

Membership Eligibility



NOTE: The following is a summary only of rights and obligations attaching to relevant Classes of Membership in Club Mandalay Limited. Applicants should refer to the Constitution for full details of Membership rights and obligations, and the conditions attaching to each Class of Membership.

Members wishing to also become an Owner Golf 5 Day Member, Owner Golf 7 Day Member, Resident Golf 5 Day Member or Resident Golf 7 Day Member must also complete a Golf Membership Form available from the Clubhouse or online at www.clubmandalay.com.au

MEMBERSHIP QUALIFICATION

1. Who is entitled to become a Member?

1.1 General

Only persons who meet the respective Membership Qualification detailed in Article 1.2 of Schedule 2 of the Constitution will be eligible to be Members.

1.2 Membership Qualification

The eligibility criteria of the respective Classes of Membership are as follows:

(a) Owner Member/Golf Owner 5 Day Member/Golf Owner 7 Day Member

A person who is, or is entitled to become, the registered proprietor of a Lot and a member of the Owners Corporation. There may only be one of these types of Membership per Lot. If that person is a company, that person may nominate a Nominee to enjoy the rights of the relevant Member under the Constitution.

(b) Resident Member/Golf Resident 5 Day Member/Golf Resident 7 Day Member Any Resident.

Golf Owner 5 Day Members, Golf Owner 7 Day Members, Golf Resident 5 Day Members and Golf Resident 7 Day Members must also nominate themselves for one sub-category of Membership, the eligibility criteria of which are as follows:

(i) Full

Any Member.

(ii) Senior

A Member over the age of 60 years.

(iii) Junior

A Member under the age of 21 years.

(iv) Family

Any Member, if no more than one other person over the age of 18 years living with that Member as a couple on a genuine domestic basis, irrespective of gender, and one or more children of that Member are either:

A. Golf Owner 5 Day Members, Golf Resident 5 Day Members or External Golf 5 Day Members, if the Member is a Golf Owner 5 Day Member or Golf Resident 5 Day Member;

B. Golf Owner 7 Day Members, Golf Resident 7 Day Members or External Golf 7 Day Members, if the Member is a Golf Owner 7 Day Member or Golf Resident 7 Day Member.

(v) Couple

Any Member living with another person over the age of 18 years as a couple on a genuine domestic basis, irrespective of gender, if that other person is:

A. a Golf Owner 5 Day Member, Golf Resident 5 Day Member or External Golf 5 Day Member, if the Member is a Golf Owner 5 Day Member or Golf Resident 5 Day Member;

B. a Golf Owner 7 Day Member, Golf Resident 7 Day Member or External Golf 7 Day Member, if the Member is a Golf Owner 7 Day Member or Golf Resident 7 Day Member.

MEMBERSHIP RIGHTS AND OBLIGATIONS

2. Owner Membership

2.1 Rights of an Owner Member

Facilities

Each Owner Member may use the Facilities.

Meals and Refreshments

Each Owner Member is entitled to meals, refreshments and privileges as are provided by the Company for Members, their Guests and others admitted to the Facilities at prices determined by the Operator.

Golf

Each Owner Member is entitled to play golf at the Golf Course 7 days per week, subject to those restrictions stated in the Constitution, but must pay green fees applicable to Owner Members.

Guests

Each Owner Member may invite Guests to utilise the Facilities (excluding the gymnasium), subject to limitations and fees provided for in the Constitution and By-laws and Rules.

Committees

Each Owner Member is entitled to participate in any Members Committee or other working group established by the Company under the Constitution.

Voting

An Owner Member may vote at any General Meeting after the Completion Date.

2.2 Obligations of an Owner Member

Each Owner Member:

(a) must ensure that the Facilities are used in a manner which is not prejudicial to the interests of other Members or Guests; and

(b) uses the Facilities at their own risk.

3. Golf Owner 5 Day Membership

A Golf Owner 5 Day Member has all the rights and obligations of an Owner Member including the right to use the Facilities seven days per week, except a Golf Owner 5 Day Member:

(a) is only entitled to play golf at the Golf Course on Monday through to Friday of each week (inclusive) and not on a Saturday or Sunday unless the Golf Owner 5 Day Member pays green fees that would otherwise be applicable to an Owner Member;

(b) need only pay green fees applicable to Golf Owner 5 Day Members (if any) to play golf Monday to Friday.

4. Golf Owner 7 Day Membership

A Golf Owner 7 Day Member has all the rights and obligations of an Owner Member including the right to use the Facilities seven days per week, except a Golf Owner 7 Day Member need only pay green fees applicable to Golf Owner 7 Day Members (if any).

5. Resident Membership

A Resident Member has all the rights and obligations of an Owner Member including the right to use the Facilities seven days per week, except a Resident Member:

(a) may only invite Guests subject to the rights of the relevant Owner Member, Golf Owner 5 Day Member or Golf Owner 7 Day Member to invite Guests for the Resident Member's Lot; and

(b) a Resident Member is not entitled to vote at any General Meeting of the Company.

6. Golf Resident 5 Day Membership

A Golf Resident 5 Day Member has all the rights and obligations of a Resident Member including the right to use the Facilities seven days per week, except a Golf Resident 5 Day Member:

(a) is only entitled to play golf at the Golf Course on Monday through to Friday of each week (inclusive) and not on a Saturday or Sunday unless the Golf Resident 5 Day Member pays green fees that would otherwise be applicable to a Resident Member;

(b) need only pay green fees applicable to Golf Owner 5 Day Members (if any) to play golf Monday to Friday.

7. Golf Resident 7 Day Membership

A Golf Resident 7 Day Member has all the rights and obligations of a Resident Member including the right to use the Facilities seven days per week, except a Golf Resident 7 Day Member need only pay green fees applicable to Golf Resident 7 Day Members (if any).

8. Definitions

In this Application:

“Act” means the Corporations Act 2001 (Commonwealth);

“Board” means all of the Directors for the time being of the Company or such number of them as having authority to act for the Company;

“By-laws and Rules” means by-laws and rules made by the Board;

“Class” means one of the classes of Membership in the Company;

“Clubhouse” means that part of the Property used or to be used as the Clubhouse, together with associated facilities situated on the Property;

“Company” means Club Mandalay Limited;

“Completion Date” means the later of the date upon which the last Lot is sold by the Developer;

“Constitution” means the Constitution of Club Mandalay Limited as amended, substituted or supplemented from time to time;

“Developer” means:

(a) Beveridge Land Pty Ltd ACN 115 838 661;

(b) any Related Body Corporate of Beveridge Land Pty Ltd ACN 115 838 661; or

(c) any successor of Beveridge Land Pty Ltd ACN 115 838 661;

“Facilities” means facilities constructed by or on behalf of the Developer for use by Members and others, and includes, without limitation, the Clubhouse, Golf Course, tennis courts, swimming pool, gymnasium, parks and other facilities;

“General Meeting” means any meeting of Members or of any Class of Members and, where the context permits, includes an annual General Meeting;

“Golf Course” means those parts of the Property used or to be used as a golf course, together with the associated Facilities situated on the Property, and includes the Clubhouse;

“Golf Owner 5 Day Member” means a natural person or incorporated body who is registered as holding a Golf Owner 5 Day Membership;

“Golf Owner 5 Day Membership” means the Membership of a Golf Owner 5 Day Member having the rights, privileges and prohibitions specified in the Constitution;

“Golf Owner 7 Day Member” means a natural person or incorporated body who is registered as holding a Golf Owner 7 Day Membership;

“Golf Owner 7 Day Membership” means the Membership of a Golf Owner 7 Day Member having the rights, privileges and prohibitions specified in the Constitution;

“Golf Resident 5 Day Member” means a natural person or incorporated body who is registered as holding a Golf Resident 5 Day Membership;

“Golf Resident 5 Day Membership” means the Membership of a Golf Resident 5 Day Member having the rights, privileges and prohibitions specified in the Constitution;

“Golf Resident 7 Day Member” means a natural person or incorporated body who is registered as holding a Golf Resident 7 Day Membership;

“Golf Resident 7 Day Membership” means the Membership of a Golf Resident 7 Day Member having the rights, privileges and prohibitions specified in the Constitution;

“Guest” means, in relation to a Member or Nominee, a guest of that Member or Nominee who is invited by the Member or Nominee to use the Facilities (excluding the gymnasium) in the presence of the Member or Nominee as determined by the Board and in accordance with this Constitution, and who is otherwise acceptable to the Board in its absolute discretion;

“Lot” means a lot on Plan of Subdivision PS617320S;

“Member” means an Owner Member, Golf Owner 5 Day Member, Golf Owner 7 Day Member, Resident Member, Golf Resident 5 Day Member or Golf Resident 7 Day and excludes a Nominee of a Member;

“Members Committee” means any committee of Members established in accordance with Article 6.6 of the Constitution;

“Membership” means membership in the Company;

“Membership Qualification” means the eligibility criteria specified in Article 1.2 of Schedule 2 of the Constitution;

“Nominee” means any person nominated in accordance with the Constitution;

“Operator” means any person who for the time being holds the office of operator pursuant to the Constitution and if there is more than one Operator, each of them;

“Owner Member” means a natural person or incorporated body who is registered as holding an Owner Membership;

“Owner Membership” means the Membership of an Owner Member having the rights, privileges and prohibitions specified in the Constitution;

“Owners Corporation” means Owners Corporation No. 1 on PS617320S.

“Property” has the meaning given to it in the Constitution;

“Related Body Corporate” has the same meaning as in the Act;

“Resident” means a person whose principal place of residence is a Lot and who resides on that Lot not less than 75% of the time in any given year (unless the Board determines otherwise)

“Resident Member” means a natural person or incorporated body who is registered as holding a Resident Membership; and

“Resident Membership” means the Membership of a Resident Member having the rights, privileges and prohibitions specified in the Constitution.