

**By- laws**

**of**

**Murwillumbah Golf Cub Limited**

**ABN 80 001 034 813**

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# **Murwillumbah Golf Club Limited By-laws**

## **1. Preamble**

- 1.1 The following By-Laws have been authorised by the Board in accordance with the Club Constitution and displayed on the Club Notice Board. Enforcement of their observance is empowered by the disciplinary provisions of the Club Constitution.
- 1.2 The attention of members is particularly drawn to the following rules and the request that they be strictly observed at all times to comply with the provisions of the Liquor Act and to maintain order and dignity within the Club.
- 1.3 These By-Laws apply equally to members and visitors. Members must ensure that their guests observe all the rules of the Club.
- 1.4 The Secretary Manager or, in his/her absence, the senior staff on duty shall be primarily responsible for the House management of the Club and any action taken to maintain good order and conduct of members shall not be questioned by any individual member.

## **CLUBHOUSE BY- LAWS**

## **2. Clubhouse Regulations**

- 2.1 Rubber cleated footwear may be worn only in designated areas of the Clubhouse. Metal spiked golf shoes are strictly forbidden from the clubhouse.
- 2.2 Personal property is brought into or stored in the Clubhouse or Locker Rooms at the owner's risk.
- 2.3 Golf Buggies must not be brought through the foyer or other entrance (other than locker room) of the Clubhouse.
- 2.4 Golf clubs and golf buggies must not be left in the Clubhouse other than in a locker designated to a member.
- 2.5 Members and guests are requested to treat the Club's property with care and respect. The Club may seek reimbursement to replace or repair damaged goods.
- 2.6 Personal cheques will not be cashed by Club staff and/or officers on behalf of the Club. An ATM machine is Provided for the convenience of members, guests and visitors.
- 2.7 Club Trading Hours are prominently displayed at the entrance and in the Clubhouse.
- 2.8 Members & guests are not permitted behind the bar, in other service areas or the kitchen.
- 2.9 Members & guests are not permitted in the offices or staff administration areas unless invited by Club administrative staff.
- 2.10 Other than Club sponsored raffles, no canvassing for donations or selling of raffle or other competition tickets shall be permitted in or about the clubhouse, car parks or course without written permission of the Secretary Manager acting on behalf of the Management Committee.
- 2.11 All verbal representations to outside businesses or individuals on behalf of Murwillumbah Golf Club are to be handled by or with the prior consent of the Secretary/ Manager. All applications by the Club or any of its Sections or Sub Committees for donations, sponsorship, advertising or any other business must be done through the Secretary Manager. All correspondence representing Murwillumbah Golf Club is to be generated through the Secretary Manager.
- 2.12 Betting is not permitted on the Club premises.
- 2.13 Rules relating to entry to Gaming Machine areas and the operation of Gaming Machines are clearly displayed and are to be observed in accordance with the Liquor and Gaming Regulations.
- 2.14 Licensing Regulations relating to the responsible sale and consumption of alcohol are clearly displayed and members, guests and visitors are requested to assist the Club staff to enforce the Liquor Regulations.
- 2.15 No notice or placard whatsoever shall be placed in the Clubhouse without the prior approval of the Secretary Manager.
- 2.16 Signs and Posters in and around the Clubhouse must not be defaced, damaged or removed by any member, guest or visitor.

## **3. Licensing Requirements**

- 3.1 Murwillumbah Golf Club being a Registered Club has a club licence under the provisions of the Liquor Act 1992 governing the sale of liquor from the defined licensed premises of the Club for consumption on or away from the licensed premises.
- 3.2 Liquor may only be sold during the authorised standard trading period which is Monday to Saturday between 5.00am and midnight and on Sundays between 10.00am and 10.00pm (except Good Friday and Christmas

Day) and at such other times as may be extended by a trading authorisation or as varied by such conditions as may be imposed by the Director or the Liquor Act or Regulations.

- 3.3 Members, Juniors and Cadets are reminded that persons under 18 years of age must obey the Regulations of the Liquor Act and the Gaming Machine Act as well as the Rules of the Club.
- 3.4 Signage is clearly displayed designating the licensed areas and the Regulations & Rules relating particularly to the sale and consumption of alcohol and the operation of gaming machines. Patrons in the Clubhouse are requested to be familiar with the Regulations and observe the related Club rules.

#### **4. Dress**

- 4.1 Members, Guests & Visitors are expected to exercise good taste and sensible discretion always when on the Club's premises. Clothing and footwear must be clean and tidy. If appearance is likely to offend others then that person risks being refused admission to the Club or asked to leave the Club premises.
- 4.2 The dress guidelines are displayed in the Clubhouse and the Professional's shop. The Club Managerial staff has the responsibility to enforce the dress code and may refuse any person entry to the Club premises.

#### **5. Children**

- 5.1 The following By-laws are subject to the Registered Clubs Act; the Liquor Act and the jurisdiction of the Licensing Court under which the Club operates at all times.
- 5.2 The Licensing Court may grant approval to a Registered Club to allow members of the Club who are under the age of 18 years access to areas of the Club premises that would otherwise be restricted, but only if:
  - (a) the approval is for the purpose of taking part in sporting activities or a prize-giving ceremony associated with sporting activities; and
  - (b) the Licensing Court is satisfied that because of the size of the Club premises, it is impractical for the Club to designate an area of the Club premises as a non-restricted area for the purposes of an authority under section 22.
- 5.3 In interpreting the following By-laws, "responsible adult" means a person of or above the age of 18 years who, in relation to a minor, belongs to one of the following classes of persons:
  - (a) a parent, step-parent or guardian of the minor;
  - (b) the minor's spouse or any person who, although not legally married to the minor, ordinarily lives with the minor as the minor's spouse on a permanent and domestic basis; and
  - (c) a person who for the time being has parental responsibility for the minor.
- 5.4 Children under the age of 18 years MUST be accompanied by a responsible adult at all times. They must stay within designated areas in the Clubhouse.
- 5.5 The current designated areas for persons under 18 years of age are displayed.
- 5.6 The restricted licensed areas including the bar and gaming machines are defined and notices displayed warning that only persons of or above the age of 18 years can enter.
- 5.7 Club management is entitled to identify the responsible adult caring for each minor in the Clubhouse.
- 5.8 Junior and Cadet Members who are not on the Club's property for participating in a golf competition must abide by the above By-laws whilst in the Clubhouse.
- 5.9 Junior and Cadet Members are encouraged to use the golf booking-in computer in the Pro shop. Alternatively, if not available, a computer booking-in facility in a non-restricted area of the Clubhouse.

#### **6. Visitors and Guests**

- 6.1 Members introducing a visitor or guest to the Club must:
  - (a) Sign the visitor into the Club using the designated visitors' book upon arrival;
  - (b) Be responsible for the conduct and behaviour of the visitor or guest;
  - (c) Remain with that visitor or guest whilst in the Club; and
  - (d) Ensure that the visitor or guest leaves when the member is leaving the Club premises or that another Member re-signs in that visitor or guest.

## **7. Smoking**

- 7.1 Smoking anywhere within the enclosed area of the Clubhouse is illegal and will not be tolerated.
- 7.2 Smoking is permitted at the designated external area of the Clubhouse.
- 7.3 Signage designating smoking and non-smoking areas is displayed in the Clubhouse as required by licensing regulations.

## **8. Outdoor Areas**

- 8.1 All Members, visitors, guests and children MUST abide by the By-laws 2 through to 7 above when in defined & restricted outdoor areas of the Club.

## **9. Parking Areas**

- 9.1 Murwillumbah Golf Club property is private property and the roads and parking areas are NOT PUBLIC roads or parking areas. Persons parking on MGC property do so at their own risk. Murwillumbah Golf Club, its Board & employees do not take any responsibility for any damage to your vehicle including damage by golf balls or loss or damage to property in your vehicle. The Club recommends you do not leave valuables in your vehicle and the vehicle be locked before leaving it.
- 9.2 Adjacent to the practice putting green, designated reserved parking has been provided on days indicated for Directors, Secretary Manager & Catering Staff.
- 9.3 Apart from the above reserved spaces, entrances, exits & designated 'No Parking' areas, members and visitors may park in the designated parking bays pursuant to 9.1 above.

## **10. Trading Prices-Bar & Other Retail Sales**

- 10.1 The responsibility for setting prices and terms of trade shall rest with the Secretary Manager under advice from the Management Committee.

## **11. Advertising and Notices**

- 11.1 All advertising inside and outside the Clubhouse and on the golf course whether of a permanent or temporary nature shall be erected only after the prior permission and discretion of the Secretary Manager has been obtained.
- 11.2 No notice or placard, written or printed, shall be placed in the Clubhouse or elsewhere on the Club property without the prior approval of the Secretary Manager.

## **12. Lockers**

- 12.1 Members may request a locker and subject to availability be allocated at the discretion of the Secretary Manager.
- 12.2 The annual fee for the use of a locker shall be determined by the Management Committee and the fee is payable in advance together with the membership subscription.

## **13. Complaints**

- 13.1 All complaints, except hereunder defined, shall be made to the Secretary Manager and, if so required by him/her, shall be made in writing. The Secretary Manager shall take all necessary action to satisfy the complaints. If necessary, a serious complaint shall be referred to an appropriate Sub Committee or the Board.
- 13.2 No member may give any direction to or reprimand any employee. Such action may instigate disciplinary procedures by the Board.
- 13.3 All complaints concerning the Secretary Manager or duty Senior Manager shall be made in writing to the Club President or Board Chairman.

## **GOLF AND COURSE BY-LAWS**

### **14. Booking-In**

- 14.1 No member shall alter another member's booking without that member's prior consent.
- 14.2 No member shall book in more than four players in any one competition without the prior consent of the Captain. Any such bookings must be for one only tee time and include that member's own name.
- 14.3 A member shall only cancel his/her booking in accordance with the instructions issued by the Board from time to time.
- 14.4 Cancellations can only be made by contacting the Pro Shop either by telephone or in person.
  
- 14.5 Any member who telephones and cancels within one hour of his booked time may be required to provide a written explanation and, if not provided or considered unsatisfactory by the Match Committee, the Committee shall have the power to suspend his or her playing rights to participate in golfing competitions conducted by the Club for a period not exceeding one calendar month.
- 14.6 Any member who telephones and cancels over one hour prior to his booked time will have his name recorded and if this occurs on two or more occasions, the Match Committee shall have the power to suspend his or her playing rights to participate in golfing competitions conducted by the Club for a period not exceeding one calendar month.

### **15. Fail to attend for Golf**

- 15.1 Any member who fails to attend at the booked time will be issued with a letter warning that action maybe taken should a further breach occur. In that event, the member will be required to pay the competition fee applicable to the previous event before the member is permitted to play in any subsequent event.

### **16. Golf Starter**

- 16.1 The Club Golf Professional is the official Starter for all golf at MGC. The Starter has the power to:
  - (a) Book in any member or visitor in a club competition provided the rules of golf allow it. The Starter reserves the right not to take a specific time booking for a competition on the day of that competition.
  - (b) Move a player or players from their original timeslot into another time slot in order to make up a group. For example, two players can be put with another two players in a nearby slot to make up a foursome.
  - (c) Book a visitor from another club into a competition that is not 'open' or 'invitation', if spare time slots exist, subject to Club Rules & other Golf & Course By-laws.
  - (d) Reserve one or more time slots in the same group for a member at their request if the member does not have the required visitor details when booking in. The member must provide the details according to the Starters instructions to preserve the spots on the time sheet.
  - (e) Extend the field of a competition by a maximum of two groups if the field is full and members wish to compete in the competition.
  - (f) Suspend or terminate play by sounding the siren in the event of lightning or extreme weather conditions.

### **17. Course Marshall**

- 17.1 A Course Marshall may be appointed at any time. The person may be a Club Golf Pro staff member; a Director; a member appointed by the Board or Match Sub Committee or the Secretary Manager.
- 17.2 The Course Marshall has the following powers to help speed up play:
  - (a) Direct players to speed up their play to catch up to the group in front. If they do not do so within a reasonable time, then one of the following may apply-
    - (i) in an event where the players would not be disqualified for doing so, direct the players to pick up their golf balls and move immediately to the next tee; or
    - (ii) in an event where the players would be disqualified for picking up their golf balls, penalise each player two strokes.

- 17.3 If the players continue to not comply, the Marshall shall direct the players to pick up their golf balls and leave the course. This action means disqualification from the competition and may lead to a citing of the group.

## **18. Local Golf & Course Rules**

- 18.1 Local Rules of MGC are displayed on the official scorecard and on the noticeboard outside the Pro Shop/Starters office and are By-laws of the Club. The Rule numbers and penalties for breach referred to are the Rules of Golf.

### **(a) Fixed Sprinkler Heads**

If a player's ball lies off the putting green, but not in a hazard, and a sprinkler head on or within two club lengths of the putting green and within two club lengths of the ball, intervenes on their line of play between the ball and the hole, the player may take relief as follows:

- (i) The ball must be lifted and dropped at the nearest point to where the ball lay, which is not nearer the hole, avoids the intervention and is not in a hazard or on a putting green. The ball may be cleaned when lifted.
- (ii) If a player's ball lies on the putting green and a sprinkler head on or within two club lengths of the putting green intervenes on their line of putt, the player may take relief as follows: The ball must be lifted and placed at the nearest point to where the ball lay, which is not nearer the hole, avoids the intervention and is not in a hazard.

### **(b) G.U.R.**

Those areas defined by white stakes and/ or white lines. Ground under repair also includes material piled for removal; a hole made by a greenkeeper and clearly defined indentations or ruts or wheel marks made by a mower, tractor or motor vehicle. Check Local Rules which may prohibit play from G.U.R.

### **(c) Hazards**

All hazards, water hazards and lateral water hazards are defined by red or yellow stakes and lines. Check Local Rules before playing.

### **(d) Movable and Immoveable Obstructions**

An obstruction is anything artificial including the surfaces of roads and paths. An obstruction is considered to be moveable if it may be moved without unreasonable effort and without unduly delaying play and without causing damage. The Match Committee may declare a moveable obstruction to be an immoveable obstruction. Always check the Club's Local Rules before commencing play.

### **(e) Out of Bounds**

Out of Bounds is beyond the boundaries of the course or any part of the course so marked by the Match Committee or Course Superintendent. Out of bounds are usually defined by white stakes with black tops or a fence. O.O.B. includes the bitumen road parallel to the practice fairway; the practice putting green and the car parks. Always check the Club's Local Rules before commencing play.

### **(f) Plugged/Embedded Ball**

A ball embedded in its' own pitch mark "through the green", other than in sand, may be lifted without penalty, cleaned and dropped as near as possible to where it lay, but not nearer the hole. The ball when dropped must first strike part of the course "through the green".

Note: Relief is not obtainable under this Local Rule if it is clearly unreasonable for the player to make a stroke because of interference by any condition other than the embedding of the ball.

### **(g) Preferred Lies**

When taking a preferred lie, players should mark their ball before touching it. In Match Play they MUST mark their ball before touching it. The penalty in match play is loss of hole.

### **(h) Relief from Staked or Guarded Trees**

If a tree or shrub which is protected by a tree guard or is staked, interferes with the player's stance or the area of intended swing, the ball must be lifted, without penalty, and dropped in accordance with the procedure prescribed in Rule 24-2b (Immoveable Obstruction). The ball may be cleaned when so lifted.

**(i) Tee Up ‘Through the Green’**

In extreme weather conditions, a Local Rule allowing a player to tee up through the green may be in force. Players should check before commencing play and take note of any special conditions applicable.

**19. Half-Way Stop**

19.1 A compulsory stop of seven minutes applies at the finish of the first nine holes in a eighteen hole round unless directed otherwise by the Starter. Players must check the Local Rules for play on that day.

**20. Golf Carts & Bikes**

20.1 The use of motorised/electric golf carts is approved by the Club but subject to the conditions as set down by the Management Committee from time to time.

20.2 Golf cart owners must display a set of basic rules of conduct in a prominent position in their carts and operators must obey these rules at all times. A copy of these rules is available from the Administration Office.

20.3 A motorised/electric golf cart shall not be driven by, or be under the control of, a person under the age of eighteen years while on the Golf Club property.

20.4 Golf carts must not carry more than two persons at any one time unless specially constructed for the purpose of carrying further passengers.

20.5 Operators must at all times obey any signs or instructions denoting prohibited parking, driving or marshalling areas.

20.6 Any motorised/electric golf cart must be approved by the Management Committee for use on the golf course and its owner must pay the annual levy and course maintenance fee.

20.7 Visitors’ golf carts shall be subject to the same rules and conditions as are members’ carts.

20.8 The Club Professional or Secretary Manager or, in his/her absence, the senior member of the staff on duty reserves the right to order from the course any player observed disregarding these By-laws relating to golf carts and bikes.

NB: As carts and bikes are not the property of the Club, the use by any person of a cart or bike on the course or car parks is conditional upon the user of the cart or bike being responsible for any injury to any person or damage to any property arising out of its use and indemnifying the Club against any claim or action in respect of such injury or damage.

**21. Drinks & Food**

21.1 All alcohol beverages MUST be purchased from the club. Any foreign alcohol beverages brought onto the club property will be confiscated.

**22. Returning Results**

Refer to new booking system.

**23. Collecting Trophies, Prizes & Balls**

Refer to new booking system.

**24. Missing Partners**

The Starter has the sole right to replace a player missing from the field for whatever reason with another player, if available, so as to maintain a group of four particularly in a 2 Ball or 4 Ball event. In the case of an odd player, he or she will be paired up with the lowest handicapper in the group.

## **25. Slow Play**

- 25.1 It is the responsibility of the lowest marker in the group to make sure that their group keeps up with the group in front. If you find that you are falling behind the group in front, the first two to putt-out should go immediately to the next tee and tee off. Keep repeating this procedure until the group catches up.
- 25.2 Slow play is selfish and disrespectful to players behind. It can also limit social tee times available at the end of the competition, thus costing the club revenue for the remainder of that day. (Refer to By-law 17 COURSE MARSHALL for Slow Play Penalties).

## **26. Competitions**

Rules for competitions and play on the course are published annually in the Club fixture book and shall have the same effect as a By-law of the Club. The dates set out in the fixture book for any match play-offs are the dates when decisions must be made unless otherwise arranged by the Match Committee.

## **27. Championships & Honour Board Events**

All adult Playing Members (including Intermediate 19-23 year old members and full time Tertiary members up to 25 years old) are eligible golfing members to participate in their respective events subject to the member being a current financial member at all times during the course of the entire event or competition or championship.

Also refer to Rule 26 above and the Club fixture book.

## **28. Handicap Divisions and Limits**

- 28.1 All handicap grades, divisions and limits shall be as recommended by Golf Australia unless a Local Rule for a particular competition or event stipulates otherwise.

## **29. Protests**

- 29.1 Protests in connection with a match or competition must be lodged in writing to the Match Committee immediately after the completion of the match or competition. Upon receipt of such protest, the Match Committee will consider it and their decision shall be final.

## **30. Extreme Weather Conditions**

- 30.1 Unless a competition or match is officially stopped, usually by the hooter being sounded from the Starter's office players must use their good sense and discretion whether to discontinue the golf round and leave the course or continue playing.

## **31. Mobile Telephones, Radios and Other Devices.**

- 31.1 Mobile phones may be carried provided they do not disturb the play of fellow golfers. This equipment should be switched to silent or vibration mode so as not to risk offending or disrupting fellow players and breaching golf etiquette.
- 31.2 Members may protest in writing at the end of their round if they consider they have been inconvenienced or game disrupted. In the case of a complaint to the Match Committee, the offender risks being disqualified.
- 31.3 By-laws 31.1 and 31.2 also apply in the same way if a player's game is disrupted by another player carrying and using a radio or other noisy device or equipment.

## **32. STAFF BY -LAWS**

- 32.1 The Secretary Manager shall be directly responsible to the Management Committee in accordance with the terms of his employment, relevant industrial laws, any applicable industrial Award or Agreement and relative Registered Club employee classification or club management level and relative job description.
- 32.2 All other staff employed at Murwillumbah Golf Club shall be responsible to the Secretary Manager, subject to 32.3 and 32.4 below.

- 32.3 Having regard to 32.2 above, in the case of the Course Superintendent dealing with matters concerning the course or course machinery, he will also consult with and report to the Course or Greens Director.
- 32.4 Course staff will report to the Course Superintendent who, in matters of employment or dismissal, will initially seek confirmation and agreement from the Secretary Manager.
- 32.5 No employee of the Club should be reprimanded, abused or threatened by any member, visitor or other user of Club facilities whether orally or in writing. Any complaint with regard to the performance, attitude or action of any staff member should be tendered in writing with a full explanation of the reasons and circumstances to the Secretary Manager within twenty four (24) hours of any such incident.
- 32.6 The Secretary Manager will attend to the complaint promptly if it be a minor matter but if considered to be of a more serious nature, then the complaint will be referred to the Club President or Chairman for direction.

## **ELECTION OF THE BOARD OF DIRECTORS BY - LAWS**

### **33. Annual Election**

- 33.1 The annual election shall be by a secret ballot amongst eligible members in accordance with the Registered Clubs Act, Registered Clubs Regulations and rule 31.1 of the Constitution.

### **34. Notice of Election**

- 34.1 Notice of the Election shall be published and given to each eligible member in accordance with Rules of the Club Constitution not less than seven (7) weeks prior to the Annual General Meeting inviting nominations of candidates from eligible members as described in the Constitution rules 30.3(a) and 30.3(b).

### **35. Returning Officer and Scrutineers**

- 35.1 The Returning Officer and at least two Scrutineers shall be appointed by the Board. A candidate for office is ineligible to be appointed.
- 35.2 The Returning Officer is responsible to ensure that the Election procedure is fair, secure and confidential. Duties include:
- (a) Issue the Notice inviting nominations from candidates.
  - (b) Approve the design of the ballot paper.
  - (c) Proof read the mailing packs to eligible members.
  - (d) Supervise the distribution of mailing packs including ballot papers.
  - (e) Supervise the return of the ballots.
  - (f) Ensure the ballots are secure & kept confidential until they are counted.
  - (g) Examine the ballots for validity against a list of eligible voters supplied by the Secretary Manager from the Register of Members.
  - (h) Count the votes with the help of the two scrutineers appointed by the Board.
  - (i) Keep the results confidential until the declaration of the results of the ballot & the election at the Annual General Meeting.
- 35.3 The Board may, at any time, appoint a Nominations Committee to ensure all nominations are valid and that members are fully informed to exercise their right to vote. Candidates for election are ineligible.
- 35.4 The Board may, at any time, engage the services of a professional electoral consultant or company to perform, or assist in performing, any or all of the duties of the Returning Officer or scrutineers.
- 35.5 The Board and the Club shall comply with all requirements that may be imposed by the provisions of the Registered Clubs Act and Regulations.

### **36. Nominations**

- 36.1 An eligible candidate as described in 36.2 cannot accept nomination until that person declares in writing that he or she has received the education and training material for club directors that may be approved by the Director from time to time in accordance with the Registered Clubs Act or Registered Clubs Regulations and rule 30.3 (b) of the Club's Constitution.

- 36.2 A candidate nominated must be a Playing Member or Life Member for at least twelve (12) months immediately prior to the date of the nomination to be eligible. A candidate is ineligible if under suspension or has at any time been convicted of an indictable offence.
- 36.3 Nominations must be on the authorized form obtainable from the Registered Office and must be signed by two nominators who must be financial Playing Members or Life Members over the preceding 12 months and by the nominee who shall signify his or her consent to the nomination and acknowledge that:
- (2)
- (a) he/she will devote such time as is necessary to carry out the duties of a Director of the Company;
  - (b) he/she has read the Constitution and By-laws of the Company and agrees to be bound by the Constitution and related By-laws if elected and agrees to provide full and true disclosure of any matter that may be construed as a conflict of interest.
- 36.4 Candidates MUST include a type-written profile including qualifications and experience not exceeding one A4 sheet of paper with his/her nomination. The Club reserves the right to reject the Nomination if any material submitted is, in the Chairman's opinion, defamatory or is likely to mislead or deceive eligible voting Members. The profiles will be published when the ballot papers are sent to members on the Club's web site, on the notice board and hard copies can be obtained at the Club on request.
- 36.5 All nominations (with profiles) MUST be completed in accordance with the instructions and lodged on or before the date and time at the place fixed by the notice calling for nominations.
- 36.6 Candidates are eligible to stand for nomination for more than one position. The order of seniority for election to office as a Director of the Company Board of nine (9) is President ( Chairman of the Board); Captain (Chairman of Golf Match Committee); Treasurer (Chairman of Finance Committee); Director-Chairman of Greens Committee; Director-Chairman of House, Membership & Marketing Committee and four (4) ordinary Directors. If a member is elected to a senior office that member shall be eliminated from the ballot for any other junior office.
- 36.7 The Secretary will as soon as practicable after the close of nominations post notification of such nominations on the Club Notice Board and on the Club website.
- 36.8 If at the close of nominations the number of candidates nominated for any office is the same as or less than the number to be elected to that office, no ballot for that position on the Board shall be required.

### **37. Conducting the Ballot**

- 37.1 The order of candidates' names shall be determined by lot.
- 37.2 Ballot papers will be initialled by the Returning Officer.
- 37.3 Ballot papers will be posted to each Member entitled to vote at least twenty-one (21) days prior to the Annual General Meeting.
- 37.4 Members MUST mark the ballot paper exactly in accordance with the printed instructions to be valid.
- 37.5 A completed ballot paper shall be enclosed in an envelope provided in the secret ballot pack marked "Ballot Paper", then enclosed in a second envelope addressed to the Returning Officer of MGC. The second envelope will have the member's club number on the back.
- 37.6 Ballot papers must be returned in accordance with the printed instructions and on or before the date and time published to all eligible Members. Unless determined otherwise by the Board, the ballot will close at 6 pm on the day immediately before the annual general meeting. A sealed ballot box shall be provided at the Club premises for 14 days for the convenience of voters and they are encouraged to visit their club for this purpose. Alternatively, voters may post their ballot paper in accordance with the written and published instructions.
- 37.7 Voting results shall be decided by simple majority. In the event of an equality of votes in favour of two (2) or more candidates, lots shall be drawn. In the event of nominations being received for a position as stated in By-law 36.8, the Returning Officer shall declare that person or those persons elected in accordance with By-law 37.8.
- 37.8 The Returning Officer shall declare the results of the ballot to the Chairperson of the Annual General Meeting who will announce the names of the candidates elected and their respective position on the Board

## **MEMBERS' SUBSCRIPTIONS BY LAWS**

### **38. Registered Clubs Act and Companies Act**

- 38.1 Membership of the Club including payment of membership fees is always subject to the Registered Clubs Act and the Companies Act. The following By-laws will be subject to that legislation at all times.

### **39. Annual Reviews**

- 39.1 The Board or nominated Sub Committee will conduct an annual review which shall include:
- (a) All categories; their respective numbers as a percentage of the total Members and their fee income as a percentage of total members fee income.
  - (b) New categories; category deletions and category amendments.
  - (c) Members may transfer to another category annually when subscriptions are due. The criteria, procedure and possible limits will be reviewed to facilitate transfers for the convenience of members.
  - (b) The Board reserves the right to allow changes at any time during the year for special reasons and only after written application to the Board. The Board's decision will be final.

#### **40. Payment of Subscriptions**

- 40.1 Annual Subscriptions are payable in advance and may be by cash, cheque, credit card, electronic transfer of funds or debit card.
- 40.2 The Board shall review the above methods of payment annually along with fees for the forthcoming membership year in each category of membership. Facilities to pay subscriptions in advance by instalments shall also be reviewed.
- 40.3 The Club does not currently impose an entrance fee on new members. The Board shall review entrance fees annually.
- 40.4 All subscription fees, green & competition fees along with payment facilities and options shall be displayed on the Club Notice Board and provided to members with annual membership renewal notices.

### **SECTIONS AND SUB COMMITTEES BY LAWS**

#### **41. Women's Golf Murwillumbah**

Women's Golf Murwillumbah is a Section of the Murwillumbah Golf Club Limited in accordance with the Club's Constitution.

The Rules and By-laws of Women's Golf Murwillumbah:

1. Definitions:

The words "Lady Golfer" or "Lady Golfers" used hereafter refers to a full playing member of the Murwillumbah Golf Club Limited who is eligible for a ALGU Handicap.

The word "committee" is used in reference to the committee of Women's Golf Murwillumbah.

Women's Golf Murwillumbah shall be referred to as WGM.

In all other instances definitions are as contained in the Constitution of the Murwillumbah Golf Club Limited.

Categories of membership and the method of their selection shall be controlled by the Board and that same body shall be responsible for membership fees and subscriptions and fix conditions under which visitors can play.

2. Management:

The affairs of WGM shall be managed by a committee elected at the Annual General Meeting of WGM and such committee will consist of the following office bearers: President, Vice President, Captain, Vice-Captain, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Handicap Manager, Assistant Handicap Manager and seven (7) other lady golfers.

No person shall hold the position of President or Captain for more than three (3) consecutive years.

The authority of the committee, in the management of the affairs of WGM as delegated to it by these Rules and By-laws, is paramount, unless overruled by a General meeting of that body.

3. Election of Office Bearers:

The annual General Meeting shall be held directly following the annual trophy presentation in November of each year.

The Secretary shall give at least fourteen (14) clear day's notice of the meeting to all Lady Golfers by public display.

None but Lady Golfers shall have voting rights and if the subscription, or any part thereof, of any Lady Golfer shall not be paid within a period of thirty (30) days from the date upon which it falls due, the defaulting member shall from that date be debarred from all privileges of membership.

No Lady Golfer under the age of eighteen (18) years will be entitled to vote.

Any two Lady Golfers entitled to vote may nominate a Lady Golfer to serve on the Committee. The written nomination, with the nominated person's signed consent, must be in the hands of the

Secretary of WGM at least seven (7) clear days before the Annual General Meeting and must be displayed forthwith on the notice board where it will remain until the day of the meeting.

Two (2) scrutineers, who are not candidates, appointed by the meeting will collect the ballot papers, count the votes and report the result to the Chairperson.

The names of the successful candidates shall be made known to the meeting.

If two or more candidates obtain an equal number of votes the matter shall be decided by a draw in accordance with the Constitution of Murwillumbah Golf Club.

If there are not sufficient candidates, the Committee so elected will be required to fill the remaining vacancies, provided the required quorum is present at the meeting convened to fill such vacancies.

Such appointed Office Bearers will hold office until the next Annual General Meeting of WGM, and shall retire when the Annual General Meeting is held, but shall be eligible for re-election.

The newly elected committee shall take office immediately.

If insufficient candidates to form this quorum are elected by the Annual General Meeting of WGM, the Constitution of the Murwillumbah Golf Club shall apply.

4. Committee Meetings:

Meetings of the committee will be held monthly, except that meetings during December and January will be held at the discretion of the committee.

These meetings will be presided over by the President, who shall have a deliberate as well as a casting vote. In the absence of the President, the chair will be taken by the Vice- President, Captain, or a temporary chairwoman (elected by those present) with like power; nine will form a quorum. If any committee member absents herself without leave from three (3) consecutive meetings, her seat will be declared vacant.

In the case of a casual committee vacancy occurring, the committee may at its discretion appoint a successor who shall retire when the Annual General Meeting is held but shall be eligible for re-election.

In the event of the committee resigning in total, a General Meeting of WGM shall be called by the Chairman of the Club for the purpose of election of new office bearers and committee members, all of whom will retire when the Annual General meeting is held, but shall be eligible for re-election.

5. Notice of Motion:

A motion for the alteration of any of these Rules and By-laws or the enactment of a new Rule or By-law or any other motion can only be made at the Annual General Meeting or at any Extraordinary General Meeting.

Twenty-one (21) days notice in writing of the intention to propose any new Rule or By-law or alteration or any other proposal must be given to the Secretary of WGM. The proposal must be posted on the notice board at least (14) days before the meeting.

Any motion passed under this section amending or enacting a Rule or By-law is not binding until approved by the Board and shall be in accordance with the Constitution of Murwillumbah Golf Club Limited. Any motion so approved by the Board is binding until altered by further notice of motion.

6. Business of the Annual General Meeting:

- a) Apologies
- b) Confirmation of minutes of previous Annual General Meeting of WGM
- c) Presentation of President's Report.
- d) Presentation of Treasurer's Report.
- e) Election of Office Bearers and Committee for ensuing year.
- f) Transact any other business that may be properly brought forward by notice of motion.
- g) Receive suggestions and recommendations for consideration by the incoming committee.

7. Operation of Banking Account:

The committee shall have the power in accordance with the Constitution of Murwillumbah Golf Club Limited to open and operate a Bank Account in the name of Women's Golf Murwillumbah.

Such account shall be operated in accordance with the Constitution of Murwillumbah Golf Club Limited.

8. Duties of the Secretary and Treasurer:

The Secretary shall keep full and correct minutes of all proceedings at Committee meetings and shall carry out the directions of the Committee.

Such minutes shall be available for inspection in accordance with the Constitution of Murwillumbah Golf Club Limited.

At each Committee meeting the Treasurer shall report on all monies received and disbursed on behalf of the WGM and shall submit accounts for payment.

The Treasurer shall present a Statement of Financial Performance and a Statement of Financial Position of WGM, audited by an independent person approved by the Board, for the preceding financial year to 30<sup>th</sup> June, to the Annual General Meeting of WGM.

A copy of these financial statements shall be forwarded to the Board as soon as they are finalised or at a time requested by the appointed auditor of the Murwillumbah Golf Club Limited.

In accordance with the Constitution of the Murwillumbah Golf Club Limited, the Treasurer shall supply the Board, on request, such statements at any time during the year, with the provision that unaudited statements will be accepted at times when fully audited statements are unavailable because the timing of such a request.

9. The Committee:  
The Committee will have full powers concerning the programming and conditions of all competitions of WGM and also have the right to co-opt additional lady golfers to assist on special occasions or for special purposes.
10. Sub Committees:  
The newly elected committee shall forthwith appoint the following sub-committees from its members:
  - (i) Match Committee:  
Consisting of Captain (Chairwoman), Vice Captain, Handicap Manager and two (2) others, preferably not office bearers.  
The Match Committee shall manage and control all competitions and matches and select players for these where necessary. This sub-committee will draw up an annual competition programme, year end to be immediately prior to the next Annual General Meeting of WGM. The programme shall be presented to the committee for confirmation. It will adjudicate and decide any protest or complaint in connection with these competitions and its decision will be final. It shall have the power to alter or vary any of the conditions including starting time and type of competition. All other decisions and proposals should be ratified by the committee of WGM. The President is a member, ex-officio, but is not obliged to attend all meetings. Prior to play the conditions of all competitions shall be displayed.  
The Rules of Golf as authorised by the Royal and Ancient Golf Club of St Andrews and the Local Rules and By-laws of Murwillumbah Golf Club Limited shall be adopted. No such conditions shall contravene the rights of any individual member given to them by Murwillumbah Golf Club's Constitution and any Rules and By-laws set up in accordance with that Constitution or any relevant State or Federal laws which govern the operations of Murwillumbah Golf Club Limited.
  - (ii) House Committee:  
Consisting of the Vice-President (Chairwoman), and six (6) or more committee members who are not office bearers or Match Committee members. The House Committee shall have the right to co-opt an additional committee member or members to assist on special occasions. This committee shall be responsible for the comfort of the lady golfers within the clubhouse.
11. Complaints:  
All complaints are to be made in writing to the Secretary of WGM who shall submit them to the Committee whose decision will be final, unless such complaint is of a nature that the responsibility for such matters lies with the Board, in which case the Committee will forward such complaint to them immediately.  
In no instance shall a Lady Golfer or member of the WGM Committee reprimand or issue an order to an employee of the Murwillumbah Golf Club Limited.
12. Contravention of Laws:  
No provision in these Rules and By-laws shall contravene any provision in the Constitution of Murwillumbah Golf Club Limited or any relevant State and Federal laws and Regulations which govern its operation under the Corporations Law and as a Registered Club. To the extent that any of the provisions of these By-laws may inadvertently be inconsistent with the above, these sections shall be inoperative, but such inconsistency will not render any other section of these By-laws which do have consistency invalid.

## **42. Veterans' Golf Association**

The Veterans' Golf Association, Murwillumbah is a Section of Murwillumbah Golf Club Limited and abides by the Constitution and By-laws of Murwillumbah Golf Club Limited.

### **43. Board Sub-Committees**

43.1 Without derogating from the general powers conferred by the Rules of the Constitution, the Board has resolved to delegate responsibility to the following sub-committees:

- (a) Finance Committee
- (b) House, Membership & Marketing Committee
- (c) Greens Committee
- (d) Match Committee

In addition, until the conclusion of the 2008 Annual General Meeting, the following additional sub-committees:

- (e) Building Committee
- (f) Historical Committee
- (g) Constitution/By-Laws Committee

43.2 The Board has further resolved that such delegation enables such committees to consist of any:

- (a) Director;
- (b) Member;
- (c) Employee of the Club;
- (d) Person who is not a member but who has a particular skill or expertise which they will apply to a committee; or any combination thereof.

43.3 The Board shall have the power from time to time to vary or revoke any such delegation.

43.4 The Chairman shall be ex officio member of all Committees.

43.5 Any committee may meet and adjourn as it thinks proper. Questions arising at any meeting of a committee shall be determined by a majority of votes of the members present and in the case of an equality of votes, the Chairperson of the meeting shall have a second and casting vote.

43.6 The meetings and proceedings of any committee consisting of three or more persons shall be governed by the provisions of the Constitution for regulating the meetings and proceedings of the Board so far as the same are applicable thereto and are not superseded by this or any subsequent By-law made by the Board.

### **GOLF EQUIPMENT, BALLS & LOST BALLS BY-LAWS**

#### **44. Purchase or Sale of Golf Equipment & Balls**

44.1 No Member or visitor shall purchase or sell any golf equipment or golf balls, whether second hand or not, in the precincts of the Club's property from any person other than the Club's Golf Professional.

#### **45. Recovery of Lost Balls from Water Hazards**

45.1 The Murwillumbah Golf Club has a current contract with a Ball Retriever giving exclusive rights to retrieve golf balls from the Club's lakes and dams and agrees to abide by the terms of the Club's Contractor's Handbook.

45.2 The Golf Ball Retriever has contracted not to sell any golf balls whilst on the Club's property other than to the Club's Golf Professional.

### **46. ALTERATIONS – GOLF COURSE AND OTHER CAPITAL WORKS**

#### **Golf Course**

46.1 The Club will maintain a plan to be reviewed annually, ideally covering at least the next 5 years, which identifies areas for improvement or major change to the playing areas of the course and its environs. The Board will update members of the current plan at least annually.

46.2 Prior to committing the Club to implement any material and major course capital works such as the positioning or shape of greens; the addition or removal of bunkers; the position of tees; the creation or removal or major alteration to hazards or other fundamental course topography, the Board will inform members of major material works planned; present the plans of the proposed material changes and display the plans prominently in the clubhouse for a minimum of two (2) months to seek constructive comment and the opinion of members. Information must include indicative costs.

46.3 If work in 46.1 and 46.2 above includes the reconstruction or repositioning of a green involving significant reshaping, then a qualified golf architect is to be consulted for advice and guidance and the details made available to members.

## **Clubhouse & Other Capital Works**

47.1 The Club will maintain a plan ideally spanning at least 5 years which embraces major improvements, additions and other alterations to buildings, car parks and other areas of the Club's property and the Board will ensure that members are informed of the current plan at least annually.

47.2 The Board will inform members prior to implementing and/or committing the Club to any major capital works by presenting the detailed plans and indicative costs and displaying the plans prominently in the Clubhouse for an appropriate time but at least two (2) months so that members have a reasonable opportunity to express an opinion and make constructive comments to assist the Board.

## **48. AMENDMENTS, ADDITIONS AND DELETIONS TO THE BY-LAWS**

48.1 The Board or Management Committee reserves the right to alter any of the foregoing rules and to make any such other and further rules as in its judgement may from time to time be needful but no amendment, addition or deletion to these rules may be made except and until resolved at a meeting of the Board of Directors and then formally notified to Members in accordance with the Constitution of the Club.

## **49. Requests for Subsidies**

At a meeting of the Board of Directors on Saturday 23rd April 2016, Murwillumbah Golf Club Limited By-law 49 was made.

“Requests for subsidies in respect of golfing representations are to be submitted to the Finance Committee for consideration. The Finance Committee shall submit its recommendations to the Board for approval/ratification.”

*Notwithstanding the above By-Laws, the operations of the Club are governed by the Constitution. Both the Constitution and these By-Laws shall be made available to any member upon request. A small fee may be payable. Enquiries are to be directed to the Secretary Manager.*