



viewpoint

RESPECT FOR ALL WOMEN

"It shouldn't take having children to have a conscience. Actually, on top of that, having children doesn't guarantee a conscience," Australian of the Year Grace Tame, said.

She said she had drawn hope over recent weeks that people were finding the courage to speak about their own experiences with sexual assault. Grace Tame National Press Club address.

Veteran journalist and Walkley award winner Virginia Trioli of ABC Radio on March 6th 2021 wrote...

Prime Minister, all you needed to hear was being said right next to you. When the Australian of the Year Grace Tame lifted her angry, defiant voice to cry "well, hear me now" after years of being silenced by sexual abuse, Scott Morrison was standing only a few feet away.

When she gave her incendiary Press Club Speech in Canberra this week urging sexual assault and abuse survivors like herself to "share your truth, it is your power", the Prime Minister, his Cabinet — with one member off on stress leave and another soon to join her — and all the staff of what might be one of the most toxic workplaces in Australia were just up the hill, in a shining stone building under a slow-waving flag.



I'm sure they must have heard her. Tame's voice was trembling slightly that night on Australia Day eve, but the time she has spent since, and also surely the last two weeks that she and the rest of us have gone through, appear to have put even more steel in her call.

When Tame speaks, like the roar of a lion, it shakes the trees.

As we have reeled through the horrifying allegations made about sexual assault in Parliament House, an allegation about the federal Attorney-General, and the patchwork of explanations that make up the official responses to all of this, we have needed a mighty voice like that.

I'm glad Grace Tame spoke this week. A friend of mine said yesterday that last week she was angry, but this week she just felt sad. She wanted to go back to the angry feeling — at least that contained energy, motivation. Now, like millions of others, she felt tired, so tired.

Many callers to my show this week spoke softly and in terror of a history they were only revealing for the first time. Others talked in despair and exhaustion at having to make the point again, and again — that sexual violence is more common than many Australians want to believe.

Women, both in the work place and in my friendships have profoundly shaped my life for the better. As a privileged male it is hard for me to walk in their shoes and understand the struggles and hardships they endure in our patriarchal society. They all deserve the respect of us men. They all deserve to be heard and taken seriously. Our male politicians need to set an example to Australian men of profound respect for all women.

Grace Tame's speech can be viewed at

[www.youtube.com/watch?v=LJmwOTfjn9U](https://www.youtube.com/watch?v=LJmwOTfjn9U)

[www.1800respect.org.au](http://www.1800respect.org.au)

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

USEFUL LINKS

Our colleagues at [www.lookupstrata.com.au](http://www.lookupstrata.com.au) have sent us some useful links.

The following are from some of their most viewed pages...

[www.lookupstrata.com.au/sa-neighbour-smoking-on-balcony/](http://www.lookupstrata.com.au/sa-neighbour-smoking-on-balcony/)

[www.lookupstrata.com.au/category/parking/parkingsafaq/](http://www.lookupstrata.com.au/category/parking/parkingsafaq/)

[www.lookupstrata.com.au/factsheet-maintenance-common-property/](http://www.lookupstrata.com.au/factsheet-maintenance-common-property/)

<https://www.lookupstrata.com.au/category/noise/noisesafaq/>



AMENDMENTS TO STRATA & COMMUNITY TITLES ACT

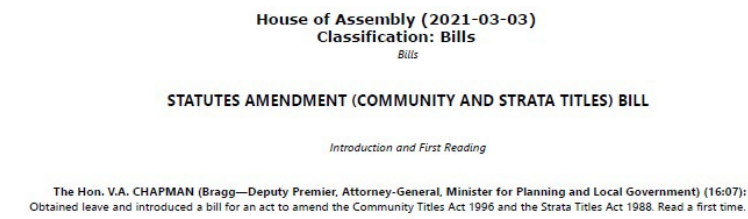
At the time of writing Parliament is considering significant amendments to both the Strata & Community Titles Acts. We expect these amendments to come into force this year. In 2015 UnitCare made submissions to the Environment, Resources & Development Committee of Parliament. The following includes extracts of the Attorney General's speech to the Parliament.

Part of the terms of reference of the ERD Committee's inquiry into strata titles regulation was to review the legislation changes that were made to the community and strata titles legislation in 2013. Several of the changes in this bill build on those changes, in some cases to tighten provisions to ensure they have the intended effect.

Several other changes in the bill are designed to achieve greater consistency between the CTA and the STA, noting that the STA generally governs strata title developments established before the commencement of the CTA in 1996. The CTA in turn governs new community and strata divisions and community corporations established after that time. This move to consistency wherever possible between the two acts will make it easier for body corporate managers who assist with the management of community and strata corporations.

In summary, this bill will make the following changes to the Community Titles Act (CTA) and the Strata Titles Act (STA):

- 1. **Managers Re invoicing:** Amend the CTA section 78D and STA section 27D to address the practice of re invoicing by body corporate managers by requiring that a body corporate manager must clearly disclose the amount of any fee or commission being charged to the corporation for arranging a contract with another service provider.
- 2. **Managers Overcharging:** Amend the Acts to make it clear that the caps on fees that apply to corporations also apply to a manager providing information and copying documents on behalf of the corporation to an owner or prospective owner under STA section 41 and CTA section 139.
- 3. **Plans to be Supplied with Searches:** Amend the Acts to require the plan of division for a community or strata titles scheme to be supplied to owners or prospective purchasers under the CTA section 139 and STA section 41 as part of strata and community title property searches.
- 4. **Meeting Quorums:** Amend the STA section 33(5) for consistency with the CTA by adopting the formula for achieving a quorum at general meetings of corporations contained in the CTA section 83.
- 5. **Sinking Funds:** Amend the CTA and STA to require the statement of expenditure (or 'sinking fund plan') required to be prepared and reviewed by corporations under the CTA section 113 and STA section 33A to be supplied to the owners or prospective purchasers under the CTA section 139 and STA section 41 as part of strata and community property searches.



**a community corporation to make by-laws to regulate smoking of tobacco and related products on the shared common property and to prevent smoke drift from private lots onto other lots or common property**

6. **Public Liability Insurance:** Amend the CTA and STA to increase the prescribed minimum amount of public liability insurance that must be held by a corporation under STA section 31(2) and CTA section 104(2) from \$10 million to \$20 million.

7. **Owner Rights - Managers must Supply:** Amend the CTA and STA to ensure that the pamphlet required under CTA section 78B and STA section 27B explaining owners' rights under a proposed contract with a body corporate manager (including to inspect corporation documents held by the manager, to apply to the Magistrates Court to resolve disputes and the rights to terminate the contract) be required to be supplied to owners rather than merely being made available for inspection prior to a meeting at which it is proposed to vote to appoint the manager.

8. **Owners in Arrears:** Amend STA section 34 for consistency with CTA section 84 to provide that an owner in arrears may not vote at all at meetings, this includes on unanimous resolutions.

9. **Fix for Inquorate Meetings:** Amend the CTA and STA to address the problem of inquorate corporation meetings by adopting an approach recently introduced in Western Australia, whereby a quorum may be declared from those present after 30 minutes of the appointed time for a duly convened meeting, avoiding the need to adjourn and reconvene the meeting at a later date.

10. **Any Officer can Call Meeting:** Amend the STA, for consistency with the CTA, to adopt the CTA position on which officers can call a general meeting of the corporation.

11. **Joint Owners Disagree - No Vote:** Amend the STA, for consistency with the CTA, to adopt the CTA position on who may vote at a corporation meeting if there is more than one owner of a lot and they disagree. Under the STA, currently the first named person on the certificate of title may vote, whereas neither votes under CTA section 84(7). The STA position is arbitrary and body corporate managers prefer the CTA position.

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emergency numbers

Plumbing , Gas, Roof Leaks	8152 6780
Electrical	8274 0100
Building repairs, breakins & glazing	1300 362 515
Police to attend - noise/robbery etc	131 444
State Emergency Service - storm/flood	132 500

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AMENDMENTS TO STRATA & COMMUNITY TITLES ACT (CONTINUED)

12. **Relaxation on Audits:** Amend the CTA to increase the threshold for mandatory audits for community titled corporations to align the CTA more closely to the Victorian approach to audits, such that self-managed community corporations will be required to have their accounts audited where contributions exceed \$100,000 per year or there are over 100 lots in the group. Other community titled groups can still resolve to have their accounts audited if they wish after balancing perceived risk against audit costs. The requirements for body corporate manager trust accounts to be audited are unchanged.

13. **No Common Seal Required:** Amend the CTA and STA to remove the requirement for corporations to have a common seal, consistent with changes previously made under the Corporations Law.

14. **Relaxation on Lodging Amended By-Laws:** Amend the CTA to extend the prescribed time for lodgement of amendments to by-laws with the Registrar-General from 14 to 21 days since 14 days has proved difficult to achieve and to create discretionary powers for the Registrar-General to dispense with the requirement for the consent of certain parties to minor prescribed technical amendments of, or to correct clear errors in, a scheme description for a staged development. This will improve efficiency and reduce the significant costs that can arise from the need to obtain consents from a broad range of parties to minor changes to the scheme description.

15. **Anti Smoking By-Law:** Amend the CTA to explicitly empower a community corporation to make by-laws to regulate smoking of tobacco and related products on the shared common property and to prevent smoke drift from private lots onto other lots or common property. A community corporation will be able to vote by special resolution to vary its by-laws to regulate smoking in this way. This particular amendment is included at the urging of the Heart Foundation in South Australia, supported by Drug and Alcohol Services SA in SA Health. It follows equivalent reforms in New South Wales in 2016 and also recently passed in Victoria.

The Statutes Amendment (Community and Strata Titles) Bill 2021 can be read on our website.

Go to our legislation page at [www.unitcare.com.au/aop.html](http://www.unitcare.com.au/aop.html) and look under Enquiries & Reports.

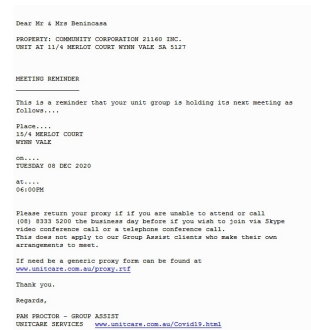
We suggest you discuss with your fellow unit/lot owners the proposed changes.

We will let you know when the legislation comes into force

MEETING REMINDERS

We have recently rewritten the software that emails a meeting reminder to owners the week or so before their body corporate meeting.

To help with owner agenda item requests, we have written some software that pops up the requests when arranging the corporation meeting. This helps eliminate diary notes and reminders that can be overlooked.



SURVEILLANCE DEVICES ACT - \$15,000 FINE

Staff have asked us to remind owners and tenants in units that they need to take great care before installing any surveillance devices. We strongly recommend that permission of your body corporate be sought before installation. The following is a reprint from our Autumn 2018 newsletter...

The unauthorised surveillance of fellow residents at Strata and Community Titled groups can now result in a \$15,000 fine and jail time.

The Surveillance Devices Act came into force in South Australia on December 18th 2017. It specifically refers to video or camera surveillance under Optical Surveillance Devices. The Legal Services Commission website states...

*It is an offence to knowingly install, use or maintain an optical surveillance device to visually record or observe private activity without the consent of each party to the activity. This applies even where the device is installed on premises of which the person has lawful possession or control and includes vehicles.*

*An optical surveillance device is defined broadly to mean a device capable of being used to observe or make a visual recording of people, places or activities and includes both still and moving pictures.*

*Personal media players and mobile phones are included in this definition.*

*Maximum penalty. \$15,000 or 3 years imprisonment (in the case of a natural person) or \$75,000 (in the case of a body corporate).*

*There are additional offences where the installation or use of the device involves entry onto or into premises or a vehicle or interference with premises, a vehicle or any other thing without consent.*

The new Act is welcome and was used in a recent case before the Magistrates Court. One owner in a small group had installed many cameras on their property. The cameras faced the common driveway and other units.

We understand that the cameras had a wireless feed to not only the owner but also a relative.

This behaviour along with other nuisance behaviour has raised tensions at the group to a level that has required the Court to appoint an Administrator and order the immediate removal of the cameras.

The availability of cheap cameras and wireless technology has the potential to see a breakdown in the goodwill that is essential to residents peace of mind at home.

We welcome the Government's legislation.

See our website [www.unitcare.com.au](http://www.unitcare.com.au) for the Legal Services document and the full Act - click on the Legislation tile.

Suggested Article or By-Law. The following may be worth adding to your group's Articles or By-Laws//

*Owners, occupiers and visitors are not to cause the electronic surveillance of common or private property other than their own*



THE REDFERN SPEECH A MOMENT IN HISTORY

UnitCare recently purchased a copy of the Redfern Speech signed by former Prime Minister Paul Keating, at a fund raiser. The document will be donated to the Aboriginal Cultural Centre when it is completed on the old Royal Adelaide Hospital site.

The following is an introduction to this historic speech...

Few of those who were present were aware that they were witnessing history: A politician admitting that "we committed the murders", "we took the lands", "we brought the diseases" and "we took the children".

Prime Minister Paul Keating delivered the speech in Redfern Park on 10 December 1992, launching Australia's program for the International Year of the World's Indigenous People. The National Archives of Australia record the title of this speech as Opportunity and Care, Dignity and Hope, 1993.

Keating delivered the speech 6 months after the High Court's Mabo decision on native title.

Media did not give much attention to the speech at the time, but it is now regarded by many as one of the greatest Australian speeches.

Commentators argue that the lack of "sentimentalising or histrionic rhetoric" helped put the speech firmly in public memory which became evident in a 2011 poll of 'the most unforgettable speech of all time' where it was voted number

SPECIAL RESOLUTIONS STRATA TITLES ACT - IN FULL ON MEETING NOTICE

Just a reminder that Special Resolution under the Strata Titles Act require at least 14 days written notice, setting out the terms of the proposed resolution and any other information of a kind prescribed by regulation, is given to all the unit holders.

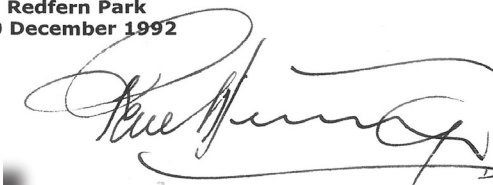
In practice this means that the complete wording of the resolution needs to appear with the notice of meeting and agenda. The Act states in *Section 33(4b) The agenda must include the text of any unanimous or special resolutions to be moved at the meeting*

Here is a common example of the wording of a policy that requires a Special Resolution...

*Airconditioners: Wall Mounted & Split System: Unit holders may install a wall mounted or split system airconditioner to the unit, provided it is not mounted on the frontage of the unit or impedes any common walkway, and is a low noise rotary compressor model which creates no more than 45db of noise. It must be in accordance with EPA requirements current, at time of installation. and/or*

*Airconditioners: Roof Mounted: Unit holders may install a roof mounted airconditioner to the unit, provided it is mounted below*

Prime Minister Paul Keating  
Redfern Speech - Year for the World's Indigenous People  
Redfern Park  
10 December 1992



Paul Keating at the launch of Australia's celebration of the World's Indigenous People.

...ance for Australia.

...e committed ourselves to succeeding in the test ed.

...nfidently say that we have succeeded as we would e not managed to extend opportunity and care, us people of Australia - the Aboriginal and Torres

...social goals and our national will: our ability to the world that Australia is a first rate social s should be - truly the land of the fair go and the

...ow seriously we mean these things.

...three, behind Martin Luther King Jr's 'I Have a Dream' and, Christ's Sermon on the Mount.

...Many see this speech as the foundation for the apology to the Stolen Generations by PM Kevin Rudd in 2008.

"We brought the diseases. The alcohol. We committed the murders. We took the children from their mothers." Prime Minister Paul Keating in The Redfern Speech

View Paul Keating reading the Redfern Speech at... [www.youtube.com/watch?v=x1S4F1euzTw](http://www.youtube.com/watch?v=x1S4F1euzTw)

Read the speech at... [www.unitcare.com.au/pdfs/redfern.pdf](http://www.unitcare.com.au/pdfs/redfern.pdf)

*the ridge line at the rear of the building and is similar in colour to the roof and creates no more than 45db of noise. it must be in accordance with EPA requirements current at time of installation.*

The following require a special resolution...

Amending the Articles of your group, Alterations or Additions to a unit.

Notes:

A vote is not exercisable in relation to a unit unless all amounts due and payable by the owner to the strata corporation in respect of the unit have been paid.

A management committee does not have power to do anything for which a special or unanimous resolution of the strata corporation is required by this Act or by the articles of the corporation.

A Court Appointed Administrator has the power to pass special resolutions subject to the terms of their appointment.

Internal decoration of a unit does not require any strata corporation approval