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CASUALISATION OF BUSINESS

Email technology has seen an explosion in communication between our clients. This new tool is however leading to a casualisation of correspondence that is putting body corporates at risk.

At UnitCare we receiving emails from committee members telling us to proceed with jobs costing \$1,000s.

A typical email will let us know that the writer has had a conversation with some of the committee but not heard from others and that we should proceed as quoted.

We have recently sought legal advice from the REISA lawyer and advisory service on this important matter. Their reply follows...

"The answer is simple.

Agent is not to act if unlawful instructions are received.

The agent needs to put procedures in place to make it easy for the client. "

The Strata & Community Titles Acts are clear in their requirements..

Strata Titles Act: Section 35 (8) A management committee must (a) keep minutes of its proceedings; and

Community Titles Act: Section 92 (7) A management committee must cause accurate minutes to be kept of proceedings at its meetings.

We supply a proforma with correspondence to our committees when a decision is required. This makes it easy for the secretary to fill in the blanks and fax, post or email it to us. Soon we will put a committee proforma on our website for download.

Your help in following this emailing checklist will be greatly appreciated...

- committee instructions to be in minute form, i.e.; Who was present in person, proxy, phone or by email or skype, the date of the meeting and decisions made. This can be an attachment, a scan or minutes typed or hand written or within the body of the email. All are a legally acceptable format.**
- No Cc-ing, we only want decisions not discussion**
- No instructions without minutes unless an emergency. If an emergency please phone.**
- Your strata or community title number, address and unit number (if applicable on all emails.**

Policy on Email to Clients: Except for informal correspondence, we will continue to post documents. This includes the monthly treasurer report, account & meeting notices, minutes and documents for committee decisions.

We have noted that at meetings many of our clients advise us that their email addresses have changed and often for some time. Our experience with emails is that often they fail because of server problems and out of date email addresses ☐

GOOD TRADESPEOPLE WORTH PAYING FOR

At our office we get to hear many complaints about the fees charged by good trademen.

Over the past 30 years I have hand built two homes and helped friends with their homes.

This has given me a keen understanding of the nature of buildings and the skills required to build and repair them.

Twenty years after our last effort, my wife and I have started on our next building project. This time rather than one home we are building two. Rather than one or two storeys, these are four storeys including the basements.



Unfortunately the passing decades have left me unable to lift large timbers without tearing ligaments and muscle so I have had to contract the first fix framing. The young lads, one of them my nephew, are employed by Ryan Beames of Beames Carpentry. They are currently erecting a floor every week, subject to our continuing wet weather. The photo (early March) above shows the final floor started on house number one. It has been a pleasure to work with tradespeople who are thoroughly capable and well trained.

I have a renewed respect for the people who look after our client's buildings, the plumbers, electricians, carpenters, plasterers, roofers and all. Good tradespeople deserve to be properly rewarded. Our preferred contractors are tested over many years. If you need a good team of carpenters give Ryan a call on 0413 999 081 ☐


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 ☐

emergency numbers

Plumbing , Gas, Roof Leaks	8356 2750
Electrical	1300 130 229
Breakins & Glazing	0437 818 449
Police to attend - noise/robbery etc.	131 444
State Emergency Service storm/flood	132 500

MEETING VIA SKYPE

In February this year we installed Skpe video conferencing software in our primary meeting room.

We decided to look at this option following a request from one of our unit owners who lives in Sydney. She expressed a desire to attend her group's annual meeting by phone. We looked at the options and decided to trial Skype. The advantages are:

- we can see each other... this is a more personal and immediate approach than a disembodied voice;
- the owner can be shown property photos and other documents that may be important in decision making;
- it helps make a quorum;
- owners can use their home PC and an inexpensive camera
- it is low cost for all parties:



Apart from some confusion over the half hour time difference all went well. The owners here in Adelaide were pleased with the result. Our Sydney client said she found she enjoyed being 'present' and able to make a contribution.

We are now looking at a version of Skype that will enable multiple owners to join us for meetings

If your group is meeting at our offices and you cannot physically join us and want to try video conferencing give your manager a call. We can accommodate 1 person per meeting at this stage ☐

NEW LAWS COVERING UNFAIR BUSINESS PRACTICES

The following is courtesy of the Real Estate Institute magazine. It details new national laws to protect consumers..

A single, national consumer protection and fair trading law commenced on 1 January 2011. Under the Australian Consumer Law (ACL) there are new protections for consumers and new requirements for businesses. The ACL applies to all sectors of the economy and to all Australian consumers and businesses.

The new ACL brings in national laws regulating misleading and deceptive conduct, false or misleading representations and unconscionable conduct.

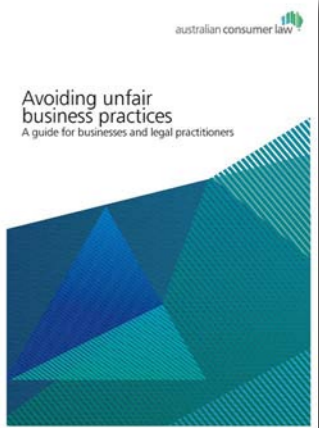
It enhances remedies available to consumers if businesses mislead or deceive them. A business could mislead if it creates an overall misleading impression about the price, value or quality of consumer goods or services - including land and property. It does not matter whether or not the business intended to mislead or deceive - what

matters is how its statements or actions affect the thoughts or beliefs of consumers.

Examples of misleading or deceptive conduct can include:

- Failing to disclose relevant facts in relation to a product or service
- Making a promise or prediction without reasonable grounds.

Businesses cannot rely on disclaimers buried in fine print. To be effective they should be prominently displayed.



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Gordon Russell

Managing Director UnitCare Services
 Founding Chair of the Strata Managers Division of the Real Estate Institute of SA
 Trains strata & property managers at the REISA
 Has been in the strata industry since Oct' 1986
 Hand built 2 homes in the Adelaide Hills, 3rd under way
 Local Government Councillor in 1980's. Originally from the UK
 Volunteer with Man Alive mens health initiative



Kim Smith

Body Corporate Manager
 Qualified property investment manager
 Background in real estate, sales and office administration
 A member of 'Friends of the Heysen Trail'
 Enjoys outdoor activities including camping bushwalking, growing vegies, travelling and yoga.



Lisa Johnson

Accounts Clerk UnitCare Services
 Reception, Client levies
 Formerly worked at the The Australian Opera & Sydney Theatre Company
 Background in administration
 Enjoys gourmet food, photography. Is a collector of buttons.



Mariejose (Marie) Stead

Body Corporate Manager
 Former department manager in the Printing & Stationery industry
 Administration & Retail Sales
 Enjoys aerobics & walking
 Born in Maastricht, Holland



Janice Marshall

Body Corporate Manager
 Qualified property manager (rentals)
 Twelve years in the banking industry.
 Enjoys handicrafts, sewing, reading, walking, gardening and camping.



Marion Speedy

Accounts Clerk UnitCare Services
 (reconciliations, archiving)
 Former small business owner
 Manager of fine craft galleries
 Accounts clerk in medical practice
 Loves tennis & reading. Volunteer with Meals on Wheels.
 Graduated from Methodist Ladies College Vic.



Pam Maynard

Body Corporate Manager
 Assistant Commercial Property at city real estate firm
 Background in real estate & retail
 Owned and ran a retail business
 Enjoys drawing, painting, photography & gardening.



Jodie Gent

Body Corporate Manager
 Jodie's work background is in body corporate management, repairs & maintenance, building inspection reports, landlord & tenant liaison & managing external contractors.
 She loves AFL, the Crows & Centrals and supports her teenage son's passion for playing aussie rules.
 She also enjoys travelling, Penfolds wine, & spending time with family

LIGHTER LOADS WITH NEW STAFF

Recent staff changes have given us the opportunity to rebalance the work loads on our body corporate managers. The aim is to improve service to our unit owners.

We have written to committee members letting them know of the changes.

An up to date team sheet appears on page 2 - opposite.

We apologise for any inconvenience the recent changes may have caused our clients

We wish Kate Plew all the best with her new business and the additional time she can now spend with her young daughter ☐

RECORDS ONLINE

Since July 1st last year we at UnitCare have scanned every invoice, letter, fax, report, set of minutes, insurance certificate, property visit photographs and sets of body corporate plans.

We are now moving to provide our unit owners with online access to their corporation's records.

We have engaged a local IT firm who specialise in this work and can ensure the security of our client's data ☐



JODIE JOINS OUR TEAM



We have a new member of staff.

Jodie Gent joined us in February this year.

She is our latest body corporate manager, having worked until recently at Strata Care Australia in Brisbane.

Her work background is in body corporate management, repairs & maintenance, building inspection reports, landlord & tenant liaison, manage external contractors, repairs & maintenance, site inspection reports.

She loves AFL, the Crows & Centrals and supports her teenage son's passion for playing aussie rules for the Willaston Football Club.

She also enjoys travelling, Penfolds wine, spending time with family. Welcome to UnitCare ☐

NEW UNITCARE BLOG

We receive many calls a month complaining about rude and negligent behaviour by strata managers. We have a new blog that details some of these stories. You can find a link to the blog on our home page (www.unitcare.com.au) Here is one of them.....

Unlicensed Tradesman: We received a call from the Presiding Officer of a small group in the western suburbs. She is very upset that their manager (BC2) sent an unlicensed person to replace their gutters. The owners had passed on the person's details to the manager.

The manager charges an annual fee to this group of \$51.70 for checking licensing and insurance. They have an external firm undertake this work. We understand the manager charges this fee to all their client groups. We estimate that this brings in, in excess of \$70,000 per annum.

The Presiding Officer has advised us that the work is substandard and now needs further monies spent. She reports that the manager has explained that it is her fault as she found the contractor!

It never ceases to amaze us the many ways some managers find to blame their clients for their mistakes.

BC2 has a duty of care, and a system that clients pay for to check contractors. It is a mystery as to why they failed in this case. We believe they are liable for any resultant costs to owners ☐

NEW CONSUMER LAWS CONTINUED..

Real estate agents must not engage in unconscionable conduct - which could be a statement or action so unreasonable that it defies good conscience. For example, depending on the circumstances, not explaining a contract properly to a potential vendor or buyer that does not speak English or has a learning disability may involve unconscionable conduct.

It is also unlawful to make false or misleading representations when promoting goods or services.

For instance, a business must not mislead consumers about the standard, quality or value of goods or services.

The maximum criminal penalties are \$220,000 for an individual and \$1.1 million for a body corporate. Civil penalties also apply. Consumer protection agencies can also seek court - enforceable undertakings, issue infringement notices, substantiation notices and public warning notices.

'Avoiding unfair business practices - a guide for business and legal practitioners' offers more detailed information. This guide is available to download from www.consumerlaw.gov.au or phone OCBA on 8204 9504 to request a copy ☐