

Approved by the Board:  
October 2024



# By-Laws

## Code of Conduct

**Warringah Bowling Club Ltd**  
ABN 85 000 014 219  
**("Club" and "Company")**

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[If approved by the Club's Board, amongst other notifications, this By-law is intended to be placed in the Club's online 'Library' of resources and reference sources]

**Contents**

**By-Law : Code of Conduct** **i**

**1 Preliminary** **i**

**2 Definitions and Interpretation** **i**

    2.1 Definitions i

    2.2 Interpretation i

**3 Code of Conduct** **ii**

    3.1 General ii

    3.2 Code of Conduct ii

    3.3 The Code in short-form iii

    3.4 Conduct in breach of the Code iii

# By-Law : Code of Conduct

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## 1 Preliminary

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Under the Club's Articles of Association ('**Constitution**'), the *Board* from time to time, may make By-laws (that are not otherwise inconsistent with the Constitution), as the *Board* may deem necessary or expedient for the proper conduct and management of the Club, and the *Board* from time to time, may also amend or repeal those By-laws.

Included in the *Board's* express By-law making powers, is it may regulate the "conduct of *members* and guests of *members*".

## 2 Definitions and Interpretation

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### 2.1 Definitions

Unless the context otherwise requires or is stated, the following definitions apply, and words and expressions *italicised* that are defined in the Corporations Act, in the Registered Clubs Act or in the (Clubs) Regulation, or in the Constitution, have their same meaning when used in and in connection with, this By-law.

**"Code of Conduct" and "Code"** means the code set out in this By-law entitled "Code of Conduct"

**"Ineligible"** means "Ineligible" under any Club By-law, including that the *member*:

- (a) has been expelled or suspended from the Club (including that their *membership* has been suspended) pursuant any Rule or any By-Law; or
- (b) is refused admission to the Club, or has been turned out of the Club, pursuant to any law (including the Liquor Act), any Rule or any By-Law.

**"Rule"** means a rule set out in the Constitution.

### 2.2 Interpretation

- (a) Headings (and sub-headings) and footnotes in this document are for convenience only and do not affect interpretation; and
- (b) Unless the context requires otherwise, in this By-law:
  - (i) labels used for definitions are for convenience only and do not affect interpretation;
  - (ii) words indicating the singular include the plural and words indicating the plural include the singular;
  - (iii) "written" or "in writing" means hand-written, type-written, printed or electronically made, and resulting in a permanent record;

- (iv) a reference to any law or legislation includes regulations under it, and any consolidations, amendments, re-enactments or replacements of any of them;
- (v) a reference to regulations includes instruments of a legislative character under legislation, including regulations, rules, by-laws, codes, ordinances and proclamations;
- (vi) “including” (and like expressions) must be interpreted as if followed by “without limitation”;
- (vii) a reference to any thing (including an amount) is a reference to the whole and each part of it; and
- (viii) if a word is defined, another part of speech of that word has a corresponding meaning.

### **3 Code of Conduct**

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#### **3.1 General**

For the purposes of Club disciplinary matters, for *members* and for guests of *members*, the “Code of Conduct” set out in this By-law, is in addition to, and not in derogation of, exceptions, permissions and rights set out in the Constitution, the Liquor Act (in particular, s.77 Liquor Act<sup>1</sup>), the Registered Clubs Act and the (Clubs) Regulation.

#### **3.2 Code of Conduct**

The following constitutes the Club's “Code of Conduct” that is expected of all members at all times, including in connection with a *member's* guests at the Club.

- (a) Care for and respect the Club's facilities that are being made available to you as a *member*, and enjoy and participate in the Club and its facilities for your own benefit and enjoyment.
- (b) Be respectful and never rude to others while at the Club; and most especially to Club staff and officials. (Officials are volunteers giving up their time to provide service to benefit all members, and the Club's staff are there to help make your experiences at the Club, enjoyable.)
- (c) While at the Club, do not misbehave; and that includes doing things that are illegal, being boorish or using profane language, making obscene gestures or offensive remarks, or exhibiting conduct that is demeaning of others.
- (d) Do not conduct yourself in a way that is, or may be, prejudicial to the interests of the Club, including conduct that may bring your Club into disrepute.
- (e) In competition or in social play, be a good sport – In your conduct, honour both the spirit and the letter of competition rules, and respect the traditions of the game that you play.

### 3.3 The Code in short-form

Without detracting from the Code, in short-form, the Code may be summarised:

- *Care for and respect the Club's facilities*
- *Be respectful and never rude*
- *Do not misbehave*
- *Do not conduct yourself in ways prejudicial to the interests of the Club, including that may bring your Club into disrepute*
- *In play, play fair and be a good sport.*

Added, related, wisdoms from a former Club Chair. <sup>1</sup>

*“Never let your Club down, despite some decisions that may be made with which you disagree. Be proud of your Club, and at all times put it before yourself. Do nothing in your actions, words or appearance which will reflect against your Club. Do your part to enhance the Club's reputation so that it be known as a hospitable and welcoming Club.”*

### 3.4 Conduct in breach of the Code

A *member's* conduct (or that of a *member's* guest) in breach of the Code may entitle the *Board* to reasonably form the opinion that the *member* is unfit for membership of the Club, and accordingly, under the Club's Constitution and its By-laws, the *member* may be subject to:

- (a) disciplinary proceedings in connection with the conduct, and
- (b) actions in connection with their membership, including:
  - (i) suspension (including from exercising any or all of the privileges of membership);
  - (ii) being considered “Ineligible” (including for the purposes of nomination and election to Club officer positions); or
  - (iii) expulsion of the *member* from the Club.

By-Law: “Code of Conduct”

Approved by the Board

October 2024

Leo MacPherson – Chairperson

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<sup>1</sup> With appreciation to the wisdom of Mr Paul Howes, former Club Chairman, circa 2000.

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<sup>i</sup> Extracts from **LIQUOR ACT 2007 - SECT 77: Non-voluntary exclusion of persons from licensed premises**

(1) In this section -

"**authorised person**" means a [licensee](#), an [employee](#) or agent of a [licensee](#) or a police officer.

"**employee**" includes, in the case of a [registered club](#), a person engaged under a contract for services.

"**vicinity**" of [licensed premises](#) means any place less than 50 metres from any point on the boundary of the [premises](#).

(2) An [authorised person](#) may refuse to admit to, or may turn out of, [licensed premises](#) any person--

(a) who is at the time [intoxicated](#), violent, quarrelsome or disorderly, or

(b) whose presence on the [licensed premises](#) renders the [licensee](#) liable to a penalty under this Act, or

(c) who smokes, within the meaning of the [Smoke-free Environment Act 2000](#), while on any part of the [licensed premises](#) that is a smoke-free area within the meaning of that Act, or

(d) who uses, or has in his or her possession, while on the [premises](#) any substance that the [authorised person](#) suspects of being a [prohibited plant](#) or a [prohibited drug](#), or

(e) whom the [authorised person](#), under the conditions of the [licence](#) or according to a term (of the kind referred to in [section 134](#) or [136D](#)) of a [liquor accord](#), is authorised or required to refuse access to the [licensed premises](#).

(3) If, under subsection (2), a person has been refused admission to, or has been turned out of, [licensed premises](#), an [authorised person](#) may, at any time, refuse to admit that person to the [licensed premises](#) or may turn the person out of the [licensed premises](#).

(4) If a person in respect of whom an [authorised person](#) is, under subsection (2) or (3), entitled to refuse admission to the [licensed premises](#) is on the [premises](#), the person must, on being required so to do by an [authorised person](#), leave the [premises](#).

: Maximum penalty--50 penalty units.

(5) For the purposes of this section, such reasonable degree of force as may be necessary may be used to turn a person out of [licensed premises](#).

(6) A person who has been refused admission to, or turned out of, [licensed premises](#) in accordance with this section must not re-enter or attempt to re-enter the [premises](#) within 24 hours of being refused admission or being turned out.

: Maximum penalty--50 penalty units.

(7) After the 24-hour period ends in relation to any such person, an [authorised person](#) is not prevented from exercising the powers under subsection (3) in relation to the person.

(8) ...

(11) The [functions](#) that may be exercised under this section by an [authorised person](#) who is a [licensee](#) or [employee](#) or agent of a [licensee](#) may only be exercised in relation to the [licensed premises](#) to which the [licensee's licence](#) relates.

(12) A reference in this section to turning a person out of [licensed premises](#) includes a reference to causing the person to be turned out.

(13) Nothing in this or any other section of this Act operates to limit any other right a person has to refuse to admit a person to, or to turn a person out of, [licensed premises](#)."