

# BY-LAWS & REGULATIONS

2020

Last Updated: June 2021

## DUNSBOROUGH AND DISTRICTS COUNTRY CLUB BY-LAWS

*“By-laws are secondary rules that expand on the Rules of Association (Constitution) and will generally deal with internal, administrative or operational matters that are not required to be included in the Rules. They are subordinate to the Rules, cannot be inconsistent with the Rules and can be easily amended within the club.” – Clubs (WA).*

*“Guidance Note – Status of By-laws - A by-law must be consistent with the Act, the regulations and these rules. The rules of an association bind the association and the members as an enforceable contract between them. By-laws may not have that status. Therefore, the use of by-laws should be reserved for more procedural or administrative matters.” - Model Rules & Guidance Notes*

The making of By-Laws is provided for in the DDCC Rules of Association under Rule 12.  
By-Laws, Policies & Regulations:

*The Committee shall have the power to make By-Laws and Regulations for fully and effectively carrying out and giving force to the objects, rights, powers and authorities of the Rules of Association and for the regulation and management of the Club. Such By-Laws and Regulations may from time to time be amended, varied or rescinded by the Committee.*

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### **By-Law 1: Code of Conduct – Members**

#### **General**

The Dunsborough and Districts Country Club is operated primarily by volunteers and a small dedicated staff for the benefit of members.

All members of the Club have an individual and collective responsibility to contribute in a positive way to the operations of the Club. Membership of the DDCC is a privilege and carries with it a responsibility to uphold our reputation and not engage in conduct that is unbecoming, contrary to the laws of Australia, brings the DDCC and its members into disrepute or is contrary to the Rules of Association or by-laws of the DDCC.

#### **Members and Visitors agree to abide by the Member's Code of Conduct:**

- To respect the rights, dignity and worth of others, regardless of their gender, ability, cultural background, political beliefs or religion;
- To be fair and considerate in all dealings with others;
- To be tolerant of other users of the facilities;
- To behave in a manner that ensures the reputation and standing of DDCC;
- To behave in a manner that ensures the health and safety of staff, members and visitors;
- To behave in a manner that respects the physical property and facilities provided by DDCC;
- To behave in a manner that meets the high standards of social behaviour which are customary and traditional for sporting and social clubs; and
- To not abuse or cause offence to members, staff and visitors.

#### **Behaviours that are not acceptable can fall within the following:**

The use of coercion, force or threat, abuse, aggressive domination or intimidation of others. Unacceptable behaviours may take the form of either emotional, verbal, physical or cyber, and may include but not be limited to:

- Bullying
- Sexual harassment
- Undue criticism.
- The spreading of untrue or malicious rumours.
- The use of insulting or offensive language or comments towards or about others.
- Excluding or isolating people from club activities.
- Assigning difficult or meaningless tasks to members or employees.
- Verbal abuse.
- Physical abuse.
- Withholding information needed to perform a task.
- Emailing others regarding personal disputes or criticism of others.

The Clubs Member's Code of Conduct applies equally to all members and their guests, including members from other clubs visiting the Club for competitions or functions.

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Members are encouraged to self-monitor to ensure that they do not stray into indulging in any of the above behaviours themselves as well as having the confidence to recognise that they have the right to stand against such behaviours.

The Management Committee of the DDCC may take any action considered necessary on a reported breach of this Code of Conduct and any member found in breach may be dealt with as specified under the Club's Rules of Association. Any visitor breaching this code may be asked to leave the premises.

The DDCC does not tolerate discrimination, harassment, bullying, or threatening behaviour. Members must not act in a way that creates risk to themselves or others.

At all times parent and guardians shall be responsible for the behaviour of their children on DDCC premises.

### **Complaints**

No member will reprimand a Club employee. All complaints should be brought to the attention of the Manager or to the Management Committee in writing.

### **Environs**

The environmental protection of the lease area of the DDCC is vital so littering, lighting of fires or the discharge of waste material is not permitted.

Members who bring dogs into DDCC grounds are expected to ensure their dog is on a leash, always under their control and the owner cleans up after them.

### **Behaviour at Competitive Sporting Events**

The following behaviour is considered inappropriate at competitive sporting events and will not be permitted:

- participation in any illegal activity, including possession or consumption of any illegal substances, or the supply of such substances;
- the supply of alcohol or tobacco to minors,
- stealing or destruction of property of any kind or conduct of a gross, obscene or loud nature;
- swearing, abusive language and/or action against another competitor or participant;
- loud or excessive noise which may result in the disturbance of other participants, or members of the public;
- parents (or other custodians) shall be responsible for the conduct of persons in their care under 18 years of age at all times.
- protests regarding disputes in relation to a competition may be made, as relevant, in accordance with the rules of the sport in question;
- complaints in regard to the organisation or administration of an event must be directed, in writing, to the Manager; and
- physical and/or verbal abuse of any nature directed against other members, opponents, staff, event officials or volunteers is not considered appropriate and is not permitted.

### **Within the Clubhouse**

Members, family and guests will ensure that the comfort of other patrons is not unreasonably disturbed. Members, family and guests will respect other patrons and will conduct themselves in a manner that will not cause offense.

Junior members and children may be admitted to the licensed areas provided that they are under parental or adult supervision.

Club facilities are to be left clean and tidy after use and any identified issues that require attention should be reported to staff.

Members and staff will abide by the Responsible Service of Alcohol legislation.

### **Dress Code**

Members shall comply with a reasonable standard of casual dress. Members who have represented the club at a sporting event on that day can wear their club uniform. Members shall be responsible for the attire of their guests.

### **Smoking (including e-cigarettes)**

By law, smoking is not permitted in the clubhouse or within three (3) metres of any entrance.

Smoking is not permitted on any playing surface.

Smokers must dispose of butts correctly in the bins provided.

Members are to respect the rights of other members who wish to smoke in designated smoking areas.

Designated smoking areas will be signed and may change from time to time.

### **Complaints & Disputes**

Members are encouraged to stand up against any unacceptable behaviour and support others who feel they have been affected. If the affected party wishes to make a complaint they should, in the first instance, speak with the Club Manager.

Complaints and/or reports concerning failure to comply with this Code of Conduct may be referred to the Club Manager or Management Committee for consideration and if applicable disciplinary action may be taken in accordance with the DDCC Rules of Association.

All members must follow the Club Rules of Association, By-laws and Policies to handle any disputes.

### **By-Law 2: Code of Conduct - Management Committee Members**

The Management Committee are the persons who under the rules of the incorporated association have the power to manage the affairs of the club.

#### **Duties and Responsibilities**

As a member of the Management Committee of the Dunsborough & Districts Country Club inc.

- I will act within the Club Rules of Association.
- I will take all reasonable steps to ensure the club complies with:
  - its obligations under the Act;
  - the Club Rules of Association;
  - any funding agreements or other contracts;
  - its legal responsibilities to any employees;
  - its legal responsibilities to members, volunteers and persons who use the club's services;
  - insurance requirements; and
  - any other relevant laws or regulations.
- I understand I have a duty of care and diligence and will exercise my powers and discharge my duties with the degree of care and diligence that a reasonable person would exercise.
- I will exercise my powers and discharge my duties in good faith in the best interests of the club and for a proper purpose.
- I will not improperly use my position to gain an advantage for myself or another person or cause detriment to the club.
- I will not improperly use information obtained as a committee member to gain an advantage for myself or another person or cause detriment to the Club.
- I will not allow the club to incur a debt if:
  - the club is insolvent at the time the debt is incurred or becomes insolvent by incurring that debt, or by incurring at that time debts including that debt; and
  - immediately before the debt is incurred:
    - there are reasonable grounds to expect that the club is insolvent; or
    - there are reasonable grounds to expect that, if the club incurs the debt, the club will become insolvent,

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- I will maintain the confidentiality of proceedings and matters relating to the strategic governance and management of the Club.
- I will declare all material personal interests, whether financial or non-financial, and leave the committee meeting during discussion and voting.

### **Corporate Governance**

As a representative of Club Members, I understand I should:

- Act with discipline and integrity by being transparent, honest and consistent in my decision-making process and take full responsibility for my actions and activities connected with the Club.
- Co-operate fully with Club Members, the Club Management and the community at large.
- Provide strategic direction so that the Club is able to set specific goals and targets that are consistent with the mission and vision of the Club.
- Only deal with governance issues and do not participate in the day-to-day management of the Club.
- Monitor performance so that the Club is able to achieve targets and goals within a predetermined time-frame.
- Ensure conformity so that the Club does not violate the Club Rules of Association and any legislative, ethical or community standards when achieving goals and targets.
- Report progress to Club Members so that Club Members fully endorse the policy directions taken by the Committee.
- Subscribe to ethical business practices by not endorsing, encouraging or promoting measures that lead to tax evasion; false representation of products and services; misuse of the market power of their Club; violation of the environment; abuse of community trust, or other illegal practices.
- Ensure good risk management procedures are in place which at minimum undertake to avoid, eliminate or minimise the element of risk associated with the exposure of their Club to mismanagement, market forces, business dealings and industrial relations activities, and to myself personally in my decision-making process.
- Commit myself to continually update my knowledge on various legislation, policies and practices that affect the Club Industry.
- Advocate good employment practices in the Club by ensuring that the Club complies with industrial relations legislations and anti-discrimination legislation; minimum pay and working conditions; and sexual harassment, workplace health and safety and other work-related issues.

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- Promptly declare to a meeting of the Committee any gift or gratuity over \$100 offered to me in my capacity as a Committee Member and will abide by the decision of the Committee as to the best way to dispose of these gifts or gratuities.
- Report to the Chair and only operate through the Chair.
- Consult with Club Members on all policy direction issues in accordance with the Club Rules of Association; with these consultations occurring through the Chair.
- Only liaise with and work through the Club Manager or most senior staff member and no other member of staff.
- Establish clear guidelines for myself that promote a sense of group responsibility including:
  - Attendance to meetings;
  - Expertise contribution;
  - Governance;
  - Supporting the Chair in representing the Club;
  - Use and direct Club resources, whether financial or otherwise, prudently.

**Any Committee Members who fail to abide by this Code of Conduct will be subject to disciplinary action for misconduct, as per the Club Rules of Association.**

### Declaration of Acceptance

I, \_\_\_\_\_ (Name),

As \_\_\_\_\_ (Position)

Of the Dunsborough & Districts Country Club inc.

- Declare that I have read and understood the Committee Member's Code of Conduct, as outlined above, and agree to abide by its provisions during my service to the above-mentioned Club.
- I also understand that failure to abide by this Code of Conduct will result in disciplinary action being taken against me, as per the Club Rules of Association.

\_\_\_\_\_/\_\_\_\_/\_\_\_\_

(Signature) (Date)

\_\_\_\_\_/\_\_\_\_/\_\_\_\_

(Witness) (Date)



**By-Law 3: Code of Conduct – Children**

**General**

Members and visitors who are children and young people agree to:

- abide by this Code of Conduct;
- play by the rules;
- respect the physical property and facilities provided by the DDCC;
- treat all other children and young people as you like to be treated;
- do not bully or take unfair advantage of others;
- control their temper;
- verbal abuse of officials and sledging other members or competitors, deliberately distracting or provoking other competitors is not acceptable or permitted;
- be a good sport; and
- respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

**Complaints and Disputes**

Complaints and/or reports concerning failure to comply with this Code of Conduct may be referred to the Manager or Management Committee for consideration and if applicable disciplinary action may be taken in accordance with the DDCC Rules of Association  
All members must follow the Club Rules of Association by-laws and policies to handle any disputes.

### **By-Law 4: Code of Conduct – Interactions with Children**

The DDCC is committed to the safety and wellbeing of children and youth who use our services or attend our Club.

Our volunteers and staff will treat them with respect and understanding at all times. To ensure children and youth are kept safe from harm, the following code of conduct for interacting with children and youth applies.

This code of conduct applies to all volunteers and persons working with children and youth in our organisation.

#### **The standards of appropriate behaviour include:**

- be ethical, fair and honest in all their dealings with others;
- treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- always place the safety and welfare of children/youth above other considerations;
- comply with the DDCC Rules of Association, by-laws and policies;
- operate within the rules and spirit of the sport;
- comply with all relevant Australian laws (Federal and State), particularly antidiscrimination and child protection laws;
- be responsible and accountable for their conduct;
- respect the rights, dignity and worth of every person, regardless of their abilities, gender, religion or cultural background;
- language – no swearing, derogatory terms, sexual jokes/innuendos;
- relationships – no special favours/relationships;
- physical contact – only if necessary due to nature of activities and age/abilities of children and youth;
- cultural diversity – respect for all people regardless of cultural identity and cultural practices/behaviour;
- bullying and harassment – the DDCC does not tolerate bullying or harassment by anyone, including amongst children/youth; and
- behaviour management and discipline – corrective practices are not punitive, humiliating or aggressive.

#### **Illicit substances**

Staff, volunteers and all other persons shall not use or be affected by the use of drugs or alcohol while in the presence, engagement and caring for children and young people from the time they are dropped off to the time they are picked-up. This includes prescription medications that affect mental alertness and capacity.

**Photography**

Staff, volunteers and all other persons shall not take, publish or distribute photographs of children and youth without the express permission of their parent or guardian.

**Electronic communication**

Staff, volunteers and all other persons shall not use email, telephone and internet communication with young people without the express knowledge of the youth's parent or guardian.

**In the event that the code of conduct for interacting with children/youth is breached, actions will be taken in accordance with our Rules of Association or the law.**

**Complaints and Disputes**

Complaints and/or reports concerning failure to comply with this Code of Conduct may be referred to the Manager or Management Committee for consideration and if applicable disciplinary action may be taken in accordance with the DDCC Rules of Association

All members must follow the Club Rules of Association by-laws and policies to handle any disputes.

**By-Law 5: Determination and Eligibility for Life Membership**

The purpose of this By-Law is to provide the Members of the Management Committee, and in addition, all Members of the club, the minimum criteria required before any member is to be considered eligible for nomination of an award of "Life Membership" of the DDCC.

**1. Definition:**

The club's definition of "Life Membership" is that it is the highest award available, to recognise the exceptional contribution of an individual who has extended their commitment to ensure the current and future existence of the DDCC, and therefore it is only to be awarded in exceptional circumstances.

**2. The criteria:**

The criteria to be taken into account when considering any nomination for an award of "Life Membership" shall include:

- (a) the general attitude, and overall demeanour, of the nominee;
- (b) attitude should be one that not only reflects a dedication to the values of the DDCC, but one that also reflects credit upon the DDCC through leadership and good role modelling;
- (c) the nominee is respectful and courteous in their behaviour towards others;
- (d) the Nominee for Life membership must have given at least 10 years continuous membership to the DDCC, unless exceptional circumstances can be cited, and in addition, be a current financial member of the club;
- (e) the service to the club must have reflected favourably upon the DDCC;
- (f) participating to a much greater extent than the average Member;
- (g) membership of a committee or length of service alone is not appropriate, or an automatic trigger, for consideration of the award; and
- (h) a Life Membership award shall not include a spouse. The spouse must be nominated in their own right;

**3. Nomination Process:**

As recorded in the club's Rules of Association, any member may nominate another member to the category of Life Member, providing that:

- (a) the nominee is proposed and seconded by existing financial members of the DDCC;
- (b) the nomination is in writing, and articulates the reasons why Life Membership should be considered appropriate, and in addition, cites examples of work or involvement which have significantly progressed the DDCC to ensure its current and future existence; and
- (c) nominations shall be submitted to the club's Secretary, or a Management Committee member, no later than four (4) weeks before the club's AGM or any other date set by the Management Committee.

**4. Assessment Process:**

All Nominations shall be treated strictly in confidence and discussed only within the Management Committee.

- (a) verify that both proposer and seconder are financial members of the DDCC;
- (b) verify that the nominee has been a continuous financial member of the Dunsborough and Districts Country Club for at least 10 years;
- (c) use resources at hand to ascertain the validity of the nominee as being an acceptable, or otherwise, recipient of such an award;
- (d) obtain a vote from all members of the Management Committee, either at meeting, or by electronic mail, or otherwise. If the nomination is a current member of the Management Committee, then that person shall be excluded from the vote and associated communications; and
- (e) if the Management Committee accepts the validity of the nomination, then arrangements shall be made to announce and present the award at the next AGM or any other date set by the Management Committee.
- (f) All discussion and voting around the nominations should be strictly confined to members of the Management Committee and no minutes of the committee discussion and decision is to be recorded in the Management Committee minutes.

**5. Benefits of Life Membership:**

Life Membership shall be recognised by:

- (a) an official "Life Membership Certificate";
- (b) listing on the DDCC Life Members Honour Board; and
- (c) an honorary membership of the DDCC, equivalent to a "full membership category".

**6. Forfeiture of Life Membership:**

This provision will only be exercised in exceptional circumstances. The Life Membership award shall be forfeited upon any failure to observe any By-laws, or constitutional requirements, where the recipient has conducted him/herself in a manner that reflects directly and/or adversely on the image or activities of the DDCC. As part of the deliberations by the Management Committee, the Life Member in question shall be given an opportunity to present their case for retention of their Life Membership status. Forfeiture shall be enacted upon by the passing of a Resolution to the club's members for the removal from Life Membership for reasons not limited to but for bringing the name of the DDCC into disrepute.

### By-Law 6: Sub-Committee Formation & Guidelines

Under the club Rules of Association, Rules 22 (e) and (f), the Management Committee can delegate its powers to sub-committees or permit Members interested in particular sports for which the Club provides facilities to apply to form and to elect sub-committees to organise the conduct of such sports.

1. Where a sub-committee is formed the following guidelines apply:
  - (a) The objectives of the sub-committee are to be documented;
  - (b) For sports sub-committees the minimum number of people on the committee to be five;
  - (c) That the sub-committee commits to a minimum of bi-monthly meetings, minutes are kept and circulated to the section members and are available to The Management Committee on request;
  - (d) That an Annual General Meeting of a sports sub-committee is to be held within three months after the DDCC AGM at which the whole committee, the Chairman, Secretary and other positions chosen by that sub-committee are elected.
  - (e) Monthly reports are to be presented prior to the Management Committee meeting and are to contain changes to the sub-committee, reports on projects being undertaken, requests for new projects to be approved, indication of future events to be scheduled in the DDCC calendar and any issues the sub-committee wishes to bring to the attention of the Management Committee.
  - (f) And that minor sponsorship for the conduct of the weekly sport events (trophies etc) is the responsibility of the sports Section.
2. Such Sub-Committee must report to and be responsible to the Management Committee.
3. The Sport Sub-committee responsibilities are:
  - (a) to manage the activity in the best interest of the members of the sport or activity they represent;
  - (b) to organise social activities;
  - (c) to maintain the infrastructure and assist with the raising of funds for repayment of infrastructure loans as negotiated with the Management Committee;
  - (d) to endeavour to continually improve the activity in terms of enjoyment and social interaction;
  - (e) to prepare an annual budget for the sports section to be delivered during May on request from The Management Committee;
  - (f) to follow the proscribed procedure of applying for approval of funds for a project or maintenance and that the sub-committee representative on the Management Committee will submit the project to the Management Committee at the following meeting for approval.
4. Where conflicts arise that become unsolvable within or between sub-committees it must be taken before the Management Committee for adjudication with the Management Committee having the ability to dissolve the standing committee and call for nominations if an impasse is reached.

## **DUNSBOROUGH AND DISTRICTS COUNTRY CLUB BY-LAWS**

**By-Law 7: Financial Management of the Club**

**By-Law 8: Hire of the Club premises and playing surfaces**

**By-Law 9: Sponsorship Guidelines**

**By-Law 10:**