



MEN AT WORK - HEALTH SCREENINGS

Australia's 1st National Mens Health Policy is being developed by the Federal Government. The following update appeared in the Australian...

EVERY male in every workplace around Australia would get access to wholly subsidised health checks if draft recommendations in the federal government's male health policy are made law.

Under the proposal, male workers would have the choice to be screened for conditions including diabetes, high blood pressure and depression. The test results would remain confidential.

The program would cost the government about \$1 for those in urban areas, and slightly more for workers in regional areas, with the overall bill expected to be in excess of \$10 million annually.

Details of the proposal were outlined to The Australian yesterday by Bill Noonan, the former Transport Workers Union secretary who was an ambassador on the male health policy draft committee.

Mr Noonan said the key recommendations of the draft – expected to be released late next month – would support a nationwide workplace screening program, similar to that already widely available in Victoria.

"Blokes in particular don't regularly go to the doctor and that's where the problems emerge but making it a part of the workplace is really one way to combat that," he said. "It's a really encouraging policy and it's the first time the government has ever looked at male health as a sole issue."

In addition to workplace screening, Mr Noonan said the policy would recommend an increase in mental health services for males, a targeted awareness campaign around bowel and prostate cancer and a further focus on improving male indigenous health services.

"For Aboriginal men, their life expectancy is still something like 17 years less than non-indigenous men," Mr Noonan said. "That's shocking and hopefully something the policy will assist in fixing."

The policy was initially commissioned by the Minister for Indigenous, Rural and Regional Health, Warren Snowdon, in June 2008 as an attempt to break down widespread resistance among men to seek out health services.

A spokeswoman for Mr Snowdon would not comment yesterday on the specifics of the policy but said it would have a "practical framework of action".

"The policy is also being informed by an extensive literature review so that it is based on the best available evidence," she said. "(It) is an important development in Australian male health, and Minister Snowdon looks forward to its release in the near future."

Australia has had a national women's health policy since the late 1980s.

In March last year, the federal government announced it would start work on a new national women's health policy, expected to be released later this year.

Lanai Vasek From: The Australian February 11, 2010

DEVELOPING TEETH

Strata Titled groups in South Australia are unable to fine those who breach the Corporation's Articles.

This causes some frustration for strata titled groups suffering bad behaviour. Examples are..

- ✘ Parking in another's space
- ✘ Loud music
- ✘ Barking dog

Often these problems are resolved with a request. When they are not the only option at law is to take the matter to Court. This takes months to resolve and costs the Corporation.

There is an alternative. Strata Corporation's suffering chronic breaches of the Articles can convert to a Community Title and take advantage of the provision for \$500 fines. This can be done under the Transitional Provisions of the Community Titles Act....

A strata corporation under the Strata Titles Act 1988 may, by ordinary resolution, decide that this Act and not the Strata Titles Act 1988 will apply to, and in relation to, the corporation and the strata scheme.

You can find a copy of the Act at www.unitcare.com.au/aop.htm.

The process of conversion will see a Corporation's Articles become By Laws. Under the Community Titles Act a group can fine a person up to \$500 for a breach.

If your group is interested we can assist with the process.

Our new Best Practice Manual www.unitcare.com.au has a chapter on resolving disputes.

Cheers


Gordon Russell CPM

ps: Do you have any friends who need to read our newsletter? Ring and we will post one out or they can download it from our website ☐

emergency numbers

Plumbing , Gas, Roof Leaks	8356 2750
Electrical	8244 0733
Breakins & Glazing	0437 818 449
Police to attend - noise/robbery etc.	131 444
State Emergency Service storm/flood	132 500

BUYING A STRATA UNIT OR COMMUNITY LOT

If you are thinking of buying a strata titled home unit or community titled lot we suggest that before signing a contract you make sure you understand the operations and finances of the corporation. This information must be supplied to a prospective buyer by the corporation, through the selling agent or broker/conveyancer. The information (search) provides the following:

- ✓ meeting minutes (committee & general) from the last two years
- ✓ state of the finances for both the Corporation and the unit for sale ie: money in the bank, liabilities and unit levies owing now and any known future levy
- ✓ the current set of Articles (strata title) and approvals for pets, air conditioners, pergolas etc.
- ✓ in the case of a community lot..
 - ◆ set of by laws
 - ◆ scheme description, if more than 6 lots in group

Important things to consider:

Unit ownership offers benefits, but it does not suit everyone. Before you buy a unit or lot, think carefully about what is involved. You will be living in close proximity to others, possibly sharing walls and some facilities. This works well for owners who value a sense of community and those who spend little time at home, or just want an investment unit to rent.

Each group of units or lots, no matter how big or small, has a Corporation, which is a legal entity like a company. All unit owners are automatically members of their corporation, and are bound by the rules (the Articles or By Laws) of their corporation.

Strata Titled Unit or Community Strata Lot - Your corporation is responsible for the maintenance and repairs of the common areas of the building and gardens.

Community Titled Lot - You are responsible for the maintenance and



Canada Mortgage and Housing Corporation www.cmhc.ca

Best Practice

insurance of your lot and all buildings thereon.

Engage a conveyancer or lawyer to act on your behalf. Do not accept advice from the vendor's or developer's conveyancer without first checking with your conveyancer or lawyer. Find a conveyancer

UNIT/LOT CHECKLIST (buying a unit or lot)

Buying and living in a unit/lot may restrict some aspects of your lifestyle. If you are uncertain about anything concerning the corporation, seek professional advice.

Ask yourself these questions and seek information on...

Have I received the Corporation search document from the agent/conveyancer? It should answer the following....

How much money must be paid for the upkeep, maintenance and management of the common areas, including arrears?

What are the assets and liabilities of the corporation?

Details of any expenses incurred or about to be incurred by the corporation

Copies of minutes of general meetings and management committee meetings for the last two years

Statements of accounts and financial records of the corporation. Articles of the corporation currently in force.

Current insurance policies.

If a lot under the Community Titles Act is it a Strata Division (1 lot above another), or Community Plan (1 lot beside another)?

Have I sought independent advice on the documents relating to the corporation? Are there any unpaid contributions owing on my unit?

How do the contributions and other charges compare with other corporations?

Is there a 'sinking fund' or reserve of money held by the Corporation for emergency expenses?

Is the corporation planning any major expenditure that I may be asked to contribute to, such as painting, common drive works?

What are the rules about having other people visiting and parking?

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Published by UnitCare Services. P.O. Box 4040, Norwood South 5067 52 Fullarton Road, Norwood.

t (08) 8333 5200 f (08) 8333 5210 w www.unitcare.com.au e mail@unitcare.com.au abn 193 4872 3265

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after hours emergencies - must phone 8333 5200 for up to date information.

LANDLORD WINS TEST CASE FOR LOST FUTURE RENT OF LEAKY UNIT

The following article appeared in The Australian. This is a case that illustrates the importance of Corporations taking responsibility for helping to resolve matters early in the piece...

The owner of an apartment in which water flowed through power points has won a test case in the NSW Supreme Court after a body corporate was ordered to compensate her for the rent forgone in the past and in the future.

The ruling to pay Catherine Nicita the forgone rent for her unliveable apartment until September was made after building defects shaved \$680,000 off the value of her waterfront home in the inner-western Sydney suburb of Abbotsford, reducing its resale value to \$130,000.



It is the first time a judge has made a body corporate pay rent in advance to compensate a unit owner and lawyers say the case is already having implications.

Awarding Ms Nicita \$255,491 in costs and damages last month, acting judge John Bryson said \$26,000 needed to be paid before September to compensate her for lost rent while repairs were carried out, a figure that amounts to \$675 per week.

"The plaintiff experienced severe distress from the interaction of these problems with stress on her financial position, in which financing for purchasing and holding the unit depended on rental income, which was no longer forthcoming, stresses in her marriage and difficulties in finding her own accommodation in the absence of rental income Mr Bryson said.

Ms Nicita endured a marriage break-up and thousands of dollars worth of losses in rent and replacement costs of carpet and fittings, after buying her Walton Crescent apartment in 2002.

As a result of leaking through the walls, water came through the power points, floorboards buckled, skirting boards were swollen and soaking wet Gyprock walls generated black mould. In the kitchen, cupboards were ruined and the stench could not be removed.

Problems came after the builder of the block of five units went into liquidation and repairs carried out by others were unsuccessful. Ms Nicita moved out before 2004 and rented the property, but the leaking made the property dangerous to live in and she was eventually unable to rent out the apartment.

Court documents said numerous attempts to seek assistance through the body corporate were unsuccessful, including requests for mediation through the Office of Fair Trading.

While the lawyers involved in the proceedings would not comment, Sydney strata lawyer Cohn Grace said the judgment was the first where damages had been forward focused.

He said the latest case was being used as a defence by unit owners in levy collection, given insurance companies are not liable for repairs on buildings more than seven years old.

"It is now being used as a sword, rather than a shield," he said.

Bridget Carter The Australian March 2010

SELLING YOUR UNIT? WE MAY BE ABLE TO HELP

Recently one of our owners was suffering some difficulty with the sale of their unit.

The potential purchaser required approval for a small dog else the sale would fall through.

The owners had already bought their new property - a tree change in the hills and were understandably keen to conclude the sale and move on.

The confusion was over how approval would be granted - was it a Special Resolution as the prospective owner thought, or some other?

The owners got in touch with us on the evening of the settlement. We advised them and the selling agent that consent only was required under Article 4 of the Strata Titles Act.

This means that a simple majority of the committee can approve the keeping of the dog. In this case two of the three committee members.

We received the following email the next day.

From: [redacted]
Sent: Tuesday, 9 February 2010 9:06 AM
To: gordon@unitcare.com.au
Subject: Heartfelt thanks

Hi Gordon

I must say that you came to our rescue in our hour of need. The buyer eventually signed up and it was all over finally by 9:00pm.

Retaining him saved a lot of stress as the other potential buyers were also very difficult wanting building inspections (but not prepared to pay for them) and cooling off periods.

As we have already bought at Woodside and the bridging finance ticking away it was much preferable to sell before auction than wait.

Much appreciation. I would like to say that Unitcare has been an outstanding Strata Manager with great newsletters, great staff and helped facilitate the smooth running of this group (remember that you helped us to extricate ourselves from Strata Data).

Christina
 Kensington, SA 5063

We find it very rewarding when we make a contribution to the wellbeing and peace of mind of our clients ☐

ASSISTANCE FOR AGENTS, OWNERS AND PROPERTY MANAGERS

We provide a pro bono service for unit owners, agent and property managers.

This means we provide free advice on body corporate and related matters.

You do not have to be a client to use this service. We provide up to thirty minutes of time at no cost.

If you are involved in owning, selling or managing property here in South Australia feel free to drop us an email or call our office ☐

MANAGER'S POOR ADVICE COSTS OWNERS

Two strata managers are responsible for a good deal of grief at a seaside group.

The managers did at the time work for one of the largest firms here in Adelaide.

At two meetings in the mid 1990s they advised that those present could resolve to oblige current and future owners to pay for the maintenance of the roofs above their units.

Those present at one of the meetings resolved to make current and future owners liable and responsible for the maintenance of the common roofs and other common property.... "that due to the possibility of maintenance costs to the units', section 27(6) of the Strata Titles Act 1988 (As Amended) be invoked and the costs of such repairs and replacements be borne by the individual unit owners rather than that of the Corporation...."

The Courts have ruled that this is in contravention of Section 25 of the Strata Titles Act as there is no benefit to the owner as referred to in Section 27(6). Section 25 states that the functions of the strata corporation are as follows:

(a) to administer and maintain the common property for the benefit of the unit holders and, to such extent as may be appropriate, other members of the strata community.

Roofs are common property under Section 5 of the Strata Titles Act and as such the Corporation must maintain them.

The poor advice has led to one owner carrying out in excess of \$5,000 of structural repairs to the roof and other aspects of the common property. Now the owner has asked the Corporation for reimbursement, and in light of the request, other owners are claiming for their repairs.

The following is an extract from one of our Fact Sheets (available on our website)...

CHU INSURANCE NEWSLETTER

You may find a CHU Insurance newsletter enclosed with your account notice this quarter.

Many of our clients use CHU to insure their groups against building and public liability losses.

We find their local staff to be helpful and easily contacted - no message bank or endless phone options. They also pay claims promptly.

We hope you find the newsletter interesting. This one has stories that cover the nation and the outlook for 2010.



Benefit - when an owner pays for maintenance of common property. Section 27(6) If the strata corporation carries out work that wholly or substantially benefits a particular unit or group of units, the corporation may, subject to any agreement to the contrary, recover the cost of that work as a debt from the unit holder or unit holders of the unit or units.

In the case Hughes vs Strata Corporation the Judge had to rule on Section 27(6) of the Strata Titles Act. This section allows the Corporation to recover costs for work on common property where it benefits an owner or group of owners. The case revolved around repairs to cracked walls caused by heaving soils. The Corporation argued that the owner "benefited" from the works and therefore should pay.

The Judge ruled -The repair will not benefit the applicants ... not putting them in some more advantageous position vis-a-vis any other unit holder This is a welcome ruling as Section 27(6) has led to many arguments between owners. The ruling makes it clear that reinstatement is not a benefit.



The group has sought legal advice and has a case to sue the manager however the Statute of Limitations prevents it going to Court.

Owners pay managers for good advice. Unfortunately some fail to deliver, often the owners bear the cost ☐

BUYING A STRATA UNIT OR COMMUNITY LOT (CONT')

- Is there provision for your visitors to park on the property?
- Will the unit/lot, building, and site be accessible if I am disabled and require a wheelchair or walking aid? If not, can suitable modification be made easily?
- What maintenance services are provided? By whom and for what charge?
- What are the restrictions on the use of my unit/lot and the common property?
- Can I store my caravan/boat/bicycle if needed?
- Are pets permitted? If not how do I make an application for my pet(s)?
- Are there any structural problems in the building which later may affect my unit/lot?
- What system does the corporation have for solving disputes?
- If the group pays a manager, seek information about their reputation. Are they members of the Real Estate Institute of SA?

Go to www.unitcare.com.au/bp_strata_buying_unit.html for more information and a printable checklist ☐