Residents committee
in a land lease community

Many land lease communities have a residents committee. Such committees can play an important role as a channel for communication between the residents and the operator. 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 the operator or the residents.

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

**What are the functions of a residents committee?**
A residents committee represents the interests of the residents. It consults regularly with residents or the operator or both regarding:

- the day-to-day running of the community
- any complaint or proposal from a resident about how the community operates
- calling meetings of all residents to consider and vote on any community-related matter.

To organise meetings, a residents committee can ask the operator for a list of the names of all current residents, their site numbers and their postal addresses (if different from their site numbers).

The operator must consult with the residents committee 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 are meant to add to, rather than replace, the direct lines of communication between the operator and residents.

**Is a residents committee mandatory?**
No, having a residents committee is not mandatory. The residents at each community can decide if a residents committee would be useful. If a community only has a small number of residents, they may decide that they don't 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 on 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 then discuss and agree on:

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

These steps can be carried out at the one meeting or over several meetings.

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

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Are there 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 written procedures are not compulsory, recording them may help. Fair Trading has model rules that residents committees may use if they wish. Access the Model residents committee rules in PDF format (size: 97kb) from the Forms page on the Fair Trading website. Any procedures or written rules that a committee adopts can be amended by majority vote of the committee.

Who can be a committee member?

Any resident of the community, whether a home owner or tenant, can stand for election to a residents committee. There is no limit on the number of committee members. However, the operator or an employee or agent of the operator cannot be members.

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 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, the operator 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

If on 1 November 2015 a community already has a residents committee it 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.