



viewpoint

RESPECT FOR ALL WOMEN

In Australia domestic violence results in more than one death of a woman every week. The following excerpt is from an Australian Associated Press article on International Womens Day this year.

Deaths of women in suspected acts of domestic violence cast a shadow over the months leading up to International Women’s Day.

According to research group Counting Dead Women Australia, 64 women were killed in incidents of violence in 2023 and on Friday, 8th March people across Australia remembered those lost and those who survived.

Environment Minister Tanya Plibersek attended an International Women’s Day event in Sydney with her daughter Anna Coutts-Trotter, a survivor of sexual and domestic violence.

The impacts of abuse extend far beyond physical and mental harms.

Social Services Minister Amanda Rishworth said the government was committed to early intervention on domestic violence.

“One of the big areas that we’re very focused on is holding perpetrators to account, that’s something that victim-survivors have said they want us to hear,” she told ABC TV.

Ms Rishworth warned that without an attitude shift by men, any progress made in reducing violence against women would “go backwards in the next generation”.

Domestic and family violence was the leading cause of homelessness for women, with nearly half of those seeking homelessness assistance citing it as a reason, a report from Homelessness Australia found.

As a result, the government has focused on the safety and success of women, announcing that women would be paid super on government-funded paid parental leave, as part of a gender equality strategy.

In recent months the government has also unveiled a text line for women to discretely contact domestic violence service 1800RESPECT and in 2023 introduced 10 days of paid family and domestic violence leave.

1800 RESPECT (1800 737 732)

Lifeline 13 11 14

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



Always be kind.
If you see someone falling behind, walk beside them.
If someone is being ignored, find a way to include them.
If someone has been knocked down, lift them up.
Always remind people of their worth.
Be who you needed when you were going through hard times.
Just one small act of kindness could mean the world to someone.

USEFUL LINKS

For podcasts and fact sheets on many unit living matters go to:
<https://unitcare.com.au/fact-sheets>

Our colleagues at 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/

www.lookupstrata.com.au/category/parking/parkingsafaq/

www.lookupstrata.com.au/factsheet-maintenance-common-property/

www.lookupstrata.com.au/category/noise/noisesafaq/



RENTAL REFORMS - NEW CBS GUIDE

The recent changes to the Residential Tenancies Act will affect some 52% of the owners renting out their units/lots (UnitCare portfolio).

These changes came into force from March 1st 2024.

A new Tenant Information Guide has been published that explains these changes. It is published by Consumer and Business Services.

Landlords or their agent must give the tenant this information guide at the time that a leasing agreement is entered into.

This guide sets out the general rights and obligations of landlords and tenants in respect of residential tenancy agreements entered into in South Australia.

Aspects of the law covered in the guide include:

- # The landlord/tenant relationship
- # Beginning a tenancy
- # Rent increases
- # Repairs and maintenance
- # Termination
- # Refund of bond
- # Sub-letting and assignment
- # Dispute resolution
- # Community housing organisations

The guide is inclusive of changes made to the Residential Tenancies Act 1995 that commenced as of 1 March 2024.

www.cbs.sa.gov.au/documents/tenancy/fact-sheets/Information_brochure.pdf

www.cbs.sa.gov.au/sections/renting

Consumer and Business Services

Tenant Information Guide

The information in this guide is a summary of the Residential Tenancies Act 1995. It has been prepared by Consumer and Business Services and gives general guidance only. It does not constitute legal advice and is not a substitute for the Residential Tenancies Act 1995.

Introduction

The Residential Tenancies Act 1995 requires that a landlord or agent must give the tenant this information guide at the time that an agreement is entered into. This guide sets out the general rights and obligations of landlords and tenants in respect of residential tenancy agreements entered into in South Australia. It is inclusive of changes made to the Residential Tenancies Act 1995 that commenced as of 1 March 2024.



Published by UnitCare Services. P.O. Box 4040, Norwood South 5067 52 Fullarton Road, Norwood.

t (08) 8333 5200 f (08) 8333 5210 w unitcare.com.au e mail@unitcare.com.au

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after hours emergencies - phone 8333 5200 for information on who to call.

INSURANCE COSTS ESCALATING

The substantial increase in insurance premiums is causing financial pain for many unit and lot owners.

We at UnitCare have seen premiums jump by thousands of dollars in a year.

A recent quarterly market update from Honan Insurance Group found that on average across the country, increases range from 15% to 20%. Some strata premiums went up by as much as 35%.

Honan’s Teighan Carr suggested that one striking feature of the data is how many properties normally considered clean risks with no claims history are being hit by the higher end of these increases.

“Pretty benign residential and smaller to medium sized strata, they are attracting that higher end 20% to 30% increase and there’s no real reason,” said Carr, who is the brokerage’s head of client services for strata and real estate.

“The feedback we’re getting from the market is that where they have previously provided a discount on that risk, they are no longer able to maintain that,” said Sydney-based Carr. “Or they are now correcting their rate due to weather prone exposures, whereas in the past they weren’t necessarily doing that.”

At UnitCare we act first of all in the interests of our clients. With this in mind we are building a relationship with a broker that specialises in strata and community title insurance.

Once in place, the change will increase the range of competitive quotes for our from which to choose.

This will put pressure on insurance companies to offer their best terms and price.

Benefits:

- # Policy to suit the group
- # Identify special needs
- # Identify and facilitate claims promptly
- # Pursue disputed claims

Some content courtesy of Daniel Wood Nov 2023

www.insurancebusinessmag.com

emergency numbers

Plumbing , Gas, Roof Leaks	8364 5855
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



UNCOMPROMISING BOOMERS POSE NEW CHALLENGE TO RETIREMENT VILLAGES

Some of our clients may be of an age where they are considering downsizing and moving into a retirement village. We thought the following article may be of interest.

Uncompromising boomers pose new challenge to retirement villages. The silent generation is giving way to boomers expecting a lot more from their lot in life.

Investors and operators need to look beyond the ageing population. The retirement sector is facing a major opportunity and hurdle in the impending generational shift from the "grateful generation" to one with far more discriminating tastes.

The key, according to one analyst, is to "facilitate denial" that retirees are ageing.

Until recently, retirement village providers benefited from a period of seemingly never ending growth and, if so inclined, being able to provide some pretty bare-bones facilities and homes.

Retirement villages, with an average entry age of 75 to 80, are working through the last of the silent generation, born between 1928 and 1945, whom they have done so well from.

They are now facing the baby boomers, the largest and most financially successful generation.

On paper this is fantastic for the likes of Ryman, Summerset, Oceania

and other major builders of retirement villages – the population trend is there and the money is right.

There is also a seemingly low penetration rate for retirement villages sitting at 14 percent of the age group.

But according to retirement advisory Ansell Strategic's Cam Ansell, it's just not that simple.

"Normally when people want to talk about aged care or retirement



living, including people that invest in it, they jump too quickly to the quantum of people and sort of say, 'oh, look, it's really exciting, you're going to get a doubling of demand or trebling of demand because of that big bulge in the population'.

by Andrew Bevin28/02/2024 <https://newsroom.co.nz>

MANAGER'S CONTEMPT FOR CLIENT - UPDATE

In late July 2023 this was the scene at a strata titled group in Blackwood.

A cheque for more than \$5,000 and corporation records were thrown onto the Presiding Officer's porch.



This followed the sacking of the strata manager (Robert de Jong of Dukes Real Estate) after years of poor service and bad behaviour.

The manager failed to supply all the records for this group, incorporated in 1973.

The matter went before a magistrate. Mr de Jong was ordered to hand over all the records and pay all costs.

This operator has a history of poor practice and complaints from unit owners and property managers.

Following the court proceedings we reported them to the Commissioner for Consumer and Business Affairs (CBS) with the intention of having his real estate land property management licences cancelled and his trust account audited. CBS have formally advised that they are acting on our complaint. We will keep you informed of developments.

UnitCare 2

LITHIUM-ION BATTERY FIRES

Rechargeable batteries present a fire risk for unit holders kept in units. This article explains why and outlines steps that should be taken to manage this risk.

What is the problem? The Australian Competition and Consumer Commission (ACCC) report, Lithium-ion Batteries and Consumer Product Safety, October 2023 highlights the dangers associated with keeping, using, and maintaining Lithium-ion batteries. These batteries are found in electric vehicles, personal mobility devices, and many common household items. The ACCC report reveals that failures of these batteries can be 'particularly catastrophic' due to the volatile liquid in the batteries. Resulting fires can be self-sustaining and difficult to extinguish. There have been fatalities in Australia because of these fires. Other incidents arising from battery failure include burns, chemical exposure and smoke inhalation.

Why is this a problem for unit holders and strata corporations? Unit holders and strata corporations are occupiers of property. The strata corporation is the occupier of the common property and the unit holders are occupiers of the units. As occupiers both unit holders and strata corporations can be liable for injury, damage or loss attributable to the dangerous state or condition of the common property and dangerous goods stored in units that could result in fire on common property. If a rechargeable battery sored by a unit holder is the cause of a fire, then the strata corporation may recover compensation from the unit holder.

What is the duty of care? In South Australia occupiers liability is determined in accordance with the principles of the law of negligence: s 20, Civil Liability Act 1936 (SA) 'CLA'. As the occupier of private property, a unit holder has a duty to take reasonable care to prevent foreseeable risks of injury to those who may come onto the unit holders property. A strata corporation has the same duty for the common property. In determining the standard of care to be exercised by the occupier of premises, a court must take into account .

- the nature and extent of the premises; and
- the nature and extent of the danger arising from the state or condition of the premises; and
- the circumstances in which the person alleged to have suffered injury, damage or loss, or the property of that person, became exposed to that danger; and
- the age of the person alleged to have suffered injury, damage or loss, and

BUILDING HOMES IKEA FASHION

We need more homes in South Australia. One answer is to use cross-laminated timber and glue-laminated timber from radiata pine grown in the South East. This timber product can be likened to large scale plywood.

The manufacturing of new buildings largely occurs off site. The erection of buildings is likened to Ikea style flat pack construction. This sees a dramatic reduction in time to put up a new building.

In March this year the Premier, Peter Malinauskas opened the NeXTimber facility to produce cross-laminated timber in Tarpeena, near Mt Gambier.

"I think government has a responsibility to show leadership in the market where we believe there are products being produced locally that deliver an outcome for our economy." said the Premier.

NeXTimber will manufacture cross-laminated timber and glue-laminated timber from radiata pine grown in the region.

Wooden skyscrapers built with South Australian grown and manufactured timber could be coming soon to Adelaide .

Glue-laminated timber can be used to replace steel beams and columns, with cross-laminated timber having similar uses to



Example of apartments built with CLT. Melbourne.

concrete.

They can manufacture cross laminated timber up to 16 metres long, 3.5 metres wide and 450 millimetres thick."



Additionally, the advantages of CLT (cross laminated timber extend beyond the structural and practical into the realm of environmentally sustainable design. Wood is already a good insulator of heat, but the precise nature of the manufacturing process gives CLT buildings an additional thermal benefit by preventing air leakage within the building envelope. This generates stabilised temperatures within the building, which in turn lowers heating and cooling usage and costs.

Sources include: ABC South East SA By Elsie Adamo and

www.architectureanddesign.com.au/ Geraldine Chua

the ability of that person to appreciate the danger; and

- the extent (if at all) to which the occupier was aware, or ought to have been aware, of the danger; and the entry of persons onto the premises; and
- the measures (if any) taken to eliminate, reduce or warn against the danger; and
- the extent (if at all) to which it would have been reasonable and practicable for the occupier to take measures to eliminate, reduce or warn against the danger; and
- any other matter that the court thinks relevant.

What compensation can be claimed by an injured person?

The damages that can be claimed includes;

- pain and suffering and loss of enjoyment of life – this is a lump sum amount payable for the pain suffered as a result of the injury and the effects that the injury has on the life of the claimant .
- out of pocket expenses- this covers the cost of any out-of-pocket expenses which include payment for medical treatment and any other expenses incurred because of the injury.
- loss of income –this includes both past and future loss of income that is caused by the injury.
- care and assistance –this includes domestic assistance provided free by family and friends or, for example, paid commercial care by a cleaner or a gardener.

Does the strata corporations insurance cover this risk?

Insurance taken out by the strata corporation pursuant to the STA can cover this risk. However, each policy may be different and all policies will include a duty on the strata corporation to disclose any risks known to the strata corporation, and to take reasonable steps to manage the risk. Failure to do so may result in the claim being denied by the insurers. Additionally, if the strata corporation or the strata corporation insurer pays out a claim, then they may be able to recover this from a unit holder responsible for the fire.

What steps can be taken to manage the risk?

The ACCC advises that consumers can take the following steps to reduce the likelihood of charging related incidents including:

- monitor charging times of products and disconnect products from chargers once they are fully charged (consider setting timers as a reminder to unplug devices).
- do not use batteries or devices if products are overheating or showing signs of failure such as swelling, leaking or venting gas. In these cases, place leaking or damaged batteries in a clear plastic bag (after they have cooled down) and contact your local council for disposal options.
- ensure the charger is suitable for the battery in the product being charged.
- charge batteries and devices away from combustible materials (such as beds, sofas or carpet).
- store batteries in products such as e-scooters in cool, dry places and out of direct sunlight, including while charging.
- allow time for batteries to cool down after use and before recharging.

Strata corporations should issue guidelines and timely reminders to the unit holders about these matters. Unit holders should follow the guidelines to prevent the risk of personal liability for loss and damage.

The information in this article is for general guidance only. It does not constitute legal or other professional advice and should not be relied on as a statement of the law in any jurisdiction. Because it is intended only as a general guide, it may contain generalisations. You should obtain professional advice if you have any specific concern.

www.accc.gov.au/system/files/Lithium-ion%20Batteries%20report_3_0.pdf

Michael Teys is one of Australia's leading strata experts. He works for corporate owners of strata property, property professionals and strata managers providing advisory, research and training on complex strata issues. <https://michaelteys.com/>

