

RESIDENTS' COMMITTEE HANDBOOK

A guide for the establishment and operation of residents' committees in New Zealand retirement villages.

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1. INTRODUCTION

The purpose of this manual is to provide concise information to help retirement village residents:

- establish a residents' committee in a village, and
- consider how to conduct residents' committee meetings.

The manual is not intended as formal legal advice.

2. RETIREMENT VILLAGES CODE OF PRACTICE

Introduction

The only guidance for forming and conducting a residents' committee is in Clause 30(1) Code of Practice, which says:

- 1 *Residents have the right to form a residents' committee and agree their own rules for running the committee.*

The Code of Practice sets minimum operating standards for operators. Clause 30(1) is enforceable by residents, meaning an operator cannot deny residents the right to form a committee.



Purpose of the Committee

A residents' committee is intended to be a group of people working for residents, often for fostering social occasions and activities or raising village operational issues with village management.

Clause 30(2) and (3) oblige an operator or supervisor to attend a residents' committee meeting when they are invited.

- 2 *The residents' committee may call a meeting with the operator or its representative. The operator or its representative is expected to attend residents' committee meetings when invited, unless the request is in some way unreasonable (e.g., too short a period of notice).*
- 3 *In villages that have a statutory supervisor the residents' committee may call a meeting with the statutory supervisor. The statutory supervisor is expected to attend residents' committee meetings when invited, unless the request is in some way unreasonable (e.g., too short a period of notice).*

A residents' committee does not 'run' or control the village. A residents' committee may have rules that enable it to make decisions on behalf of residents.

A residents' committee is not a legal entity, unless residents decide to voluntarily register as an incorporated society (refer to Section 6 for further details).

"I would like to take this opportunity to thank all past and present residents who have been involved in the residents committees. I have found that these committees have been invaluable to the running of the village and the support that has been given to me has been very much appreciated."

- Retiring Village Manager, Tauranga.

Committee membership

A residents' committee is intended to be a small group of people working for the benefit of all residents.

There is no requirement in the Retirement Villages framework that residents in a village or new residents joining a village should participate in electing a committee or participate in activities promoted by the elected committee already formed or about to be formed.

Membership is reserved for residents and therefore an Operator should not assume membership.

3. TYPES OF MEETINGS

Meetings called by a residents' committee

A residents' committee may call a meeting:

- with residents and other people as its rules say
- with an operator – clause 30(2) Code of Practice
- with the statutory supervisor if the village has one – clause 30(3) Code of Practice

Meetings called by the Operator

Meetings called by the operator are distinct from residents' committee meetings.

A meeting called by the operator may be attended by all residents, whether they participate in activities promoted by the elected committee or not.

Operators must call **annual general meetings** of all residents of the village in the circumstances and for purposes set out in Regulation 10 Retirement Villages (General) Regulations 2006 and clause 26(1) Code of Practice.

- 1 *The operator must hold an annual general meeting of residents. This meeting is to receive the retirement village's financial statements, the statutory supervisor's report, the maintenance report, and discuss any other matters. The meeting must be held within six months of the retirement village's most recently completed financial year.*

Operators must call **special general meetings** with all residents in the circumstances and for purposes set out in Clause 26 (2)-(3) of the Code of Practice.

- 2 *The operator must call a special general meeting with the residents if:*
 - a. *the Act, regulations, or this Code of Practice require the operator to obtain the consent of the residents*
 - b. *other enactments, the residents' occupation right agreement, or other such documents require the operator to get the residents' collective consent.*
- 3 *The operator must call a special general meeting for any reason, if asked to do so in writing by:*
 - a. *not less than 10 percent of the residents of the retirement village*
 - b. *the statutory supervisor.*

Operators may call **informal meetings** with residents to discuss matters about the village: clause 26(4) Code of Practice.

- 4 *The operator may from time to time call informal meetings of residents to discuss matters about the retirement village.*

4.

FORMING A RESIDENTS' COMMITTEE

RVRANZ quick tips - How to go about it:

1. A group of residents get together to form a 'steering group'.
2. The steering group researches and decides on how best to proceed, and drafts a set of rules for the proposed committee to consider.
3. A general meeting of all residents is called to discuss and seek expressions of interest. A majority at the meeting is desirable, but is not necessary.
4. An election is held to choose a Committee.

Calling an inaugural general meeting of all residents

A steering group of interested residents could issue a notice calling a general meeting of residents. 14 days notice is recommended.

The notice provides an Agenda which could include:

- the purpose of the meeting - to form a residents' committee or other group name or association, and
- to discuss objects of the residents' committee, and
- seek nominations for executive positions on the committee or for an executive to be formed

Examples of proposed objects of the committee:

- to advance and protect the interests of all residents of the village
- to discuss any issues requiring the consultation of residents under the Act and Regulations, or any other matter affecting the management and operation of the village
- to facilitate communication between residents and the operator
- to assist in dispute resolution by raising concerns or complaints with the operator
- to welcome new residents into the village
- to plan and administer social functions and activities
- to represent residents and liaise with other members' associations at a local and national level on issues affecting retirement village residents.

5. CONDUCTING MEETINGS

Conducting an inaugural Committee meeting

- a. The committee (or executive if one is agreed) elects officers from their committee members: A Chairperson, Secretary, Treasurer (if necessary) and any other positions wished. For example, some committees have a dedicated social events coordinator.
- b. Decide on when and where to have regular residents' committee (or executive) meetings.
- c. Propose to make or adopt a constitution or set of rules.
 - i. Some committees prefer to appoint a working group of 2-3 members to go through examples of rules (see Appendix) and adapt them, spend time developing them, then resolve to formally adopt the rules at a next committee meeting.
 - ii. The rules should include details for any bank account use if an account is necessary for proposed committee activity, for example - subscriptions, if any and their use, operator contributions, levies towards a fundraising project and so on.
- d. Resolve to open a bank account and appoint the signing authorities (this will be required by the bank).

TIP: *The Retirement Village Residents Association of New Zealand recommends proposed rules and any proposed changes be circulated to all residents in the village and discussed at a further general meeting of all residents, before being formally adopted by the committee at the next committee meeting.*

Ongoing Committee meetings

If you have a small committee and do not wish to be too formal, it is still best to be business-like. The Chairperson or Secretary should prepare an agenda and circulate it to committee members, according to whatever rules it has made.

A typical Agenda includes:

- Apologies
- Minutes of the last meeting
- Matters arising from the minutes
- Treasurer's report (see example below)
- Village Manager's report (if applicable)
- General Business

The Secretary records the minutes of the meeting and should publish them for residents to see eg. on the residents' notice board, or in the library.

TIP: *The Retirement Village Residents Association of New Zealand recommends committee minutes be displayed on the notice board in the best communal area of the village, so that all residents are kept informed. Transparency is important in a village community and a 'them-and-us' situation must be avoided.*

Ongoing other meetings eg. Residents AGM and General Meetings

Residents AGM: This is separate to your village's AGM, and is for presenting the committee's financial report and for voting in the committee for the following year.

Residents General Meetings: These are for discussion of issues and future planning with all residents.

Chairing

The Chairperson should approach the role as an independent person charged with managing proceedings. It is their responsibility to ensure the meeting starts on time, discussion is focused on Agenda items and agreed outcomes align with the objects of the Committee.

Representation and complaints

A residents' committee is not 'a person,' so does not meet the definition of 'representative' in the Code of Practice. Clause 34 of the Code of Practice says a formal complaint is made by a resident in writing. A resident may however name specific members of a residents' committee as joint 'representatives'.

34. Making a formal complaint:

1. If a resident wants to raise an issue or concern as a formal complaint, this may be done by either:
 - a. the resident writing the complaint;
 - b. if the resident is unable to write the complaint, a personal representative or another person authorized by the resident writing it on their behalf ; or
 - c. if neither of those options are available, then the operator writing the complaint at the resident's request, based on what the resident tells the operator at the time the resident makes the complaint.
2. In (1) (c) the operator must read the complaint back to the resident to confirm it is recorded correctly and give the resident a reference copy to keep.
3. In every case, the resident must provide a signed and dated copy of the complaint to the operator or the operator's contact person.
4. The operator must provide a written acknowledgement of a formal complaint within five working days of it being received.
5. The operator must regularly inform a resident who has made a formal complaint about its progress.

TIP: Distinguish general advocacy from complaint-making. Where a residents' committee wishes to advocate on a matter for the wellbeing of **all** residents which could influence residents' occupation rights, charges, services, or other amenities, the Chair should seek a business item slot on the agenda of an operator-called meeting.

If a residents' committee wanted to file a formal complaint, its members would need to do so as individually named residents in the formal complaint, rather than asserting the complaint was filed by the committee.

However, a member of a residents' committee may be authorised by a resident to be that resident's support person in dealings with the operator or other residents.

RESIDENTS' COMMITTEE – OPERATION CHECKLIST	Y	N
Has the committee developed a set of rules, including the scope of its roles and functions? When were the rules last reviewed?		
Does the committee need to incorporate itself or the broader association of residents for any purpose, such as for obtaining a liquor licence?		
Is the work of the committee reviewed, including succession-planning?		
Is the residents' committee effective in raising issues and concerns of the village community?		
Is there a communication strategy for notices of meetings, agendas and general information to flow between residents, management, and the committee?		
Are the roles and responsibilities of committee representatives defined and understood?		
Does the operator or its management representative get invited to committee meetings on a regular basis?		

6. INCORPORATED SOCIETIES AND ASSOCIATIONS

Residents may register (their collective) as an incorporated society. Note: Other villages may use the term 'Association'.

Forming an incorporated society or club can help achieve some activities the residents want, such as obtaining a liquor licence for their common lounge area in their village or when raising funds for a specific purpose.

Sample rules for an incorporated society can be adapted from the registry of incorporated societies' standard form set of rules:

<https://is-register.companiesoffice.govt.nz/help-centre/starting-an-incorporated-society/sample-rules-for-societies/>

TIP:

If the committee raises funds, include a rule for the committee to manage accumulated funds and spend reasonably for the generation they are serving and try not to accumulate funds above a certain level.



7. RESOURCES

Residents' committee FINANCE REPORT example

The simplest way for a Treasurer to make a monthly report, is to prepare it like a bank statement

RESIDENTS' COMMITTEE	
Bank Balance 31/07/20	10000.00
Receipts	
Bar	500.00
Raffle	200.00
Expenses	
Bar	450.00
Newsletter	100.00
Raffle	100.00
Bank Balance 31/08/20	10050.00

However, these days it is likely that a spreadsheet would be used and of course, much depends on the size and activities of the committee.

RULES example to help your Committee run well

***[retirement village name]* Residents' Committee Rules**

1. Name:

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

2. Representation:

- a) all residents of *[retirement village]* are, as of right, represented by their elected Committee. For the purposes of these rules a resident is as defined in the Disclosure Statement of *[retirement village]*.
- b) an annual levy, due and payable by residents, may be determined at each Annual General Meeting. The amount so determined may be 'nil' and not compulsory.
- c) any resident wishing not to participate in the election of a Committee or any activity of the elected Committee is free to do so.

3. Objectives:

The Committee is established:

- a) to represent and promote the welfare and interests of the residents.
- b) to maintain liaison with the village management on matters affecting village administration.

4. Residents' Committee:

- a) Residents at its Annual General Meeting shall elect a Committee to act in close liaison with both management and residents.
- b) the Committee shall comprise up to [nine] residents elected at a General Meeting of Residents.
- c) Normally a Committee will be elected for a financial year starting on 1 August, but any other suitable annual date may be selected for the activities of the Committee.

5. Proceedings of the Committee:

1. at the first meeting of the new Committee a Chairperson, Secretary and Treasurer will be appointed from within the elected Committee.

2. the Committee shall:

- a) appoint from its members such sub-committees as it deems necessary or desirable to achieve specific objectives. For example, there may be a social sub-committee. The Committee or subcommittee shall have the power to co-opt other residents to assist in achieving specified objectives.
- b) accept from residents, either verbally or by written submissions, comments on all matters affecting residents which, in the Committee's opinion, require attention.
- c) act in consultation with management for and on behalf of residents.
- d) maintain an effective liaison with management and with the Statutory Supervisor.
- e) ensure that all business conducted is confidential to residents.
- f) set the timetable for the residents' General Meetings for the term.
- g) appoint for the term a resident to sit on the Disputes Committee (if required by the Occupation Licence).
- h) all matters of business shall be determined by a bare majority of votes. No proxy votes will be allowed. In the event of an equality of votes the Chairperson shall have a further or casting vote which shall have due regard to the status quo.

3. The quorum for any Committee meetings shall be [five] members. No business shall be transacted at any Committee meeting unless a quorum is present. If a quorum is not present within 15 minutes of the scheduled start of a Committee meeting those Committee members present may fix a date and venue for the reconvening of the Committee meeting provided that there shall be a period of at least 48 hours between that meeting and the reconvened

meeting. If at the reconvened meeting a quorum is not present within half an hour after the appointed time the Committee members present shall constitute a quorum.

6. Chairperson:

The Chairperson, or in his/her absence a Deputy Chairperson appointed by the Committee, shall preside over all Committee and General Meetings of the Residents at which he/she is present. In the absence of these officers the meeting shall appoint its own chairperson. The Chairperson shall act as the liaison focal point with management.

7. Secretary:

The Secretary shall take minutes of all formal meetings and carry out all duties usual to a secretary in relation to correspondence and other residents' affairs including assimilation of reports to be presented to the Annual General Meeting.

8. Treasurer:

The Treasurer shall:

- a) be responsible to the Committee for all monies received on behalf of the Committee and shall, as soon as reasonably practicable, pay all monies so received into the bank account of the Committee.
- b) be responsible for the payment from these monies of all accounts payable by the Committee subject to the direction of the Committee.
- c) at each monthly meeting of the Committee present an up to date summary of the finances of the Committee.
- d) provide a financial report and annual accounts to the Committee prior to their presentation to the Annual General Meeting.

9. Nominations:

- a) nominations shall be made on the appropriate nomination form. These forms will be available from [reception] from the [third Tuesday of July] in each year. Current Committee members may be re-nominated.
- b) completed nomination forms should be handed to the Secretary who will record

each nomination and ensure that all nominations are displayed, as soon as possible after receipt, on the notice board.

- c) nominees may be requested to submit any relevant experience or interests to support their nomination. This information will be displayed alongside the relevant nomination.
- d) nominations will close at [12 noon on the second Tuesday of August] in each year provided that nominations will remain open in the event that insufficient nominations have been received by this date to ensure a quorum. In the event of insufficient nominations, they may be accepted from the floor at the Residents AGM.

10. Elections:

- a) in the event that nominations exceed vacancies then a ballot will be required and voting papers, listing all nominees and accompanied by any subscribed nominee information, will be issued to all residents by the [fourth Tuesday of August] in each year.
- b) each resident is entitled to one voting paper and residents may vote for a maximum of [nine] candidates.

EITHER:

- c) the ballot shall normally be held at the Residents AGM of the Residents.
- d) There will be a minimum of 2 scrutineers, only one of whom may be a Committee member. They will be elected at the Residents AGM or prior to, and shall count the votes. The successful candidates will be confirmed at the Residents AGM.

OR:

- c) completed voting papers should be placed in the appropriate voting box within the nominated time being at least 24 hours prior to the Residents AGM.
- d) voting papers shall be counted by the scrutineers. The successful candidates will be confirmed at the Residents AGM.
- e) should a ballot not be required the new Committee members will be confirmed at the Residents AGM.

- f) the term of the new Committee will commence at the conclusion of the Annual General Meeting and will end at the conclusion of the next Annual General Meeting.

11. Non-Completion of Term:

In the event a member is unable to complete her/his duties on the Committee prior to the completion of the elected term the following will apply:

- a) where the period of the term still to be completed prior to the Annual General Meeting ("the Period") is more than three months nominations for the vacancy will be called from the residents and a vote held if nominations exceed the number of vacancies.
- b) the procedures will follow those set out in 'Elections'.
- c) if the Period is less than three months the Committee can elect to continue to operate with a reduced number or may co-opt any resident onto the Committee to cover the vacancy.
- d) in the event that the Committee as a whole wishes to resign, nominations for replacements must be called immediately and appointments made for the new Committee at a Special General Meeting called for that purpose. The resignation of the Committee as a whole will not be recognised until a properly convened Special General Meeting at which a quorum is present.

12. Frequency of Meetings:

- a) the committee will meet regularly, as determined by the committee, or for urgent matters, as the need arises. Where possible, no meetings will be held in January of each year.
- b) the manager or manager's representative may be invited to attend part of the meeting, at the committees discretion.

13. General Meetings:

- a) the Annual General Meeting will be held *[on the first Tuesday of September]* in each

year. At this meeting the Committee will make a full report on its activities. The report will also incorporate reports from all other groups or sub committees that are directed by the residents' Committee within the village so that one comprehensive report is presented to the Annual General Meeting (the Committee to coordinate this process).

- b) there will be a General Meeting of Residents at least *[three]* times a year in addition to the Annual General Meeting.
- c) any reference to voting or quorum in the constitution shall refer to residents present in person at any General Meeting. This constitution does not allow for proxies.

14. Special General Meetings:

- a) a Special General Meeting, at which only the business for which the meeting is convened shall be dealt with, may at any time be summoned upon the initiative and order of the Committee.
- b) conversely, a Special General Meeting shall be held within seven days after the receipt by the Secretary of a written requisition signed by at least *[fifteen]* of the Residents and setting forth in the form of a motion(s) the object(s) of such meeting.
- c) if the Committee does not within seven days convene a Special General Meeting the requisitioners or any of them may, subject to the provisions of this constitution as to notice, convene it.

15. Notice of Meetings:

General Meetings shall be notified to residents in writing by the Secretary at least seven clear days prior to the date of the meeting, specifying the place, day and hour of the meeting and the nature of the business to be considered. Sufficient notice will be deemed to have been given if the time, place and business of any such meeting is displayed on each of the village notice boards. The accidental omission to give any individual resident notice of the meeting, or the non-receipt of the same, shall not invalidate the proceedings of any General Meeting.

16. Minutes:

The minutes of each General Meeting shall be confirmed at the next General Meeting or in the case of the Annual General Meeting minutes at the next Annual General Meeting.

17. Quorum:

- a) a quorum for General Meetings shall be [thirty] residents.
- b) no business shall be transacted at any General Meeting unless a quorum shall be present except that those present may fix a date and venue for the reconvening of the meeting.
- c) if a quorum is not present within 30 minutes of the appointed time for the start of the meeting, if convened upon the requisition of the residents, it shall be dissolved. In every other case it shall stand adjourned to a time and place to be fixed by the Chairperson on adjourning the meeting. If at the adjourned meeting a quorum is not present within 30 minutes of the appointed time the residents present shall constitute a quorum.

18. Amendment(s) to Constitution:

- a) amendment(s) to this constitution may only be made at the Annual General Meeting or a Special General Meeting called for that purpose.
- b) any proposed amendment(s) should be submitted to the Committee four weeks prior to the General Meeting.
- c) the proposed amendment(s) must be notified to all residents at least two weeks prior to the date of the General Meeting. Sufficient notice will be deemed to have been given if the proposed amendment(s) are displayed on each of the village notice boards. The accidental omission to give any individual resident notice of the proposed amendment(s), or the non-receipt of the same, shall not invalidate the proceedings of any General Meeting

19. Voting:

- a) at all General Meetings each resident shall be entitled to one vote.
- b) subject to this constitution voting procedures at General Meetings shall be by a show of hands unless a ballot is called.
- c) a ballot may be called by a minimum of five residents.
- d) amendment(s) to the constitution will be passed only by a two thirds majority vote in favour of the amendment(s). Subject to this constitution a simple majority will apply to any other business requiring a vote. In the event of an equality of votes the Chairperson shall have a further or casting vote which, if exercised, shall have regard to the status quo.

20. Conduct:

- a) the Committee may suspend any residents' right to attend any meeting where, in the Committee's opinion, that person's behaviour is or is likely to be contrary to the collective interests of the residents.
- b) at any meeting the Chairperson may suspend any residents' right to continue to attend that meeting where, in the Chairperson's opinion, that person's behaviour is contrary to the collective interests of the residents.

21. Dissolution:

The Committee shall be dissolved upon a ballot vote in favour of a motion to that effect passed by at least two thirds of residents present at a General Meeting called for that purpose. Any funds held at the time of dissolution will be donated to [the hospice located closest to the village].

22. Interim Provision:

In order to recognise the intended size of the village, and the current size of the village, the numbers in clauses 4(b), 5(3), and 17 above shall be deemed to be five, three and fifteen respectively until there are [fifty] residents in the village.

FOR FURTHER INFORMATION:

Retirement Village Residents Association of New Zealand

www.rvrnz.org.nz

email: secretary@rvrnz.org.nz

phone: 0800 787 699

Commission For Financial Capability

www.cffc.govt.nz

email: retirementvillages@ccfc.govt.nz

phone: 0800 268 269

Other Agencies / Organisations:

Companies Office and Registrar of Retirement Villages

[www.companiesoffice.govt.nz/
all-registers/retirement-villages](http://www.companiesoffice.govt.nz/all-registers/retirement-villages)

Seniorline

www.seniorline.org.nz

Age Concern

www.ageconcern.org.nz

Grey Power

www.greypower.co.nz