



# STRATA & COMMUNITY LIVING

## Child safety in apartments

LAST YEAR WE PUBLISHED AN ARTICLE WARNING OF THE RISKS OF CHILDREN FALLING FROM WINDOWS AND BALCONIES. HERE IS SOME OF THAT STORY.

Senior Lecturer with the Faculty of Law at the University of NSW, Cathy Sherry knows more than most people about the price paid by adventurous young children who are seriously injured in falls. She spent two years working with a cross-section of experts brought together by The Children's Hospital at Westmead to try and reduce the incidence of falls.

"Twelve children are admitted to the Children's Hospital at Westmead every year as a result of a balcony or window fall; I'm aware of two children who fell from windows in the past few weeks. You can probably double that if you take into account the children going to the Sydney Children's Hospital Randwick. And then there are the children outside of Sydney who go to other hospitals, John Hunter, Wollongong," Ms Sherry said.

**"The biggest problem is fly screens. No fly screen can support the weight of a child. Parents don't perceive a window with a fly screen as an open window but unless they are specifically designed they can't even support a baby's weight.**

"Part of the problem with apartments is the size. It's difficult for families not to have furniture pushed up against windows. Most kids who fall are playing in the bedroom, climbing on the bed, the tallboy, or chest of drawers. Living in an apartment you can't just open the back door and

tell the two-year-old to play within sight; it's inevitable in apartments children will be playing inside.

"Children are top-heavy so when they topple they fall head-first. Around most apartments there is concrete, so when you imagine a small child going head-first onto concrete you begin to understand how serious the injuries can be."

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Since we published that story the NSW Department of Health has commenced an awareness campaign to reduce the risks of such falls. The Department has developed materials that provide practical advice on making homes safer. Strata managers can order free resources such as posters and flyers which can be placed in common areas and handed out to residents.

The campaign also provides information on products which can be easily fitted to windows to prevent them opening too far thus preventing a child from falling out.

Recently, the Australian Building Codes Board also recognised the problem and took some steps to address it. The Board ruled that all windows in new homes and apartments that are more than two metres off the ground must be either fitted with window locks that stop the window being opened more than 125mm, or must have reinforced screens. These changes will be included in the National Construction Code from May 2013.

More information on how to make your apartment safe, including the posters and flyers, check out the Kids Health website:

[www.kidshealth.chw.edu.au/projects/falls-windows-and-balconies](http://www.kidshealth.chw.edu.au/projects/falls-windows-and-balconies)

# NSW STRATA LAW REVIEW

ON 15 DECEMBER LAST YEAR THE MINISTER FOR FAIR TRADING, MR ANTHONY ROBERTS, MP ANNOUNCED A COMPLETE REVIEW OF NEW SOUTH WALES' STRATA LAWS.

As part of this review, the Minister opened a three month discussion and consultation period which closed on 29 February 2012. Discussions and consultations were for the first time held online and attracted a great deal of interest from a number of individuals and organisations across the community.

“More than two million people currently own or live in a strata or community scheme and it is estimated that by 2040, around half of Sydney's housing stock will be multi-unit dwellings.”



During his speech, the Minister pointed out that there are now ten separate pieces of legislation directly regulating strata and community title in New South Wales, totalling more than 1,000 provisions.

The Minister said in his speech to the Strata Community Australia (NSW) membership in December that a key part of the charter he was given by the Premier on being appointed as Minister was to examine the strata and community scheme laws.

“New South Wales was a pioneer when it introduced strata and community title laws, in 1961 and 1989 respectively,” he said.

“Many things have changed in our society since then and regrettably, some areas of the law have failed to keep pace with emerging issues and the growth and changes in strata and community development.”

“From my discussions with stakeholders, including Strata Community Australia, there is general consensus that the laws have become outdated and do not effectively meet the sector's current or future needs.”

“In some respects, the law is also overly formal and complex, creating unnecessary disputes and potentially hindering the future growth.”

The Minister also noted that there are now over 70,000 strata schemes and 1,500 community schemes in New South Wales.

“More than two million people currently own or live in a strata or community scheme and it is estimated that by 2040, around half of Sydney's housing stock will be multi-unit dwellings.”

“To put it simply, strata living is certainly the way of the future.”

The Government will now spend time going through the comments and submissions. We will update readers as further announcements are made by the Government.

## Need more information?

The NSW Fair Trading website contains a vast amount of information helpful to residents in strata schemes. If you have a question you can always contact your strata manager but occasionally you may want to check out information yourself by going on line to [http://www.fairtrading.nsw.gov.au/Tenants\\_and\\_home\\_owners/Strata\\_schemes.html](http://www.fairtrading.nsw.gov.au/Tenants_and_home_owners/Strata_schemes.html)

While you're there check out the video on strata community living.

For those who want to speak to a customer service officer, NSW Fair Trading can be contacted on 13 32 20.



# Strata meetings: a guide to AGM's

OWNING A STRATA-TITLED PROPERTY MEANS THAT FROM TIME-TO-TIME A MEETING OF THE OWNERS CORPORATION WILL BE REQUIRED. IN FACT IT IS A LEGISLATIVE REQUIREMENT IN NEW SOUTH WALES THAT AN ANNUAL GENERAL MEETING BE HELD EVERY YEAR. OTHER MEETINGS OF THE EXECUTIVE COMMITTEE ARE ALSO LIKELY TO BE HELD THROUGHOUT THE YEAR ESPECIALLY IF THE STRATA SCHEME IS WELL RUN.

At some time you may find yourself at an AGM and it helps to have some basic knowledge of what the correct procedure is. NSW Fair Trading has information and tips on its website that we have reproduced in part here:

If you've received notice of an Annual General Meeting (AGM), this is what should be contained in the agenda:

- a copy of the financial statement of the owners corporation for that year
- a motion for accepting the financial statements
- information about all insurance policies held by the owners corporation
- a motion to consider appointing an auditor and taking out insurance for executive committee office bearers liability and/or misappropriation of money or property of the owners corporation
- a motion to confirm the minutes of the last general meeting
- any other motion to be considered at the meeting
- a clear indication of any motions needing a special or unanimous resolution for their passage
- a copy of the minutes of the last general meeting attached for owners who have not been given a copy before
- a motion to decide if any matter for the year ahead is only to be decided by the owners corporation and not the executive committee
- a motion for the election of the executive committee
- a motion to decide the number of members of the executive committee
- an item to prepare or review a ten-year sinking fund plan.

A notice of meeting must be provided to every owner and other parties entered onto the strata roll. Each must be given seven days clear notice of the meeting.

There must also be a quorum of eligible voters at the meeting. This is calculated as either one-quarter of the people entitled to vote or owners entitled to vote holding one-quarter or more of the total unit entitlements.

A valid proxy must be on the form prescribed by the regulations. An owner can make any person their proxy. Proxies must be given to the Secretary before or at the meeting or where it's a large scheme the proxy must be given to secretary at least 24 hours before the scheduled meeting.

#### Certain conditions apply to a proxy:

- it must state whether the proxy can vote on all matters, or only certain matters
- it must state how the proxy should vote on a motion for the appointment or continuation in office of a strata managing agent
- it has no effect if the person who gave the proxy attends the meeting and votes in person
- the most recent proxy is valid
- in a large scheme a proxy must be in the hands of the secretary at least 24 hours before the meeting.

A proxy has effect for the period specified in the proxy (no more than 12 months or for two consecutive AGMs, whichever is the greater). If a proxy form does not state the length of the proxy, it will only be valid for one meeting.

For more information on AGM's visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

# Updates – new laws and courses for 2012

## New legislation

New Work Health and Safety (WHS) laws commenced on 1 January 2012 in New South Wales to match the new Federal Model laws. For the first time the actual words “Strata Title Body Corporate” has been used in the legislation referring to all multi unit complexes and their management committees. Strata complexes now have clear obligations under the Act and associated Regulations to ensure a safe work environment for workers at their complexes.

One of the main issues with the legislation is that while it is clear that the common areas of a strata complex are considered to be a workplace when work is undertaken, unfortunately, the new legislation has not altered the previous misunderstanding and confusion over the application of WHS regulations as they apply to strata complexes.

Advice from a number of sources suggests that the common areas on all strata complexes should be treated as workplaces and that strata managers and owners corporations fully comply with the new legislation.

This matter is however still being debated and we will update readers on any developments.

## Free online training for all

Don't forget that Strata Community Australia (NSW) is offering free online training which is open to all executive committee members. The aim is to ensure committee members are aware of their roles and responsibilities. To date almost 1,000 lot owners from NSW have taken advantage of this and completed the training. If you are contemplating being on your Executive Committee or perhaps you already are then you should undertake this course to understand what this means for you and for your fellow lot owners.

You can do the course at your pace and in your own time. To undertake the course or find out more information go to <http://nsw.stratacommunity.org.au/page/education/free-online-executive-committee-training/>

## Consumer Awareness Seminars for 2012

Strata Community Australia (NSW) has a number of Consumer Awareness Seminars planned for 2012. The next seminars will be held Wednesday 7th March 2012 and Wednesday 9th May 2012. To find out more or to register to attend go to [www.nsw.stratacommunity.org.au](http://www.nsw.stratacommunity.org.au) or call 8904 0450.

The first seminar for the year was on asbestos and was well-attended. Lot owners who can't make it to the Consumer Awareness Seminars are also welcome to come along to the Industry Briefing Sessions. The next session is likely to be on the new Work Health and Safety laws. Details will go on the SCA (NSW) website soon.



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Strata & Community Living is a joint initiative brought to you by SCA (NSW); the peak industry body representing strata managing agents and others committed to the continual improvement in standards of strata management practice in NSW and your strata managing agent.



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