

AUSTRALIA DAY MESSAGE

I read the following article by Michael Leunig (cartoonist & philosopher) whilst in Melbourne on Australia Day. It appeared on the front page of the The Age newspaper. I was so moved by the piece that I thought it worth reprinting.....

While Australia Day may evoke feelings of national unity and the uniqueness of our shared condition, it could well also provide a moment to contemplate the fact of our precious diversity and matters we do not hold in common.

We are inclined to the idea that we must tolerate human difference, but if we are merely only tolerant, then we are just holding the line.

The richer possibility is that Australia can actually embrace and enjoy its glorious detail and diversity, and see that an inclusive and holistic culture is the best chance for an intelligent and peaceful future.

Diversity may refer not only to ethnicity or religious variety but to the infinite ways in which Australians may reasonably live or express themselves. Serious clashes of intolerance occur not only between so-called civilisations and cultures but, as we all know, between neighbours and within families and clubs and corporations.

Not only might we hope for tolerance of different tastes and views but for a sensitivity to the natural world and the integrity of the myriad life forms and landforms on and around this astonishing continent. We would be wise to stop staring out to sea so much and truly turn and face the facts of our land.

*Perhaps more than tolerance we need openness, which is a type of innocence and a type of strength. And beyond xenophobia, fear of strangers, we might contemplate the wisdom and pleasure that could flow from another Greek word, *filoxenos* — love of stranger.*

Innocent friendliness is a sentimental concept to some, yet surely it refers to a rare quality of openness that we sometimes dreamed had curiously emerged in this land. Surely the real living treasure of this country could be simple friendliness, however remnant and worn out by technology, modernity and political division it may seem to be. More than ever it seems priceless and worth remembering.

It is wrong and futile to imagine we can make newcomers conform and be more like "us". We are all so radically different to each other

'OUR BEST CHANCE FOR AN INTELLIGENT & PEACEFUL FUTURE'

anyway. There is no such thing as personal normality, in spite of what our leaders sometimes tell us. But there is sanity and there is the possibility of a healthy society.

And more than we understand, it is probably, as the indigenous people have long said, the unique and complex quality of the land that significantly forms the authenticity of the culture and the people. The spirit of place enters reliably into us over generations and can be relied on to distinguish us, console us and slowly but surely heal the scars of political misadventure, hubris and corruption. If only we have sufficient openness and innocence to allow it ☐

For more information on Michael Leunig visit <http://www.curlyflat.net/index.php>

Cheers

Gordon Russell CPM

ps: Do you have any friends who need to read our newsletter? Ring and we will post one out ☐



viewpoint



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EMERGENCY NUMBERS	Service	Number
	Plumbing , Gas, Roof Leaks	8356 2750
	Electrical	0411 195 275
	Breakins, & Glazing	0437 818 449
	Police to attend - noise/robbery etc	131 444
	State Emergency Services	132 500

www.unitcare.com.au

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TERMITES - A NEW TREATMENT OPTION

Termites cause more damage to homes than floods, fire and storms put together. Some 40% of S.A. homes suffer termite attack. Termites are social insects living in colonies of up to a million individuals. The Queen rules the colony and is the mother of all the termites. Without her the colony has no future. Several pest species of termites nest in tree stumps, under homes, in gardens, from which the workers make subterranean tunnels to timber located in our homes within about a fifty metre radius of the colony. Most attacks on homes and timber originate from outside. They return to the nest and share gathered food with the queen and all members of the colony.

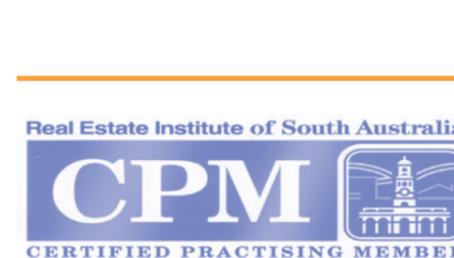
How do termites gain access? Houses and other buildings provide termites with the ideal combination of warmth, moisture and food sources. Termites can find ways to enter your house that you've never thought of. They are small enough to gain entry into hidden areas of cellars, crawl spaces, and concrete slabs, through openings as small as 0.1mm. A loose mortar joint, a small space around a drain pipe, garden soil covering air vents, or a settlement crack in the concrete slab is all they need to gain entry to the home.

Some history. Chemical barriers to prevent the access of termites into the wall and roof timbers have been applied around homes and under timber floors and concrete slabs in Australian homes since 1954. Organochlorine insecticides such as dieldrin, aldrin, chlordane and heptachlor were used as chemical barriers until 1995 with the chemical being active in the soil for ten years to 25 years. Since 1995 chemicals which have a shorter period of protection have been approved to prevent termite access into buildings with retreatment being recommended every five years.

Baits - an alternative to chemical barriers. For many years we have suggested bait boxes for client groups with active termites. These take the form of short sections of PVC sewer pipe containing poisoned tasty timber. The pipe is dug into the soil and capped with a PVC screw cap. The traps are checked every few months. The great value of this method is that the termites take the poison back to nest and kill it off. There is now a more sophisticated and reliable method of baiting with the trade name of Sentricon. Its features are:

- * In ground bait tube
- * Active ingredient in Sentricon AG Termite Bait is called hexaflumuron.
- * Insect Growth Regulator, specifically a Chitin Synthesis Inhibitor.
- * Prevents the termites from completing their moulting process.
- * Termites die if they can't complete the moult process.
- * Bait is taken back to the nest and spread throughout the entire colony via trophallaxis.
- * Rate of 5g/kg impregnated in compressed cellulose matrix (briquettes).
- * Hexaflumuron at 5g/kg is undetectable by the termites.
- * 6 months post commencement of baiting, 80% of colonies had been eliminated with a further 6% having consumed sufficient bait to gain elimination. (Range 4 to 12 months)

Our pest control contractor (ARL) has changed his approach and is now using and recommending Sentricon. See our web site for more details and a Power Point presentation ☐



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This is a publication of UnitCare Services and is offered as information only and is not intended as a substitute for professional advice.

FENCE NOTICES

Dealing with your neighbour over a shared boundary fence can cause some anxiety and tension.

The Fences Act covers fences and neighbours. It spells out procedures and forms (Forms 1 to 4) along with a method of dispute resolution. The Act can be found on our web site.

For Strata Corporations the Fences Act applies to the boundary of the group only as under Section 5 of the Strata Act the Corporation owns all the fences between the units.

For a Community Corporation the fences between lots and on the external boundary of lots are usually owned by the respective lot owners. This means that the Fences Act applies for all fence works in the Corporation.

Here are some pointers if you, your group or a neighbour is looking to undertake some work.

If you want to put up a new fence and want your neighbour to contribute, you must serve on the adjoining owner a 'Notice of Intention To Erect A Fence' using Form 1.

If you want to repair, replace or carry out maintenance work on the fence and want your neighbour to contribute, you must serve a 'Notice of Intention to Replace or Repair a Fence' using Form 2.

All notices must be served on the adjoining owner either by handing them to the owner personally or by sending them by Registered Post.

Leaving it in their mailbox, putting it under the door or sending it by ordinary post do not count, even if your neighbour actually gets it. Similarly, giving it to someone else who lives there, or a family member or tenant of your neighbour does not count. If you are not sure who the legal owner is, you can ask your local council or search at the Lands Titles Office. If there is more than one owner, you should serve all of them. Keep a copy of any notice you serve, and also a record of the date, time and method of service, in case your neighbour later says they did not get it.

Once the Form 1 or 2 notice has been served on the other owner, you must wait 30 days before starting any work. In this time the other owner may object with a **cross-notice**, which may include counterproposals. This cross-notice should use Form 3.

If the adjoining owner agrees with the proposal, work can commence immediately, but you should get an agreement in writing or else wait for the 30 day notice period to expire.

If you get no reply from the other owner after 30 days, they are taken to have agreed and you can go ahead with the work described in the notice and claim their share of the cost from them. If you sent the notice by Registered Post, check with the post office to see when your neighbour actually collected the notice. You should allow 30 days from that date and also give at least two days notice of intention to commence fencing work.

OBJECTIONS AND COUNTERPROPOSALS

If you receive a Form 1 or 2 notice and you object to the proposal, you should complete a Form 3 cross-notice. This cross-notice must be served on the adjoining owner within 30 days of receiving the fencing notice. The same rules of service apply as above. You do not have to give reasons for objecting - you may simply state "I object to your proposal". Nor do you have to make a counter-proposal. However, if the case goes to court you will be required to tell the court your objections to the proposed work, and if

you do not have good reasons, the court may order the work, and may also order you to pay court costs. So, if you have good reasons, it makes sense to state them in your cross-notice. If you want to suggest something different from what your neighbour has proposed, you should do so, giving details of the work and the cost. Your neighbour then has 30 days to answer your notice.

It is not a sufficient objection for a cross-notice that you are about to sell your land and will not get the benefit of the proposed work. As long as you are the owner, the Fences Act procedure binds you. However, you may wish to let your neighbour know that you are selling, as they may agree to wait and deal with the new owner. Nor is it reasonable to object to fencing simply because you are not living at the place where the fence is to be built.

An inability to afford the work is sometimes the reason for an objection, but this will not stand up in court, particularly if the fence is in a poor state and the work is obviously needed. If you agree that the work is required but you cannot afford to pay for it at this time, you should discuss terms of payment with your neighbour. If you cannot agree on a solution, consider using a mediation service.

Other reasons that are not acceptable in court include that you don't care about the state of the fence, or don't think a fence is needed. The court normally considers it reasonable for neighbours to have a boundary fence and for the fence to be kept in a good state of repair. However, it may be proper to object if the proposed fence is quite different to other fences in your area.

If you have served a Form 1 or 2 and you receive a Form 3 cross-notice in reply, the same rules apply to you. If there are any counter-proposals with which you disagree, you must serve a written objection (the Form 3 notice can be used) within 30 days. If necessary you can make a counter-counter proposal if you think it will help to resolve the matter. If there are no counter-proposals in the cross-notice (that is, it contains an objection only) you do not have to reply - the notice procedure is finished without agreement or right to proceed.

If you receive a Form 1, 2 or 3 and do not object within 30 days, you will be legally bound to contribute to the proposal described on the form. This is true even if you have told your neighbour that you do not agree, or you are sure that they already know this. Serving a Form 3 or a written objection is the only legally effective way of saying that you disagree.

For more details information on...

- No agreement
- Failure to proceed
- Power of entry
- Paying for fencing work

download a copy of 'Fences And The Law' from our website or call us and we will post you a copy.

Our thanks to the Legal Services Commission for much of the content.

Go to the Links page of our web site to view more helpful information from the Legal Services Commission ☐



photo courtesy of
www.stratco.com.au

fencing issues



LOVE THY UNIT NEIGHBOUR

Many of our clients have found friendship and support amongst their fellow owners. One of the side effects appears to be crime reduction as reported in the following article which appeared in the Advertiser in January this year.

Want to beat crime? Then get to know your neighbours.

New research shows people who live in apartments, townhouses and terraced homes are least likely to know any of their neighbours, despite living a wall from each other.

This lack of friendliness is putting them at greater risk of a break-in, warns insurer SGIC.

SGIC said unit dwellers experienced 20 per cent more burglaries than residents in free-standing houses and the younger the resident, the more likely they were to be targets.

"So neighbours keeping an eye on your premises, especially when you're on holidays, can be a great form of home security," SGIC state manager Ray Pederick said.

Research commissioned by the Insurance Australia Group of which SGIC is a part - involved a survey of 1002 Australians aged 16 and over during November, 2005. It showed 31 per cent of occupants of terraced homes admitted to not having any relationship with their neighbours.

For occupants of an apartment, 25 per cent said they did not know their neighbour at all, followed by 22 per cent of townhouse occupants.

When asked If they were interested in getting to know their neighbours better, 60 per cent said no.

Occupants in detached and semi detached houses were the most likely to know their neighbours.

University of Adelaide Australian Institute for Social Research executive director Professor John Spoehr said people who lived in higher density environments wanted privacy.

He said younger people often led busy lifestyles and worked longer hours, preventing them from mixing with neighbours.

Real Estate Institute of South Australia president Mark Sanderson said having a neighbour look out for your property was "the best and cheapest type of security you could have". The data was compiled by Woolcott Research.

Cameron Mudge, 28, and fiancée Louise Graham moved into a new city apartment complex last month and have already befriended neighbour Frank Cornell. "Frank lives next door so we swapped numbers for security reasons and to try to get to know each other better."

Louise Treccasi Real Estate Editor Advertiser 21/1/2006



loving your neighbour

A CELEBRATION OF MEN'S CONTRIBUTION TO OUR COMMUNITY



Man Alive! 2006 is a **FREE** festival for the whole family to attend. Hosted by **Graeme Goodings**, the festival's purpose is to promote men's health and well-being, and celebrate men's contribution to our community. A wide range of health services will be attending and they will be complemented by a variety of stalls

from many different cultures and community groups. Together with the diversity of food and fun activities available, the quality entertainment program includes the following artists:

- **The Borderers – high energy Celtic Music**
- **Chris Finnen – guitar blues legend**
- **Warren Milera – indigenous country singer/guitarist**
- **Rock Wise – Rock 'n' Roll**
- **Turn Up The Heat – Capoeira (Brazilian Martial Arts)**
- **Chrysi Kilishiri – contemporary soulful sounds**
- **Professor Dada Nii – Ghanaian singing, drumming & dancing.**

The day will create a fun event for families and individuals of all ages to celebrate men in the community. Apart from the **Life.Be In It** recreational program activities, there will be **face painting** and other fun activities for children. A highlight for many will be the **'Wallis Theatre Gold Pass – Fling A Thong'** challenge, **Drumming Workshops**, **Art exhibition**, **Rock Wall climbing**, and the **giant puppets!** as they meet up with the **'Larger than Life'** creations by

primary schools. FREE Admission!!!

Sunday 19th March 2006

Semaphore Foreshore Reserve

10am until 4pm

For more information phone the Enfield Community Health Service on 8342 8600 ☐

MISMANAGEMENT CASE

Recently a two year old Community Titled group sacked their manager and appointed UnitCare. On inspection of the group's insurance records it appears that the outgoing manager left the Corporation uninsured for some six weeks last year. We are also concerned at what appears to be no written authority to drop their cover by over \$100,000.

We have put these matters to the outgoing manager and asked for an explanation and for cover for the six weeks just in case a public liability claim comes to light.

At the time of writing we have had no reply.

Insurance is one of the most important services body corporate managers undertake, we are surprised at what appears to be a failure of the duty of care in this case. See our web site for more cases ☐