- (b) The notice appointing the proxy must be: -
 - (i) For a meeting of the Association convened under Rule 7(c) in the form set out in Appendix 2;
or
 - (ii) In any other case in the form set out in Appendix 3.

20. COMMITTEE OF MANAGEMENT

(a) The affairs of the association shall be managed by the Committee of Management known as the Board of Directors, consisting of nine elected members. Additional to this Committee is the Secretary, known as the Executive Officer, an employee of the Association.

(b) Members of the Committee have three (3) year tenures which expire in groups of three (3) each year.

(c) The Committee: -

(i) Shall control the business, policies and affairs of the Association; and

(ii) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and

(iii) Subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

21. EXECUTIVE

(a) The Executive of the Association shall be: -

(i) A President;

(ii) A Vice President

(iii) A Director of Finance; and

(iv) A contracted salaried Secretary, known as the Executive Officer appointed by the Committee, and with the exception of the Secretary, shall be elected by the Committee at the first meeting in September following the annual general meeting. The Secretary shall be responsible for managerial, secretarial, financial, Public Officer duties and other duties determined by the Committee.

(b) The provisions of Rule 24, so far as they are applicable, apply to the election of persons to any of the offices referred to in sub-rule(a)

(c) Each Executive of the Association shall hold office until the first Committee meeting following the annual general meeting and is eligible for re-election.

(d) In the event of a casual vacancy in any office referred to in sub-rule (a) the Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of appointment.

22. MEMBERS OF THE COMMITTEE

(a) Subject to these Rules and in addition to the three Committee members serving as Executives under Rule 21 (a), six ordinary members of the Committee shall reside on Committee and all Directors shall hold office for three (3) years until the annual general meeting at the end of the third year and eligible for re-election as per sub-rule 20 (b)

(b) In the event of a casual vacancy occurring in the office of any Director, the Committee may elect a member of the Association to fill the vacancy by extra-ordinary election and the member elected shall hold office, subject to these Rules, until the conclusion of tenure of the Director replaced. The retiring member shall be ineligible for appointment to any vacancy on the Committee until the next annual general meeting following his or her retirement.

(c) Absences in excess of three (3) months must be approved by the Committee

23. ELECTION OF MEMBERS OF THE COMMITTEE

(a) Nominations of candidates for election to the Committee must be: -

(i) Made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(ii) Delivered to the Secretary of the Association not less than seven (7) days before the date fixed for the holding of the annual general meeting.

(b) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected.

(c) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(d) If the number of nominations exceeds the number of vacancies to be filled a ballot must be held.

(e) The ballot for the election of members of the Committee shall be conducted under the preferential voting system.

24. VACANCIES

The office of an Officer of the Association or of an ordinary member of the Committee becomes vacant if the Officer or member: -

- (a) Ceases to be a member of the Association; or
- (b) Becomes an insolvent under administration within the meaning of Corporations Law; or
- (c) Resigns from office by notice in writing given to the Secretary.

25. MEETINGS OF THE COMMITTEE

(a) The Committee must meet at least twelve (12) times, monthly in each year at such place and such times as the Committee may determine.

(b) Special meetings of the Committee may be convened by the President or by any five (5) members of the Committee.

26. NOTICE OF COMMITTEE MEETINGS

(a) Telephonic, electronic or written notice of each Committee meeting may be given to each member of the Committee at least two (2) business days before the date of the meeting.

(b) Telephonic, electronic or written notice must be given to members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. QUORUM FOR COMMITTEE MEETINGS

(a) Any five (5) members of the Committee constitute a quorum for the conduct of the business of a meeting of the Committee.

(b) No business may be conducted unless a quorum is present.

(c) If within half an hour of the time appointed for the meeting the quorum is not present: -

- (i) In the case of a special meeting, the meeting lapses;
- (ii) In any other case, the meeting shall stand adjourned to the same place and the same time and day of the next scheduled Committee meeting.

(d) The Committee may act notwithstanding any vacancy on the Committee.

28. PRESIDING AT COMMITTEE MEETINGS

At the meeting of the Committee: -

(a) The President, or in the President's absence, the Vice President presides; or

(b) If the President and Vice President are absent, or are unable to preside, the Committee members present must choose one of their numbers to preside.

29. VOTING AT COMMITTEE MEETINGS

(a) Questions arising at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee, shall be determined on a show of hands, or if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

(b) Each member present at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one (1) vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote. All Committee members present must indicate a vote on any matter under consideration when requested by the Chairperson.

30. REMOVAL OF COMMITTEE MEMBER

(a) In accordance with Section 78 of The Act, the Committee may, by special resolution, remove any member of the Committee before the expiration of the member's term of office for a breach of the Director's Code of Conduct or any other matter considered substantial by the Board, and elect another member in his or her place to hold office until the expiration of the term or the first-mentioned member. The meeting will be held in camera with any documentation relating to the matter remaining confidential.

(b) A member who is the subject of a proposed special resolution referred to in sub-rule (a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length).

31. MINUTES OF MEETINGS

The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each Committee meeting, together with a record of the names of persons present at a Committee meeting.

32. FUNDS

The Secretary of the Association must: -

- (i) Collect and receive all moneys due to the Association and make all payments authorised by the Association; and
- (ii) Keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

33. SEAL

(a) The Common Seal of the Association must be kept in the custody of the Secretary.

(b) The Common Seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal must be attested by the signatures either of two (2) members of the Committee or, of one (1) member of the Committee and of the Public Officer of the Association.

34. NOTICE TO MEMBERS

Except for the requirement in Rule 12, any notice that is required to be given to a member on behalf of the Association, under these rules may be given by: -

- (a) Delivering the notice to the member personally; or
- (b) Sending by prepaid post addressed to the member at that member's address shown in the Register of Members; or
- (c) Facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- (d) Electronic transmission, if the member has requested that the notice be given to him or her in this manner.

35. WINDING UP

In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

36. ACQUIESCENCE

The payment of entrance fees and/or subscriptions implies and shall be deemed to prove a member's acquiescence of these rules.

37. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

(a) Except as otherwise provided in these rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.

(b) If requested to do so by one of its members, an incorporated association must permit the member at a reasonable time to inspect –

- (i) the rules of the association
- (ii) minutes of general meetings of the association
- (iii) the register of members

THE MILDURA WORKING MAN'S CLUB INC.

BY-LAWS

(Updated August 2015)

1. DEFINITIONS

Unless to context otherwise requires, in these by-laws:

- (a) In these rules, unless the contrary appears;
- **“Committee”** means and includes the President, Vice President, Finance Director and Ordinary Members of the Board of Directors.
 - **“Secretary”** means and includes the Executive Officer of the Club and includes an Acting Executive Officer of any person appointed by the Committee to perform duties of the Executive Officer temporarily.
 - **“By-Laws”** means the by-laws of the Club for the time being in force.
 - **“Club”** means the Mildura Working Man’s Club Inc.
 - **“Constitution”** means the Constitution of the Club for the time being in force.
 - **“Directors”** means the duly elected members of the Committee for the time being constituted in accordance with the constitution
 - **“Member”** means the person who is an ordinary member, life member, provisional member or honorary member of the Club
 - **“Membership Identification”** means such form of identification as the Club shall from time to time issue to members of the Club
 - **“Act”** means the Associations Incorporation Reform Act 2012
 - **“Social privileges of the Club”** means the privileges of membership of the Club
- (b) Words importing the masculine gender shall include the feminine gender.

2. INTRODUCTION

These By-Laws are in compliance with the following: -

- (a) The Constitution of the Club; and
(b) The Associations Incorporation Reform Act 2012
(c) These By-Laws supersede all previous By-Laws of the Club
(d) All members are required to become conversant with these By-Laws and to comply with them so as to ensure the efficient conduct of the Club.

3. COMMITTEE

(a) The Club’s Committee shall be known as the Board of Directors and shall comprise of President, Vice President, Finance Director and six (6) Directors all of whom shall be elected in accordance with the Constitution.

4. NOMINATION OF CANDIDATES FOR ORDINARY MEMBERSHIP

- (a) The application for membership shall be made in writing and signed by the candidate.
(b) The application for membership shall be in or to the effect of such form, and shall set out such particulars, as the Committee from time to time prescribes.
(c) Every candidate shall with his application for membership tender the entrance fee (if any) and the annual subscription payable in respect of his application for the year.
(d) If the application for membership contains false and/or misleading information, the candidate renders himself liable to: -
(i) disciplinary action;
(ii) the application for membership to be denied and;
(iii) Any future applications for membership scrutinized by the Committee.
(e) On the resignation, death or otherwise of any member who has paid his membership fee the amount equivalent to the membership fee for the remaining year is forfeited and the membership is terminated.

(f) Unless otherwise determined by the Committee, a candidate who has applied for membership and has paid the annual subscription for the year may be made a Provisional Member of the Club.

(g) If such application for membership is not successful, all monies tendered by way of entrance fee and annual subscription shall be refunded in full.

5. RIGHTS OF MEMBERS

(a) The rights of members to use the facilities and amenities of the Club are as the Committee may determine from time to time by By-Law or otherwise.

(b) Without detracting from the general powers of the Committee conferred in the Constitution, all members hereby acknowledge and accept that the Committee 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 persons' agreement, in accordance with: -

(i) The Club's responsible service of alcohol policy as adopted and amended by the Committee from time to time; or

(ii) The Club's responsible service of gaming policy as adopted and amended by the Committee from time to time

(iii) Non-adherence to Section 7 of the Constitution

6. MEMBERSHIP IDENTIFICATION

(a) Members must produce current Club membership identification: -

(i) To reception staff on each entry to Club premises; and

(ii) On demand when so requested by any staff member, Manager or Duty Manager.

(b) Safe custody of individual membership identification is the member's responsibility. Illegal use renders the member liable to suspension or revocation of membership.

(c) No member shall lend or otherwise part with possession of his membership identification.

(d) The Secretary or person duly appointed by the Committee may: -

(i) Confiscate any member's membership identification found in possession of any other person; and

(ii) Ask the person found to have such identification in his possession to leave the Club's premises forthwith.

(e) Any member whose membership identification has been confiscated in accordance with the provisions hereof may apply to the Board within thirty (30) days of such confiscation for the return of the said membership identification.

(f) Such application shall be in writing and shall be supported by a duly sworn Statutory Declaration setting out the circumstances in which the member parted with possession of the said Membership identification.

(g) Until the Committee shall have resolved that the said member's identification should be Returned to him, the member shall not be entitled to enter the Club's premises or to exercise any of the privileges of membership of the Club.

(h) Any member who has lost his membership identification may apply to the Club for the issue of such further form of membership identification as the Committee may from time to time resolve to issue and on payment of the appropriate fee.

(i) Any such membership identification issued shall be and shall remain the property of the Club.

7. GUESTS

(a) Ordinary, Life, Provisional, and Honorary Members of the Club shall have the privilege of introducing guests in accordance with the Constitution and this By-Law but no person who has been suspended or expelled from the Club shall be so introduced during the period of such suspension or expulsion.

(b) The Club reserves the right to refuse entry to any guest, without assigning any reason

(c) Unless the guest is a minor that member shall, upon that guest entering the premises, enter that guest's name and address and sign his own name and enter his membership identification card number in the Register kept for that purpose at each foyer.

(d) A member signing in guests shall be responsible for the conduct of any guest introduced to the Club and in particular for the compliance by all such guests with the Constitution and these By Laws including age regulations and dress regulations.

(e) Each guest signed in by a member must, at all times while on the Club premises, remain in the reasonable company of that member and when that member leaves, each guest he has introduced to the Club must also leave, unless duly signed in by another member who is remaining on Club premises.

(f) No member shall sign in any one person who resides within a ten (10) kilometre radius on more than three (3) occasions for any purpose whatsoever

8. REFUSAL OF ADMISSION TO AND REMOVAL OF PERSONS FROM THE CLUB

(a) The Secretary or the Duty Manager of the Club may at any time without assigning any reason therefore determine that any person is not to be admitted into the Club premises.

(b) The Secretary or the Duty Manager may turn out any person: -

(i) Who is violent, quarrelsome or disorderly; or

(ii) Who uses or engages any part of the Club's premise for the purpose of prostitution; or

(iii) Who hawks, peddles or sells goods on the Club's premises without prior written approval of the Committee; or

(iiii) Who uses or has in his possession, while on Club premises, any substance which the Secretary or Duty Manager suspects of being a prohibited plant; or

prohibited drug within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 or

(iv) Whose presence on Club premises renders the Club or the Secretary

liable to a penalty under any Act of Federal or State Parliament; or

(v) Who engages in conduct which is unbecoming of a member or prejudicial to the interests of the Club.

(c) The Secretary or an employee of the Club may also, at any subsequent time or from time to time, refuse to admit a person into the Club's premises who has previously been refused entry to or been turned out of the Club and may turn that person out, or cause that person to be turned out of the Club.

(d) The Secretary or an employee may use a reasonable and proportionate degree of force as may be necessary to turn such a person out of the Club and may request a Police Officer to turn out or assist in turning out such a person from the Club.

9. UNWELCOME LIST

(a) The Secretary shall maintain a list of names of persons to whom the Committee has resolved to deny entry to the Club premise and who until the Committee resolves otherwise shall not be entitled to enter the Club.

(b) The Secretary shall retain a list of names of persons whom are banned from licensed premises in accordance with the Sunraysia Liquor Accord.

10. UNDERAGE PERSONS ON CLUB PREMISES

(a) Persons under 18 years of age are not permitted to be on Club premises except if attending the Bistro or a dedicated function in the Club function rooms and then only in the care and control of a responsible adult member.

(b) Except as permitted by this By-Law persons under 18 years of age: -

(i) Shall not be served liquor in any area of the Club;

(ii) Shall not consume liquor in any area of the Club;

(iii) Shall not use or operate gaming machines or take part in any other form of gambling, including but not limited to TAB betting, raffles, bingo and other games of chance in the Club; and

(iv) Shall not enter or be in a TAB, bar, bingo area of the Club other than for as long as reasonably necessary to pass through it, in the company and immediate presence of a responsible adult member, in order to gain access to another area of the Club that the Minor is permitted to enter.

11. LIQUOR HOUSE POLICY – RESPONSIBLE SERVICE OF ALCOHOL

(a) By law it is an offence to sell or supply any liquor to any person who is at the time in a state of intoxication. The state of intoxication can be described as a state in which through intoxicating liquor a person has lost the normal control of his bodily and mental faculties.

- (b) The Secretary and employees: -
- (i) Have a statutory responsibility to ensure that patrons do not become intoxicated on the Club's premises and to prevent such patrons from entering or remaining on the Club's premises,
 - (ii) Have the right to ask an intoxicated person to leave the Club's premises and to contact a Police Officer for assistance in removing that person from the Club's premises if necessary;
 - (iii) Have the right to refuse to serve alcohol to any person suspected of being intoxicated or becoming intoxicated; and
 - (iv) Have the right to deny entry into the Club's premises, to a person who is intoxicated.
- (c) The Club promotes the framework for Responsible Service of Alcohol. It is vital for legal, health and community reasons. This policy is adopted by all management and staff in the best interests of members, guests and the community.
- (d) This policy includes among other things: -
- (i) House Policy – This provides the framework for Responsible Service of Alcohol; see notices at each bar.
 - (ii) Training of Staff – So that staff can implement and promote house policy.
 - (iii) Education of Patrons – So that patrons understand the implications and abide by 'House Policy' of Responsible Service of Alcohol.
 - (iv) Prevention of underage drinking – Require Passport, Drivers License or Proof of Age Card or Learner's Permit to be supplied on request.
 - (v) Promoting Safe Transportation – Use of direct phone lines taxi service.

12. DRESS REGULATIONS

- (a) Members and their guests must be properly attired and be of neat and tidy appearance at all times and in particular shall comply with Dress Code in the Schedule to these By-Laws, which are at the main entrance of the Club's premises.
- (b) If any dispute arises in relation to dress, Chief Executive Officer or the Duty Manager's decision shall be final.

13. BEHAVIOUR AND LANGUAGE

- (a) Objectionable and obscene behaviour or language will not be tolerated at any time in the Club's premises or the Club's car park.
- (b) No person shall while in the Club's premises behave in a manner dangerous or offensive to other members or guests of the Club.

14. CLUB PROPERTY

- (a) Every member shall exercise due care for Club property at all times.
- (b) No person shall remove property from the Club premises without written authority from the Secretary.

15. CHEQUES

- (a) The Club will only accept cheques for the payment of yearly subsidized fees or for authorized accounts.
- (b) The cheque must be drawn on the Member's bank account, made payable to the Club and have name, address and driver's licence number or Passport number on reverse of cheque.
- (c) The Club reserves the right to refuse to cash any cheque without assigning any reason therefore.

16. DEPARTURE FROM THE CLUB

- (a) Members and their guests shall vacate the Club premises and the car park and adjacent streets with the absolute minimum of noise and inconvenience to the neighbours on adjoining properties.

17. SPORTS

Any member wishing to join any sporting/social sub-club shall be bound by the rules of the said sub-club in conjunction with the Constitution and By-Laws of the Mildura Working Man's Club Inc.

18. CLUB RECORDS

- (a) It is each member's responsibility to advise the Membership office of any change of information tendered on that member's application for membership form, including change of name, address, phone number, and any other relevant information.
- (b) Each member's immediate attention to this requirement will ensure the continuation of supply of Club notices as required from time to time.

19. PLAYING OF GAMING MACHINES

- (a) All persons who play gaming machines in the Club do so subject to The Gambling Regulations Act 2003 the following rules which shall be the terms and conditions of play and the decision if the Club, as expressed by the Secretary or Duty Manager as to the interpretation of these rules shall be final and binding
- (b) The gaming machines in the Club may only be played by, and any jackpot or prize won will only be paid, to members and their guests who have complied with all legal requirements to be admitted into the Club.
- (c) The Club reserves the right to refuse any person, including members and guests, the right to play gaming machines in the Club.
- (d) Only notes and coins of Australian legal tender currently in circulation are to be used to play the Club's gaming machines and in any case only as indicated on the machine to be played.
- (e) A machine may only be reserved for a maximum of eight (8) minutes, using only 'Reserved' notices supplied for that purpose.
- (f) No jackpot, prize or winning combination will be paid: -
 - (i) Which is won before the opening time of the Club or after closing time has been announced; and
 - (ii) Unless the winning combination is authorized by the Club's gaming staff and verified to be paid pursuant to the Club's procedures for paying jackpots.
- (g) For any pay-out in excess of \$999 the Club must pay the entire amount by crossed cheque payable to the player.
- (h) The Club may refuse payment if in the opinion of an authorized employee, Duty Manager or Secretary the machine has malfunctioned or if a winning combination showing has not registered as a win on the machine.
- (i) Each player of the 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, or if a winning combination showing has not registered on the machine, is final.
- (j) Tilting, rocking or in any way moving or damaging a gaming machine in the Club is strictly Prohibited and renders the person liable to suspension or revocation of membership.
- (k) The Club will at all times comply with the regulations set out in the Gambling Regulations Act 2003

20. CLUB STAFF

- (a) All Club staff are the direct responsibility of the Secretary.
- (b) All complaints in respect to staff shall be submitted in writing to the Secretary.
- (c) No member will directly reprimand any Club staff member.

21. GENERAL OFFICE

- (a) The General Office is under the direct control of the Secretary.
- (b) The General Office is out of bounds to all members.

22. OFFENCES

- (a) If any member should fail to comply with the Constitution or these By-Laws or should cause offence to any member or members of the Club or behave in a manner prejudicial to the good order of the Club or the comfort and welfare of any member or members, he may be requested in writing to appear before a discipline meeting of the Committee.

23. BY-LAWS – NOTICE TO MEMBERS

- (a) The Board shall adopt as it deems sufficient to bring to the notice of members of the Club all By-Laws and any alterations, amendments or rescissions which the Committee may make to them.
- (b) Unless otherwise determined by the Committee, no such By-Law, alteration, amendment or rescission shall take effect until notice thereof shall have been posted on the Club website at www.milduraworkers.com.au for a period of not less than seven (7) days.
- (c) All such By-Laws so long as they shall be in force shall be binding upon all members of the Club.

MILDURA WORKING MAN'S CLUB INC.

SCHEDULES

(Updated June 2014)

DRESS CODE

- Neat casual dress must be worn in all areas of the Club premises
- Work singlets, sports shorts, brief shorts not permitted at any time
- Mens' tops must have a sleeve
- Tank tops or similar not permitted
- Clothing with offensive emblems, words or statements not permitted at any time
- Footwear must be appropriate and worn at all times.
- Torn jeans, shorts or any other clothing deemed inappropriate is not permitted.
- Caps, beanies etc not permitted.
- All clothing must be clean.
- Clothing must be of a nature that is not offensive to others.

Management reserves the right to determine the acceptability of clothing and the option to refuse entry to any member or visitor if it is deemed that the clothing worn is unacceptable for entry into the Club's premises.

PRIVACY POLICY

Mildura Working Man's Club recognises that your privacy is important and that receiving your personal information involves trust. Mildura Working Man's Club takes the issue of privacy very seriously.

Set out below is Mildura Working Man's Club Inc. Privacy Policy. It explains what information we collect, the handling, use and disclosure of your personal information, your rights and how we protect those rights.

Mildura Working Man's Club is subject to provisions of the Privacy Act 1988 which contains the National Privacy Principles that set standards for the handling of personal information. Mildura Working Man's Club complies with the National Privacy Principles in collecting information from you and in storing and maintaining that information.

1. Collection of Personal Information

The type of personal information that we collect from you will depend upon what dealings you have with us. Mildura Working Man's Club will not collect personal information unless the information is necessary for the Club's functions or purposes. Mildura Working Man's Club will only collect personal information by lawful and fair means. The Club is required to collect personal information under law; for example: laws relating to the regulation of gambling, financial transactions, taxation and occupational health & safety.

Any personal information provided by you to the Mildura Working Man's Club will be protected by the Club, using all reasonable means necessary to protect such information from misuse or loss. This includes information collected by:

- Completion of a Club membership Application form, or
- A Membership Card being placed in a Club gaming machine or a machine linked to a member loyalty system, or
- Security surveillance cameras placed in the Club; or
- Any other method which the Club may, from time to time, adopt.

2. Use and Disclosure of Personal Information

Mildura Working Man's Club may use your personal information for its own purposes, including ensuring the safety of members & guests, to protect the property of the Club, to improve the Club's services, to provide members & guests with the latest information about those services and for marketing purposes.

We do not disclose your personal information to other organisations or persons unless we are required by law to do so. The Club may disclose personal information to the relevant authorities if it reasonably believes that:

- There is a threat to an individual's life, health or safety; or
- An unlawful activity has been, is being or may be engaged in

The Club may then disclose personal information to the relevant authorities as a necessary part of any investigation or report.

3. Sharing Information with other Organisations

The Mildura Working Man's Club may, in some circumstances, disclose your personal information to third parties that provide services to the Club. This information may be provided only to the extent necessary to operate our business or provide you with products and/or services you have requested. We require these organisations to agree to our Privacy Policy, to strict conditions governing how your personal information may be used and to keep any personal information provided secure and confidential.

Your information may be disclosed to other members of Clubs Vic, The Victorian Commission of Gambling and Liquor Regulation and credit reference agencies for the purposes of carrying out credit checks. We will only disclose information to organisations who comply with the National Privacy Principles contained in the Privacy Act 1988.

4. Security of Personal Information

Mildura Working Man's Club will make all reasonable endeavours to securely protect your personal information against unauthorised use, access, modification and disclosure and to keep this information accurate, complete and up to date. Our employees are required to respect the confidentiality of any personal information held by the Club. Mildura Working Man's Club will only store your personal information for as long as necessary for any purpose for which the information may be used or disclosed under the National Privacy Principles or as required by law.

5. Access to and Correction of Personal Information

You are welcome to request details of the personal information we hold about you. If you wish to make a request to review your personal information, please attend the Mildura Working Man's Club in person as your Driver's License or similar photo identification is required in order to verify your identity. The information will then be made available to you within thirty (30) days. If you find that the personal information we hold about you is inaccurate, incomplete or out-of-date please contact Club Reception. We may require up to thirty (30) days to update our records.

6. Video Surveillance

We are committed to providing a secure environment for all members and visitors to our Club. The Mildura Working Man's Club premises and their surroundings are under constant video surveillance, enabling the Club to provide services to members, to protect Club property and ensure the safety and wellbeing of our members and guests. Unless permitted by the Privacy Act 1988 or otherwise required by law, the Club will not, without prior written consent of any person concerned, use the information recorded by those cameras for any other purpose. Details of suspected illegal and undesirable activities are shared with other members of industry associations, law enforcement bodies and regulatory bodies such as the Victorian Commission of Gambling and Liquor Regulation.

7. Recruitment

The personal information provided by persons seeking opportunities of employment at the Mildura Working Man's Club is used for the purpose of assessing the employment application/interview and will not be used or disclosed for any other purpose.

Any contractors and service providers we use to help us in our recruitment may access information provided by the applicant. The Mildura Working Man's Club does not retain or archive any detailed information about opinions of referees.

If the applicant is unsuccessful in gaining employment with the Mildura Working Man's Club will, upon the applicant's request, either:

- Archive the information provided to us in the course of assessing the application, for three (3) months before it is confidentially disposed of; or
- Confidentially dispose all information provided to us in the course of assessing the application.

8. Cookies

When you visit our website, we may use an Internet browser feature called a 'cookie'. A cookie is a small data file that may be placed on the computer of a web user the first time a computer visits a website which operates cookies. Cookies by themselves cannot be used to identify you personally. They only identify your computer when you visit our site. The information that we gain by using cookies, provides us with statistics which can be used to analyse and improve our website, products and services. If you do not wish to receive cookies you can set your browser to refuse them. However, this may mean you are not able to take full advantage of our services.

9. Links

Mildura Working Man's Club provides links to other websites outside of our network. These links are not under the control of the Mildura Working Man's Club and as such, we are not responsible for the conduct of companies linked to our website. Before disclosing your personal information on any other website, we advise you to consider the organisations that have requested your information and to examine their compliance with the National Privacy Principles, as well as their terms & conditions of use.

10. Spam

Mildura Working Man's Club will not send you 'spam' (unsolicited advertising information) without your consent. If you are receiving promotional information about the Mildura Working Man's Club and do not wish to receive this information any longer, you may remove your name from our mailing list by requesting this action via written letter to PO Box 5030 MILDURA VIC 3502, via Fax on (03) 5021 1586 or by email to: info@milduraworkers.com.au

11. Database Information

Mildura Working Man's Club will not sell your information from its databases to other companies, organisations or individuals.

12. Marketing

Mildura Working Man's Club will not send marketing material to you if you have specifically requested not to receive it.

13. Changes in the Future

We reserve the right to change our Privacy Policy at any time. All changes will be notified by posting an updated version of the Privacy Policy on the Club Notice Board in the Main Foyer of the Club. Any changes to our Privacy Policy shall be deemed to take place on the date the changes are posted.

14. Additional Information on Privacy

If you require any further information and/or have any questions regarding this Privacy Policy, you may contact: Chief Executive Officer, PO Box 5030 MILDURA VIC 3502, Phone: (03) 50230531, Fax: (03) 5021 1586, Email: info@milduraworkers.com.au