



RESIDENT COMMITTEES



fact sheet

Home owners in New South Wales have rights under the *Residential (Land Lease) Communities Act 2013* and the *Residential (Land Lease) Communities Regulation 2015*. This fact sheet sets out the law in NSW regarding committees in a community, and a home owner's rights to participate in any committee or organisation.

Residents Committees

Home owners of a community may decide to form a residents committee. All home owners should be invited to a meeting to establish the resolution to form a residents committee. A resolution to form a residents committee must be carried by a majority of the home owners in the community that attend the meeting. The purpose of a residents committee is to facilitate discussion between the home owners and the community owner. A residents committee differs from a liaison committee in that only home owners may be on a residents committee. There is no representative of the community owner. Members are elected by the home owners, and the community owner must not interfere with, or obstruct in any way the establishment or operation of any residents committee.

Each community is to have only one residents committee. If more than one organisation within a community claims to be the residents committee, the community owner or a home owner may apply to the Tribunal for a determination as to which one will operate as the residents committee for the community. Home owners can, however, form any other group or organisation for any other reason they wish.

The functions of a residents committee is to represent the interests of the residents and to consult regularly with both residents and the community operator in connection with the day-to-day running of the community and to raise any complaint or proposal by a resident to the community operator.

The community operator must, as soon as practicable after being requested to do so by the residents committee, give a list of the names, site

numbers, and postal addresses of all current residents within the community.

All home owners must be invited to meetings, and no one under the age of 18 can be elected to hold office of that committee. The committee may adopt its own procedures, or they can adopt the model constitution as published by the Commissioner for Fair Trading.

Home owners have the right to be members of an external communities organisation like ARPRA. The community operator has no right to try and stop you from doing so. A representative of an external communities organisation such as ARPRA has the right of reasonable access to a community in order to consult with its members.

Finally, none of the following people can be members of a residents committee:

- a) The operator of the community
- b) A close associate of the community operator (even if he or she is a resident)

However, a close associate or the community operator may be able to attend and speak at the residents meeting if invited by the residents committee.

For further information on residents committees, please contact your local affiliate or contact ARPRA on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

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