

**ANSWERS TO FREQUENTLY ASKED QUESTIONS
RELATING TO COVID-19**



Last Updated: 2 April 2020

| Levy related queries | |
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| Question | Answer |
| Do I need to pay my levies? | Yes, it is essential that the Body Corporate be funded to ensure contractual payments associated with general maintenance, insurance and costs associated with statutory work are paid. This is a legal requirement of the Body Corporate and enables the continued operation and protection of the building. It should be noted that under the legislation Committees do not have the power to stop, reduce (except for following a formal process – mentioned below) or defer levies. |
| What if I can't pay my levies? | <p>Submit a request for a payment plan including terms for the Committee to consider. You can submit the request through our online forms at https://www.abcm.com.au/resources/forms/. Outlining your hardship is to be provided with the request to ensure a timely response.</p> <p>Options Committees have are:</p> <ul style="list-style-type: none"> - Allowing each levy notice to be paid off over the period (i.e. the quarter) rather than payment in full on the first day of the period; - Waiving interest for a limited time; and - Introducing or reinstating discounts for early payment of levies. <p>The Australian and Queensland Government has provided several stimulus packages for individuals and businesses who are financially impacted by the COVID-19 safety measures. For further information on these refer to:</p> <p>https://treasury.gov.au/coronavirus https://www.qld.gov.au/about/industry-recovery</p> |
| Will the Body Corporate change the amount of the levies? | This decision will need to be made by each body corporate. To facilitate any change, the Committee would have to call an Extraordinary General Meeting (EGM) to modify levy amounts. Much of the Body Corporate spending is required by law (i.e. insurance) and careful consideration is required when considering this option. Archers can assist committees through this process and have waived our additional charge for the meeting (excluding disbursements). |
| Will the Body Corporate commence debt recovery action? | <p>This depends on the individual circumstances for each Body Corporate. Your committee should consider the cash flow and income situation of the Body Corporate as well as the owners' circumstances. If a debt approaches 2 years it will be a legal requirement to institute legal proceedings.</p> <p>To alleviate this at the current time, the Federal Government has made changes to legal recovery process, which has raised the debt amount to \$20,000 and if legal action is taken, the timeframe to respond has been extended to 6 months.</p> <p>Archers have ceased arrears charging temporarily and have suggested Committees do not proceed with external debt collection at this time.</p> |

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General Queries

| Question | Answer |
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| Does social distancing rules apply in lifts? | Reasonable judgement is to be applied as the use of the lifts is a requirement in most buildings. In accordance with the advice from Queensland Health, distancing and good hygiene are the best defense in combating the spread of the virus. |
| Do owners have to notify the Body Corporate if they have tested positive to COVID-19? | If the Body Corporate has made a by-law that requires people to notify if they have an infectious disease, then yes, you will be required to notify. If a by-law is not in place, it is something that your Committee or building manager would be better placed to manage if they were aware of this. It allows them to take responsible action when allowing contractors and other visitors into the building. |
| Can insurance be paid by installments? | This depends on your insurer and can be sought as a renewal term when due. Where Marsh Advantage Insurance is your insurance broker and when we are aware of fund shortages, options will be provided on renewal. |
| What are considered essential and non-essential services? | This information can be found on the official government site here: https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/superseded/non-essential-business,-activity-and-undertaking-closure-direction-no.3 |
| Can the Body Corporate/ Caretaker force us to complete a health survey? | No, the legislation does not provide the power to require people to complete a survey about their health. |
| If our building is mostly commercial and the businesses are closed, what should we do? | If there are levels or areas that are no longer being used due to nobody operating, they should be closed off and only essential services continue. |
| Should we close our common areas such as pools and gyms | Yes, refer to the resources provided below from SCA National and the advice from Queensland Health https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/non-essential-business,-activity-and-undertaking-closure-direction-no.3 |

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Meetings

| Question | Answer |
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| Do we still hold our annual general meeting? | <p>Yes, the legislation provides that a body corporate must convene the AGM within 3 months of the year end date. You can hold this electronically, which is confirmed by the information provided by the Commissioner’s office, found here: https://www.vision6.com.au/em/message/email/view?a=55581&id=1476836&k=vM8psi6GzvIWP6_ZPPvT0qU8YXStWtYBQM6T1CcDX4c</p> <p>Archers have video and telephone conferencing facilities to enable up to 250 participants and we are ready to continue to assist Committees manage their obligations. Contact your body corporate manager to set these up.</p> |
| As an owner, can I still attend the AGM or Committee Meetings? | <p>Yes, you can attend any meeting via video or teleconferencing facilities. For Committee meetings the 24 hours’ notice requirement is still applicable, even when attending electronically.</p> <p>If your Committee are allowing physical attendance, social distancing rules apply.</p> |
| Can we delay our AGM? | <p>Yes, a body corporate can make the decision to postpone the AGM outside the legally prescribed 3 month period. To ensure that a postponed AGM is a validly held meeting, an application to the Commissioner’s office needs to be made for an adjudication order outlining the reasons to postpone.</p> <p>Archers can assist you with making this application, or the Committee can submit the application directly by using the Commissioners practice direction guide 19, found here https://www.publications.qld.gov.au/dataset/practice-directions-bccm/resource/8a293060-7d4a-498b-9b77-e62904fb28c6</p> |

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| Other resources | | |
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| Topic | Resource supplied by | Link to Resource |
| Guidelines – Resident Unit Managers | SCA National Peak industry body | Recommends development of a pandemic plan and provides some guidance on how to do this. https://www.strata.community/documents/item/1388 |
| COVID-19 Best Practice Guidelines – Committees | SCA National Peak industry body | <ul style="list-style-type: none"> – Business Continuity and Pandemic Management Planning – Declaration of residents who have tested positive – Closure of common areas – Continue to hold meetings electronically https://www.strata.community/documents/item/1389 |
| COVID-19 Best Practice Guidelines - Residents | SCA National Peak industry body | Provides information on social distancing, quarantine and disclosure if a resident is infected with COVID-19. https://www.strata.community/documents/item/1390 It deals with delivery of parcels to your unit, visitors and visitor parking, dealing with Rubbish/waste/ mail and shut down/modification of use of shared facilities |
| Cleaning of Common Areas | Former QLD Commissioner, Chris Irons | Review the terms of the contract, consult with the committee and seek direction from Queensland Health. Recommends record-keeping on cleaning and clearly communicate what you are doing https://www.lookupstrata.com.au/qld-resident-managers-cleaning-common-areas-covid-19/?mc_cid=16d9bd786c&mc_eid=2c4b399262 |
| Smoke drift | Former QLD Commissioner, Chris Irons | There has not been changes to laws that would prohibit residents smoking on balconies. The right of the body corporate to regulate activity on common property through by-laws and enforce these remains. https://www.lookupstrata.com.au/qld-smoking-in-strata/?mc_cid=16d9bd786c&mc_eid=2c4b399262 |
| Non-essential business, activity and undertaking Closure Direction | Queensland Health | Under the Non-essential business, activity and undertaking closure direction (No.4) , businesses, activities and undertakings deemed non-essential must not operate until the end of the declared public health emergency. https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/non-essential-business-closure-direction |