

BAD ADVICE - OWNERS LOSE

Recently I visited a large group of units in a modest part of Adelaide. We discussed many of their concerns and I was shocked to discover that an owner had spent some \$4,000 on roof and gutter works at their unit. This followed a discussion she had with her strata manager, who owned one of the larger body corporate management firms. She had rung to ask when the leaking roof and gutters at her unit would be fixed. She was apparently told that this was her responsibility. This led to her spending the \$4,000 on renovating the roof and replacing the gutters.

I was shocked for three reasons.

1: The roof above her unit is owned by the Corporation under Section 5 of the Strata Act and needs to be maintained by her Corporation under Section 25.

2: That the manager gave her advice that was such a clear breach of the Strata Act.

3: That a woman of modest means had spent a large sum of money unnecessarily.

Having discussed the law and who was responsible for what, another woman at the group stated that she had a contractor quoting for similar work the day after my visit. Following on a couple told the meeting that they had been granted approval by the manager to proceed with cladding their unit in sandstone.

Needless to say the many owners present were most distressed to learn who owned what and that the Corporation needed to find a way out of the mess created by owners spending money on common property and the need for a Special Resolution for many works planned or undertaken by owners.

We receive many calls at our office from groups we do not manage. The degree of

ignorance, and folk lore around the Strata Act is both astounding and distressing. It's way past time the Government provided owners with information on their rights and responsibilities and set minimum education standards for strata managers here in South Australia. Our 100,000 + unit owners have a right to expect this.

For information on strata and community titles visit our web site (www.unitcare.com.au) and the Real Estate Institute's site (www.reisa.com.au). The REI site has pamphlets on strata and community titles that can be downloaded.

Electricity Update:

On 31/10/2002 the The Minister for Energy announced that AGL would be allowed to increase its charges by an average of 23.7% effective from January 1st 2003. We recommend owners look at ways that they can save electricity. There are generally considerable opportunities to reduce electricity consumption without any change in the level of comfort or amenity. Information on the changes, and on ways to use energy wisely, is available by calling 1800 226 100 or via www.energy.sa.gov.au

Cheers


Gordon Russell CPM
Managing Director

ps: our current newsletter can be downloaded from our web site



viewpoint



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emergency numbers

Service	Number
Breakins, Electrical, Glazing	0412 420 544
Plumbing, Gas, Roof Leaks	0412 420 544
Police to attend - noise/robbery etc	131 444
State Emergency Services	8204 2999

www.unitcare.com.au

REVIEW OF SIGNIFICANT TREES CONTROLS



The issues around the removal or pruning of trees in our groups has created some confusion given the new controls that came into force in 2000.

The State Government in August announced an independent review of South Australia's significant tree controls.

The Significant Urban Trees Package came into effect on 20 April 2000. It allows councils to control the removal of, or damage to, any significant trees in the Adelaide metropolitan area. 'Significant' trees include all exotic and native trees with a trunk circumference of greater than 2.5 metres.

The review will consult with a wide range of interested parties and will consider key aspects of the existing significant tree controls, including:

- The appropriateness of the 2.5m trunk circumference threshold
- The process for listing significant trees in Development Plans
- The future of the interim tree size controls applying to six councils
- Councils' experience in administering the significant tree controls

The adequacy of existing enforcement measures.

The Commissioner has been asked to complete the review and report back to the Minister with his findings by mid-November.

This will allow the Minister to consider the review's recommendations prior to the expiry of the interim tree size controls at the end of the year.

The review will identify improvements to the existing controls, to ensure a balance between the protection of urban trees with the changing development needs of our suburbs.

The need for further education for developers, landowners, assessment authorities and the community on the significant tree controls.

Visit the website www.planning.sa.gov.au/urban_trees for more information or an opportunity to have your say.



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after hours emergencies - phone 8364 0022 for numbers

Saving Your Hot Water Service

Replacing your hot water system (HWS) is both expensive and inconvenient. There is an answer to stretching the life of storage type units

Sacrificial anodes are built into most HWS to prevent corrosion. These anodes work by corroding before the lining of your tank. The anode is more electrochemically reactive than the lining of your tank and so the lining is left untouched.

To ensure the continued protection of the lining of your HWS the anode needs replacing about every three (3) years.

The problem is most of us forget about our HWS until the shower runs cold or the tank rusts through and floods.

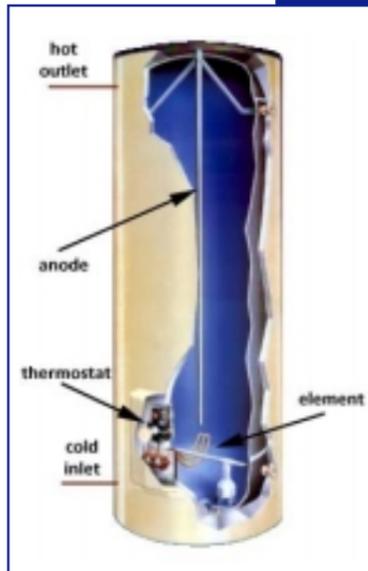
The cost of a standard replacement is around \$150 - \$180 (depending on the age of the HWS and corrosion) which is a whole lot less fuss and money than replacing your HWS.

Contact Unitech on **8299 0050** or **0412 420 544** to replace your HWS anode, or contact your favourite plumber or rental agent if you are an investor.

If you have one of those bolted on the wall instant gas HWS you too can take some steps to help it last.

One of the most common parts to fail is the rubber diaphragm that turns the gas on and off. Over time it perishes and the water gets cooler and cooler and eventually you just run the hot tap in the shower. We suggest you get your HWS checked by a qualified person. Unitech (**8299 0050** or **0412 420 544**) suggest a general clean and service every 2 years or so at around \$60 per service.

Having a qualified plumber check your HWS can help extend the life of your HWS through identifying problems with corrosion, pressure relief valves and the like.



extend your hws & wellbeing

Hands On Help - Good for You

If you regard the occasional massage as a bit of self-indulgence, it's time to relax. According to a new study into the effects of touch on our general wellbeing, all of us need a massage regularly, particularly if we're old, living alone or incapacitated in some way. Modern life with its growing emphasis on single living is turning us into touch-starved individuals, according to the Oxford University study which concluded that we need to stimulate our senses if we're to stay healthy. The study also notes that as our senses age, we need more, not less, stimulation.

Our largest organ, skin, constitutes about 20 per cent of our bodies. It's been found that a massage helps to elevate the levels of the hormone oxytocin the "relaxation" hormone while reducing levels of the "stress" hormone. Massage is now used in intensive care units, for disabled or mentally impaired children, elderly people, babies in incubators, cancer and AIDS patients, and survivors of heart attack or stroke. Most hospices offer some form of massage therapy, and it is sometimes available in community health centres and pain clinics.



Extract from The Australian 10/8/2002

Power of Attorney & Strata Act

There has been some confusion recently over the Power of Attorney and what rights it confers under the Strata Titles Act.

A recent dispute saw us seeking a legal opinion from Sam Appleyard, the strata specialist at Lynch Meyer.

His advice is ... You have advised us that a Mr X was appointed a member of the Management Committee of the Corporation some time ago. Mr X is the (joint and several) Attorney of his daughter Ms Y. Ms Y is the "unit holder", that is she is the registered proprietor of a unit in the complex. The complex is a residential complex.

In our view, it is not possible for the Attorney of a unit holder, to be eligible for membership of a Management Committee of a Strata Corporation per se. The Act clearly states that such a committee is to consist of "unit holders", which term is defined in the Act as constituting "a person registered as proprietor of an estate in fee simple in the unit".

As such, only an owner may be voted onto the Management Committee. However, once a unit holder is validly appointed to the

Management Committee, a duly appointed Attorney may stand in the place of a unit holder and be able to exercise the same rights as of the unit holder. This is not the case on the facts as you advise them, and the appointment



of Mr X must be a nullity.

We hope this clarifies the rights and limits of those turning up to general meetings of unit groups with a power of attorney. See the above web site for more information on Power of Attorney.

What Happens If I Go Nuts?

John Harley is the Public Advocate in South Australia. Recently he spoke to a public gathering on the topic 'What happens if I go nuts?' He told the gathering about his office and the services and protection it offers to South Australians.

The Office of the Public Advocate (OPA) was established under the Guardianship and Administration Act to promote and protect the rights and interests of people with reduced mental capacity and, where appropriate, their carers. The OPA also has responsibilities under the Mental Health Act.

The OPA provides information about these Acts, their operation, and related issues. For example, a person may wish to find out about medical consent in relation to persons with reduced mental capacity or about Enduring Powers of Guardianship and other future plans.

Where a person has lost their mental capacity, the OPA provides a telephone consultancy service where resolution of problems at the direct service provision level is not possible and where legal protective orders may be required. In most situations, family members,

friends and service providers work together to ensure that decisions are made which promote and protect the rights and interests of that person. Sometimes, however, problems arise which mean that these informal arrangements can no longer continue. These problems may be:

- if the person with the mental incapacity is suffering from, or at actual risk of, abuse, exploitation or neglect, including self neglect, and there is no-one to protect their interests;
- if there are unresolvable conflicts between family members, or between family members and service providers, about proposed care and treatment plans;
- if the person with the mental incapacity objects to proposed care and treatment plans;
- if there are legal reasons, for example, if there is nobody who can sign legal documentation on behalf of the person with the mental incapacity.

For more information Freecall 1800 066 969 or visit their web site at www.opa.sa.gov.au

www.opa.sa.gov.au

power of attorney