

## Queensland Bodies Corporate and WorkCover Queensland

### Legislation

The Queensland Workers' Compensation and Rehabilitation Act 2003 (the Act) specifies who is a 'worker'. A 'worker' has a much broader definition than an employee. Even though a Body Corporate may have no employees, they may have a WorkCover obligation to a 'worker'.

### Engaging with Sole Traders

The biggest risk for a Body Corporate is when they engage sole traders to perform work on the common property. A well known example of where WorkCover is required in our personal life is the 'ironing lady'. In a Body Corporate environment, the equivalent example would be the engagement of someone to do non specific gardening.

Since July 1 2013, the definition of a worker has been changed such that a worker must be an individual. So if you engage with a Company to complete the work then there is no WorkCover obligation for the Body Corporate.

### Avoiding the risk

A Body Corporate without employees can avoid the risk of WorkCover exposure by following the following process when having work performed -

- Only contract with Companies, but if you must use a sole trader then .....
- Make sure the task is specific
- Get a fixed quotation for the completion of the task (not an hourly rate)
- Ensure that the worker understands that they are liable for rectification of any defects
- Do not supply any tools
- Do not give any direction over how the work should be performed or who should perform it

### Common examples

Using a 'mowing service' is a common Body Corporate situation. Make sure that the task is not time bound but related to the outcome (The entire property is to be mowed). Make sure the task is fixed price (eg. \$50 every occasion).

Having an occasional garden cleanup is another common Body Corporate situation. Seek a quote in advance (preferably written) and ensure that the price quoted is fixed price. Be very specific about the work that is required to be done.

For more information, here is a link to the [Workcover site](#). For peace of mind, taking out a WorkCover policy for the Body Corporate could always be considered.

### Disclaimer

This information has not been prepared by a legal practitioner. You should not rely on it as legal advice.

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