

Macrossan & Amiet Solicitors: news update

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In this issue

Page 1 **New Swimming Pool
Laws for Queensland**

Page 2 **A Man's Best Friend**

Page 3 **Don't Become Missing
in Action**

Page 4-5 Feature
Mark Anderson

Page 6 Feature
Mark Anderson
continued from page 5

**New Swimming Pool
Laws for Queensland**
continued from page 1

Page 7 **Buying or Selling
Your Car, Caravan
or Trailer?**
**Safety Certificate
Required**
A Man's Best Friend
continued from page 2

Page 8 **First Home Owners
Grant**

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New Swimming Pool Laws for Queensland



Childhood drowning has become the leading cause of accidental death of children under the age of five in Queensland.

By Raymond Girgenti

These fatalities are largely due to a lack of adequate pool fencing and pool fence maintenance. With over 300,000 residential pools in Queensland alone, the State Government plans to introduce new laws and regulations to ensure all pools within the state are safe. These new laws will be primarily targeted at ensuring that pool fencing is kept up to appropriate standards.

In December of last year premier Anna Bligh proposed that a committee made up of key stakeholders, including child safety and local Government representatives will be given the task of assessing a number of suggestions put forward to them by the Government in order to develop improved safety laws.

These suggestions that may eventually form law will range from:

- Developing and maintaining a register of swimming pools in Queensland
- Requiring mandatory ongoing inspections of swimming pools to ensure compliance
- Widening swimming pool fencing laws to include all swimming pools in Queensland, not just outdoor swimming pools on residential land
- Inspections at the point of sale and timing of inspections on rental properties (similar to safety switch and smoke alarm inspections)
- Reducing the number of different swimming pool fencing standards (the standards currently vary according to the age of the pool)

Continued on page 6

News



As an owner and lover of dogs, I was happy to learn that the Government is trying to reduce the number of cats and dogs euthanised each year throughout the State.

By Alison Woodward

A Man's Best Friend

On 3rd December 2008, the Queensland Government passed legislation to regulate the responsible ownership of cats and dogs. The provisions of *Animal Management (Cats and Dogs) Act 2008* will commence on 1st July 2009 in South East Queensland and within the next 2 years in other local Governments.

The provisions concerning dangerous or menacing dogs however will be in force immediately throughout the whole of Queensland from the commencement of the *Act*.

The purpose of the legislation is to provide for effective identification and registration of cats and dogs and to protect the community against dangerous or menacing dogs. The onus of the obligations under the *Act* is being heavily placed on owners.

The *Act* requires owners of cats and dogs to register their pet with their local council within 14 days of starting to keep the animal. A cat or dog that is unregistered at the commencement of the *Act* must be registered within 3 months of the commencement of the *Act*. Failure to comply with registration requirements within the specified time may make owners liable to fines up to \$1,500.00.

While registration of all cats and dogs will be mandatory, microchipping will not be. Owners will only be required to microchip their cat or dog in 3 circumstances:

1. The cat or dog is less than 12 weeks old at the date of commencement of the *Act*

2. If the cat or dog is more than 12 weeks old and it is sold, then prior to change of ownership
3. If the dog is classed as either restricted, dangerous or menacing.

Breeders and pet store owners will also need to ensure that all cats and dogs supplied to another person are microchipped. Fines up to \$1,500.00 may apply.



While microchipping is optional for older cats and dogs, owners are encouraged to do so as it allows for the animal to be easily reunited with its family if separation should occur.

It is hoped that the legislation will also help to reduce the number of cats and dogs euthanised each year. Sadly, around 60% of the stray cats and dogs received by the RSPCA have to be euthanised.

Continued on page 7

News



The spread of financial hardship has led to many people finding themselves in hot water over unpaid bills. As the bills are left unpaid for significant periods of time, decisions are made to commence legal action for recovery.

By Stephen Willis

Don't Become Missing in Action

Here are a few steps and guidelines on how to keep out of hot water and deal with creditors if you find yourself behind. A few easy steps can resolve many outstanding debts and avoid being named in legal action.

The first and most simple step is to ensure that you communicate with and are frank with your creditors. No one wishes to be constantly harassed about outstanding accounts, so to ensure peaceful living you must contact your creditors and confirm that you understand that you are behind in payments and that you are actively doing something to rectify the situation. Keep your creditors informed of your contact details.



A creditor will be much more forgiving and less likely to pursue legal proceedings if you can show them that you are taking responsibility for your debts. Another benefit is that it keeps a good relationship with your creditor.

The second step is that you should make arrangements with your creditor on how to repay the amount outstanding if you are unable to repay all at once. Your creditor should be inclined to accept a reasonable repayment plan so that they do not suffer any further delays, time wastage or costs.

A successful repayment arrangement will usually take the form of a lump sum (to prove genuineness) followed by weekly payments. It is vital that you keep on top of payments under any new arrangements and continue to communicate.

During these processes it is important that you keep a record of your telephone conversations and keep any letters to or from your creditors.

It is important to note that if a creditor chooses to issue proceedings and a judgement is obtained against you, then your credit rating can be affected for a number of years.

Your next step is to seek legal advice or financial counselling to properly assess your options and to protect your rights.

Feature

Mark grew up in Maroubra which is the home of the infamous “Bra Boys”. The “Bra Boys” is an Australian surf gang founded and based in Maroubra, an eastern beachside suburb in Sydney.

By Andrew Telford



Mark Anderson

Whilst Mark has a passion for surfing, he bears little resemblance to the tattooed and much maligned members of the gang, which includes famous surfers and football players and was recently the subject of a feature length documentary narrated by Russell Crowe.

Although Mark isn't a member of the Bra Boys, he is proud of the fact that he lived in Maroubra until aged 21. Mark still has a great passion for surfing, even now aged 55, having recently returned from a surf trip to the Maldives where, he says, he “bravely” confronted 8 foot waves breaking on a reef. I was quite jealous when Mark told me where he was going, but I really did not see the fun in getting dumped on a coral reef. Mark went to school at Waverly College in Sydney which is where he developed his great love of rugby, which he played until he retired aged 30. When Mark mentioned that he was a hooker I figured that rugby must have been a very different game 25 years ago, given that Mark does in fact have a neck and does not have cauliflower ears.

Having completed his high school education Mark's first job was working in a suburban real estate agency. Then, after completing a valuers course, his next job was for the Valuer-General's Department and he remembers undertaking many “30 kilometre rate valuations”. Essentially, he drove past houses doing 30 kilometres an hour to complete the task of assessing the unimproved value of residential land. This all took place in the early 70's however, when told that he had been nominated for a transfer he

thought that he would be going “up” to head office but instead it was “down” to Deniliquin which, if you don't know, is in the middle of nowhere.

Mark moved on to his next venture which was the door to door selling of electrical circuit breakers. For a young man it was the perfect job. To be paid well and to work from 6.00pm to 9.00pm left a good deal of time for partying, drinking and sleeping. This lifestyle suited until Mark had a reality check and started working as a valuer for a company known as “Stocks and Holdings”, which is now the large and well known property development company known as “Stockland”. Whilst working for Stocks and Holdings, Mark valued subdivisions, units and was a scout for deals. After working in this job for about 18 months Mark saw the opportunity to go out in his own right. He started property developing in the late 70's/early 80's. His first property development was a 25 lot subdivision overlooking the Marconi Soccer Club. If you know Mark, then you will also know his brother Bill who came in on this subdivision with Mark. Having made mention of Bill, Mark is quick to point out that Bill is much, much, much older than himself. In fact he is 6 years older.

Mark's father, also named Bill, grew up in Redfern and left school in Grade 6. Mark recalls that he and his brother Bill would often discuss real estate and property development with their father who worked in the original L J Hooker office at Maroubra Junction. Mark recalls his father's advice that “the easiest way to become a millionaire is to buy real estate and

sit on it for long enough”. This piece of advice often echoes in Mark’s head even today.

The brothers Anderson ended up developing about 1500 blocks in the Fairfield area in Sydney and have done subdivisions either together or in their own capacities elsewhere in Sydney and the Central Coast. They also owned the Kieron Wedding Reception Centre. Enjoying much success with property development, Mark and Bill also became involved in hotels throughout the Metropolitan area of Sydney. Mark fondly remembers when he owned and worked at the Regent Hotel which was situated about 100 metres from the University of New South Wales. Mark has also developed units at Coolum and a house at Noosa Waters.

I recall about 3 1/2 years ago, when Mark was sitting in my office, mentioning that another client was looking to sell “Reefo’s Resort”, but there was not much interest. Having looked at the site before, Mark quickly asked me to arrange for contact to be made with the owner, and he shortly thereafter purchased the site. Approvals were then obtained and the site has recently been sold to the well known Ainsworth family from Sydney.

Whilst treating his wife Amanda to a holiday at the Hyatt Coolum, Mark read an advertisement in the Financial Review about some land situated to the north of Dingo Beach. A call was made to a Whitsunday based real estate agent. After a brief discussion Mark concluded that there were too many “maybes” attaching to this property. Just before Mark finished his call to the agent he asked the agent what property in the area the agent would buy if he had the money. The agent referred to a 15 acre block of ground on the outskirts of Cannonvale. After hanging up from the agent Amanda rejoined Mark after a relaxing massage to be told that they were going to “leave” their holiday, jump on a plane and go to the Whitsundays to inspect the 15 acre site. This was Easter 2000 and the site is immediately adjacent to the newly installed lights at Cannonvale across Shute Harbour Road from the Centro Shopping Centre. Many people will know it as “The Grove” which comprises a number of stages and a total of 176 units, a large lagoon pool and many other facilities which will be installed progressively as stages are completed. At the moment, Stage 3 is ready for construction and 11 of 14 units have been sold. Mark is



Mark and Amanda Anderson

developing The Grove with his brother Bill and their mate Geoff Hill. When I asked Mark about the price he paid for the land he mentioned that for the same price today you could buy a pretty basic house and land package. Mark also recalls most of the local agents thought that he was mad and that the site was too far out of town. The site is now pretty much in the centre of town and is a good indicator of just how quickly and how much the Whitsunday region has developed in the time that Mark purchased the site just 9 years ago.

Mark is looking forward to Stage 4 of The Grove development because that is when the swimming pool, gym and other facilities will be installed. Once these facilities have been completed Mark believes that existing owners will experience good capital growth and it will greatly assist with the sale of units in the subsequent stages.

I would class Mark as a “semi-local”. He stays in Airlie Beach about 4 nights of every month and he obviously loves it here. However, Mark’s wife, Amanda, has chosen not to travel with Mark on his little trips to the Whitsundays.



The Grove Development at Cannonvale

Continued on page 6

Feature



Inside a Grove unit

I would suggest that there might be a case of split personality comprising “Airlie Beach Mark” and the other being “at home with wife and family Mark”. Perhaps that might be the secret to Mark’s successful marriage to Amanda which has lasted 18 years. If you do not count Mark himself, then there are 3 children in the Anderson household - Ryan aged 29, Dane aged 15 and Saskia aged 11. The family has recently

Mark Anderson

Continued from page 5

undertaken a “tree change” moving from the hustle and bustle of Sydney to a 70 acre rural retreat in the hinterland of Noosa at Lake Macdonald. Amanda is an interior designer who has a great love of horses and she has started a natural horsemanship business. Whilst I have never met Amanda, it certainly seems that from his description of her, Mark has married well above what a man of his looks could reasonably expect. He makes mention of the fact that Amanda is more than just a pretty face and that she has had a successful career as an interior designer and her work is featured in the House and Garden magazine and also a recent Jamie Durie publication. As Mark ages (Bill says badly!) he looks forward

to retirement and a wheelchair, although many of the misadventures of his youth are now being vicariously re-lived through his son Ryan.

An insight into Mark’s character can be gleaned from the twinkle in his eye when he speaks about his 1963 Falcon timber panelled Squire Stationwagon, which was the original car used in the cult surf movie “Endless Summer”. Perhaps it is in that laid back casual style of the surfing sub-culture that makes the Anderson boys comprising Mark, Bill and Ryan such easy going fun people to be around. If only all of my clients went surfing and, for the sake of clarity, I am not inferring that Bill can or does surf!

New Swimming Pool Laws for Queensland

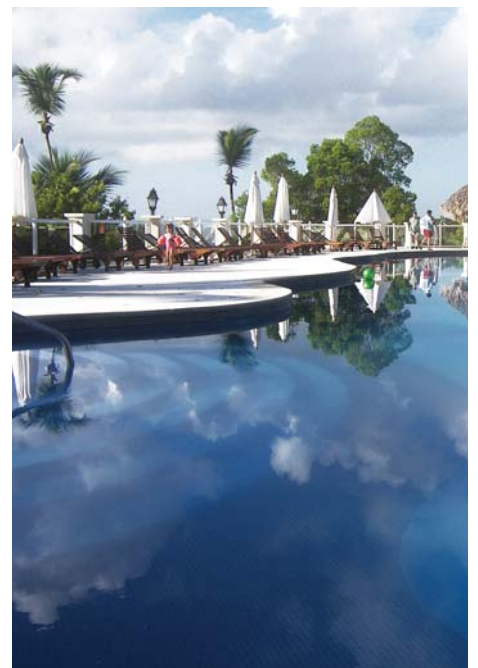
Continued from page 1

- Adopting the latest Australian Standards for pool fencing, except for the provision that allows a child-resistant door to form part of the pool enclosure. These doors are prohibited in Queensland in pools built after 1 February 1991
- Restricting the ability of local councils to set different pool fencing standards to those required under state legislation
- Requiring building certifiers to inspect new pools within a set period after giving building approval, unless they have already done a final inspection

(currently, a final inspection is only carried out on the pool owner’s request)

President of the Local Government Association of Queensland, Paul Bell, has warned that the inspections attributed to these new laws will not come cheap, and could cost pool owners between \$200 and \$300. However these estimates are still uncertain until a Bill has been presented to Government.

It has not been announced when exactly these laws are to come into force, however it is expected to be sometime during 2009.



News



A current and valid safety certificate is now required when selling your registered vehicle in most parts of Queensland.

By Heather Smith

Buying or Selling Your Car, Caravan or Trailer?

Safety Certificate Required

Caravans, trailers and any other vehicle under 4.5 tons Gross Vehicle Mass (GVM) require that a certificate be displayed in an obvious place such as a windscreen or window on a motor vehicle or the guard of a motorbike.

A safety certificate can be obtained from a Queensland Transport approved garage or workshop. The certificate must be current and comply with Queensland Transport guidelines. If you are selling a vehicle privately the certificate is valid in the two months or 2000 kilometres before sale, whichever comes first.

Some rural areas are exempt from safety certificate requirements, but in Mackay and most surrounding areas, a safety certificate must be clearly displayed. It is wise to contact Queensland Transport if you believe you may live in an exempt rural area.



Failure to display a safety certificate can result in a \$500.00 on the spot fine.

A safety certificate ensures that the vehicle is safe for road use and is an initiative of Queensland Transport to protect purchasers. Providing a safety certificate when selling a vehicle will also protect you from unwanted fines.

A Man's Best Friend

Several local Governments have developed ideas for reducing the amount of unwanted cats and dogs. The Gold Coast City Council will implement a permit system for breeders while Logan City Council plans to construct an animal desexing clinic. Desexing will also be promoted by Vets in Moreton Bay. The CatScan program

previously operated in Townsville will restart. The program provides for mandatory microchipping of cats over 5 months old.

While the legislation and local Government initiatives aim to reduce the amount of stray animals, the community needs to do its bit too. The main thing to

Continued from page 2

remember when purchasing a pet is that it is a long term commitment and is not something you should do if you are not prepared or not capable of giving your pet the care and attention it requires. Owners and perspective owners should contact their local Government for further assistance.



Last word



First Home Owners Grant

I read in the news recently that the Housing Industry Association has announced that new home sales surged 9% in January. Clearly this is due to the increased First Home Owners Grant (“FHOG”). And what a difference \$21,000.00 can make to a purchase price.

By Kylie Davies

I have certainly noticed that I have had more enquiries regarding eligibility for the FHOG not only from first home buyers but also from real estate agents and mortgage brokers. However, on a number of occasions the person calling me with an enquiry tells me that they’ve been asking around and have had many

different responses from people regarding their eligibility for the FHOG.

Generally my response is that as almost everyone’s circumstances are different, and there is more than one type of grant, there is no single answer regarding whether you may be eligible or not. It is only by speaking to someone experienced in this area (usually a solicitor) that you can get a definite answer. So by all means, if you or a family member or friend for that matter, are thinking about taking advantage of the Government’s generosity, please give our office a call and we will assist you in determining your eligibility for the FHOG.

Until next month,
Kylie Davies.

Contact us

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