

Residents committees

Many land lease communities have a residents committee. Such committees can play an important role as a channel for communication between you and your residents. This role is formally recognised under the laws.

What is a residents committee?

A residents committee is a group of residents, elected by their fellow residents, to represent their interests and to carry out certain functions.

Residents committees are not decision-making bodies and cannot exercise authority over either you or other residents.

Only one residents committee may be established in a land lease community at any one time.

What are the functions of a residents committee?

Residents committees represent the interests of the residents, and consult regularly with residents or the operator (or both), regarding:

- the day-to-day running of the community
- any complaint or proposal about the operation of the community raised by a resident
- calling meetings of all the residents of the community for considering and voting on any matter relating to the community.

In particular, the residents committee must be consulted on:

- establishing or varying internal dispute resolution mechanisms
- any proposed changes to the community rules
- any proposals to change or introduce a facility or service.

Residents committees add to, rather than replace, the direct lines of communication between you and residents.

To assist with organising meetings, a residents committee can request a list of the names of all current residents, their site numbers and their postal addresses (if different from their site numbers).

Is a residents committee mandatory?

No. Having a residents committee is not mandatory, regardless of the size or the number of residents a land lease community may have. The residents at each community can decide whether a residents committee would be beneficial. If a community only has a small number of residents, they may decide that they do not need a residents committee.

How is a residents committee established?

First, a meeting must be held to which all residents of the community have been invited. This meeting is called the establishment meeting. Residents from at least five different sites can organise and call this meeting if they want to form a residents committee.

A residents committee is established if more than 50% of residents who attend the establishment meeting vote and agree to form one. If a residents committee is established, residents at the meeting should then discuss and agree how many members the committee should have.

Nominations to hold office as a committee member should then be called and an election held. Following this, the committee should discuss and agree:

- whether they want to elect any office holders (such as a Chairperson or Secretary) from among its members
- procedures the committee is to follow.

All of these steps can be carried out at the one meeting or over several meetings.

You must not discourage, prevent or obstruct such a committee and must allow the committee to use suitable facilities, available to residents generally. You also cannot require a residents committee to be incorporated or to take out any form of insurance.

Are there any set procedures for residents committees?

Each residents committee can determine its own procedures, as long as they do not conflict with the laws. A committee can also form sub-committees and

determine their procedures. Committees can be as formal or as informal as the members want. While it is not compulsory to have written procedures in place, it may help. Fair Trading has developed a set of model rules that residents committees may use if they wish. Access the Model residents committee rules in PDF format from the Forms page on the Fair Trading website. Any written rules or procedures adopted by a committee can be amended by majority vote of the committee.

Who can be a committee member?

Any resident of the community (that is, home owners or tenants) can stand for election to a residents committee. There is no restriction on the number of committee members. However, you or one of your employees or agents cannot be members even if you are living in the community.

Who can attend committee meetings?

Unless otherwise invited in advance by the committee, only committee members should attend residents committee meetings.

How long are committee members appointed?

Each committee member can only hold office for a period of up to 12 months. However, they may be re-elected after the end of their term.

What if more than one residents committee exists?

If more than one residents committee claims to exist you, or any resident, can apply to the NSW Civil and Administrative Tribunal for an order as to which is the rightful one.

Transitional arrangements for existing committees

Any residents committee already in place on 1 November 2015 will automatically become a residents committee under the new laws. If a community has a Park Liaison Committee it will become a residents committee, minus the operator representatives. If a community has both a residents committee and a park liaison committee only the residents committee will continue on.