# Example residents’ committee rules

**IMPORTANT INFORMATION**

The *Retirement Villages Act 2016* section 38 allows the residents of a retirement village to elect a residents’ committee.

Residents’ committees are free to set their own procedures, as long as they are not inconsistent with the law. The following rules are an example only of residents’ committee rules to provide some direction about how these might be structured. They may be adopted by a residents’ committee without change, or may be modified to suit an individual residents’ committee’s needs.

Part 1 – Preliminary

1. **Definitions**

In these rules:

Chairperson means the person holding office as Chairperson of the residents’ committee.

Committee means the residents’ committee.

Resident means a person as defined in section 4(1) of the Act.

Returning officer means a resident (who is not a member of the residents’ committee and is not standing for election to the residents’ committee) selected by a show of hands at a meeting of the residents.

Secretary means the person holding office as Secretary of the residents’ committee or, if no person holds that office, the Chairperson of the residents’ committee.

the Act means the *Retirement Villages Act 2016* (SA).

the Regulations means the *Retirement Villages Regulations 2017* (SA).

Treasurer means the person holding office as Treasurer of the residents’ committee or, if no person holds that office, the Chairperson of the residents’ committee.

1. **Name**

The name of the Committee is: ‘The [insert name of village] Residents’ Committee’ hereafter referred to in these rules as ‘the Committee’.

1. **Function**

Section 38(2) of the Act defines the function of the residents’ committee as:

The function of a residents’ committee is to consult with the operator of the retirement village, or a representative of the operator, in relation to matters of interest to residents and to represent the interests of the residents.

1. **Objects**

The objects of the Committee are:

1. to advance and protect the interests of all residents of the village;
2. to discuss issues requiring the consent of residents under the Act and Regulations, or any other matter affecting the management and operation of the village;
3. to call general meetings of all residents for the purpose of considering and voting on matters requiring the consent of residents;
4. to conduct voting and report on the results in accordance with the Act and Regulations;
5. to undertake functions bestowed on the Committee by the Act and Regulations and to provide any documentation held by the Committee to residents upon request;
6. to facilitate communication between residents and the operator;
7. to assist in dispute resolution by raising concerns or complaints with the operator; and
8. to welcome new residents into the village.

Part 2 – Membership

1. **Residents’ Committee members**

The Residents’ Committee consists of the following office bearers:

1. Chairperson
2. Deputy Chairperson
3. Secretary
4. Treasurer
5. [insert number] ordinary Committee members.

and the following sub-committees [delete or add as appropriate]:

* 1. Financial sub-committee – to consider proposed variations in recurrent charges, proposed annual budgets, examine quarterly accounts and other matters relating to financial management;
	2. Social sub-committee – to arrange social functions and outings for interested residents;
	3. Serviced apartments sub-committee – to consider issues specific to those residents living in serviced apartments within the village;
	4. Other (specify) ………………………………….
1. The committee requires a minimum of [insert number] members to form. There should be a maximum of [insert number] committee members.
2. **Functions of office bearers**
3. The functions of the Chairperson are to:
	1. chair meetings of the Committee and meetings of residents;
	2. advise the operator of all decisions made by residents about matters requiring consent under the Act;
	3. rule on any procedural matters raised at meetings of the Committee or meetings of residents or queries as to the meaning of these rules;
	4. represent the Committee in meetings with the operator;
	5. seek clarification, where necessary, from the Office for Ageing Well about the rights and obligations of residents under the Act and Regulations.
4. The functions of the Secretary are to:
	1. keep a register of office bearers of the Committee;
	2. keep a written record of decisions made at meetings of the Committee or meetings of residents, in particular the votes on matters requiring the consent of residents under the Act;
	3. notify Committee members of the date, time and venue for meetings of the Committee and all residents of any general meeting of residents;
	4. keep the noticeboard in the village updated with relevant information;
	5. conduct and receive correspondence on behalf of the Committee and table copies at each meeting of the Committee;
	6. liaise with the operator regarding the provision of administrative assistance to the Committee;
	7. chair meetings of the Committee and meetings of residents required under the Act in the absence of the Chairperson;
	8. assist with welcoming new residents into the village; and
	9. update these rules when amended in accordance with rule 18.
5. The functions of the Treasurer are to:
	1. make sure that money due to the Committee is collected and receipted and that payments authorised by the committee are made;
	2. make payments through a petty cash system or by cheque signed in conjunction with such other signatory or signatories as authorised by the Committee; and
	3. submit a report at each meeting of the Committee and meeting of residents that details all receipts and payments made since the previous report, accompanied by a list of unpaid accounts and monies outstanding up to and including the day of the meeting.
6. **Qualifications for membership**

Only a resident of the village is eligible to become a member of the Committee or a sub-committee or to nominate a resident for membership.

1. **Term of membership**

Each member of the Committee, or a sub-committee, is to be appointed for a period of 1 year.

A member of the Committee may be removed from office by a special resolution at a meeting of the residents.

1. **Nominations for office bearers and ordinary Committee members**
2. When a meeting of residents is held at which a Committee is elected, all positions on the Committee are to be declared vacant. The first business item at the meeting must be the election of the Committee for the coming year.
3. At the first meeting of the residents held to elect the Committee, an acting Chairperson is to be appointed with the consent of those residents present at the meeting for the purposes of running the meeting. For subsequent meetings held to elect the Committee, the Chairperson from the previous year is to act as chair of the meeting until the position of Chairperson has been filled.
4. Any resident present at the meeting can nominate themselves or another resident to be a Committee member.
5. An existing member or former member of the Committee may nominate again, or be re-nominated to be a member of the Committee.
6. If only one nominee for an office bearer position is received, or if the number of nominations received for ordinary Committee members is equal to or less than the number of vacancies to be filled, the persons nominated are taken to be elected.
7. If more than one nomination for an office bearer position is received, or if the number of nominations received for ordinary Committee members exceeds the number of vacancies to be filled, a written ballot is to be conducted to elect members and office bearers.
8. **Election of office bearers and ordinary Committee members**
9. The election of the committee must be held at the residents’ committee’s annual meeting.
10. A separate ballot is to be held for each office bearer followed by a ballot for ordinary Committee members.
11. Office bearers are to be elected in the following order:
	1. Chairperson
	2. Secretary
	3. Treasurer
	4. Any other office bearers.
12. If the previously elected Committee included a returning officer, then the returning officer is responsible for conducting the ballot and counting votes.
13. If the Committee does not include a returning officer, then a resident who is not standing for election to the Committee is to be selected by show of hands and is responsible for conducting the ballot and counting votes.
14. Voting papers must be prepared listing the name of each nominee in alphabetical order including the position for which they are nominated (i.e. office bearer position or ordinary Committee member), and must be given to each person at the meeting.
15. The voting paper must not identify the person who is voting.
16. Votes may be cast with a tick, or cross, or numbered, but each voting paper must not contain more votes than the number of positions being filled.
17. The Chairperson, or acting Chairperson, has the power to rule votes invalid if a vote cannot be reasonably determined.
18. The nominee receiving the greatest number of votes for each position is taken to be elected to that position.
19. If the votes for two nominees for one office bearer position are equal, either another ballot for that position must be held or the candidate can be chosen by a draw.
20. Voting papers are to be retained by the returning officer for 10 business days and may be inspected by any resident.
21. **Announcement of election results**
22. The names of successful candidates must be announced at the meeting at which the election is held. There is no need for the number of votes received by each nominee to be announced.
23. The names of the residents elected should be advised to the operator and placed on the noticeboard at the village within 7 days of the election.
24. **Vacancies**
25. A vacancy is created when:
	1. a member of the Committee ceases to be a resident during their term of appointment; or
	2. a member of the Committee resigns by notice in writing to the Secretary; or
	3. all positions are declared vacant in accordance with rule 9(1).
26. Vacancies relating to office-bearers are to be filled by way of an election among the other members of the Committee. The Committee may determine whether or not vacancies of ordinary Committee members need to be filled.
27. The Committee may appoint a resident who is not a member of the Committee to fill a vacancy of an ordinary Committee member.

Part 3 – Sub-committees

1. **Formation of sub-committees**
2. The Residents’ Committee may decide to appoint a sub-committee at its own discretion during the year if the need arises.
3. At least one Committee member must be on a sub-committee and the Committee may determine which Committee members will be on a sub-committee.
4. The Committee may appoint one or more residents who are not a Committee member to assist a sub-committee.
5. **Operation of sub-committees**
6. The Committee will determine how often a sub-committee will meet.
7. A sub-committee may select their own leadership.
8. If requested by the Committee, a sub-committee must provide a report on its activities to the Committee in accordance with Regulation 12(6).

All sub-committees must be responsible and accountable to the Committee and must not incur debts, enter contracts or deal with the operator directly without the prior approval of the Committee.

Part 4 – Conduct of meetings

1. **Committee meetings**
2. The Committee is to meet [insert number] times in each period of 12 months at a place and time the Committee determines.
3. The Chairperson may convene additional meetings of the Committee.
4. The Chairperson presides at all meetings of the Committee at which the Chairperson is present.

If the Chairperson is absent from any meeting, the secretary will chair the meeting in accordance with rule 6(2)(g).

1. Committee members are to submit written requests to the Secretary for items to be placed on the agenda.
2. The Secretary must give oral or written notice of a meeting to each member of the Committee at least 72 hours before the meeting. The notice is to include an agenda for the meeting.
3. Matters for which notice has been given are to be discussed at the meeting and other matters may be raised as general business.
4. The minimum number of Committee members required to be present to constitute a quorum is 50%+1.
5. Decision making is by a majority vote.
6. Each member present at the meeting is entitled to one vote. If two or more members reside in the same residence only one of them may exercise a vote.
7. In the event that a vote on an issue is equal the Chairperson of the meeting is entitled to exercise a second or casting vote.
8. The Committee will keep accurate minutes of the committee meetings.
9. Within 10 business days of the committee meeting the committee will;
	1. make minutes of the meetings available for inspection in a manner that is easily accessible by residents
	2. provide a copy of the minutes to the operator of the retirement village.
10. The minutes of Committee meetings will not disclose personal information regarding residents.
11. The Committee will keep a record of the minutes from the Committee meetings for the previous 7 years (at least).
12. If the Committee disbands, the records of the minutes from the Committee meetings will be delivered to the operator for safekeeping.
13. **Meetings of residents**
14. The Committee is to call an annual meeting in accordance with section 33(5) of the Act to which all residents of the village will be invited at least once each year.
15. Other general meetings of residents may be called during the year if issues arise that require the consent of residents under the Act or for any other matter.
16. Residents are to submit written requests to the Secretary for items to be placed on the agenda.
17. Written notice of a meeting of residents must be given to each resident at least 10 business days before the meeting. The notice is to include:
	1. the time and place of the meeting
	2. the business to be transacted at the meeting.
18. A notice for the annual meeting will also be accompanied by a statement of accounts showing the committee’s income and expenditure in respect of the previous financial year which must be signed by a person who:
	1. was not a person who was a member of the residents’ committee in the financial year to which the accounts relate, and;
	2. who has verified the accuracy of the accounts.
19. Matters for which notice has been given are to be discussed at the meeting and other matters may also be raised as general business.
20. No resident is obliged to attend or vote at a meeting of residents.

(10 ) The Committee will produce accurate minutes of the meeting and make them available in a location easily accessible to residents within 10 business days of the meeting.

**Notes to section 16:**

For matters requiring residents’ consent, voting must be held in accordance with the *Retirement Villages Act 2016* and *Retirement Villages Regulations 2017*.

Appendix A summarises the voting procedures set out in the Act and Regulations.

Part 5 – General

1. **Use of funds**
2. The Committee’s income and assets may only be used in accordance with the objects set out in rule 4.
3. The Committee may, on behalf of the residents, arrange activities of a fund-raising nature.
4. The Committee shall not spend money in excess of $.....................on any item before seeking approval of residents at a general meeting.
5. All monies of the Committee shall be paid into the account of the Committee and will be reported on in accordance with the Act.
6. All monies of the Committee must be used for the promotion of the objectives of the Committee.
7. Members of the Committee are appointed in a voluntary capacity. No payment, goods or benefit is to be made to members of the Committee other than to reimburse them for expenses incurred with the approval of the Committee.
8. **Confidentiality**
9. The Committee shall not divulge any information provided to it by residents unless it has the consent of the residents concerned.
10. The Committee may seek advice from a Government agency or another body or person, on behalf of residents, provided that no action is taken or costs incurred without the residents’ consent.
11. **Changes to these rules**
12. A residents’ committee must undertake reasonable consultation with residents before determining or amending its procedures.
13. These rules may only be altered, rescinded or added to at a general meeting of residents with majority consent.
14. These rules are subject to the provisions of the *Retirement Villages Act 2016* and *Retirement Villages Regulations 2017*. If a rule conflicts with the Act or Regulations the provision of the Act or Regulations prevails.

These rules were adopted/last amended on [insert date]

# Appendix A

## Voting requirements for residents’ consent

Majority consent

Regulation 12 of the *Retirement Villages Regulations 2017* sets out how voting will occur when considering a proposed measure or action at a meeting of all residents called by the residents’ committee:

1. A decision at a meeting is to be determined by a simple majority of the votes cast by the residents voting at the meeting (in person or by absentee vote).
2. Only one vote per residence, in accordance with Regulation 12(3)(a) & Regulation 12(3)(c)
3. Subject to Regulation 12(3)(b) —

(b) a resident may exercise an absentee vote on a question arising for decision at the meeting by giving the secretary written notice of the proposed vote at least 24 hours before the time of the meeting.

1. A vote may be taken by means of:
	1. a show of hands; or
	2. a written ballot.

## Special resolution

Part 1 of the *Retirement Villages Act 2016* section 4(1) sets out the requirements for a special resolution:

*A special resolution means a resolution passed at a meeting of residents of a retirement village in the following circumstances:*

1. *At least 15 business days written notice of the meeting, containing a statement of the proposed special resolution, must have been given to all residents;*
2. *The resolution must have been passed by a majority of not less than three quarters of the number of residents who were entitled to vote at the meeting (either in person or by way of an absentee vote exercised in accordance with this Act);*