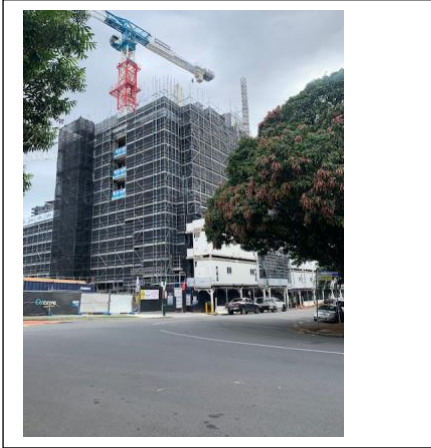


Newstead Terraces News

June 2022

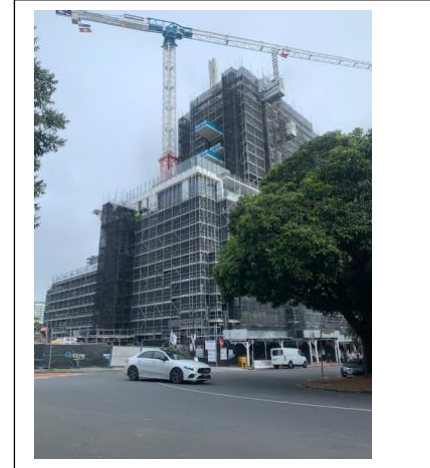


OZCARE SITE PROGRESS

May to June.

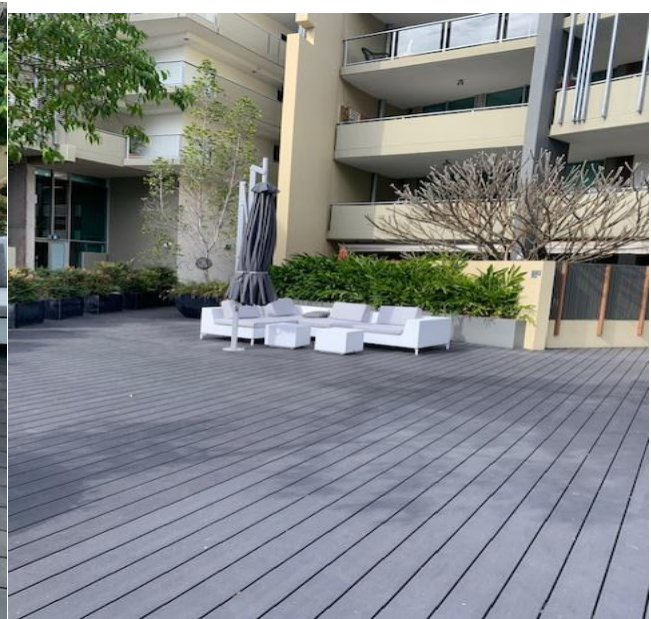
**Scaffolding coming down
On the east wing.**

Significant progress this
Month.



NEW CUSHIONS HAVE FINALLY ARRIVED!

A lighter colour that hopefully will not show the dirt. The order arrived with less backrest cushions than we have had previously. I am following up with the supplier as to the number that were ordered. The order was placed over 18 months ago, so we have had to go back to the factory to check our facts.

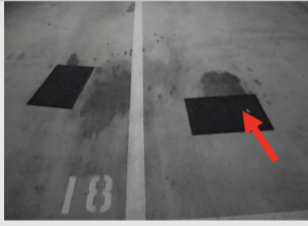


ELECTRICIAN ON ROAD TO RECOVERY AND BACK LOG OF JOBS TACKLED.

Our long term electrician Bobby Pearson is recovering from his fall from a ladder and the physio is starting to show results. He is back at work, but not up a ladder- yet. The team is now larger and we are getting through our back log of tasks. If you notice a light not working, please let me know so that either I can change the bulb or if the electrician is required, can book them in.


BUILDING WORK PLACE HEALTH AND SAFETY REPORT – FAILS!!!


The following items were noted as fails on our building safety report.
 If you recognize the issue belongs to you, may you please rectify this weekend and send me an email with photo evidence of the rectification on Monday.

17	Slip Hazard	Oil Spill		
		Description At the time of the inspection it was noted that there were oil stains in the basement car parking bays, and oil spill (leak) in mats. An oil spill represents a potential slip or fall hazard on the common property areas.		
		Risk Rating Medium-		Location(s) On the common property car parking bays 18-19 mats, 26, 51, VCP 6, & 10.
Remedial Action Recommended: Eliminate		Example(s)		
Recommend the removal of the oil spill/contaminant with a high-pressure cleaner or another solution is a product called Chemtech heavy duty workshop degreaser SKU: CWD-5L. Ready to use, water based, biodegradable, heavy duty degreaser that converts oil & grease into a water soluble solution. Great in the workshop or home for engines, lube bays, walls and concrete floors.				
		Responsible Person	Date assigned	Date Completed

Kitty litter is a great absorbent material for the oil, then degreaser from bunnings. Please use drip trays to catch further oil leaks.

A storage cage unlocked and gas bottle stored. Gas bottles are not permitted to be stored anywhere in the garage. Nor are jerry cans of fuel. Cans of WD40, beach chairs, furniture, umbrellas, or rubbish. Please only put your car or bicycle in your carpark.

16	Hazardous Substances	Gas Bottles
		Description At the time of the inspection it was noted that there was no lock on the storage cage and there was a gas bottle stored in it. Gas bottles are considered a hazardous substance and could be potentially harmful if ingested. All hazardous substances should be stored appropriately, locked away correctly and not left in the common areas unattended where it is accessible to children.
Risk Rating		Location(s)
High		At the storage cage S19.
Remedial Action Recommended: Isolate		Example(s)
Recommend the security cage is locked to ensure that access to the gas cylinders is removed. This is to ensure that they are not left unattended in the common area where they are easily accessible to small children.		
Responsible Person		Date assigned
		Date Completed

18	Obstruction	Common Area – Storage
		Description At the time of the inspection, it was noted that there were items placed in the common area.
Risk Rating		Location(s)
Low+		Car parking bays 18, 54, 72, 111, 90, and 81
Remedial Action Recommended: Eliminate		Example(s)
Recommend that these items are removed and placed in a more appropriate storage area as all common areas should be clear and free from all obstructions.		
Responsible Person		Date assigned
		Date Completed

The role of the caretaker within a body corporate can sometimes cause confusion. As the caretaker is frequently onsite managing the scheme's day-to-day issues, it can fuel the assumption that the scope of their responsibilities is wider than it is. By-law enforcement is one of the tasks residents commonly attribute to caretakers. However, contrary to popular belief, the caretaker is not the 'all-powerful' body corporate sheriff appointed to enforce the scheme's by-laws. In this article we will clarify the avenues available for enforcing by-laws, while highlighting who holds the reins when it comes to body corporate decision-making.

What is a contravention notice?

A contravention notice is an official warning given to an owner or occupier stating that the body corporate believes they are breaching a by-law. The notice must identify the relevant by-law and how the body corporate believes it is being breached. It should also alert the person that non-compliance with the notice allows the body corporate to lodge a conciliation application through the Office of the Commissioner for Body Corporate and Community Management (BCCM) or commence proceedings in the Magistrates Court.

There are two types of contravention notice:

- the continuing contravention notice ([BCCM Form 10](#))
- the future contravention notice ([BCCM Form 11](#)).

Each notice must contain the information outlined above. The only factor distinguishing the two is that the continuing contravention notice requires the body corporate to set a timeframe for the person to rectify the issue, whereas the future contravention notice requires the person not to repeat the breach.

For example, if someone has been using an area of the common property for about four months to store all the odds and ends from their garage, the body corporate would issue a continuing contravention notice. This is because the breach is ongoing and likely to continue. Alternatively, if someone has hosted a handful of disorderly parties, the body corporate would issue a future contravention notice, as they do not want the previous behaviour to be repeated.

What is the caretaker's role in issuing a contravention notice?

The caretaker has no authority to decide whether to issue a contravention notice, even if it is stipulated in their contract. A caretaker may still be obliged to perform associated tasks such as:

- reporting potential breaches to the committee;
- reminding residents of their responsibilities under the by-laws; or

- sending out the contravention notice following the body corporate's decision to issue it.

S

The extent of the caretaker's duties to the body corporate regarding by-laws depends on the terms in their engagement.

Only the body corporate can make a decision to issue a contravention notice to an owner or occupier. When we refer to the 'body corporate', this does not mean 'the caretaker' for the scheme. Specifically, the decision to give someone a contravention notice can be made by the committee – who are authorised under the relevant legislation to make decisions on behalf of the body corporate – or lot owners in a general meeting.

Reporting potential breaches of by-laws

Although caretakers do not have the authority to decide to give someone a contravention notice, they can assist the committee to enforce the by-laws. For example, they can notify the committee if they witness a contravention or are advised by another resident that a potential contravention has occurred. They can do this formally by issuing a prescribed notice ([BCCM Form 1](#)) to the committee – drawing attention to the potential breach and giving them an opportunity to issue a contravention notice. Alternatively, they can advise the committee more informally in writing, verbally or via another method agreed to by the committee.

Reminding residents of their responsibilities under the by-laws

There is often a misconception that when the committee is given a Form 1, they are required to issue a contravention notice. Importantly, the committee is not obliged to give someone a contravention notice after receiving a Form 1. The committee must exercise its own judgment and act reasonably in the circumstances when deciding whether to issue a contravention notice.

Instead of issuing a contravention notice, the committee may choose to enforce the by-laws by asking the caretaker to remind residents of their obligations to comply with the by-laws. For example, there may be new tenants who have just moved into the scheme and are not aware that they should not be parking on the common property. Sometimes a friendly reminder is enough to clear up any potential issues.

Sending out the contravention notice following the body corporate's decision to issue it

While a caretaker cannot make the decision to issue a contravention notice, they may be asked by the committee to send out the notice on behalf of the body corporate. It would depend on the wording of the terms of their engagement with the body corporate as to whether or not they can be asked to do it. More often however the body corporate manager is tasked with this duty.

By-laws are in place to regulate the behaviour of residents, as well as their use of the common property and lots. In view of their importance, it is essential that the body corporate or owners and occupiers are under no illusions about the role of caretaker in this process. The confusion simply causes the committee and residents to expend unnecessary time and energy contending with the caretaker instead of taking appropriate action to enforce the by-laws.

S

www.qld.gov.au/bodycorporate



Queensland
Government

WEEKEND GARAGE STORAGE CAGE BREAKINS.

SATURDAY NIGHT 2ND JULY, NEWSTEAD TERRACE WAS ONE OF A NUMBER OF BUILDINGS IN THE AREA THAT EXPERIENCED SOME STORAGE CAGE THEFT.

JUST A REMINDER, PLEASE DON'T STORE ANYTHING OF VALUE IN THE STORAGE CAGES. THESE GUYS SEEM TO HAVE CLIMBED THE FENCE BETWEEN THE VISITORS CARPARK AND THE RESIDENTS CARPARK TO GET ACCESS TO THE STORAGE CAGES. THEY WERE IN OUR GARAGE FOR APPROXIMATELY 30 MINS FROM 10-10.30PM AND THERE WERE AT LEAST 3 OF THEM.

A POLICE REPORT HAS BEEN LODGED AND IF YOU LOST ANYTHING OF VALUE PLEASE CONTACT ME AND I WILL PASS ON THE POLICE REPORT NUMBER TO PUT ON YOUR REPORT AND CLAIM.

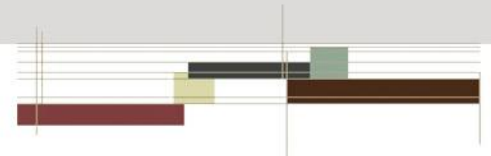
WE EXPECT FORESENCIS TO BE HERE ON TUESDAY, SO PLEASE DON'T TOUCH THE GOLF CLUB AND PADLOCKS LYING AROUND. I WILL CLEAN UP AFTER THE POLICE HAVE BEEN THROUGH.

Georgina Bishop Licenced Real Estate Agent # 3428825, JP (Qual), Member REIQ, ARAMA, B.Bus (QIT)

P (07) 3852 6928
F (07) 3852 6927
E info@newsteadterraces.com.au
W www.newsteadterraces.com.au

Unit 1/20 Newstead Terrace, Newstead Q 4006

Nessica Pty Ltd ATF The Nessica Trust
ACN: 14 960 631 236



Newstead Terraces

P (07) 3852 6928
F (07) 3852 6927
E info@newsteadterraces.com.au
W www.newsteadterraces.com.au

Unit 1/20 Newstead Terrace, Newstead Q 4006

Nessica Pty Ltd ATF The Nessica Trust
ACN: 14 960 631 236