

EMERALD LAKERS BASKETBALL CLUB INCORPORATED

Statement of Purposes and Rules (1989)

Registration No. A0019400C

Clean transcription of the 1989 incorporation documents. Original wording and legal substance preserved; obvious scanning (OCR) errors corrected and clause numbering repaired. Editorial reconstructions appear in [square brackets].

See the Transcription Notes at the end.

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Statement of Purposes

Registration No. A0019400C

This is a copy of the Statement of Purposes relating to the incorporation of Emerald Lakers Basketball Club referred to in the declaration accompanying the Application for Incorporation signed by me and dated the 1st September 1987.

(Signed) L.S. Clare

21 September 1989

Purposes

The purposes of the Club are:

- (a) To promote and play basketball.
- (b) To encourage the youth of Emerald and surrounding districts in the sport.
- (c) To promote and engender social activities within the Club and with other similarly inclined clubs.
- (d) To encourage, improve and control basketball within Emerald and to co-operate with others of a like object without limitation of place.
- (e) To do all such things that are deemed incidental to or necessary for the purposes of the foregoing objects.

Powers

Solely for the purpose of furthering the purposes set out above, the Club shall have power:

- (a) To take over the funds and other assets and the liabilities of the present unincorporated association known as the Emerald Lakers Basketball Club.
- (b) To indemnify any person for any loss or damage incurred as a result of having, on behalf of the unincorporated association, become liable to pay any amount by way of damages or otherwise.
- (c) To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the association, provided that the association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the association under or by virtue of the rules.
- (d) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the association or persons frequenting the association's premises.
- (e) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purpose of, or capable of being conveniently used in connection with, any of the objects of the Club, provided that in case the Club shall take or hold any property which may be subject to any trusts, the Club shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- (f) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club; to obtain from any such

Government or Authority any rights, privileges and concessions which the Club may think desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

(g) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Club.

(h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.

(i) To invest and deal with the money of the Club not immediately required in such manner as may from time to time be thought fit.

(j) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.

(k) To lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.

(l) To borrow or raise money, either alone or jointly with any person or legal entity, in such manner as may be thought proper, and whether upon fluctuating advance account or overdraft or otherwise, to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid, by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets, present or future, and to purchase, redeem or pay off any such securities.

(m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.

(n) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club.

(o) To take or hold mortgages, loans or charges to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Club's property of whatsoever kind sold by the Club, or any money due to the Club from purchasers and others.

(p) To take any gift of property, whether subject to any special trust or not, for any one or more of the objects of the Club, but subject always to the proviso in paragraph (o).

(q) To take such steps, by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club in the shape of donations, annual subscriptions or otherwise.

(r) To print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.

(s) To amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Club and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Club under or by virtue of the Rules.

(t) To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Club is authorised to amalgamate.

(u) To transfer all or any part of the property, assets, liabilities and engagements of the Club to any one or more of the incorporated associations with which the Club is authorised to amalgamate.

(v) To make donations for patriotic, charitable or community purposes.

(w) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club.

Rules

Registration No. A0019400C

This is a copy of the Proposed Rules relating to the incorporation of Emerald Lakers Basketball Club referred to in the declaration accompanying the Application for Incorporation signed by me and dated the 1st September 1989.

(Signed) L.S. Clare

1. Name

The name of the incorporated association is Emerald Lakers Basketball Club (in these rules called "the Club").

2. Interpretation

(1) In these rules, unless the contrary intention appears:

"Committee" means the Committee of Management of the Club.

"Financial Year" means the year ending on 30 June.

"General Meeting" means a general meeting of members convened in accordance with Rule 9.

"Member" means a member of the Club.

"Ordinary Member of the Committee" means a member of the Committee who is not an officer of the Club under Rule 23.

"The Act" means the Associations Incorporation Act 1981.

"The Regulations" means the Regulations under the Act.

(2) In these rules, a reference to the secretary of a Club is a reference:

(a) where a person holds office under these rules as secretary of the Club, to that person; and

(b) in any other case, to the public officer of the Club.

(c) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3. Application for Membership

(1) A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Club on payment of the seasonal subscription and registration fee payable under these rules.

(2) A person who is not a member of the Club at the time of the incorporation of the Club (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:

(a) unless he is nominated as provided in sub-clause (3); and

(b) his admission as a member is approved by the Committee as set out below.

(3) A nomination of a person for membership of the Club:

(a) shall be made in writing in the form set out in Appendix 1; and

(b) shall be lodged with the secretary of the Club.

- (4) As soon as is practicable after the receipt of a nomination, the secretary shall refer the nomination to the Committee.
- (5) Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.
- (6) Upon a nomination being approved by the Committee, the secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the association and request payment, within the period of 20 days after receipt of the notification, of the sum payable under these rules as the seasonal subscription and registration fee.
- (7) The secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to in that sub-clause, enter the nominee's name in the register of members kept by him and, upon the name being so entered, the nominee becomes a member of the association.
- (8) A right, privilege or obligation of a person by reason of his membership of the association:
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of his membership, whether by death or resignation or otherwise.

4. Seasonal Subscription and Registration Fee

The Committee shall, from time to time, determine the seasonal subscription and registration fee payable for each category of members, which shall be payable by the date specified by the Committee at its discretion.

5. Register of Members

- (1) The secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member.
- (2) The register shall be available for inspection by members at the address of the Public Officer.

6. Resignation of Members

- (1) A member of the Club who has paid all monies due and payable by him to the Club may resign from the Club by first giving one month's notice in writing to the secretary of his intention to resign, and upon the expiration of that period of notice the member shall cease to be a member.
- (2) Upon the expiration of a notice given under sub-clause (1), the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given ceased to be a member.

7. Expulsion of Members

- (1) Subject to these rules, the Committee may by resolution:

- (a) expel a member from the Club;
- (b) suspend a member from membership of the Club for a specified period; or
- (c) fine a member in accordance with the Regulations,

if the Committee is of the opinion that the member:

- (i) has refused or neglected to comply with these rules; or
- (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club.

- (2) A resolution of the Committee under sub-clause (1):

(a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3), confirms the resolution in accordance with this clause; and

(b) where the member exercises a right of appeal to the Club under this clause, does not take effect unless the Club confirms the resolution in accordance with this clause.

(3) Where the Committee passes a resolution under sub-clause (1), the secretary shall, as soon as practicable, cause to be served on the member a notice in writing:

(a) setting out the resolution of the Committee and the grounds on which it is based;

(b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;

(c) stating the date, place and time of that meeting;

(d) informing the member that he may do one or more of the following:

(i) attend the meeting;

(ii) give to the Committee, before the date of that meeting, a written statement seeking the revocation of the resolution; and

(iii) not later than 24 hours before the date of the meeting, lodge with the secretary a notice to the effect that he wishes to appeal to the Club in general meeting against the resolution.

(4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee:

(a) shall give to the member an opportunity to be heard;

(b) shall give due consideration to any written statement submitted by the member; and

(c) shall by resolution determine whether to confirm or to revoke the resolution.

(5) Where the secretary receives a notice under sub-clause (3), he shall notify the Committee and the Committee shall convene a general meeting of the Club to be held within twenty-one days after the date on which the secretary received the notice.

(6) At a general meeting of the Club convened under sub-clause (5):

(a) no business other than the question of the appeal shall be transacted;

(b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;

(c) the member shall be given an opportunity to be heard; and

(d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

(7) If at the general meeting:

(a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and

(b) in any other case, the resolution is revoked.

8. Categories of Membership

The categories of membership of the Club shall consist of:

(a) Junior members: any person under the age of sixteen (16) years;

- (b) Senior members: any person over the age of sixteen (16) years;
- (c) Associate members: parents or interested persons who wish to assist the Club; and
- (d) Life members: on the recommendation of the Committee, approved at a General Meeting by a simple majority, any person who has rendered special service to the Club may be admitted as a life member with all the rights and privileges of a member without payment of a seasonal subscription; however, there may be no more than two life members elected in each year.

9. Annual General Meeting

- (1) The Club shall, in each calendar year, convene an annual general meeting of its members.
- (2) The annual general meeting shall be held in July on such day as the Committee determines.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the annual general meeting shall be:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the Committee reports upon the transactions of the Club during the last preceding financial year;
 - (c) to elect officers of the Club and the ordinary members of the Committee; and
 - (d) to receive and consider the statement submitted by the Club in accordance with Section 30(3) of the Act.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (6) The annual general meeting shall be in addition to any other general meeting that may be held in the same year.

10. Other General Meetings

All general meetings other than the annual general meeting shall be called special general meetings.

11. Special General Meetings

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club and, where but for this sub-clause more than fifteen months would elapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
- (2) The Committee shall, on the requisition in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Club.
- (3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary, and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three months after that date.
- (5) A special general meeting convened by members in pursuance of these rules shall be convened in the same manner, as nearly as possible, as that in which those meetings are convened by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the person incurring the expenses.

12. Notice of Meeting

(1) The Secretary of the Club shall, at least 14 days before the date fixed for holding a general meeting of the Club, cause to be sent to each member of the Club, at his address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

(3) A member desiring to bring any business before a meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

13. Proceedings at Meetings

(1) All business that is transacted at a special general meeting, and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being ordinary business of the annual general meeting, shall be deemed to be special business.

(2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

(3) Five members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(4) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved and, in any other case, shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment, or by written notice to members given before the day to which the meeting is adjourned) at the same place; and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.

14. Chairman of General Meeting

(1) The President, or in his absence the Vice-President, shall preside as Chairman at each general meeting of the Club.

(2) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

15. Adjourned Meetings

(1) The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) Where a meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

(3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

16. Resolutions

A question arising at a general meeting of the Club shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the Minute Book of the Club, is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

17. Voting

- (1) Upon any question arising at a general meeting of the Club, a member, other than a Junior member who has no voting rights, has one vote only.
- (2) All votes shall be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

18. Poll

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

19. Unfinancial Members

A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the Club have been paid, other than the amount of the seasonal subscription and registration fee payable in respect of the current financial year.

20. Proxies

- (1) Each member shall be entitled to appoint another member as his proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 2.

21. Committee of Management

- (1) The affairs of the Club shall be managed by a Committee of Management constituted as provided in Rule 23.
- (2) The Committee:
 - (a) shall control and manage the business and affairs of the Club;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club, other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Club; and
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.

22. Officers

- (1) The officers of the Club shall be:
 - (a) a President;

- (b) a Vice-President;
- (c) a Treasurer; and
- (d) a Secretary.

(2) The provisions of Rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).

(3) Each officer of the Club shall hold office until the annual general meeting next after the date of his election, but is eligible for re-election.

(4) In the event of a casual vacancy in any office referred to in sub-clause (1), the Committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

23. Committee

(1) Subject to Section 23 of the Act, the Committee shall consist of:

- (a) the officers of the Club; and
- (b) a maximum of six ordinary members, each of whom shall be elected at the annual general meeting of the Club each year.

(2) Each ordinary member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Club to fill the vacancy, and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his appointment.

24. Election of Officers

(1) Nomination of candidates for election as officers of the Club or as ordinary members of the Committee:

- (a) shall be made in writing, signed by two members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- (b) shall be delivered to the secretary of the Club not less than seven days before the date fixed for the holding of the annual general meeting.

(2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

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

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(5) The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

(6) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same election.

25. Vacancy of Office

For the purposes of these rules, the office of an officer of the Club or of an ordinary member of the Committee becomes vacant if the officer or member:

- (1) ceases to be a member of the Club;
- (2) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
- (3) resigns his office by notice in writing given to the secretary.

26. Proceedings of Committee

- (1) The Committee shall meet at least 3 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any four of the members of the Committee.
- (3) Notice shall be given to members of the Committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (4) Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (5) No business shall be transacted unless a quorum is present, and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week, unless the meeting was a special meeting, in which case it lapses.
- (6) At meetings of the Committee:
 - (a) the President, or in his absence the Vice-President, shall preside; or
 - (b) if the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- (7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (8) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting, or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting.
- (10) Subject to sub-clause (4), the Committee may act notwithstanding any vacancy on the Committee.

27. Secretary

The secretary of the Club shall keep minutes of the resolutions and proceedings of each general meeting and each committee meeting, in books provided for that purpose, together with a record of the names of persons present at committee meetings.

28. Treasurer

- (1) The Treasurer of the Club:
 - (a) shall collect and receive all monies due to the Club and make all payments authorised by the Club; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Club, with full details of all receipts and expenditure connected with the activities of the Club.

(2) The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

29. Removal of Member of Committee

(1) The Club in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first-mentioned member.

(2) Where the member to whom a proposed resolution referred to in sub-clause (1) relates makes representations in writing to the secretary or president of the Club (not exceeding a reasonable length) and requests that they be notified to the members of the Club, [the secretary or the president may send a copy of the representations to each member of the Club] or, if they are not so sent, the member may require that they be read out at the meeting.

30. Cheques

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

31. Seal

(1) The common seal of the Club shall be kept in the custody of the secretary.

(2) The common seal shall not be affixed to any instrument except by the authority of the Committee, and the affixing of the common seal shall be attested by the signatures of two members of the Committee, or of one member of the Committee and the Public Officer of the Club.

32. Alteration of Rules and Statement of Purposes

These rules and the statement of purposes of the Club shall not be altered except in accordance with the Act.

33. Notices

(1) A notice may be served by or on behalf of the Club upon any member either personally or by sending it to the member at his address shown in the Register of Members.

(2) Where a document is properly addressed, prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

34. Winding Up or Cancellation

In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Act.

35. Custody of Records

Except as otherwise provided in these rules, the secretary shall keep in his custody or under his control all books, documents and securities of the Club.

36. Funds

The funds of the Club shall be derived from seasonal subscriptions and registration fees, donations and such other sources as the Committee determines.

37. Uniforms

All matters pertaining to uniforms are to be determined from time to time by the Committee.

Appendix 1: Application for Membership

Application for membership of Emerald Lakers Basketball Club Incorporated

I, _____ (full name of applicant)

of _____ (address)

_____ (occupation)

desire to become a member of Emerald Lakers Basketball Club.

In the event of my admission as a member, I agree to be bound by the rules of the Club for the time being in force.

Signature of applicant: _____

Date: _____

I, _____, a member of the Club, nominate the applicant, who is personally known to me, for membership of the Club.

Signature of proposer: _____

Date: _____

I, _____, a member of the Club, nominate the applicant, who is personally known to me, for membership of the Club.

Signature of seconder: _____

Date: _____

Appendix 2: Proxy

I, _____ of _____,

being a member of the Emerald Lakers Basketball Club Incorporated,

hereby appoint _____ of

as my proxy to vote for me on my behalf at the general meeting of the Club (annual general meeting or special general meeting, as the case may be) to be held on the

_____ day of _____ 19____,

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of / against (delete as appropriate) the resolution (insert details).

Signed: _____

Dated: _____

Transcription Notes

This is a faithful transcription of the 1989 Statement of Purposes and Rules of the Emerald Lakers Basketball Club Incorporated (A0019400C). The source was a scanned Word file marked "In DRAFT" whose text had been produced by optical character recognition and contained numerous scanning errors. The wording and legal substance of the original have been preserved. The following changes and observations should be read alongside the text.

Corrections made

Obvious OCR misreadings were corrected throughout, for example "mooting" to "meeting", "boon" to "been", "exorcise" to "exercise", "doomed" to "deemed", "soal" to "seal", "momburs" to "members", "funeral meeting" to "general meeting", and "commanded" to "demanded". These are spelling corrections only and do not change meaning.

Clause numbering in the Statement of Purposes powers was repaired. The source ran the list as (a) to (h), then mislabelled the next items as "(1)" and "(3)", and merged two items into single paragraphs. The powers have been renumbered cleanly as (a) to (w).

Rule 8 (Categories of Membership) had lost its number in the source; it has been restored as Rule 8.

Rule 13 (Proceedings at Meetings) repeated its quorum provision twice in the source and left the adjournment provision unnumbered. It has been set out as sub-clauses (1) to (4) with the duplicate removed.

Rule 25 was untitled in the source; the heading "Vacancy of Office" has been added for navigation. The rule text is unchanged.

Items to verify against the original signed copy

The Act. The source named the governing legislation "Clubs Incorporation Act 1981". There is no Act of that name. The correct Victorian legislation of the period is the Associations Incorporation Act 1981, which is what the rules plainly intend, so it has been used here. Please confirm against the signed copy.

Rule 29(2). The source paragraph was garbled and a clause appears to have dropped out, leaving the sentence without its operative middle. The bracketed words, "[the secretary or the president may send a copy of the representations to each member of the Club]", are a reconstruction based on the standard model wording and should be checked against the original.

Dates. The declaration on the Statement of Purposes is dated 1 September 1987, while the declaration on the Rules is dated 1 September 1989. Both dates are reproduced as they appear. The 1987 date may be an error in the original or may reflect the earlier unincorporated association.

Currency of the rules (not part of the transcription)

These are the club's 1989 rules. Victorian incorporated associations now operate under the Associations Incorporation Reform Act 2012 and its model rules, which introduced requirements this constitution predates, including a formal grievance procedure, a defined disciplinary and appeals process, and tiered financial reporting. The references in the text to the Associations Incorporation Act 1981 and the Companies (Victoria) Code are to repealed legislation. If the club has not adopted updated rules since 1989, its governing document is likely out of step with current law. This is worth confirming with Consumer Affairs Victoria, and a rules update may be warranted.