

Residential Parks Act 2007

Model rules for residents' committee

If a residential park has at least 20 fixed term site agreements with residents, there must be a committee to represent the common interests of park residents. This is a requirement from 12 August 2020.

If there are fewer than 20 agreements in place, a residents' committee is still recommended, as the committee can work with the park owner to maintain and improve the lifestyle of residents.

There can only be one residents' committee. However, other committees can be formed for other purposes, such as a social club for residents.

Committee members must be elected by residents from at least 5 different sites in the park.

All residents have a right to be a member of a residents' committee unless they are employed by the park owner to help with management of the park.

Any reference to the park owner throughout this document means the park owner or operator.

The residents' committee can set its own procedures, as long as they are consistent with the law.

These model rules can be used by the committee or adapted to suit the committee's needs.

Name of 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:

- (1) to represent the interests of residents and consult regularly with residents and the park owner, in relation to:
 - (i) preparing and amending the park rules
 - (ii) developing guidelines for the standards of behaviour of park residents
 - (iii) improving and maintaining the natural environment and amenities of the park
 - (iv) installing and maintaining lighting and fencing within the park, and other matters relating to residents' safety
 - (v) reviewing safety evacuation plan each year
 - (vi) making representations to the park owner in relation to any matter that has been raised and considered by the committee.
- (2) to call meetings of all the residents for the purpose of considering and voting on any matter relating to the park.

2. Eligibility for committee membership

- (1) All residents living in the residential park may be a member of the committee and have a right to nominate for election and to participate in the election of members.
- (2) The park owner or an employee of the park owner can't be a member of the committee, even if that person is a resident.

3. Committee roles

- (1) The committee roles will include:
 - (a) a chairperson
 - (b) a secretary
- (2) Each role of the committee is appointed for a period of 12 months.
- (3) Any resident can nominate themselves or another resident for one of the committee roles. A current chairperson or secretary may nominate again or be renominated.

- (4) Nominations can be made:
 - (a) by giving notice to the committee prior to the meeting at which the election of the committee roles is to take place, or
 - (b) in person at a meeting at which the election of the committee roles is to take place before a vote is taken.
- (5) Committee roles will be elected by vote of a majority of residents at a meeting to which all residents have been invited.
- (6) The chairperson will act as the chair of the meeting and will call for nominations for the roles of chairperson and secretary.
- (7) Voting on committee members will take place in this order:
 - (a) the chairperson
 - (b) the secretary.
- (8) If the number of persons nominated is equal to the number of positions, those persons are duly elected, without the need for taking a vote.
- (9) If the number of persons nominated is greater than the number of vacancies, a written ballot is to be conducted:
 - (a) Residents in attendance at the meeting shall have one vote per committee role.
 - (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 who receives the greatest number of votes will be elected to the role.
 - (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.
- (10) The names of the residents elected, and their positions, be provided to the park owner within 7 days of the election and placed on the noticeboard of the community (if any).
- (11) The chair and secretary are appointed in a voluntary capacity. No payment of money, goods or benefit is to be made to members in these roles.
- (12) In the event of a vacancy the committee will call a meeting of all residents to elect a replacement chairperson or secretary.
- (13) A vacancy occurs if the chairperson or secretary:
 - (a) resigns from their committee role
 - (b) ceases to be a resident of the community
 - (c) is removed from the role by a unanimous vote of all other committee members.

4. Functions of the chairperson

The functions of the chairperson are to:

- (1) chair meetings of the residents' committee
- (2) represent the committee in meetings with the park owner
- (3) raise matters with the park owner that have been considered by the committee about any matter relating to the residential park
- (4) report back to the committee in relation to any matter raised with the park owner
- (5) rule on any procedural matters raised at meetings of the residents committee
- (6) rule on any queries in relation to provisions or procedures in these rules
- (7) seek clarification, where necessary, from Consumer and Business Services or other bodies about the rights and obligations of residents
- (8) make or defend applications before the South Australian Civil and Administrative Tribunal on behalf of the residents committee, if the committee agrees it is appropriate to do so.

5. Functions of the secretary

The functions of the secretary are to:

- (1) keep a register of committee members
- (2) keep a list of the names, site numbers and postal addresses (if different from their site numbers) of all current residents in the residential park
- (3) keep a written record of decisions made at meetings
- (4) notify all residents of the date, time and venue for committee meetings
- (5) ensure the noticeboard is kept up-to-date with relevant information (if applicable)
- (6) handle correspondence on behalf of the committee and table copies at each committee meeting
- (7) chair meetings in the absence of the chairperson
- (8) update the committee's rules when amended
- (9) keep all records of the committee and pass them onto any incoming secretary within 7 days of that person being elected.

Committee meetings and quorum

- (1) The residents' 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 committee meeting must be given to each resident least 72 hours before the time appointed for the meeting to be held. 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 resident present at the meeting entitled to one vote.
- (7) In the event a vote is tied, the chairperson of the meeting may cast a final and deciding vote.
- (8) Non-committee members may, if invited by the committee, attend and speak at a meeting of the committee.

6. 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.

7. Changes to these rules

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