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YSP Podcast Transcript: Episode 117. How QLD schemes are using by-laws to regulate email etiquette

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Intro: Welcome to Your Strata Property. The podcast for property owners looking for reliable, accurate, and bite-sized information from an experienced and authoritative source. To access previous episodes and useful strata tips, go to www.yourstrataproperty.com.au.

Amanda Farmer: Hello, and welcome. I'm Amanda Farmer and this is Your Strata Property. Grant Mifsud has been in the strata management industry since 2002, joining Archers in 2007, where he now holds the position of partner. He is responsible for Archers Marketing, Public Relations, and Compliance divisions state-wide in Queensland, delivering ongoing strategies for the continued promotion of Archers' core strata services. Grant continues to remain current with day-to-day management of select schemes in Brisbane and the Sunshine Coast, and is the group's mixed-use and layered scheme specialist. Today, I'm delighted to welcome Grant Mifsud of Archers. Welcome Grant!

Grant Mifsud: Thank you, Amanda. Great to be here.

Amanda Farmer: Pleasure to have you, Grant. Now, we've been touching base a little bit about some exciting stuff Archers has been doing in Queensland when it comes to your community education seminars, and you've had some very well attended seminars in Brisbane and in the Sunshine Coast about how to deal with difficult behaviour in strata communities. And I know when you talk about difficult behaviour, you're talking about things like bullying, abuse, harassments, discrimination, all those awful things. And I thought I'd bring you on the show to have a chat about what's come up in those seminars, and what kind of education you've been delivering to owners when it comes to dealing with that awful behaviour in our communities.

Grant Mifsud: Yes, the seminars have been very successful with lots of people coming along. I suppose that's a good and a bad thing. They're there to be educated, but unfortunately, they're wanting to be educated on how to deal with this ... well, BAHND is what we're calling it. Bullying, abuse, harassment, nuisance, and discrimination. And we're actually getting the Office of the Commissioner speaking as the keynote, followed by a panel discussion which delves into the perspectives of strata managers. We've got a Queensland-based lawyer that also speaks. But it's essentially trying to help people deal with these day-to-day issues that they're facing.

Amanda Farmer: Yes, important skills, and unfortunate that we do have to learn those skills, but it is effective life in some of our buildings and it's definitely something that we deal with here in Sydney. I've spoken about it on the podcast before, way, way back in [Episode 003](#). I offered some tips for dealing with criminals in strata properties, based on some cases that I had been involved with, and we recapped that together with Reena Van Aalst in [Episode 077](#). So good timing to look back at that issue. I'm going to ask you first, Grant, to share with us why you think it's so critical for those who are living in, and even those who are managing body corporates in strata communities to learn how to effectively deal with this difficult behaviour.

Grant Mifsud: Yes, well in life you come across difficult people. Some people you have day-to-day contact with; others you don't. But in strata they're also your neighbours if you're living in that particular scheme. And email communication has become so easy now, people do seem to write in a not so friendly way and not really consider the person that's on the receiving end and whether or not they're being respected. So it can get out of hand quite easily. The way you respond can actually make it escalate. You need to also draw the line and say enough is enough from the very beginning, as soon as you identify that type of inappropriate behaviour. But also, what we do see is if you don't deal with it straight away, people start to become accepting of, "*That's just a crazy neighbour,*" or whoever it may be, and then they just start accepting it, and that person doesn't actually know any different. It's a bit like the uncle that might say the inappropriate things at Christmastime and he doesn't know any different, he might think he's funny.

Amanda Farmer: Exactly. I think that's about standard setting, isn't it? And it's something that not only do I share that with clients, that it's about setting a standard for the way that you want people to communicate with you and the way you communicate with others, but I do that in my office as well and in my personal life. Explaining to people through my own actions and through the way I



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I communicate with them what's acceptable and what's not. And as you say, that's so important to have that good strong foundation because things can really get out of hand if you don't set that in place right from the beginning.

Grant Mifsud: Absolutely.

Amanda Farmer: So what does good management of bad behaviour look like?

Grant Mifsud: Glad you asked. I recently did a media release that was published in Smart Property Investor. And covering off in Queensland ... I'm not sure in New South Wales if you commonly refer to the four Ps?

Amanda Farmer: Yes. Pets, parties, parking ... What's the fourth one?

Grant Mifsud: Passive smoking.

Amanda Farmer: Hadn't come across that one.

Grant Mifsud: Well, it seems to be the thing that everybody talks about on a recurring basis. You could perhaps go back 10 years and look at the archives of what articles are being written and you'll see the same things. But this other P that we've identified, it's always been there. I think sometimes we're a little bit afraid to say it. But we also have pests in strata. And those people, in a pesty way, can be inappropriate. So when I put together that article, I was asked how to deal with those sort of inappropriate people who are the fifth P that we've now identified and we're naming. And those tips ... I'll just go through, the first thing was staying impartial and calm. Because usually they're quite emotional about whatever it may be, so if you're getting emotional straight back with them, it can escalate very quickly. And there's two sides of that, depending on whether you're a committee member owner or whatever involvement. But then there's also, from the strata member's perspective, you have to remain calm and professional at all times of course. And remembering that they're not usually upset with you, they're upset with the situation.

Amanda Farmer: Yes. It's not personal.

Grant Mifsud: That's right. Show that you're interested in what they're saying. Sometimes they just want to speak, so you need to listen. If you don't let them speak, they're going to find other avenues that might be back to the email abuse. And usually, well hopefully, they run out of steam after a while. But also, take some notes about what they're saying, because what I find is they may jump around from topic to topic and you really need to go back to the beginning after they've had their big long speech about whatever it may be and address each of those points. A bit of empathy. You need to let them know, "*I understand the frustration.*" But then with the empathy, you can also help them solve that problem by breaking it down, working out what the problem is.

From a strata manager's perspective, explaining and educating them about what it is we do and also what it is we don't do, and that's a time for a committee member. They're not there as a punching bag in particular, so that's setting that boundary as well, saying, "*I can help you, but we need to talk about this calmly or communicate calmly, otherwise we're going to get nowhere.*" And that's the main point, I suppose, setting the boundary and making sure they realise that you're just there to help them with their problem.

Amanda Farmer: Absolutely, and just delving into a couple of your really great points there, Grant. Communicating to someone that you are interested and you are listening, often we forget that. We're already thinking, especially in these heated situations, whether it's you as a strata manager, I've certainly been in them as a lawyer, or you're a committee member or an owner, you can feel your blood pressure rising, if you're Irish like me your cheeks are going red, and all you can think about is the next thing you're going to say to sort this person out, to put them in their place, and you're not actually listening. And you're not communicating to that person that you've heard them. And something that I've learned to do and teach my clients to do as well is to say those words, to say, "I hear you. I hear you." You might not agree with what you're hearing, and you might not be on the same page, but to say,

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"I hear you," or "I've heard you," that can be a really nice phrase that you can have in your toolkit. And the point about empathy.

Amanda Farmer: And you said there, Grant, explaining to someone that you understand, that goes hand in hand with "I hear you." In some situations, maybe you don't understand. And I've found that it's okay to actually say that, to say, "I can't possibly imagine what you're going through." And particularly as a manager, you're not living in that building, you don't have to look at this person who might be living across from you, day to day, causing this bad behaviour. To say, "I can't possibly imagine what it must be like to deal with someone that difficult. I'm incredibly sympathetic to you. I can't possibly imagine how hard that is." And that's very powerful, for somebody to feel that you've heard them, you might not understand but you certainly do empathise with them in a way that you're thinking about their situation and you're going to do your best within the boundaries, of course, as you properly say, to help them out. So, really great tips there.

Amanda Farmer: So Grant, in your travels with Archers delivering these seminars, have you come across some buildings or maybe some communities that you work with yourself, who are doing this really well? Committee members or strata managers who just have this nailed... They've been through maybe a difficult time with an owner or a group of owners and they've been able to come out the other side?

Grant Mifsud: Yes, well, unfortunately, anything in body corporate you can regulate that situation. And it's going through the channels that we have. In Queensland, it's the Body Corporate and Community Management Act, which can regulate correspondence particularly in instances where you've got abusive, aggressive, threatening correspondence, you can draw the line, you can create by-laws, and there's a case that has been raised at every seminar so far as an example of a particular scheme that had a person that wasn't communicating appropriately. That case is Tank Tower, so if anyone wants to have a look at the details of that, it's on Austlii to look up the actual adjudication decision on that. But the outcome was that this particular person that was writing copious amounts of emails to all and sundry, daily, nightly, whenever they got in front of the computer. And body corporate related or not, they're still going to write it, and it just got way out of hand. And unfortunately, the only repercussion there is increasing the administrative requirements of the body corporate, extra fees for the services to do that. The body corporate made a decision to seek an order which restricted that correspondence. The outcome was, they can only write once per week and no more than 1000 words per letter and that letter be posted to the address for service of notices for the body corporate, not just email.

Amanda Farmer: Wow. My head is just reeling with all of that and we have some excited listeners, Grant, so we really need to flesh this out. How did they get that order? Did they have a by-law that they were relying on? What is it that's in your Act there in Queensland that was allowing them to seek that kind of intervention? And I'll just say, I will make sure that there is a link to this case in the show notes for this episode, so you can click on through and have a read of it yourself. But yes, how did they manage that? Gee, we'd love to do that here in New South Wales.

Grant Mifsud: Yes, so you hit the nail on the head with the Bible, because that's what's enforceable. So this body corporate has the by-law which was then enforced through the adjudication process. And also, that enforcement order was ... There had to be some evidence. There couldn't just be a frivolous claim. It had to demonstrate that this person was acting the way they were and what effect it was having on that body corporate and the reasons why they want to enforce it. So it is quite detailed, but essentially if it's something like writing inappropriate letters very frequently, causing loads of administration and angst for the body corporate and everybody he's sending it to, we want that solved.

Amanda Farmer: And the Tribunal obviously found that that was a reasonable by-law because I do know that you have that concept of reasonableness in your legislation in Queensland, which we now have here as well in New South Wales. So an important precedent perhaps, not only for Queensland but for other jurisdictions with similar legislation and similar by-law-making powers. So, definitely worth looking at that one. I'm gonna have a closer look myself, because no doubt I will be inundated with listeners who want to develop these kinds of by-laws. How exciting.

Grant Mifsud: Yes, great.



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Amanda Farmer: Now Grant, what particular problems do you find that people are facing, whether they're managers, they're residents, they're committee members, what are the problems that they're facing when they're trying to deal with this difficult behaviour, and what's your advice for overcoming those problems?

Grant Mifsud: Yes, so it's an unfortunate situation where you've got this vocal minority. There's a lot of people out there that are just fantastic to deal with. And they just tick along and it's great. It's this vocal minority that makes all the noise and creates all the angst for everybody, and unfortunately what we're finding is there's a range of reasons why they have these problems. A lot of it is to do with lack of education, and I don't mean that they're dumb. What I mean is that they don't understand the processes that they need to go through, and despite our best efforts to educate these people. And we as a company put these education seminars on, we have training courses, we have a lot of information. And not only us, but through the commissioner's office and through the Internet, you can work these things out. But unfortunately, they don't want to put the time and effort into educating themselves. They just want to shoot off the emails.

So, some of the problems with those people as well is we're finding some of them actually have mental health issues. So it wouldn't matter that it's a body corporate situation. They're going to act that way anyway. And the other ... I suppose it's a bit more serious where they're reporting to the wrong people about a problem that might be a police matter or some sort of criminal matter. And not understanding that body corporate isn't the place. Body corporate's not there to break up physical violence or disturbances, those sorts of things. And they're not going through the right channel.

So what we also need to make sure is, when we're dealing with those people, is not only telling them what they're supposed to do if they're the victim or the person that's instigating it, what they're supposed to do to stop it. But also, when we do hear serious threats, as owners, strata complex, or a body corporate manager, we need to tell the police or the relevant authority about what's going on. Not just stand by and say, *"It's not my problem."*

Amanda Farmer: Yes, absolutely. That was something that I was going to add, because I see that happen where I have strata managers calling me and explaining to me, *"Amanda, I've just had an owner call and the mirrors have been smashed in the lift and there's damage to common property,"* and I say, *"Why are you calling me? You need to call the police!"* That's very serious. It needs to be dealt with quickly; there could be not only risk of property damage but physical injury. We cannot overreact enough, I think, in those kinds of situations. And sometimes as strata managers and even as lawyers, we become a little bit immune, if you like, to those kinds of situations. And we just think, *"Oh, you know, the pest, as you say. The serial pest."* The police need to be notified and that is a way not only of making sure you're acting in the best interests of the owners corporation if you're a committee member and doing your duty as an advisor if you're a strata manager, but also dealing with this behaviour more effectively so that that person realises, *"Hey, this is not on. This doesn't reach not only the standard of our community, but it's against the law."* And there are consequences for that kind of very serious behaviour.

Amanda Farmer: So something that I do reiterate a lot ... Always be attuned to those situations, strata managers, where you simply need to call the police.

Grant Mifsud: Absolutely.

Amanda Farmer: All right. Now, Grant, what's your advice, your quick win I guess, for our listeners who maybe are dealing with some of this bad behaviour, whether it's abusive emails, they're inundated with strata managers, or residents with attitude. How do they go about dealing with that problem? What's the first step that you would suggest they take today?

Grant Mifsud: One good tip I've discovered through our education seminar process ... I won't take credit for this, it's the Office of the Commissioner ... What they've come out with as one of their tips is a separate email account dealing with the body corporate matters. So this is for owners and committee members. When you're getting direct contact from this person with inappropriate correspondence, you want to separate that from your daily life. Particularly if it's your work email address that you normally use



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and you've got that thing popping up all day long, you just don't really need that distraction. So separate the matter, separate that part of your life with a separate email address. It's not hard to create "chairperson@" whatever body corporate it may be.

Amanda Farmer: Yes, great practical tip, I like that one.

Grant Mifsud: Yes, so that's tip number one. Another one ... I'll give credit to one of the supporting lawyers we've had on the panel, Frank Higginson of Hynes. His tip that he has when you're getting that email that is abusive and you want to tell them what for straightaway back, don't respond straight away. Best thing is a 24-hour rule. That's going to have two effects. You can draft that email, put it in your drafts, don't send it though. You have a look in a day's time, I guarantee that that response will change.

Amanda Farmer: Yes, the 24-hour rule is an excellent one and you've just said it, Grant. What I often do is to draft it and save it and if you really need to send it, send it to a friend. Send it to your husband. Send it to your colleague in the office. Of course, removing any identifying features, of course, if you're sending it outside of the office. But do not send it to the person to whom it is destined, because I agree with you. We don't think it will, but our attitude changes significantly when we're past the heat of the moment.

Grant Mifsud: Yes, and the second part to that delayed response is a lot of people treat them like instant messenger. So if you need to have a conversation with someone, pick up the phone. And that back and forth, you can end up in this back and forth argument where you have to keep responding. So you slow the whole thing down, gives you time to think about it as well. So yes, I thought that's a great one, which a lot of us sometimes you just want to get it out of the way. And you can with the not so difficult ones. But the difficult ones, I think you need to separate a little, put to the side.

But when you are responding, I think it's also just making it clear what it is that you do and your part in their problem, and what it is you don't do. This gets back to the police matters or if it's life-threatening, of course you tell them to call the police. But yes, just setting that boundary in your response so that they don't keep coming to you for something that's got absolutely nothing to do with you.

Amanda Farmer: Yes, very good advice. Thank you for those practical tips. I really do love that tip about setting up a unique email address for your body corporate duties, if you're a committee member. I have seen that before, but I don't think I really appreciated why some committee members were doing that. I've seen secretary, for example, if your building was called Greengate, secretarygreengate@gmail.com. And now that you've pointed that out, Grant, I can see the benefit in setting up those emails that way, if only just to separate out those sometimes difficult responsibilities that committee members have. So, really love that tip.

Grant Mifsud: Great.

Amanda Farmer: Now Grant, everyone who comes on the podcast gets the book question. What books have had the greatest impact on you and why?

Grant Mifsud: Well, the most recent book that I've read, and it's had a significant impact, I'll have to change the title a little to make it appropriate. But the author is Mark Manson.

Amanda Farmer: Ah, I know this one.

Grant Mifsud: The last word I'll change, and we'll call it, "The Subtle Art of Not Giving A Care." And all these sorts of literature, you take out of it what you want. It's not about not caring about anything. For me it was accepting that there's some things that you really should care about, and some things you really shouldn't. And we've got limited cares in this lifetime, so I want to make sure that if I'm going to put all of my cares into it, it's going to be worthwhile. And save those, don't waste them, and make sure I save them, not only in my work life but also in my personal life, making sure they're in the important things.

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Amanda Farmer: Yes. It's a very good, very funny book and I'll make sure there's a link to it in the show notes. I have read it myself and I think it might have been a recommendation on the podcast before, and I've also just in the last couple of weeks come across two other people who have spoken to me about the book. So I think that means I'm keeping some pretty good company. My favourite line from the book, and it might be yours too, Grant, because you've hinted at it: "I've only got so many cares to give, and I'm all out of cares." Let's put it that way.

Grant Mifsud: Yes, there was an article written on it recently which my brother sent me because I put him onto it and there was a quote in that. It was something about how we develop over the decades the subtle art of caring, but it's essentially saying that it takes a long time to work out what to care about and what not to care about.

Amanda Farmer: Exactly. But once you've got that worked out, it's kind of smooth sailing. It's amazing what you can focus on, what you can achieve when you've got your priorities right.

All right. Grant, how do our listeners find out more about you and is there anything you'd like to add before we say goodbye?

Grant Mifsud: To find out more about me and the company that I'm a partner within, which is Archers - The Strata Professionals, www.abcm.com.au, you'll find out all about the company. And we're also the creators of Smart Strata, so there's a website for that and a link from Archers, www.smartstrata.com. That actually has a weekly newsletter subscription and we have a lot of contributors and I welcome you to contribute to that at some time, Amanda, with your wisdom.

Amanda Farmer: Sounds good.

Grant Mifsud: Yes, so we've got almost 30,000 subscribers, so it seems to be working.

Amanda Farmer: Amazing, that's excellent.

Grant Mifsud: Yes, the open and read rates are growing every week so it's quite successful and we're glad to provide that education out to the strata community. So it's great. And through that Smart Strata brand, we also put on our seminars. We run these every 6 months, or twice a year.

Amanda Farmer: Excellent. So if people are subscribed to your Smart Communities weekly newsletter, they'll get the upcoming dates for future seminars?

Grant Mifsud: Yes. There's a section on events in the Smart Strata newsletter, so subscribe to that and you'll see those on a weekly basis what's coming up.

Amanda Farmer: All right. Well thank you so much, Grant, for taking the time out today to provide those really practical tips. I'm very interested to have a look at that case that you've had there in Queensland about how a by-law can effectively control poor behaviour, if you like, impolite correspondence, and see how that might apply in some other jurisdictions. So thank you for sharing that and your other tips about emails and remembering to empathise and connect. Connect on a personal level with those you're living with, working with, and working for. Thanks so much for your time!

Grant Mifsud: Happy to contribute and thanks again for having me on.

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