



ABUSE OF THE PRIVACY ACT

Recently the officers of a strata corporation approached us for help in dealing with their current manager. There were the unusual complaints of message banks, unreturned calls, many changes of managers, programmed works ignored. In addition this manager refused to supply the names and contact details of the owners of their group.

They quote the Federal Privacy Act and a case before Ms. McInnes SM - Golding vs Strata 11618. The office of the Federal Privacy Commissioner advises us that the Act is not intended to prevent the distribution of unit owner names and contact details necessary for officers and owners to undertake the proper business of the Corporation.

Our view is that their current manager is withholding the owner details to prevent them discussing concerns and possibly sacking the manager.

We have asked our lawyers for a legal opinion on this important matter and will publish it in our newsletter and on our web site.



Australian Government
Office of the Privacy Commissioner

Pity this manager puts more energy into thwarting their clients rather than provide the service they are under contract and paid to provide.

www.privacy.gov.au/

Cheers

Gordon Russell CPM

ps: Do you have any friends who need to read our newsletter? Ring and we will post one out ☐

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

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ELECTRICAL EQUIPMENT - TESTING REQUIRED

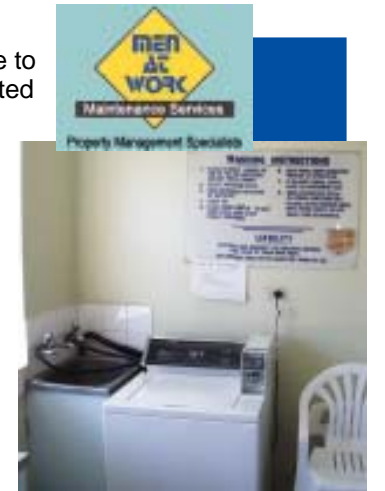
The following is advice from our electrician's, Men at Work, in relation to the need to test electrical equipment that is common property. That is it is owned by the body corporate.

- ✓ All electrical appliances used by tradespeople or common property appliances to organisations must be tested every 12 months.
- ✓ All contractors electrical equipment should be tested & tagged every 12 months.
- ✓ Any electrical appliance owned by the strata group must also be tested & tagged every 12 months.
- ✓ If the cleaner uses their own equipment the onus is on them to have their appliances tested & tagged.
- ✓ It is not possible to ban someone using their own equipment on common property or from a community supply. If however the person was carrying out a task requested by the strata

group & using their equipment under the knowledge of the strata group we recommend that the equipment be tested & tagged to avoid any possible liability.

- ✓ Owners/occupiers do not have to have their own appliances tested when using them for their own purposes.
- ✓ If a contractor/tradesperson uses an untested/tagged appliance the liability is not the strata groups rather it rests with the contractor or their employer.

If your group is a UnitCare client we can arrange to tag Corporation appliances as required ☐



Update - Strata Corporation vs Thomson

Over the past two years our office has been pursuing Ms. Lorraine Thomson (lawyer/accountant) on behalf of one of our clients. You may recall that she refused to hand over the Strata Corporation funds and records following her sacking in May 2004. She owns two units at the group she once managed. As the new managers we have been pursuing Ms. Thomson through the Magistrates Court. We published the orders in our Winter 2005 edition. (see our web site for back copies)

Following orders from Magistrate Kleinig to the ANZ Bank to transfer the group's funds to our Trust account, we discovered more than \$5,000 had been taken by Lorraine Thomson. Ms. Thomson had written a cheque to her business, L Thomson & Co, without authority and in contravention of the Magistrate's orders. She withdrew the groups funds just 5 days after she had been ordered by the Magistrate not to touch the funds without the authority of the Corporation and new manager. Ms. Thomson was in court when the orders were read.

In July this year Ms. Thomson appeared before the Legal Practitioners Conduct Board sitting at the Supreme Court. In addition she has been reported by our client group to the Police for misappropriation of funds. At the time of writing the Police are in the process of charging Ms. Thomson. In addition her and her co-owners in the two units at the group owe some \$12,000. We are hopeful that the Courts will shortly resolve all of the outstanding matters and that all monies owing will be recovered either through the insurance cover or by selling up some or all of Ms. Thomson's assets through warrant of sale.

This state of affairs and many others involving body corporates make the case for a cost effective specialist tribunal. We understand legislation to reform many body corporate matters will soon reach State Parliament ☐



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SERVICES & FEES A COMPARISON

We thought it might be useful for our readers to compare our services and fees with those of the other major body corporate managers in South Australia.

The fees in the table below include GST and are based on information gathered in July 2006, based on a group of 8 units. At the time of going to press we had

not received the figures from Horner Management. We will post these on our web site when they are to hand. Services and fees may vary according to the size of a group. Fees for additional duties by UnitCare are by negotiation. All care has been taken with this information and we advise that you confirm our competitors fees directly with them ☐

UnitCare Services (inc. GST)	Whittles	Strata Data	Adelaide Strata	Horner
PROTECTION...				
Money Back Performance Guarantee	Yes - 1 weeks management fees	not available	not available	not available
Three (3) month money back trial	Yes	No	No	No
Financial reports to monitor expenditure	Monthly ledger to Treasurer Annually to owners	Annually to owners Quarterly on request	Annually to owners	Annually to owners
Activity reports to monitor manager's service	Monthly to Treasurer. Annually to owners	No	No	Annually to owners
Trust Account Auditor's report to Treasurer	Yes - no fee for report	No	No	-
Committee / P.O. approve any extraordinary payments	Yes	-	-	-
INFORMATION...				
Unit Owners Kit (inc. Notes for Owners)	Yes	No	No	No
Newsletters	Unit Update Quarterly, hot topics & help for unit owners, posted and available on web	Occasional	Yes	No
Web site	Yes - 20+ pages of indexed help	Under development	Yes - comprehensive	Yes - out of date on some details
FEES...				
Option 1 PrimeCare - Fixed Management Fee per unit per year. Full service (minimum fee is 7 units)	\$40/unit/quarter (\$160 /pa) includes maintenance, financial & secretarial services.	\$160/unit p.a.	\$154/unit p.a. exit fees apply \$44 + \$55	\$135/unit p.a. setup fees may apply
Option 2 SelectCare - Time based fee option. (applies to Community Titles and additional duties)	\$130/hour Pay only for time used. Full report on activities and time taken.	-	-	Misc: \$99 to lodge an insurance claim to a non ASM insurer.
Option 3 GroupAssist - limited service low fee option for small groups (applies to groups of < 7)	\$32/unit/quarter (\$128/pa) 20% discount Financial & Secretarial service.	-	-	-
Meeting Fees	\$130 for 1 st 1.5 hrs anyone	\$154 for 1 st 1.5 hrs evening at units	\$110 for 1 st 1.25 hours	\$99 for 1.5hrs before 6pm
Maintenance - comments	No commissions or ownership of maintenance firm.	Change commission on many works	\$27.50 for each 1/4 hr thereafter	\$198 for 1 st hour after 6pm
Annual on site Visit, Report & Photographs to owners	Yes - fee of \$4/unit min \$32	no	no	no
Fee for overdue account notices	\$11 recovered from owner	\$11 recovered from owner	\$11 recovered from owner	TBA recovered from owner
all fees billed to owner	\$28 to send to debt recovery	\$33 to send to debt recovery	\$17BA to send to debt recovery	\$27.50 to send to debt recovery
Funds Investment fee - charge to manage funds	No	1.5% of ave bal of funds	1% of ave bal of funds	TBA to send to debt recovery
Photocopying & Postage	At cost	At cost - ave \$20/unit	\$2.20 per unit per month	Estimated at TBA/unit average
Annual Audit	\$9.90/unit/annum - inc reconciliation & records archiving (scanning to disk)	\$10/unit	\$8.80 /unit	TBA/unit (audit & accountancy)
Produce/Lodge Corporation's Tax Return	Yes	\$154	\$93.50	\$49.50 + tax agent fee
24 Hour emergency maintenance	Yes	Yes	Yes	Public Officer Admin fee TBA
Convenient Payment of fees	BPay, Credit Card, Cheque, Bank SA	BPay, Cheque, Bank, Electronic	BPay, Credit Card, Cheque, Bank, PO	BPay, Credit Card, Cheque, Bank
Total fees per annum inc post & copy estimate	\$1,774 (prop photos excluded)	\$1,903 (inc funds invest fee est)	\$1,167 (inc funds invest fee est)	\$1,675 (plus contractor & insurance fees)

compare services & fees



Comparison of Body Corporate Managers Fees Comparison of Fees charged for strata titled group of 8 units

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SUSTAINABILITY - HOW WE CAN HELP

Green House Gases: Australia's emissions of greenhouse gases are amongst the highest, per person, in the world. The average Australian family produces more than 15 tonnes of greenhouse gases each year. *Most unit households fall below the Australian Average so usage for many would probably be less. Source AGL website.

Your Green Energy Choice	Green Energy premium per kWh	Approx. Green Energy premium per quarter**
10%	0.66c	\$10.73
25%	1.43c	\$23.24
50%	2.75c	\$44.69
100%	5.5c	\$89.38

As you can see from the table above, participating in the program does cost a little more. That is because alternative generation generally operates on a small scale and is more costly to produce ☐

Social Sustainability: We feel that very often men in our society are all put in one basket by policy makers and the courts as high risk, violent and angry individuals. But many men (and women) are gentle, respectable human beings! So we are supporting the annual Man Alive gig at Semaphore held in March every year. It aims to celebrate the good things that many men are doing for their communities.

We are also doing our bit to assist Flinders Medical Centre, the Australian Refugee Association, Community Aid Abroad and children's charities.

At the 2005 Festival of Ideas we along with many others were motivated by the idea of a business having three major sustainable elements - financial, social and environmental. Whilst our directors and staff had always been somewhat aware of our social and environmental responsibilities, we had never thought to actually measure our performance against set objectives.

So that is what we are attempting and we hope that many of our clients, both Body Corporates and individuals, will join us on this exciting and necessary journey.

Our first steps:
Social: We believe that we already contribute substantially in this way but are investigating how to progress further.
We aim to:

- ✓ conduct our business with integrity.
- ✓ champion the cause of fair and honest dealings in our industry
- ✓ volunteer our services regularly
- ✓ contribute to needy people
- ✓ create a secure and meaningful working environment for our staff
- ✓ encourage personal growth

Your group can make a difference through residents and the Corporation joining a Green Energy scheme such as AGLs, which UnitCare services is part of or that offered by Origin Energy.

With this in mind UnitCare will include a Green Energy item on your Corporation's AGM Agenda.

Your Corporation will be able to discuss the options and decide if a Green Power for the common property is appropriate.

Each unit holder of course makes their own decision about their unit's internal power usage. We hope that you will opt to join us in reducing greenhouse emissions and change to Green Power also.

The AGL website gives its options at www.agl.com.au. Just follow links to Green Choice.

And to get information and tips on how to reduce consumption visit www.sustainable.energy.sa.gov.au/home



Will you work towards social and environmental sustainability too?

- What you can do:
- Change all light bulbs to energy savers
 - Get out of the shower after 3 minutes or less
 - Recycle paper, plastics, glass etc
 - Call your electricity supplier and change to green energy
 - Give a hand to a community organisation or someone needy

- What your corporation can do:
- Change all common property light bulbs to energy savers
 - Mulch gardens
 - Be water wise through the coming summer - drip systems, no daytime watering, etc
 - Change to green energy