



## A LEAKY LOVE BUCKET SEES PEOPLE SEARCH FOR A REPLACEMENT AND ADDICTION OFTEN FITS THE BILL

The following is from an article written by Adelaide journalist Amber Petty in *adelaidenow* this November. Perhaps a useful time of the year to reflect on this important area of our lives...

A leaky love bucket sees people search for a replacement and addiction often fits the bill.

The risk of type 2 diabetes is greatly increased when lifestyle factors - including poor diet - are combined with genetic factors. Source: Supplied

LOVE is the drug we all need to find more of, especially when it comes to interventions, says Amber Petty.

ONE of the radio shows I'll never forget was the one I was hosting alone and, quite spontaneously that morning, I decided I wanted to hold an intervention with my father, live on air.

I was motivated to take on such an extreme and potentially humiliating idea because that morning I'd received a photo of my father at his desk surrounded by a bucket of KFC and a large thick shake. It made me see as red as the greasy chicken's logo.

Only months before I'd spent a week by my father's hospital bed as part of a downward slide with his type 2 diabetes, which resulted in him losing a toe.

Diabetes Australia explains: "Type 2 diabetes results from a combination of genetic and environmental factors. Although there is a strong genetic predisposition, the risk is greatly increased when associated with lifestyle factors such as high blood pressure, overweight or obesity, insufficient physical activity, poor diet and the classic 'apple shape' body where extra weight is carried around the waist."

When it comes to my father, I know the lifestyle factors are the main issues.

As many of us do when you get a "car crash moment" in life, my father made promises to look after his health from that moment on.

Most of these promises, if not all of them, were quickly reneged on, so when I saw the photo I was angry and felt very let down.

I knew my father's quick wit and fairly thick skin would allow him to weather the intervention, so I organised a diabetes specialist to be on the line as I revealed to my Dad that he was live on air.

The phone lines went crazy. The first caller was disgusted at what I'd done, the next was on my side and so it went on.

One man was crying, saying he wished his estranged daughter cared enough to take such measures.

Then the last caller summed it up for me.

She explained that she'd been through the same process with her dad who'd since died. The death had been slow and atrocious. She had pleaded with him to take better care of himself but his addictions won.

This week my Dad is back in hospital with something that has nudged the thoughts of finality that much closer.

This time I'm just sad, but I'm not expecting we're leaving here with any "aha" moments or resolutions of any kind.

Addictions to anything that doesn't serve your physical or mental purpose are tough to get rid of.

I look at it like this: If you picture that, within all of us, there's this imaginary bucket and - in order to be healthy - it needs to be

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## MANAGERS OPPOSE REFORMS

The Attorney General made himself available at a briefing of body corporate managers in November 2012. (see our story page 2).

It was disappointing to hear nothing but complaints from managers in relation to the reforms to the Strata & Community Titles Acts.

The reforms are largely aimed at improving unit owners rights, especially in relation to dealings with managers.

The general manager of one firm kept complaining about how they will be disadvantaged by the limit of two years on agreements with unit groups.

We hope the new legislation, when it comes into force in 2013, will see the large body corporate firms grudgingly show respect for their clients and be grateful for their custom. It could be the same year that pigs fly?

Cheers  
Gordon Russell

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 ☐

## CHRISTMAS ARRANGEMENTS

Our best wishes for Christmas & the New Year, to you and those close to you.

This Christmas we are closing our office from 5pm Wednesday December 19th and opening on Thursday January 3rd from 9am.

For accounts due Jan 1st or before, you have until Jan 11th to pay before penalties apply.

If you have an emergency over the break and you need assistance just ring **8333-5200** for up to date details on contractors and emergency services.



## emergency numbers

Plumbing , Gas, Roof Leaks	8356 2750
Electrical	1300 130 229
Breakins & Glazing	0422 650 366
Police to attend - noise/robbery etc.	131 444
State Emergency Service storm/flood	132 500

## NEW WORKPLACE SAFETY LAWS

South Australia's new harmonised Work Health and Safety legislation will take effect on 1 January 2013, replacing the current Occupational Health, Safety and Welfare Act 1986.

How will this effect strata and community titled groups in South Australia? The following F.A.Q., is from Safe Work Australia and directly addresses the concerns of unit owners and the officers of their Corporations.

1. Are strata title bodies corporate of wholly residential strata schemes covered by the new work health and safety laws?

No, unless they directly employ a worker.

Under the new work health and safety laws duties apply to persons conducting a business or undertaking. Strata title bodies corporate are however exempt from coverage if:

- \* they do not engage any workers as employees, and
- \* the common areas the body corporate is responsible for are used only for residential purposes.

Note: this exemption does not affect duties under other laws including laws relating to negligence and strata laws more generally.

For more information on the legal difference between contractors and employees, look for **independent contractors** at [www.business.gov.au/contractors](http://www.business.gov.au/contractors) and use the online decision tool.

2. Why are residential strata schemes exempt?

The new work health and safety (WHS) laws treat owners and occupiers of residential units or flats in the same way as owners and occupiers of detached residential dwellings.

Any place where a worker is working is a 'workplace' under the new WHS laws.

In general if work is carried out from or at a person's home:

- \* the person conducting the relevant business or undertaking owes general work health and safety duties to the worker
- \* the worker and other persons at the workplace must take reasonable care (see below for more details)
- \* the owner/occupier of the home does not owe duties as the

'person with management or control of the workplace'— unless the place is used as a nursing home, hospice or for similar purposes.

3. Are strata title bodies corporate of wholly residential strata schemes always exempt?

No. If a strata title body corporate engages a worker as an employee (for example a caretaker) then the exemption no longer applies.

In these circumstances the strata title body corporate has the duties of a person conducting a business or undertaking under the new work health and safety laws.

For more information on the legal difference between contractors and employees, see 'The essential handbook' for independent contractors or use the online decision tool at [www.business.gov.au/contractors](http://www.business.gov.au/contractors).

4. Does engaging people to do repairs or maintenance affect the exemption?

No. If a contractor such as a plumber or electrician is engaged to carry out maintenance or repair work then the exemption still applies.

The exemption only stops if a worker is engaged as an employee.

5. Does the exemption apply if an occupant conducts a business from a residential unit?

Home-based businesses can be conducted in a residential unit without it affecting the exemption status of the strata title body corporate.

6. How do the new work health and safety laws apply in relation to mixed and commercial strata schemes?

The exemption only applies in relation to common areas used only for residential purposes. This means that for mixed residential/commercial schemes the exemption only applies to the common areas of the scheme that are used only for residential purposes, and commercial strata schemes the exemption does not apply.

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## LEGISLATION UPDATE

The Attorney General, Hon. John Rau, briefed a meeting of body corporate managers in November 2012.

**Strata & Community Titles Acts:** The Attorney General advised managers that the regulations for the new reforms would be out for discussion in December. He anticipated the new laws would be proclaimed and in force in the first half of 2013.

**Tribunal:** In August 2011 the Attorney General proposed the establishment of a tribunal to make the legal system accessible to more people.

At the briefing we asked him about progress. He advised the meeting that the current challenge is funding. The tribunal was expected to deliver considerable savings based on the current number of cases however he anticipated that the affordability and ease of access would result in a substantial increase in cases and a subsequent erosion of savings. He will continue to put the case for this much needed reform.

This reform will benefit unit owners with disputes who currently must use the Courts.

**National Licensing:** COAG, the Council of Australian Governments, is coordinating a national effort to harmonise the licensing of many professions and trades across Australia. Strata managers come under this umbrella. The licensing of strata managers is due to come into effect sometime in 2013. The Attorney general advised the meeting that his Government currently had no opinion on joining the national scheme for strata managers.

Our thanks to the Attorney general for his candour at this briefing.

We will keep you informed of further developments ☐

## LEAKY LOVE BUCKET

(CONTINUED FROM PAGE 4)

reasonably full of love or we're in trouble.

If, for some reason in our history, through upbringing or circumstance, this bucket has lost some love, then - without knowing it - many of us choose the wrong things trying to fill the emptiness inside.

It doesn't matter how loved I know my father is, or someone you may know.

If, at their core, they don't believe it, they're going to look for other things to fill the bucket.

And the sad thing is that the more toxic these things are, the more holes are eaten away in the bucket.

As much as I still want to yell to get my Dad's attention - and as much as I sometimes want to make it about me by thinking: "Why doesn't he love me enough to get his act together?" - I also know it is not about me.

I can see how his lack of love has - and may continue to - become my own if I choose to take it personally.

Diabetes Australia says there is "currently no cure for type 2 diabetes", but if addictions are related to a lack of self-love, then maybe love is the drug that all of us need to find more of.

A bit of therapy to find it never hurt anyone ☐

Written by Adelaide journalist Amber Petty in adalaidenow this November.

## TREES FOR LIFE SPONSORS

UnitCare have been proud to be sponsors of Trees for Life since 2006.

This year we decided to make our contribution match the cost of the black plastic tubes that are purchased to grow 800,000 seedlings. These are grown around the state by volunteers and landholders for The Tree Scheme program. TFL advise us that our contribution is extremely timely, as Trees For Life has been unable to secure a major sponsor to help cover the cost of running this heavily subsidised program. Our contribution ensures that landholders across the state can still access below cost seedlings to revegetate their properties and help to 'undo the damage'.

For more information on Trees for Life go to [www.treesforlife.org.au](http://www.treesforlife.org.au)



## MESSENGER AWARD WINNERS 2012



We at Unitcare have been using Precise Plumbing since 2007. We recommend them to our clients as they are professional, on time and produce helpful reports all at a reasonable price. We are thrilled to see their great service rewarded by winning this year's Messenger Small Business Award for Skilled Trades & Services.

Well done to Anthony and his committed team.



## SAFETY & COMMON LAW

A great deal of litigation within Australia concerning both civil and statutory litigation is brought about due to breaches of common law duty of care.

Common duty of care laws have been developed in Australia since the inception of judicial process and as such are wide reaching and well tested.

Duty of care issues must be given appropriate consideration in relation to the functions of a BC (body corporate).

There can be only one reasonable consideration, that is that BCs whether strictly residential, commercial or a mixed scheme have an absolute duty for the safety of the occupants and visitors to their strata complexes.

Pure residential strata schemes that are not PCBU's (person conducting a business or undertaking) and as such are exempt from compliance to the WH&S Act are not exempt from maintaining their buildings and facilities in an order that supports the safe occupation and use of the premises.

What is the Solution? For strata schemes that are deemed as being a PCBU there is no option, the BC must comply to the WHS Act and its regulations.

If your strata scheme is not deemed as a PCBU or if you are a residential scheme you are exempt from compliance with the WHS Act and regulations, however you still have a statutory obligation to maintain your common property in a state of good repair. Section 25 of the Strata Act & Section 75 of the Community Titles Act make it clear that the BC has to maintain the common property, as well as a common law duty of care to maintain the common property in a safe condition for occupation and use.

'Due diligence' is your 'get out of jail free' card. You get these cards by demonstrating due diligence. Herein lies the concern for strata managers and owners. BCs have not been that good at actually doing things to improve health and safety. Creating systems and processes by which owners corporations and bodies corporate can be seen to be doing things is going to require a whole new level of sophistication.

Sadly, there will need to be a death or two before someone within a strata community, or their manager, is charged with recklessness and executive committee members begin to take this matter seriously. In the meantime, the wise will be getting their cards in order.

Our thanks to Teys Lawyer, Safe Work & Integrated WHS for material ☐

## SAFETY ONSITE - HOW UNITCARE IS ASSISTING CLIENTS

At UnitCare we have been undertaking site visits and producing a photographic report for owners and committees for many years. Our reports focus on safety issues and maintenance needs, such as the state of timber work, balconies and stairs.

Many of our clients have chosen to not have us undertake a site visit. The barrier in most cases has been the \$4.00/unit charge to partly cover the cost to visit and produce a report.

In the light of the new Workplace Safety legislation, and the importance of safety to all who visit and live in our client's unit groups, there will be no \$4.00/unit photo report fee as of January 1st 2013.

The adjacent photographs illustrate some serious safety issues.

The timber balcony rails are badly rotted. The other photograph shows a substantial trip hazard on a commonly used footpath. The path is adjacent to a stone wall.

Any resident, visitor or contractor to these properties is at risk of incurring injury.

UnitCare Services will undertake a property visit and supply a report to all owners for all of the strata & community titles we manage.

## NEW WORKPLACE SAFETY LAWS

(CONTINUED FROM PAGE 1)

If the exemption does not apply, then the strata title body corporate has the same duties under the work health and safety laws as any other person conducting a business or undertaking in relation to the premises.

7. What kinds of duties apply under the new work health and safety laws if no exemption applies?

If the strata title body corporate is not exempt from the work health and safety laws it must ensure, so far as is reasonably practicable:

- \* the health and safety of its workers
- \* the entrance and exit of a workplace and anything arising from the workplace is without risks to the health and safety of workers and other people, and
- \* fixtures, fittings and plant (for example machinery, appliances, equipment and tools) at a workplace are without risks to the health and safety of workers and other people at the workplace.

8. How can strata title bodies corporate ensure that contractors work safely?

Strata title bodies corporate should:

- \* do a reference check to ensure contractors have a good safety record, and the necessary licences and insurance policies
- \* consult, co-operate and co-ordinate activities with contractors including
- \* advise the contractor of any known risks at the workplace
- \* ensure the work is satisfactory and there are no safety concerns
- \* discuss and resolve safety issues that may arise, and
- \* ensure the contractor prepares a safe work method statement if high-risk construction work is undertaken ☐



Should management committees be opposed to our visiting we will be seeking the provision of minutes indemnifying UnitCare and including how the officers are going to undertake due diligence in identifying and reducing safety risks.

Unitcare will continue to do reference checks to ensure contractors have the necessary licences and insurance policies ☐