

Guidance Note

Strata Community Meetings and COVID-19

26 May 2020



On 17 May 2020, the Government of Western Australia published the *Closure and Restriction (Limit the Spread) Directions (No. 3)* (the current directions). The current directions ease some of the restrictions that had been in place to reduce the spread of COVID-19.

The easing of restrictions means there is less pressure to use proxies and electronic means to conduct general meetings and more strata companies will be able to revert to meetings in person.

This guidance note outlines some of the key points in the current directions in relation to holding general meetings in person.

Meetings in a public place

Gatherings can take place in indoor or outdoor public places as long as no more than twenty (20) people are in attendance and there is at least four square metres of space per person. If these two conditions are not met, the meeting will be considered a prohibited gathering. The term 'public place' is defined in section 34 of the current directions.

Meetings in a non-public place

Subject to any applicable exceptions in the current directions, if you are holding a meeting at a non-public place, the twenty (20) person limit does not apply. Instead, meetings in non-public places must satisfy two requirements. Firstly, there must be at least four square metres of space per person. In addition, one or more of the exceptions listed in the current directions must apply. Both of these conditions must be met whether the non-public place is indoors or outdoors.

Selection of a non-public venue

As previously mentioned, gatherings in non-public places are allowed if there is at least four square metres of space per person and one or more of the listed exceptions apply. Whether or not a chosen place fits one of the listed exceptions will depend on the specific circumstance. For example, an office building may be an acceptable venue if the meeting is necessary for the normal business of the office premises. Great care should be taken in interpreting such exceptions. The complete list of gathering exemptions appears in subsection 12(c) - (v) of the current directions. For more information regarding your own circumstances, please speak to your legal adviser.

Hiring Venues

Various types of venues are listed as 'affected places' under section 15 of the current directions. These include restaurants, hotels, community halls and indoor sporting centres. Some affected places are to remain closed. Others can open if they comply with the reopening requirements in the current directions. If you would like to hire an affected place as your meeting venue, it would be prudent to obtain written confirmation from the owner or operator that the venue has complied with the reopening requirements of the current directions.

Strata councils and strata managers should also ask the venue operator to let them view any applicable safety plan or safety plan certificate. The plan must include management of physical distancing/spacing (including ensuring at least four square metres of space per attendee), hygiene, staff training and collection of details of patrons.

Legal obligations

Strata companies need to ensure compliance with the current directions, which have the force of law. Non-compliance can attract fines of up to \$50,000 (individuals) and \$250,000 (for corporate bodies).

In addition to the legal obligation to comply with the current directions, strata councils and strata managers also need to discharge their duty of care under the general law to all those who attend a general meeting. They should therefore follow all relevant guidelines published by the WA Department of Health, which is where one can find the reference to physical distancing of 1.5 metres.

As State and Federal directions are evolving quickly, it is important to keep abreast of changes by referring to the relevant websites.

For assistance with strata matters, please contact:

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Disclaimer: This guidance note contains references to and general summaries of the relevant law and does not constitute legal advice. The law may change and circumstances may differ from reader to reader. Therefore, you should seek legal advice for your specific circumstances. The law referred to in this publication is understood by Civic Legal as of publication date.