



Committee Meetings and Amenities during COVID-19

Best Practice Guide

Updated 2 October 2020

The COVID-19 Emergency Act for Community Title Schemes has been extended to 31 March 2021. This Guide includes Best Practice for holding meetings and managing amenities under this Act.



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Managing common property and Committees during COVID-19

In March 2020 SCA (Qld) wrote to the Attorney-General regarding the difficulty of holding meetings in compliance with the BCCMA while the pandemic was emerging. On 23 April 2020 the COVID-19 Response Act commenced with the ability for further Regulations to protect the health, safety and welfare of persons affected by the COVID-19 emergency to be enacted. The Regulation commenced retrospectively on 19 March 2020, and is in place until 31 March 2021 in line with the COVID-19 Response Act (unless extended). SCA (Qld) was consulted on the Regulation and is content that this resolves some practical issues caused by the Health Directions.

Justice Legislation (COVID-19 Emergency Response—Community Titles Schemes and Other Matters) Regulation 2020

Summary

Attendance and voting at committee meetings and general meetings

The Regulation allows committees to modify the way general meetings and committee meetings are held in certain circumstances, including limiting the number of people who may physically attend the meeting, allowing attendance and voting at the meeting by audio link or audiovisual link (and being considered a valid quorum), or holding the meeting on the papers. It also enables to have a vote on a motion or for a committee election in a reasonably contemporaneous way. The Regulation also provides that the committee may make arrangements to allow electronic votes for a committee meeting or general meeting. The way an electronic vote is cast must comply with requirements under the Electronic Transactions (Queensland) Act 2001 about how a document must be signed or sent electronically and, for a vote cast using an electronic form of a voting paper or ballot paper, any accompanying instructions.

Access to registers and documents

The Regulation allows a body corporate to meet a requirement to allow an interested person to inspect the body corporate's record by giving the interested person a copy of the records, subject to the interested person paying the relevant fee for being given the copy.

Restricting access to common property

The Regulation inserts a new section in each of the Accommodation, Commercial, Small Schemes and Standard Modules setting out that despite a decision changing rights, privileges or obligations of lot owners being a restricted issue for the committee, such a decision is not a decision on a restricted issue if it is in relation to access to, or use of, common property and body corporate assets, and it is necessary to ensure compliance with a public health direction. The inserted sections expire on 31 December 2020.

Waiver of prescribed fees for dispute resolution services

The Regulation inserts a new section in the BCCM Regulation providing that the Commissioner for Body Corporate and Community Management may waive all or part of the fee payable for an application under section 246 of the BCCM Act to inspect or obtain copies of particular documents relating to a dispute resolution application, including submissions made about an application, if satisfied payment of the fee would cause the applicant financial hardship.

Read the full legislation here: <https://www.legislation.qld.gov.au/view/html/asmade/si-2020-0250>