

Residents committees and organisations

Residential (Land Lease) Communities Act 2013

As a home owner in a residential land lease community you have rights under the *Residential (Land Lease) Communities Act 2013* and *Residential (Land Lease) Communities Regulation 2015*. This factsheet explains the law in NSW regarding residents committees.

Establishing a residents committee

The residents (home owners and tenants) of a community are entitled to establish a residents committee. A majority of residents at a meeting to which all residents of the community have been invited must agree to the establishment of a committee.

There can only be one residents committee for a community at any time. If more than one body or committee claims to be the residents committee, the operator or any resident of the community can apply to the NSW Civil and Administrative Tribunal (NCAT) to determine which one is the actual committee for the community.

Purpose

The purpose of a residents committee is to represent the interests of all residents of the community. The main functions of the committee are to consult regularly with residents and/or the operator about:

- the day-to-day running of the community, and
- any resident's complaint or proposal regarding the operation of the community.

A committee is able to call meetings of all residents to consider and vote on anything affecting the community.

A residents committee can:

- determine its own procedure
- form one or more sub-committees and determine each sub-committee's procedure
- adopt and vary a constitution.

Committee member elections

Committee members must be elected by a majority of residents at a meeting to which all residents have been invited. The meeting should be convened by the current residents committee (or by residents of at least 5 residential sites if there are no current members or the members are unwilling or unable to act).

Committee members must be residents of the community who are at least 18 years old.

A committee member can only hold office for a term of one year and must then stand for re-election.

Operators and residents committees

If requested by the committee, the operator must provide a list of the names of all current residents of the community, including their site numbers and postal addresses (if different to their sites).

Operators and close associates of the operator cannot be members of a residents committee (even if they are a resident).

An operator must not:

- discourage or prevent the establishment of a residents committee
- obstruct a residents committee in carrying out its functions
- prevent the residents committee from using community facilities that are generally available to residents
- require the committee to be incorporated or to take out any form of insurance.

Membership of organisations

Residents have the right to belong to the residents committee and any external communities organisation and the operator must not unreasonably interfere with that right.

Resident Groups

The following groups provide support and information to home owners in NSW:

The Independent Park Residents Action Group NSW Incorporated (IPRAG NSW) advocates on behalf of home owners and provides free general advice and resource information.

Phone: 4365 4237

Mobile: 0423 429 841

Tweed Residential Park Homeowners Association Incorporated (TRPHA) provides advice and advocacy in the Tweed area for members who pay an annual fee.

Email: tweedresparks@hotmail.com

Phone: 0432 488 230

Port Stephens Park Residents Association Incorporated (PSPRA) provides advice and advocacy across the Port Stephens area for members who pay an annual fee.

Email: sullyt@bigpond.com

Phone: 0438 986 555

The Affiliated Residential Park Residents Association Incorporated (ARPRA) provides advice and advocacy to members who pay an annual fee.

Website: www.arpra.org.au

Phone: 1300 798 399

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
Inner West	9559 2899
North	9559 2899

Regional

Blue Mountains	4704 0201
Central Coast	4353 5515
Hunter	4969 7666
Illawarra & South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North West NSW	1800 836 268
South West NSW	1300 483 786

Aboriginal

Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	1800 810 233

Website	thenoticeboard.org.au
----------------	--

NSW Fair Trading	13 32 20
-------------------------	----------

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. The information applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

© Tenants' Union of NSW

Updated: April 2019