

LEVY RECOVERY – THE NEW PROCEDURES AND TRAPS FOR YOUNG PLAYERS

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Levy Notice Law – Must Specify a Date

- Old Act (s78)– no need to specify a date
- New Act (s83(3)- “must” specify a date
- What happens if no date? Is the levy notice invalid?

No Obligation to Issue Notice

- S.78(6) retained in the new s83(4)
- Not receiving a notice is no excuse to pay

21 Days' Notice – s.86

- Under old s.80, 21 days' notice not required
- Under new s.86 “must” give 21 days' notice
- Notice to specify s.86(5) and Clause 19 matters
- Failure to give 21 days' notice is it fatal?

Waiver of Interest and Discounts

- Old Act s79(3)&(4) required “special resolution
- New Act s85(3)&(4) only require “ordinary resolution”
- Query if SC can approve waiver & discount or is it the OC?

Payment Plans

- Under the old Act no obligation to give a payment plan
- New Act - payment plan is permitted but it is discretionary for the OC
- Payment plans to be accepted at a general meeting
- Ordinary resolution required
- Owner to request, pay for EGM and explain why PP required
- PP can only be for 12 months
- If PP refused owner can apply to NCAT
- PP to be in writing and meet requirement under C18 SSMR 2016
- What are “*general or particular*” cases for PP not defined

NCAT - V - Court

- NCAT recovery allowed but problematic
- Court recovery still preferred

Community, Precinct & Neighbourhood Associations

- Ability to recover legal costs under the CLM Act 1989 limited
- Best to have a by-law to recover legal costs

Thank You

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