

## MODEL RESIDENTS COMMITTEE RULES

*Residential (Land Lease) Communities Act 2013 - Part 7*

### IMPORTANT INFORMATION

The *Residential (Land Lease) Communities Act 2013* allows the residents of a residential community to establish a Residents Committee.

A meeting must first be held to which all residents of the community have been invited (the ***establishment meeting***). To establish a Residents Committee, more than 50% of the residents of a community who attend the ***establishment meeting*** must vote and agree to its formation.

There can only be one Residents Committee. However, other committees can also be formed in the community for other purposes, such as a social club.

Residents Committees are free to set their own procedures, as long as they are not inconsistent with the law. These model rules may be adopted by a Residents Committee without change, or may be modified to suit an individual Residents Committee's needs.

Name of  
Committee:

(hereafter referred in these rules as 'the committee')

Date the committee  
was formed:

Date these rules  
were adopted:

Date these rules  
were last amended:

## **1. Functions of the committee**

The functions of the committee are:

- (a) to represent the interests of residents, and consult regularly with residents and the operator, in connection with:
  - (i) the day-to-day running of the community,
  - (ii) any complaint or proposal about the operation of the community raised by a resident, and
- (b) to call meetings of all the residents for the purpose of considering and voting on any matter relating to the community.

## **2. Eligibility for committee membership**

- (1) A person is eligible to be a member of the committee if the person is a resident of the community. This includes both home owners and tenants (if any).
- (2) The operator or a close associate of the operator cannot be a member of the committee, even if he or she is a resident.

## **3. Number of committee members**

- (1) The committee is to consist of five (5) members, made up of:
  - (a) a Chairperson
  - (b) a Secretary
  - (c) three (3) ordinary committee members (i.e. excluding (a) and (b)).
- (2) The number of committee members can only be changed by a vote of a majority of residents at a meeting where all residents have been invited.

## **4. Term of membership**

- (1) Each member of the committee, including the Chairperson and Secretary, is appointed for a period of 12 months from the date of their election, however, each member is able to be re-elected following the end of their term.

## **5. Nomination for membership**

- (1) Any resident can nominate themselves or another resident to be a member of the committee.
- (2) A current member of the committee may nominate again, or be renominated.
- (3) Nominations can be made:

- (a) by giving notice to the Secretary of the committee prior to the meeting at which the election of the committee is to take place, or
  - (b) in person at a meeting at which the election of the committee is to take place before a vote is taken.
- (4) All nominations must be accepted by the nominee and seconded by another resident present at the meeting before that person becomes a candidate.

## **6. Election of committee members**

- (1) Committee members are to be elected by vote of a majority of residents at a meeting to which all residents have been invited.
- (2) The Chairperson is to act as the Chair of the meeting and is to call for nominations for membership of the committee. In the establishment meeting of a new committee those present should agree on a person to act in this role until the position is filled.
- (3) Voting on committee members is to take place in this order:
  - (a) The Chairperson
  - (b) The Secretary
  - (c) Ordinary committee members.
- (4) If the number of persons nominated for election is equal to the number of positions, those persons are duly elected, and they become or are re-appointed as members without the need for taking a vote.
- (5) If the number of persons nominated for election is less than the number of positions, those persons nominated are taken to be elected and any remaining positions are deemed to be vacancies.
- (6) If the number of persons nominated for election is greater than the number of vacancies, a written ballot is to be conducted:
  - (a) Residents in attendance at the meeting shall receive one vote per site.
  - (b) Voting is to be conducted by way of a show of hands unless a secret written ballot is called for and agreed upon.
  - (c) The nominee or nominees who receive the greatest number of votes are taken to be elected to the position.
  - (d) In the event of a tie, another vote may be held and if the outcome is still a tie the successful nominee can be chosen by a draw.
- (7) The names of the residents elected and their positions must be provided to the operator within 7 days of the election and placed on the noticeboard of the community (if any).

- (8) Members of the committee are appointed in a voluntary capacity. No payment of money, goods or benefit is to be made to committee members.

## **7. Vacancies**

- (1) In the event of a vacancy the committee may choose to carry the vacancy or call a meeting of all residents to elect a replacement member.
- (2) In the event of a vacancy in the position of either Chairperson or Secretary, the committee must elect another committee member to fill the vacancy.
- (3) A vacancy occurs if a member:
  - (a) dies, or
  - (b) ceases to be a resident of the community, or
  - (c) resigns their membership of the committee, or
  - (d) is removed from office by a unanimous vote of all other committee members.

## **8. Functions of the Chairperson**

- (1) The functions of the Chairperson are to:
  - (a) chair meetings of the committee and meetings of all residents,
  - (b) advise the operator of the decisions made by residents about any matter relating to the community,
  - (c) rule on any procedural matters raised at meetings of the committee or meetings of all residents,
  - (d) rule on any queries in relation to any provisions or procedures in these rules,
  - (e) represent the committee in meetings with the operator,
  - (f) seek clarification, where necessary, from NSW Fair Trading or other bodies about the rights and obligations of residents,
  - (g) make or defend applications before the NSW Civil and Administrative Tribunal (with the Tribunal's consent) on behalf of a resident, a group of residents, or all residents of the community, if the committee agrees it is appropriate to do so.

## **9. Functions of the Secretary**

- (1) The functions of the Secretary are to:
  - (a) keep a register of committee members,

- (b) keep a list the names, site numbers and postal addresses (if different from their site numbers) of all current residents in the community,
- (c) keep a written record of decisions made at meetings of the committee or meetings of residents, in particular the votes on any matter requiring the consent of residents,
- (d) notify committee members of the date, time and venue for meetings of the committee,
- (e) notify all residents of the date, time and venue for meetings of all residents,
- (f) ensure the noticeboard is kept up-to-date with relevant information (if applicable),
- (g) handle correspondence on behalf of the committee and table copies at each meeting of the committee,
- (h) chair meetings of the committee and meetings of all residents in the absence of the Chairperson,
- (i) update the committee's rules when amended.
- (j) Keep all records of the committee and pass them onto any incoming Secretary within 7 days of that person being elected.

## **10. Committee meetings and quorum**

- (1) The Committee is to meet at least quarterly in each calendar year at a place and time the Secretary determines.
- (2) At least half of all members must be present at a meeting to declare a quorum. No decisions of the committee can be made without a quorum.
- (3) Committee members are to advise the Secretary in advance about items they wish to be placed on the agenda of a meeting.
- (4) Notice of a meeting of the committee must be given to each committee member at least 72 hours before the time appointed for the holding of the meeting. This notice is to include an agenda for the meeting.
- (5) Matters for which notice has been received are to be discussed first and any other matters may be raised by members as general business.
- (6) Decision making is by majority vote, with each committee member present at the meeting entitled to one vote.
- (7) In the event that a vote on an issue is tied, the Chairperson of the meeting may cast a final and deciding vote.
- (8) Non committee members, including other residents or the operator, may, if invited by the committee, attend and speak at a meeting of the committee.

## **11. Formation and operation of sub-committees**

- (1) The committee may from time to time form a sub-committee for any purpose.
- (2) The committee may determine which members will be on a sub-committee.
- (3) The committee may determine any procedures in relation to the operation of any sub-committee
- (4) Sub-committees are to report back to the committee on their activities.

## **12. Changes to these rules**

- (1) These rules may only be altered, rescinded or added to by a majority vote of the committee.