

Lot Owner Best Practice Guide

Updated Version 1 April 2020

Introduction

SCA (Qld) is the peak body for body corporate and community management in Queensland. Collectively we represent more than 300,000 lot owners and more than 180 professional companies who provide body corporate management services and are suppliers and service providers to the industry. In a state where there is no licensing or regulation requirement, SCA (Qld) provides education, accreditation and advocacy. We lead, support, and represent our members and the greater strata community.

What is SCA (Qld) doing to support the sector?

On 16 March 2020, SCA (Qld) contacted the Commissioner for Body Corporate and Community Management to initiate some guidance on how to manage Committee Meetings and General Meetings in light of the recommended social distancing. Read their guidance on that [here](#).

On 17 March 2020, SCA (Qld) sent an urgent request to the Attorney-General to clarify meeting attendance and voting. Specifically, we asked to resolve the issue that a quorum could be achieved without physically attending, that a meeting is valid without a physical location, and that the body corporate manager should be permitted to receive voting papers. The Attorney-General has responded positively that this request is being considered as a matter of priority.

On 24 March 2020, SCA (Qld) has sent a joint submission to the Attorney-General to clarify that Resident Management Services must be considered essential services due to the critical nature of the job a caretaker does for the community. We outlined that caretakers are front line service providers and that as the COVID-19 crisis evolves, schemes rely on the caretaker to support their running.

On 25 March 2020 SCA (Qld) published a COVID 19 best practice guide as well as a COVID-19 Lot Owner Toolkit. Both guides were updated on 31 March 2020, please refer to both guide versions as the government restrictions on meeting tighten or loosen. These are free guides, available to the public.

SCA (Qld) will continue to represent the interests of all stakeholders in the sector, with the objective to enable more effective, more timely, and more cost conscious decision making in bodies corporate.

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What is this best practice guide about?

SCA (Qld) has been providing critical updates to members since 12 March 2020 when authorities started to get more active in the containment of COVID-19 in Queensland. This best practice guide is a recommendation SCA (Qld) has compiled to assist lot owners in their schemes as well as committees in supporting their schemes.

This is not an exhaustive guide and we recommend you stay up to date with our information and pop up seminars in the coming weeks.

Apartment Living and COVID-19

The World Health Organisation has announced that COVID-19 is a [pandemic](#).

States and Territories have started declaring a State of Emergency commencing 16th March 2020 for at least the next 4 weeks with possible extensions. Containment measures are increasing daily. Non-essential services have been shut down from midday 23rd March, including pools and gyms.

With a large percentage of the population already living or working in a Strata Community the chances are high that you will have someone already in self-quarantine or who has tested positive for COVID-19, living in your complex. It is also likely that this Pandemic will be around for some months yet.

As your community moves to lockdown, your buildings will be at capacity and will include all age groups. Everyone will be home for some weeks and quite possibly feeling under pressure with the uncertainty of the current circumstances. During this time, all residents should be encouraged to be tolerant, considerate and kind to each other. A common courtesy that may be tested during these potentially challenging times.

How do I keep up with what is going on?

The Federal Government has launched two new crisis communications channels to ensure that the public is able to receive the most accurate and the most up-to-date information. The free "Coronavirus Australia" app, along with a new government WhatsApp feature, will provide information on the number of cases in Australia, along with news on restrictions and travel bans.

The app is available for free on Google Play and the Apple store and you can access the [Whatsapp channel through this link](#).

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Social Distancing

The Government has asked us all to practice social distancing. As of 30 March 2020, the Australian Government has implemented a new rule surrounding gatherings, limiting them to two people, down from previously ten. This applies for indoor gatherings as well as outdoor and includes private properties too.

What am I allowed to leave my house for?

Mr Morrison was clear on the four acceptable reasons to leave the house:

- Shopping for what you need
- For medical care or compassionate needs.
- To exercise, provided it is in compliance with the gathering rules (no more than two people in a group).
- For work and education if you cannot work or learn remotely.

This explicitly means keeping your distance from people when using the common property and services such as hallways, stairs and lifts as applicable to your property, avoid non-essential large groups and work from home where possible. On a broader scale it also means avoiding non-essential travel.

This means that the Committee will need to close any or all community areas such as pools, gyms, BBQ, roof tops and any other community spaces. Please obey any signs indicating an area has been closed off (more info below).

Please be mindful of other residents when using lifts and hallways and keep a minimum of 1.5m from others. More information on social distancing can be found [here](#).

Self-Isolation or Quarantine

If you are voluntarily quarantining yourself or are living with someone under isolation and you live in an apartment, you have obligations to other residents, and you need to respect their right to a safe and hazard free environment. Self-isolation is not forced quarantine but if you do venture out you should take the precautions as notified by the Health Department as well as adhere to any local Committee policies and avoid using the common shared areas.

If you have received an order from the Health Department, you must follow the instructions contained in the order. If you're living with someone under isolation, wash your hands frequently, wear a surgical mask if caring for them and avoid using the common shared areas.

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For more information, a copy of the Department of Health's Isolation Guide can be found [here](#).

Home Confinement Direction

Under the new [Home Confinement Direction](#), it has been clarified that the principal place of residence is considered as the place where the person ordinarily resides. This would not include an investment unit that is part of the letting pool.

It is the individual's responsibility to adhere to this direction and they are the one at risk of breaching this direction. A breach of the direction carries a government fine of up to 100 penalty units (\$133.45 per unit). You should take your own legal advice.

Are residents required to disclose to the Strata Community if they are self-quarantined or infected?

At this stage it is unknown if the Health Department intends to notify a Strata Community if it has issued a notice to a person to quarantine.

However, SCA recommends all residents and their visitors undertake best practice to provide a duty not cause a hazard or interfere with quiet enjoyment. The body corporate has an obligation to maintain common property.

Recommendation 1: Health, safety and security of lot owners, occupiers of lots and others

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier, or user of another lot.

Recommendation 2: Behaviour of owners, occupiers and invitees on common property

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

Should I disclose to the Strata Community that I am self-isolating and/or have been ordered to self-isolate?

No. Self-isolation itself is for your own protection. (For confirmed cases, please see next question).

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Should I disclose to the Strata Community that I have been infected with COVID-19?

Without a specific by-law bodies corporate could not enforce occupiers to advise them of their positive test. We recommend to owners who test positive that you should disclose to your body corporate manager if you have been diagnosed with COVID-19. The *Privacy Act* requires that the body corporate manager or strata management business not disclose personal information received unless such disclosure is within the primary purpose of having collected that information. Your identity and specific location will therefore be kept confidential, but it does allow the Committee to notify any of the service contractors who may be impacted by your circumstance and give them opportunity to manage their own Personal Protection Equipment (PPE) as required. For example, they may be the waste management providers removing your rubbish for you or the Building Manager delivering your mail.

As a communicable disease, the body corporate must consider public health in their actions. There are duties under the Workplace Health & Safety Act for which a Strata Community is responsible with respect to the common property and contractors that service the building. As all lot owners share the common property as tenants in common, those duties for disclosure, will extend to you as an owner or you as a landlord.

What type of Policies may the Committee create?

The Committee is responsible for the management of the common areas and facilities and may need to create additional policies to manage the COVID-19 crisis. These new policies may include:

1. **Delivery of parcels to your unit** – you may be required to instruct the courier to leave the parcel at the front of your apartment door, not in the lobby area. You will need to arrange how they get access to your floor etc.
2. **Visitors and visitors parking** – to manage the risk of exposure to other residents the committee may recommend restriction on the number of social visitors in line with government protocols, but certainly the visitor's carparks will be restricted for use by essential services like Doctors and medical services as a priority etc.
3. **Rubbish/waste** – you may be asked not to use the chute or rubbish room and to double bag the rubbish from your bin. Alternate collection methods may need to be implemented while you are house bound.
4. **Mail** – the committee may require you to make alternate arrangements for the delivery of mail.

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5. **Shared facilities** – the committee is required to follow Government directions and close facilities for public usage. It should review any maintenance policies in place to ensure they are workable.
6. **Shared laundry facilities** – restricted use and/or closure of facilities may extend to communal laundries if residents do not adhere to the Government guidelines. Residents should be encouraged to take protective measures such as wearing gloves, washing their hands, not touching their face and disinfecting all surfaces of the machines they use. Maintain social distancing. Recommend use of the hot water setting and use of laundry detergents that contain a bleach compound.
7. **Meeting & Communication** – the committee may implement new meeting and communication protocols to minimise the potential spread of the virus and enable decisions of the Strata Community to continue to be made by an alternate means; *eg teleconference, on-line meetings, ballots.*
8. **Building Maintenance & Services** – the committee may determine to increase or reduce services to the building to minimise risks to residents; *eg increase cleaning regime, increase waste collection if all residents are staying home and the rubbish generated increases, employ security guards if there is a power failure and the entry/exit security systems stops working or garage doors etc.*

What if I have pets?

Although our pets aren't getting sick, Covid-19 is changing the lives of pets especially for dogs living in apartments.

Under quarantine or self-isolating, dogs in apartments are going to need to do their business inside and if you use your balcony or shower for this, please "scoop the poop" and not wash it down the drain system and after toileting disinfect the area.

Make sure you keep up all the flea treatments as well. You don't need a flea outbreak at this time within the building.

When you become anxious or things change, you might see an uptick in depressive behaviour like trouble sleeping, loss of appetite, not wanting to play or seeming listless. Other dogs might also become more destructive and anxious, exhibiting behaviour like increased reactivity, increased barking or difficulty settling. Try to set up a routine within your apartment and stick to it.

Financial Difficulties

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Support Funding is available:

[Major banks relaxing mortgage repayment obligations](#)

Interest rates have been slashed to a record low of 0.25%; the Reserve Bank of Australia today revealed that it is offering to buy as much as \$5 billion worth of government securities; and a string of other bank-focused initiatives, aimed at combating the economic slowdown brought on by the coronavirus (Covid-19) crisis have been also announced. Contact your bank to discuss.

[Coronavirus welfare package](#)

The Australian Government has announced more payments and streamlined claims for job seekers affected by coronavirus.

Subject to legislation passing, they'll:

- pay a temporary fortnightly \$550 Coronavirus Supplement from 27 April 2020 if you're getting an eligible payment
- extend eligibility for the first \$750 Economic Support Payment to pay it from 31 March 2020 if you're getting an eligible payment on any day from 12 March to 13 April 2020
- expand eligibility for some payments and make them easier to claim
- make Crisis Payment available if you need to self-isolate, are in severe financial hardship and you can get an income support payment
- pay a second \$750 Economic Support Payment from 13 July 2020 if you're getting an eligible payment or have an eligible concession card on 10 July 2020.

[Child Care Support](#)

Families using child care now have 62 days available to them for absences. They will continue to receive the Child Care Subsidy if their child is absent from care for any reason for these days. Families experiencing a loss of income, such as casual workers or those in self-isolation, may be eligible for the Additional Child Care Subsidy (temporary financial hardship). This subsidy is available for up to 13 weeks and, in most cases, the full cost of child care will be covered.

More info:

- [Support for individuals and households](#) – includes support payments, payments to support households and temporary early releases of superannuation.
- [Support for flow of credit](#) – includes ensuring the flow of credit is available to businesses to manage the impacts of COVID-19.

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Communication from the Committee

As events in the community unfold, and particularly as meetings of owners arise, ongoing situation specific messaging, will assist in providing owners and residents with some comfort that the Strata Community is actively engaged in taking all reasonable steps to deal with this evolving situation.

We also recommend that you add to your communications how residents can contact the committee and the body corporate management firm for further information.

Some bodies corporate may consider:

- reminding all residents, workers and guests of the importance of practising appropriate hygiene (e.g. handwashing) and social distancing, see [information here](#)
- asking residents diagnosed with COVID-19 to alert the body corporate manager so the body corporate committee can consider whether other residents should be informed and take appropriate precautions (within Privacy Laws). You need to balance the requirement for reducing others' exposure with the individual's right to privacy.
- Discussing additional cleanliness requirements
- Consider assistance to lot owners in respect to paying their levies: the levies are set based on the budget adopted at the annual general meeting, so the body corporate can decide how much the levies are and when they are due. [Read more here](#).

So, what does this mean for you as the Committee?

The Committee is the designated representative of all the owners (and by default residents) that live in your development. You are responsible for the health and safety of your residents on behalf of the body corporate.

At this stage there is very little published by the Health Departments as to any specific obligations a building owner has when providing shelter to a person with or suspected to have COVID-19.

Together with your body corporate manager and your Building Manager, the Committee should develop its own, customised, **Pandemic Management Plan**. To do this you will need to:

- Map your dependencies to understand where disruptions might impact your development. For example, greater parcel delivery, more visitors and impact of financial reserves.
- Review the preparedness of your critical third parties (Fire, Pool, Cleaning, Waste removal etc.) as these services may be affected.

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- Create a communication platform to inform residents. This could be as simple as a daily or weekly bulletin in the lobby or using technology platforms.
- List the common areas most at risk for contamination and put in a management strategy for each area (e.g. facilities, door handles, bins, air conditioning, elevators, plumbing issues, committee meetings, meeting rooms etc)
- Consider which services may need to increase or decrease (e.g pool maintenance, cleanliness of common property)

The Committee will remain responsible for management of contractors visiting the site, however you are advised to not directly approach contractors. If you have a body corporate manager they will continue to organise your contractors via official work orders. It may be necessary to delay non-essential work/activities on-site, however this will be done in consultation with the Committee as and when required.

Maintenance of common property

A body corporate must maintain common property in good condition. That means even if facilities are closed for public usage, the body corporate must continue to maintain these to the same standards as without a closure.

The body corporate may need to consider the need for additional cleaning of common areas and facilities. Government directives must be followed in all strata schemes and the most recent changes have made it very clear that shared facilities, in particular apartment pools, must be closed. The [Queensland Health website](#) contains a table of information, with the first column explaining what must be closed and the other showing exceptions.

According to the *Non-essential business, activity and undertaking Closure Direction (No.3)*, in the *Leisure and Recreation* section, non-essential activities or undertakings include:

"Swimming pools including public pools and pools in shared facilities such as hotels and apartments."

The only listed exception is:

"A swimming pool located in a private residential dwelling for the use of the occupants of the dwelling such as a backyard pool."

Body corporate managers should direct committees to close their pools (if they haven't already) and provide advice on appropriate signage.

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Resources

- Queensland Health: 13HEALTH (13 43 25 84)
- National Coronavirus Health Information Line: 1800 020 080
- [Queensland Health: COVID-19 information](#)
- [Australian Government, Department of Health: COVID-19 information](#)
- [Coronavirus and Australian workplace laws](#)
- [Code of Practice: Managing the work environment and facilities](#)
- [Smartraveller website](#)
- [World Health Organisation](#)

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