EASTERN SUBURBS LEAGUES CLUB LTD
ABN 63 000 249 490

CLUB BY-LAWS

1 DEFINITIONS

The following definitions apply in these By-Laws unless the context clearly requires otherwise:

(a) "**Act**" means the *Corporations Act 2001 (Cth)* as amended from time to time;

(b) "**Board**" means the members for the time being of the Board of Directors of the Club constituted in accordance with this Constitution;

(c) "**By-Laws**" means the By-Laws as set out in this document;

(d) "**Chief Executive Officer**" means the secretary or Chief Executive Officer employed by the Club;

(e) "**Club**" means Eastern Suburbs Leagues Club Ltd ABN 63 000 249 490;

(f) "**Club Notice Board**" means a board designated as such within the Club premises on which notices for the information of members are posted;

(g) "**Club premises**" means any premises owned or occupied by the Club and includes any licensed premises of the Club or other premises or facilities used by members or guests;

(h) "**Constitution**" means the Constitution of the Club;

(i) "**Director**" means a member of the Board;

(j) "**Easts Group Club**" means a club or premises of the Club.

(k) "**Financial member**" means any full member (being an ordinary member or life member and excluding a temporary member or honorary member) who has paid all money payable by him or her to the Club or in respect of whom there is no such money outstanding for more than 30 days from the due date for payment thereof;

(l) "**Gaming Machines Act**" means the *Gaming Machines Act 2001 (NSW)* as amended from time to time;

(m) "**Government Agency**" means a government or any governmental, semi-governmental or judicial entity or authority, including but not limited to a self-regulating organisation established under statute and includes the Independent Liquor and Gaming Authority and Liquor and Gaming NSW;

(n) "**Liquor Act**" means the *Liquor Act 2007 (NSW)* as amended from time to time;

(o) "**Member**" means a financial member, temporary member or honorary member;

(p) "**RCG**" means responsible conduct of gambling;

(q) "**Registered Clubs Act**" means the *Registered Clubs Act 1976 (NSW)* as amended from time to time;

(r) "**RSA**" means responsible service of alcohol.

2 GENERAL

(a) The Board may amend or replace these By-Laws from time to time.

(b) Every financial member of the Club shall be entitled to a copy of these By-Laws on request from the Club office.

(c) Any matter connected with the management of the Club not provided for in these By-Laws shall be dealt with by the Board, whose decision shall be final and binding on all members and guests.

(d) The Board may adjudicate and determine disputes arising or connected with the Club premises or facilities and between members and/or guests and the adjudication and determination of the Board shall be final and binding on the parties to the dispute.

(e) Appropriate disciplinary proceedings will be undertaken under the Constitution in relation to suspensions of members under these By-Laws, or in relation to an alleged breach of these By-Laws by members.

(f) The Club's trading hours will be as determined by the Board and management from time to time. Use of the Club premises and facilities by members and their guests are subject to these By-Laws as amended from time to time.

3 CONDUCT

(a) Members and guests must conduct themselves in an orderly and responsible fashion at all times in accordance with the requirements of the Liquor Act and Registered Clubs Act and their regulations.

(b) Members and guests who conduct themselves in a manner that allegedly breaches clause 3(d) of these By-Laws shall be requested to leave the Club premises, by a responsible officer, and members may be subject to disciplinary action under the Constitution, including immediate suspension of all privileges pending determination by the Board.

(c) A responsible officer is a Director, Chief Executive Officer, Approved Manager or a delegated person.

(d) Actions that breach the Club By-Laws or which constitutes conduct which may be the subject of disciplinary action under the Constitution, include, but are not limited to:

(i) Physical Assault

(ii) Verbal Assault

(iii) Disparaging remarks towards the Club, Directors, Management or staff through any means, namely verbal or written including social media avenues

(iv) Damage to Property

(v) Asked to Leave due to approaching intoxication or other (single or multiple occurrences)

(vi) Use of another person's membership card

(vii) It is not permitted to leave a minor unattended on licensed premises.

(viii) Theft

(ix) A person on club premises shall not solicit cigarettes and/or any items of food or beverage.

(x) Breach of Gaming Machines Playing Conditions

(xi) Place the Club in potential breach of:

(a) Registered Clubs Act

(b) Gaming Machines Act

(c) Liquor Act

(d) Or any other Act or regulation in force which the Club is bound by

(xii) Place the Company Secretary or any Approved Manager in a position of a 'Strike' under the Liquor Act, Part 9A, Disciplinary Action – 3 Strikes

(xiii) Any breach of Club Regulations or By-Laws or policies not listed above, or actions which place the Club in potential breach of its By-Laws or policies.

(e) Whenever a complaint is made against a member, the Board shall as necessary conduct disciplinary proceedings against the member under the Club's Disciplinary Proceedings as stated in the Constitution.

(f) No member or guest may reprimand an employee of the Club. All complaints against any employee must be made in writing to the Board or the Chief Executive Officer.

(g) No member or guest shall distribute or circulate "How to Vote" tickets or literature within the Club premises.

(h) No subscription list is to be canvassed, conducted or exhibited in the Club premises without the permission of the Board or the Chief Executive Officer.

(i) Members and guests may not bring dogs (other than seeing eye dogs, and hearing aid dogs) or other animals into the Club premises.

(j) Members and guests may not take away from the Club premises any article or property without the permission of the Chief Executive Officer or authorised employee.

(k) Patrons may not remove empty beverage containers from the Club premises for any reason whatsoever. Any bottle of a beverage consumed on the Club premises remains the property of the Club.

(l) Any member causing damage to the Club's property may be suspended immediately and required to fully compensate the Club for the value of all damage caused.

(m) Meetings of any description are not to be arranged without the prior approval of the Chief Executive Officer or the Board.

(n) Whenever a member is suspended, the member has the right to present their case to the Board or disciplinary committee and offer such explanation or evidence they may desire according to the Constitution.

(o) Any breach of the Club By-Laws shall be considered misconduct and any member reasonably considered to have breached these By-Laws may be immediately suspended from the Club and cited to appear before the Board or disciplinary committee who have the power to reprimand, suspend or expel any member pursuant to the Constitution.

(i) Below is a list of penalties that are intended as a guide only for various offences. The Board or disciplinary committee is not bound to follow the guide

and retains a discretion, on a case by case basis, to determine the penalty, taking in to account mitigating factors and any other relevant matters. If an early guilty plea or attendance at the disciplinary hearing (with remorse) occurs the Board or disciplinary committee may consider this in deciding whether or not leniency should apply based on the severity of the offence.

(ii) The Board or disciplinary committee reserves the right to deliver the sentences as a suspension, suspended sentence or a mixture of both.

(iii) In extreme cases the Board or disciplinary committee reserves the right to terminate a person's membership for any case heard.

Charge	**Penalty**
Physical Assault	1 year to 5 years
Verbal Assault	6 months to 5 years
Disparaging remarks towards the Club, Directors, Management or staff through any means, namely verbal or written including social media avenues	1 year to membership termination
Damage to Property	1 year to 5 years
Asked to Leave due to approaching intoxication or other (Single or multiple occurrences)	6 months to 5 years
Use of another person's membership card	1 year to 5 years
Theft	1 year to 5 years
Breach of Gaming Machines Playing Conditions	1 year to 5 years
Place the Club in potential breach of: • Registered Clubs Act • Gaming Machines Act • Liquor Act • Or any other Act in force the Club is bound by	5 years to membership termination
Place the Company Secretary or any Approved Manager in a position of a 'Strike' under the Liquor Act, Part 9A, Disciplinary Action – 3 Strikes.	5 years to membership termination
Any breach of Club Regulation or By-Laws not listed above	6 months to 5 years
Repeat Offenders: • First instance • Second instance	• Penalty doubled • Membership terminated
Attempt to re-enter or found on premises while on suspension • First instance • Second instance	• 2 years • Membership terminated

4 NOMINATIONS FOR MEMBERSHIP

(a) An application for membership shall be made on a form provided for that purpose and the application shall comply with all the requirements set out in the form.

(b) No person under the age of 18 years shall be nominated as an ordinary member of the Club except as a Junior Sporting Member.

5 MEMBERSHIP CARDS

5.1 **Use**

(a) Every member on the payment of their membership subscription and approval of their membership application by the Board or election committee shall be supplied with a membership card, which must be shown on entering the Club premises, on driving into the Clubs parking area if required, or to the Secretary-Manager or his delegate of the Club on request, when on Club premises.

(b) Pending approval of an application for membership and upon payment of the relevant membership subscription, the applicant will be issued with a provisional membership card which permits the holder to use the Club's facilities and to have membership privileges but subject to any limitations imposed by the Board from time to time.

(c) Under no circumstances are membership cards transferable.

(d) A member found lending his or her card or to another person or using the membership card of another person will be subject to disciplinary proceedings under the Constitution, which may include immediate suspension pending determination by the Board or disciplinary committee.

5.2 **Loss and Replacement**

(a) A member may be charged an administrative fee as determined by the Board from time to time, for administering the claim for a new membership card.

(b) Should a membership card be issued it will not be valid unless endorsed with the member's signature.

(c) Should the membership card be located, the duplicate membership card is to be returned to the office immediately.

6 GUESTS

(a) The Board and any authorised employee or delegated representative may at their discretion refuse admission of any guest to the Club premises.

(b) No person under 18 years of age shall be permitted to remain on Club premises except in the non-restricted areas of the Club and only when accompanied by a responsible adult (parent or carer).

(c) Members introducing a guest shall be required to enter the guest's name in the guest register.

(d) The guest shall remain on the Club premises only as long as the introducing member shall remain.

(e) The member introducing a guest shall be responsible for the guest's conduct.

(f) No person who has been rejected as a candidate for membership, or who has been expelled or suspended from the Club, shall be admitted as a member’s guest.

(g) The practice of persons asking for members to be paged with the view of signing them in will not be permitted.

(h) Guests residing within a certain distance of the Club’s premises may only be admitted under conditions determined by the Board from time to time, including but not limited to being signed in by a member of this Club or a member of a recognised like-minded club.

7 SPORTING SUB-COMMITTEES

(a) The Board of Directors may appoint a Director or Executive Member or the Chief Executive Officer (or their delegate); to officiate on their behalf as the Easts Group Sports Director to oversee the operations of the various associated sub-committees, sub-clubs & sporting bodies throughout the Easts Group of Clubs.

(b) The appointed Easts Group Sports Director may appoint a Club Executive Member/s to officiate as Sports Council Executive Committee member/s to assist with the various associated sub-clubs & sporting body activities.

(c) The Easts Group Sports Director will liaise with the various Club Managers in relation to their associated sub-clubs & sporting bodies that receive a financial grant or sponsorship from their club and will form a Sports Council at each Easts Group Club.

(d) A sub-committee may be appointed to conduct each sport or activity and shall be known as a sports sub-club committee.

(e) The objective of the sub-club committee will be to conduct the sport or activity for which the club and members appoint them for competitive and social participation in that sport.

(f) Each sub-club committee will consist of, at a minimum; a President / Chairman, Secretary, Treasurer [or combined Secretary / Treasurer] and 2 committee members.

(g) Persons appointed to any sub-committee must be financial Ordinary Members or Life Members of the Club.

(h) An affiliated sub-club shall hold an Annual General Meeting [AGM] each year on the Club premises. The Easts Group Sports Director or his /her representative must be in attendance at the AGM to receive the Treasurer's Annual Report & preside over the election of the sub-club's committee and officers.

(i) Two [2] Sports Council Delegates are to be appointed by each affiliated sub-club committee to represent their club at a Nominated Sports Council Delegates Meetings of their parent Easts Group Club. It will be a requirement that at least one [1] of the delegates be either the President or Secretary of their club. If the second delegate is not the President or Secretary, then that appointed delegate must be a committee member of their club.

(j) Any persons participating in competitive sport, representing the Club, must be financial Ordinary Members or Life Members of the Club.

(k) All persons who are members of an affiliated sub-club must be financial Ordinary Members or Life Members of the Club.

(l) Members of a sub-club may be charged a fee/s as determined by the sub-club's committee to conduct all matters relative to the actual playing of the sport or activities they represent.

(m) For the purpose of identification and for brevity in inclusion in competition draws, etc., each sporting section shall be known as the "Easts Leagues Group [name of section]" or similar descriptive title as approved by the Easts Group Sports Director or Board.

(n) It will be the duty of each sub-club committee to conduct all matters relative to the actual playing of the sport or activity that they represent.

(o) Use of licensed parts of the Club premises in connection with the conduct of any sport or activity shall be subject to the approval of the Board and written application regarding accommodation, entertainment, refreshments, food, etc., shall be made

through the Chief Executive Officer in sufficient time to allow provision to be made for any requirements.

(p) The Board may approve the waiver of any Club Room Hire Fees [on an annual basis] to any affiliated sub-club that utilises the venues for sub-club committee meetings, sub-club meetings or activities, fundraising activities, functions, annual general meetings, etc.

(q) Sub-clubs have the right to suspend members of their club for breaches of their rules or by-laws after a due process is adhered to.

(r) Should suspended sub-club members wish to appeal the suspension decision, an appeal letter is to be sent to the Easts Group Sports Director within 14 days of the suspension notice outlining the reasons for the appeal. The Easts Group Sports Director will then consult all parties and arrange a date for an appeal hearing. The Easts Group Sports Director's appeal ruling shall then be final.

(s) Suspended members may not participate in sports / activities on Club premises or represent the Club at other sites.

(t) Affiliated sub-clubs shall be bound by the Easts Group of Club's Sports Council Rules for Affiliated Sub-Clubs. A copy of these rules shall be issued to the sub-club upon formation of the club or request to the Easts Group Sports Director.

(u) The annual financial grant or sponsorship awarded to an affiliated sub-club or sporting association by the Board will be paid on a quarterly basis unless alternative payment arrangements are approved by the Easts Group Sports Director. All payments shall be processed upon approval by the Easts Group Sports Director and /or Club Manager and shall be subject to the sub-club meeting the requirements of the terms and conditions outlined in the Easts Group of Club's Sports Council Rules for Affiliated Sub-Clubs.

(v) Should an affiliated sub-club cease operating or the sub-club is disbanded for any reason, then the finances & assets of the sub-club will be returned to the Club.

8 DRESS REGULATIONS

8.1 Generally

(a) Members, Guests and Visitors must be presentably attired at all times.

(b) Management reserves the right:

(i) To refuse entry to any person who in its opinion is not suitably attired; and

(ii) To exercise discretion relating to suitable attire.

8.2 Specific

Specific dress regulations are posted in the foyer of each Easts Group Club. Dress regulations are updated from time to time and are approved by the Board.

Current general dress regulations:

- No obscene or offensive language on clothing
- No untidy or unclean clothing
- No bare feet
- No swimwear
- Appearance must be neat and tidy at all times

Management's decision will be final in all matters relating to dress and behaviour.

9 RESPONSIBLE CONDUCT OF GAMBLING AND GAMING MACHINE PLAYING CONDITIONS

9.1 Responsible Conduct of Gambling

(a) The Club has accepted its obligation to deliver, advertise and promote gaming services in a lawful and responsible manner, having regard to the potential harm that may be caused by gambling and the community concerns about the conduct of gambling.

(b) The Club's mission is to be achieved through a variety of measures and strategies, which include the following:

(i) all staff to be issued with a responsible conduct of gambling "**RCG**" policy manual.

(ii) policies and procedures for the implementation of the RCG.

(iii) mandatory RCG training for staff and management.

(iv) providing 24-hour staff support for assistance with the handling of any gambling-related incidences which may occur at the Club and advice on the RCG policies and procedures.

(v) providing 24-hour counselling and crisis intervention service for the Club patrons and staff who have a gambling problem or know someone who has a gambling problem.

(vi) conducting community awareness campaigns and promoting responsible gambling practices among Club patrons and the local community.

(c) The Club wishes to provide gaming and wagering services in a responsible manner through the creation of a responsible gambling environment for its patrons and employees. Free gambling counselling is provided to patrons of the Club through Betsafe. You can call Betsafe at any time on 1800 BETSAFE (1800 238 723). For more information, read the Betsafe brochure available in the Club.

(d) The Club operates Club exclusion policies and procedures for those patrons and members who have a gambling problem. These policies and procedures are contained within the Gaming Machine Playing Conditions below.

9.2 Gaming Machine Playing Conditions

By participating in gaming machine play in the Club, you agree to abide by the Eastern Suburbs Leagues Club Limited Gaming Machine Playing Conditions. These conditions may be updated from time to time, including to reflect legislative and compliance requirements. The current conditions are displayed in the gaming room and on the Club's website. You should read them carefully before playing any gaming machine. Do not play any gaming machine unless you understand and accept all of these conditions.

10 TRADE COMPETITIONS

(a) Unless otherwise specified, trade competitions are limited to financial members as defined by the Club's Constitution.

(b) Directors, employees and their immediate families are ineligible to participate in trade competitions operated by the Club.

(c) Contractors/sub-contractors engaged by the Club are ineligible to enter into trade competitions conducted by the Club.

11 RESPONSIBLE SERVICE OF ALCOHOL

(a) The Club shall take all measures required by the Registered Clubs Act, Liquor Act, Liquor Regulations, Local Area Liquor Accord and other legal requirements to ensure the responsible service of alcohol "**RSA**", and the Club:

(i) does not sell liquor to minors.

(ii) does not allow excessive drinking or intoxication.

(iii) does not admit intoxicated persons onto the Club premises.

(iv) refuses service to intoxicated persons.

(v) ensures that unacceptable behaviour does not affect others.

(vi) cares for its patrons.

(vii) arranges safe transport home if necessary.

(viii) is committed to its patrons being able to enjoy the Club's facilities whilst they are enjoying a drink.

(b) Patrons are required to behave responsibly and to fully cooperate with the Club to ensure the Club fully complies with its legal requirements.

(c) Patrons are prohibited from supplying or attempting to supply liquor to persons under the age of 18 years.

(d) Patrons are responsible for managing their consumption of liquor. Patrons who are reasonably considered to be intoxicated must immediately leave the premises. Club staff are required by law to refuse admission to the Club premises of any person who shows signs of intoxication.

(e) Patrons must immediately comply with any request or direction from the Club staff to leave the premises on the grounds that they are considered intoxicated.

(f) Persons who are refused admission to the Club premises or are required to leave on the grounds of intoxication are prohibited from lingering in the area of the Club premises.

(g) The Club offers liquor self-exclusion for patrons who consider that they may have problems with their alcohol consumption. Contact the Duty Manager for information.

(h) If the Club believes a patron is acting in a manner which would place the Club or the patron in breach of any applicable law (including the Liquor Act), the Club's RSA policy or any harm minimisation guidelines or requirements of a relevant Government Agency, or has a serious dependency on alcohol and the patron fails to self-exclude from the Club, then the Club, by order of the Chief Executive Officer or other

responsible officer, may exclude the patron from the Club until such time as the Club is provided with satisfactory evidence that the person has control over their drinking dependency. Members involuntarily excluded for a serious dependency on alcohol have the right to appeal to the Board or disciplinary committee.

(i) The Club offers free counselling for patrons who believe that they may have a serious dependency on alcohol. Contact Betsafe at any time on 1800 BetSafe (1800 238 723). For more information read the Betsafe brochure available in the Club.

12 DISCRIMINATION & HARASSMENT POLICY

12.1 **Objective**

The Club is committed to providing an environment which is free of discrimination, harassment and sexual harassment.

12.2 **Policy**

To achieve this, it is the policy of the Club to conduct all its business activities without discrimination or harassment against any member or guest on the grounds set out in Federal and applicable State laws.

The Club aims to provide an environment where everyone feels comfortable, differences are respected and all employees and officers of the Club, members and guests are treated with dignity, courtesy and respect.

The Club will strive to identify and eliminate all discriminatory practices both direct and indirect and eliminate all harassment. The support of all employees, officers of the Club, members and guests is sought in achieving this.

Each employee, officer of the Club, member and guest is responsible for the successful implementation and application of this policy. Every employee and officer of the Club has the responsibility to respect the rights of members and guests and every member and guest has the responsibility to respect the rights of other members and guests and of employees and the Club's officers.

(a) Discrimination, harassment and sexual harassment will not be tolerated under any circumstances.

(b) Any member or guest may complain about discrimination, harassment or sexual harassment to the Chief Executive Officer or Duty Manager, or to a State or Federal Authority. In some circumstances, a complaint may need to be made by a member on behalf of his or her guest.

(c) All discrimination, harassment and sexual harassment complaints will be treated seriously and dealt with quickly and privately.

(d) All discrimination, harassment and sexual harassment complaints will be investigated fairly and impartially.

(e) Action will be taken to ensure that discrimination, harassment and sexual harassment ceases.

(f) People making complaints, and witnesses, will not be victimised in any way for making complaints.

(g) Any person who engages in discrimination, harassment or sexual harassment will be subject to appropriate disciplinary action.

12.3 **Legislation**

Federal and State law prohibit discrimination and harassment. This legislation includes:

(a) **Federal**

(i) Racial Discrimination Act 1975

(ii) Sex Discrimination Act 1984

(iii) Disability Discrimination Act 1992

(iv) Fair Work Act 2009

(b) **New South Wales**

(i) Industrial Relations Act 1996

(ii) Anti-Discrimination Act 1977

Under the NSW Anti-Discrimination Act, it is unlawful to discriminate against a person in, among other things, the provision of goods or services and accommodation, refusal or failure to accept membership applications and subjection of members to any other detriment (either directly or indirectly) because of their:

(iii) Sex

(iv) Pregnancy

(v) Marital or domestic status

(vi) Race, colour, nationality, descent, ethnic or ethno-religious background

(vii) Disability (actual or presumed, past, present or future) - both physical or mental - partial or temporary

(viii) Homosexuality (male or female, actual or presumed)

(ix) Transgender identity

(x) HIV/AIDS status

(xi) Age

(xii) Compulsory retirement

(xiii) Parental or carer responsibility

12.4 **What is Discrimination?**

Forms of Discrimination

Acknowledging that these forms of discrimination are prohibited by law, the Club is opposed to and will take all possible steps to eliminate the following kinds of discrimination:

(a) **Direct Discrimination**

This is where a person is treated "less favourably" than another person simply because the person belongs to a particular category. An example of this is refusing to provide goods or services to someone just because they are of a particular ethnic background.

(b) **Indirect Discrimination**

This is where a requirement - a policy, practice or law which applies to all groups has an unequal or disproportionate effect or result on one particular group. For example, it might be claimed that scheduling meetings regularly in the evenings or on weekends discriminates against people with family responsibilities, particularly women.

(c) **Victimisation**

This is where someone is treated less favourably because he or she has made a complaint about discrimination or has taken action against the Club under the relevant legislation.

(d) **Harassment**

This is any form of behaviour that is not wanted and not asked for and that humiliates, offends or intimidates.

(e) **Racial Vilification**

Under the Federal Racial Discrimination Act, it is unlawful to do an act, otherwise than in private, if:

(i) the act is reasonably likely, in all the circumstances to offend, insult, humiliate or intimidate another person or group of people; and

(ii) the act is done because of the race, colour, nationality or ethnic origin of the other person or some or all of the people in the group.

(f) **Vilification**

Vilification is defined in the NSW Anti-Discrimination Act as inciting, by public act, hatred towards, serious contempt for, or severe ridicule of, a person or group of persons.

Vilification of a person because of their:

(i) Race

(ii) Homosexuality

(iii) HIV/AIDS status

(iv) Transgender identity

is unlawful under the NSW Anti-Discrimination Act.

12.5 **What is Harassment?**

(a) Most types of harassment are against State and Federal anti-discrimination law and may also be an offence under the Crimes Act.

(b) Harassment is any behaviour which is unwelcome and is based on a person's sex, transgender, race, age, pregnancy, marital status, disability or homosexuality.

(c) Harassment will often be repeated behaviour, but can also consist of a single act.

(d) Harassment can offend, upset, humiliate or intimidate another person. It interferes with the person's work performance by creating an intimidating or hostile work environment.

(e) Harassment is not always intended - acts or behaviour which are thought to be funny or do not mean much to one person may hurt or offend another.

(f) Harassment often happens when power is used wrongly.

12.6 **What is not harassment**

A relationship or behaviour that is freely accepted by all persons involved is not harassment.

Types of harassment

Harassment can take many forms. It can be overt (obvious) or subtle, direct or indirect (for example where a hostile feeling/environment is created without any direct attacks being made on a person).

(a) **Some forms of verbal harassment**

(i) Making fun of someone

(ii) Imitating someone's accent

(iii) Spreading rumours

(iv) Obscene telephone calls/unsolicited letters, faxes or E-mail messages

(v) Repeated unwelcome invitations

(vi) Offensive jokes

(vii) Belittling someone's contribution in front of other workers

(viii) Threats or insults

(ix) The use of language that is not suitable in the workplace.

(b) **Some forms of non-verbal harassment**

(i) Unwelcome practical jokes

(ii) Displaying or circulating racist cartoons or literature

(iii) Mimicking someone with a disability

(iv) Offensive hand or body gestures

(v) Ignoring someone.

(c) **Some forms of physical harassment**

(i) Assault or attempted assault

(ii) Pushing, shoving or jostling.

(d) **What Complainants should do if they are harassed**

(i) Not ignore harassment thinking it will go away.

(ii) Make it clear that such behaviour is offensive and unacceptable. This is important as the harasser might interpret the Complainant's silence as tacit consent. If, however, the Complainant is too frightened or embarrassed to say anything, this does not mean the complaints will not be taken seriously.

(iii) If the Complainant can, tell the person to stop.

(iv) The Complainant should keep a note of any harassment that happens, with dates, times, witnesses if any, what happened and what he/she said, did or felt.

(v) Seek advice from the Chief Executive Officer.

(vi) Make a complaint under the Club's Complaints and Grievance Handling Procedure.

12.7 **What is sexual harassment?**

(a) Sexual harassment is against State and Federal Anti-Discrimination Law and may also be an offence under Crimes Act.

(b) Sexual harassment is any unwanted unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms including physical contact, verbal comments, jokes, propositions, the display of offensive material, or other behaviour which creates a sexually hostile working environment.

(c) Examples of sexual harassment include:

(i) Uninvited touching

(ii) Uninvited kisses or embraces

(iii) Smutty jokes or comments

(iv) Making promises or threats in return for sexual favours

(v) Display of sexually graphic material including posters, pin ups, cartoons, graphics or messages left on notice boards, desks or common areas

(vi) Repeated invitations to go out after prior refusal

(vii) "Flashing" or sexual gestures

(viii) Sex - based insults, threats, teasing or name calling

(ix) Staring or leering at a person or at parts of their body

(x) Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them

(xi) Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, flicking bra straps or putting hands in a person's pockets

(xii) Requests for sex

(xiii) Sexually explicit conversation

(xiv) Persistent questions or insinuations about a person's private life

(xv) Offensive phone calls or letters

(xvi) Stalking

12.8 **What Is Not Sexual Harassment?**

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcomed and reciprocated it is not sexual harassment.

12.9 **What Complainants Should Do If They Are Sexually Harassed**

(a) Not ignore sexual harassment, thinking it will go away.

(b) Make it clear that such behaviour is offensive and unacceptable.

(c) If they can, tell the person to stop.

(d) If it does not stop, or if the Complainant is not satisfied, seek advice from the Chief Executive Officer.

(e) Keep a note of any sexual harassment that occurs, with dates, times, witnesses (if any), what happened and what you said, did or felt.

12.10 **Responsibility**

(a) **The Club**

(i) Legally the Club may be responsible for what happens in its premises. The Club will endeavour to ensure all employees, officers of the Club, members and guests understand that discrimination, harassment and sexual harassment will not be tolerated in the Club's premises, that complaints will be taken seriously and handled in the way set out in the sub heading titled "Complaint/Grievance Handling Procedure".

(ii) Action will be taken to make sure that the discrimination, harassment or sexual harassment stops. Appropriate warnings or disciplinary actions will be taken if the conduct is found to have occurred.

(iii) Complainants will not be victimised or treated unfairly for having made a complaint.

(b) **Employees & Officers of the Club**

Employees and officers of the Club are legally obliged to ensure that they do not discriminate against, harass or sexually harass members or guests of the Club. The Club is committed to providing a pleasant environment for all members and guests. Employees and officers of the Club may be personally liable for acts of discrimination or harassment.

(c) **Members and Guests**

Members and guests are bound by the Constitution of the Club and any By-Laws made under the Constitution.

(d) **Where to go for More Information**

Further information may be obtained from the Chief Executive Officer or Duty Manager.

(e) **Staff Awareness**

The Club will endeavour to ensure that its staff and officers, members and guests are made aware of the Club's objectives and its desire to eliminate discrimination, harassment and sexual harassment.

Those responsible for recruitment will receive training in equal opportunity in employment principles and guidance will be available to all staff.

12.11 **Review Policies and Procedures**

The Club will monitor its policies on a regular basis to determine its effectiveness.

12.12 **Disciplinary and Grievance Procedures**

(a) Unlawful acts of discrimination, harassment or sexual harassment will not be tolerated and may lead to dismissal, disciplinary action or counselling of employees and officers of the Club (where the act of discrimination or harassment was carried out by an employee or officer against a member or guest) or eviction, refusal or entry or disciplinary action against a member or guest (where the act of discrimination or harassment was carried out by the member or guest against another member or guest or an employee or officer of the Club). There will be no victimisation of the complainant.

(b) Complaints will be investigated quickly and confidentially in accordance with the Club's complaints and grievance handling procedures.

12.13 **No Victimisation of Complainants**

(a) Under the NSW Anti-Discrimination Act it is unlawful for a person to subject another person to "any detriment in the circumstances" because the person has:

(i) brought proceedings under equal opportunity legislation;

(ii) given evidence in connection with such proceedings;

(iii) alleged that another person has breached equal opportunity legislation;

(iv) indicated that he or she is intending to do any of the above.

There will be no victimisation of complainants by the Club and victimisation of complainants by employees or officers of the Club will not be tolerated.

12.14 **Grievance/Handling Procedure**

(a) **What is a grievance**

A grievance is any type of problem, concern or complaint related to discrimination, harassment or sexual harassment occurring in the Club's premises. A grievance may be about any act, omission, situation, or decision that you think is unfair, discriminatory or unjustified.

The Club's Discrimination & Harassment Policy outlines the types of behaviour that are and are not acceptable within our Club's premises.

The Club's Grievance Procedure is:

(i) **Completely Confidential**

Only the people directly involved in making or investigating a complaint will have access to information about the complaint.

(ii) **Impartial**

If a complaint is made, it will be investigated in a fair and impartial manner.

Both sides will have an opportunity to tell their side of the story. No judgments or assumptions will be made and no action will be taken until all relevant information has been collected and considered.

(iii) **Free of Repercussions**

No action will be taken against anyone for making a complaint or helping someone to make a complaint. The club will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint.

(iv) **Timely**

Each complaint will be finalised within as short a period as possible. Our aim is that most complaints should be finalised within 1 month, however some may take a little longer.

The grievance handling procedure sets out the way in which the Club will handle a complaint. Complainants should use it if they need to.

(b) **What a Complainant Should Do If He/She Has A Grievance**

(i) If they can, try to sort it out directly with the person involved. Sometimes, people do not mean to do things that hurt or offend others. This does not mean that it is acceptable. However, it does mean that if the Complainant can, he/she should tell the person who is acting in a hurtful or unsuitable way that his or her behaviour is not acceptable and/or is offensive so that they have the chance to stop or to change what they are doing.

(ii) If this does not work, or the Complainant feels that he/she cannot sort it out directly themselves, they should go to the Chief Executive Officer or their delegated Manager.

(iii) All complaints that are taken to managerial level will be treated privately.

(c) **Procedure**

(i) Discrimination or harassment grievances will be handled by the Chief Executive Officer or their delegated Manager.

(ii) Grievances will be handled:

(a) Confidentially

(b) Impartially

(c) Quickly

Full information will be obtained from the Complainant about their grievance and how they want it resolved.

The other person/people involved will be interviewed separately and impartially; they will be given the opportunity to respond fully to the allegations.

Witnesses, if any, will be interviewed to establish the facts.

If the complaint is substantiated, both parties will be advised and appropriate action will be taken. Options include:

(d) Apology - verbal or written, private or public

(e) An official warning on misconduct

(f) Counselling

(g) Closer supervision of conduct

(h) In the case of discrimination or harassment by employees or officers of the Club, transfer to other duties with no job advantage

(i) In the case of discrimination or harassment by employees or officers or the Club, supervision

(j) In the case of discrimination or harassment by employees or officers of the Club, dismissal

(k) In the case of a member or guest, eviction and/or refusal of entry from or to the Club's premises

(l) In the case of a member, disciplinary proceedings which might result in a cancellation or suspension of membership

(m) There will be regular assessments of the effectiveness of the agreed strategies.

(n) If the complaint is not substantiated, the findings will be explained to both parties.

(o) If the complaint is frivolous, ie. it did not happen, it may also result in disciplinary action.

(p) Records will be maintained in a separate complaints/grievance file.

13 ELECTIONS OF THE BOARD

(a) Any nominee for election to the Board shall be required to:

(i) Complete a statutory declaration in the form nominated for the time being by the Board for this purpose, and shall, in accordance with the timetable as provided, lodge the completed form with the Chief Executive Officer of the Club.

(ii) Submit a biography of not more than 200 words and a passport photograph for use during the ballot.

A person may not be appointed to fill a casual vacancy on the Board unless that person completes a statutory declaration as specified under sub-paragraph (i) above.

(b) Any nominee for election to the Board:

(i) Is not to distribute “how to vote” material on any of the Club premise’s.

(ii) Is to comply with the Directors’ Code of Conduct.

(c) Any nominee for election to the Board may within 48 hours after the close of nomination withdraw his/her nomination by written notice to the Returning Officer.

(d) If a nominee requests and is given a copy of the Club’s membership register he or she agrees to abide by the Act particularly in relation to the prohibitions on the use of information contained within the membership register.