

Newsletter

New Body Corporate Guidelines

Increasing numbers of Queenslanders are moving out of suburban housing blocks to take up residence in units, apartments and flats. The Australian Bureau of Statistics (ABS) states that, in Australian capital cities, one in five households were living in flats, units or apartments in 2003- 2004.

The ABS also says that over recent decades the number of people living in high-rise housing has increased at a faster rate than the total population. The increasing popularity of dwelling in units, apartments and flats can be attributed to the attractive lifestyle associated with this type of housing.

Proximity to restaurants, shops and places of employment is a major drawcard for people to take up residence in an apartment.

Aside from the popularity of apartment living, there are some major issues to be aware of before making the move. Living in buildings that house large numbers of people is completely different to the unrestrictive living on a suburban block. Those who dwell in apartments, flats and units have very little control over the space of their accommodation.

Most residential blocks have a body corporate committee responsible for major decisions that affect residents. Works such as changing the paint colour or type or texture of brickwork on a residential building are decisions that have to be run past the body corporate committee. Other issues that can arise between residents are noise between apartments, noise travelling upwards from people having parties down below, pets and barbecues on balconies. Choosing to live in an apartment comes with many terms and conditions, and it is advisable that contracts are read carefully and a legal representative is consulted if necessary.

Queensland Parliament recently passed the Body Corporate and Community Management and Other Legislation Amendment Bill to create legislation that requires body corporate committees to abide by a standard code of conduct.

The legislation amendment is designed to hold body corporate committees more responsible for making decisions on reasonable grounds and setting a stronger framework for them to work within.

The legislation also aims to act as a tool and guide for committees to promote the best interests of the body corporate and disclose any conflict of interest an individual committee member may have.

Our next newsletter will contain practical information for apartment buyers. In the meantime, before signing a contract for close residential living, phone Smith & Stanton for advice.



The Kookaburra Queens

The firm would like to congratulate Brisbane Cruises Pty Ltd on its purchase of Kookaburra River Queens I and II and the associated businesses. This complex commercial transaction involved the transfers of the two vessels and other business assets, liquor and food licences, Brisbane River mooring, a commercial Lease, the transfer of staff and entitlements and dealings with bankers and their representatives. The commercial team at Smith & Stanton completed the task just prior to Christmas 2007.

Kookaburra River Queens is a good fit with the other businesses operated by Brisbane Cruises Pty Ltd, which involves historical and educational trips, receptions and other social activities, whale watching and conferences. Brisbane Cruises now operate seven ships taking bookings from 1 to 400 guests. The company operates throughout Moreton Bay, Gold Coast, St. Helena Island and, of course, on the Brisbane River. If you're interested in enjoying a cruise, Jim Kelly of Brisbane Cruises Pty Ltd would love to hear from you through his booking office on 3630 2666. You can review Brisbane Cruises website on www.brisbanecruises.com.au and www.kookaburriverqueens.com

Immediate Suspension Of Licences For Motor Vehicle Drink Driving Offences

There have been changes to Queensland legislation regarding the suspension of motor vehicle licences for certain drink driving offences. From December 15, persons charged with drink driving offences relating to the following will have their licence/s immediately suspended from the time that the person is charged until such time as the charge is withdrawn, discontinued, or is brought before the court. It is no longer a 24 hour suspension for these charges.

- Operating a motor vehicle whilst being over the 'high alcohol limit'- 0.150; or
- Failing to provide either a blood or breath specimen to police for analysis when ordered to do so; or
- Breaching section 328A of the Criminal Code i.e. operating a motor vehicle dangerously, whilst over the prescribed alcohol limit - 0.05; or
- Being charged with a drink driving offence whilst an earlier drink driving charge is yet to be heard; or
- Breaching a S79E order by having an alcohol reading above the 'no alcohol limit' (0.000) imposed by this order;

High Juvenile Crime In Queensland

Queensland children under the age of 16 are more likely to be under supervision in the juvenile justice system than any other Australian state.

This figure and other alarming statistics are presented in a report by the Australian Institute of Health and Welfare. The Sunshine State also had the highest number of ten-year-olds under juvenile supervision and, overall, Queensland accounted for more than a quarter of young offenders under community supervision.

The report also found:

- about 90 percent of juveniles in Australia's justice system were released into the community under supervision, while ten percent were in detention
- the number of young people either on community supervision or in detention fell by about seven percent compared with 2000-01 when national figures were first collated
- 12,649 child offenders were serving some kind of court order in 2004-05. On any given day, an average of 5047 were under community supervision and 784 were in detention
- offenders were most likely to be young men, with males accounting for five times as many community supervision orders and 12 times as many in detention than females
- a third of offenders were indigenous, but among the youngest group (ten to 13-year-olds) two-thirds were indigenous.



Facebook Users Risk Identity Fraud

The increasing popularity of online community websites is putting users of these websites at increasing risk of identity fraud. Websites such as Facebook and MySpace enable users to list personal details, including date of birth and address details. Fraudsters can then use this information to search for more comprehensive personal details. Much of the personal information included on these social-community websites is often enough to apply for a credit card or open a bank account.

Facebook users often try to increase the size of their network with a maximum number of friends. Those users are easy prey for fraudsters who can easily gain access to their personal details. Online websites and social communities often have the option for members to adjust the privacy settings to protect information from fraudsters, but many fail to do so.

Facebook claims that some 200,000 people sign up to Facebook every day, and the site has more than 42 million members. Facebook has recently decided to publicly list its members' profiles on search engines such as Google and Yahoo, unless a user actively opts out of the scheme. Internet users need to be wary and make sure that personal details are not publicly available over the internet to avoid identity fraud troubles.



Queensland Smoking Laws Under Review

Queenslanders will have their say on whether the State's tough anti-smoking laws require further reform. Premier Anna Bligh said Queensland Health is embarking on a major review of Queensland's current laws to assess their effectiveness and explore possible new reforms.

'Queensland already has Australia's toughest anti-smoking laws and we make no apology for that,' she said.

'More than 3,400 Queenslanders die from smoking every year.'

'Many thousands more are hospitalised as a result of smoking-related disease, diabetes and stroke.'

'My Government is committed to doing whatever is necessary to minimise the public's exposure to the harmful effects of tobacco smoke.'

Ms Bligh said the review will take approximately ten weeks and involve extensive stakeholder and community consultation.

Some of the issues to be examined include whether to:

- ban smoking in private vehicles carrying children under 16 years;
- ban smoking at all public transport waiting points such as bus stops and ferry wharves;
- give local government the power to regulate smoking in pedestrian malls like the Queen Street Mall;
- modify arrangements for designated outdoor smoking areas in pubs and clubs to look at issues such as size of the areas and buffer zones;
- remove the current exemption allowing smoking in premium gaming rooms.

A Discussion Paper outlining possible smoking reforms will be provided to all relevant stakeholder groups for comment and is available on the Queensland Health website at: www.health.qld.gov.au

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30 Successful Years



On 7 November 2007, Smith & Stanton celebrated its 30th year of continuous practice. 120 guests and staff enjoyed the celebrations at Wantima Country Club. Some of the clients who attended have been active clients of the firm during the whole of the 30 year period.

During the evening, Bruce Smith spoke about the history of the firm. Highlights were -

- In June 1977, Bruce Smith & Judy Smith opened their law practice in a one room office at Windsor under the name B.W. & J.A. Smith.
- Start up capital was \$3,500.00 plus a 1968 Kingswood sedan.
- The second employee of B.W. & J.A. Smith was Catherine McKenzie who has remained with the firm for 30 years.
- In September 1977, the firm moved to Fountain Shopping Centre at Aspley and changed its name to Smith & Smith.
- Wayne Stanton joined the practice in 1983 and the firm name was changed to Smith & Stanton.
- Judy Smith retired from partnership at Smith & Stanton in 1987.
- In 1989 the firm moved into its own premises in Robinson Road, where it has remained for the last 18 years.

- Kerry Barnes joined the firm in 1997 and was admitted to partnership in 2001.
- Wayne Stanton retired from the firm at Christmas 2003 and Judy Smith rejoined the practice as a partner at that time.
- Catherine McKenzie, who had taken up articles to Bruce Smith, was admitted as a solicitor in 2007 and was appointed an associate partner.

Judy Smith then spoke about the firm's pro bono work for various charitable and other community groups, including Life Line Crisis Centre, Pine Rivers Neighbourhood Watch, Lions Youth Emergency Accommodation Centre, St. Paul's School, Equestrian Queensland, Bridgeman Downs Beefsteak & Burgundy Club and State and Federal Offices of Dragon's Abreast. Judy's speech culminated in the presentation of a cheque for \$5,000.00 to Queensland Cancer Council to be used in its awareness and education campaigns and programs. The firm has pledged to provide \$5,000.00 per annum into the future to Queensland Cancer Council.

The partners want to thank all of our clients and staff who have made our first 30 years both professionally fulfilling and rewarding.