

Publication Date: 9 January 2025
YSP Podcast Transcript: 435. The Top 5 of 2024

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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.

Amanda Farmer: Hello and welcome to 2025. This is our first podcast episode for the year. Happy New Year everybody. I'm your host, strata lawyer, Amanda Farmer. Welcome to our show for anyone who is new to the Your Strata Property Podcast. Welcome back to our long time loyal listeners.

Today we're doing something that I've done almost every January since the beginning of the podcast, that is almost 9 years ago. Now I'm covering the top 5 property podcast episodes of the previous year. That is of all the episodes that we published in 2024 and we published a new episode almost every week last year. These are the 5 most listened to, most downloaded episodes. These top five lists are a great place to start if you're new to the podcast and you just want to skip to the hottest episodes, often those that are the most topical, perhaps the most controversial. The episodes that are answering the most popular strata questions.

Last year, 2024, we cracked a quarter of a million downloads of the podcast since its inception. That is over 250,000 downloads. A huge achievement for a little podcast covering a very niche topic area, strata Law in Australia. That number tells me just how committed you are to learning more, to improving your experience of strata living. And that's what I'm here to help you do.

Now, the direct links to go and have a listen to each of these 5 episodes I'm going to summarise today are in the show notes for today's episode. If you're not sure where these magical show notes are, they are on our website, yourstrataproperty.com.au/podcasts. That's the page where you will have access to every one of our podcast episodes. Right back to episode number one. And when you click through to listen to each episode, you will see the show notes there.

Also in the show notes for today, we're linking to top 5 summaries from previous years so you can go and take a dive into the most popular episodes of the podcast ever. The show notes are also the place to access the transcript free transcript for each podcast episode. We know some of you do like to read rather than listen or read along or share the transcript with others, your strata manager, committee members, your clients. That opportunity is there for you for each episode.

So onto our top 5 of 2024, I'm going to cover these in reverse order. So this is the fifth most popular podcast episode published in 2024. It was Episode number 403 one of my chats with strata manager Reena Van Aalst titled "Strata Management's Future, Reena weighs in." Now, this episode was published shortly after the ABC released its first report in 2024 about strata management practises.

And this Episode 403 was the first time that we were hearing Reena's opinion on that subject. I'm not surprised after the year that we had in strata last year that this chat has made it to the top five. In it, Reena is having a look at the future of strata management. We talked of course, about the ethics of insurance commissions and third party benefits. Reena was advocating for transparency, suggesting alternative fee models to address concerns in the media, concerns being expressed by owners about commissions, undisclosed payments being made to strata managers. We talked about the need for legislative reform to ensure that there's more of a level playing field for strata managers and to improve trust in strata management services.

And we identified how strata owners have changing expectations, increasing expectations, a greater understanding of how strata works and a greater need to understand what it is that strata managers do, leading to a need for more ethical, more professional practices in strata management.

So interesting that when we were having this chat we were talking a little about what reform there might be to our laws in New South Wales in response to the types of practices that the media had uncovered. Later in 2024, we certainly saw some reform. New laws, some of which took effect last year and some which are taking effect next month, February 2025, increasing the disclosure obligations of New South Wales strata managers, increasing the fines and penalties that may be imposed where those obligations are breached.

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That was just some of the reform that we saw in New South Wales last year. It was a big year for strata in our parliament. So that's Episode 403 made it into our top five.

Next on the list, fourth most popular most downloaded podcast episode of 2024, episode number 409. What was this one about? This was my summary of the Barnes case "Ending the abuse of democracy" we titled the episode.

This was a New South Wales Tribunal case in which clients of mine were successful in obtaining an order invalidating a \$1.7 million special levy. The Tribunal in that case found that the levy served an ulterior motive and unfairly benefited certain lot owners in this community, a community on the Murray River. Also in that case, a by-law that imposed disproportionate financial burdens said the Tribunal was struck down as being oppressive.

It was an important case and clearly you thought so as well for owners suffering in communities where they feel they're in the minority. The majority, that is those who hold the voting power at general meetings, may be seen to be acting in their own interests. This is a case that recognised that those minority owners do have rights, they do have avenues to challenge decisions that are not being made in the interests of the entire community.

We didn't just talk about this one on the podcast, we did have a fairly lively discussion over on the Your Strata Property Facebook page when this decision came down. Link to that one in the show notes. You can go over and have a listen or watch the video of the discussion on Facebook and also read the live comments that were made during that discussion. The interesting thing about this podcast episode, and maybe this also has something to do with its popularity, this was the first time that the podcast had a non human host.

You might remember Adam Adam AI. This Episode 409 was delivered by Adam AI. Not my voice but my words in this podcast episode. Having a bit of fun there with Episode 409. Worth listening to for that AI experience, if not to get across the important legal principles that were confirmed in that New South Wales Tribunal case. Also touching on conflicts of interest, committee member conflicts of interest, committee members, abuse of their positions and findings of fraud on a minority. Full episode accessible via the show notes. That's also where you can click through to get a full copy of that reported decision. Barnes and the owners of Strata Plan 6193.

Third on the list of our most popular episodes of 2024 episode number 412 "Would you choose strata over a terrace house?" We asked that question after I interviewed Kareem Tawansi. Kareem is a strata owner, a committee member, a member of the Your Strata Property online community, and I asked Kareem to join me to share his journey navigating a \$2.7 million improvement project in one of his buildings. We've talked about how he helped his community balance individual needs against the interests of the entire community. We talked about the importance of empathy, transparency, informed decision making in strata governance.

And Kareem really walked us through step by step, how he was able to overcome opposition to secure approval for necessary upgrades and improvements at his building, covering the importance of leadership, compromise, how to resolve conflicting interests. And we both agreed that strata living does have many advantages over traditional housing, even terrace housing, when it is managed thoughtfully. A nice one to listen to if you're after a dose of positivity to enter into the New Year, and especially if you're in a community or you're managing a community that is stepping into or needs to step into a large works project, whether that's a repair or maintenance project or an improvement or upgrade project.

Many of Kareem's comments and certainly his experience will be helpful guides there for you.

Onto our second most popular episode of 2024 a solo episode from me number 410 "Termites, security cameras and Tribunal Costs. Your questions answered." I know you guys love these episodes where I focus on a specific question or set of questions and answer them for you, strata law questions. These questions I drew from a collection sent in to me over time by listeners posted on the website popped into my inbox.

Three very practical strata issues: who is responsible for termites in strata? Are security cameras legal? And what's the deal with legal costs in the Tribunal? If any of those issues questions have been on your mind, then episode 410 is the one to listen to.

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Seems like they are popular questions. I'm not going to give you the answers to each one of those here today. Go over and have a listen to episode number 410.

If you've been in our strata circle for a while now, you may know that every couple of Fridays I host a session over on the Your Strata Property Facebook page called Ask Amanda Now. That's a session where I choose one question asked by a follower on the page or a subscriber to our emails. One question to answer live on video over on the Facebook page. When I put that call out every couple of weeks for questions, you can bet that we get flooded with them.

If you do want the opportunity to have your question answered live on an Ask Amanda Now session, then the best thing you can do is make sure you are following our Facebook page. Just search Your Strata Property over on Facebook. You'll see your access to the page there. You can choose to like or follow the page and Facebook will notify you when I am going live with an Ask Amanda Now session and when I've posted a request for you to send in your questions.

Those who are on our email list also receive that call out, usually on a Friday before we go live on Facebook, inviting you to email back your question. If you don't get your question answered on an Ask Amanda Now session or it's not covered here on the podcast in enough detail for you on the podcast, then the place where so many owners and Strata managers go to get more access to me, more strata knowledge, get one on one support for their strata situation.

That place is the Your Strata Property online membership community. 2025 is going to be yet another big year in strata. I do encourage you to tap into the support that's available to you, including what it is that we provide inside the membership. All the details if you want to find out more are over at stratamembership.com you can join us for as little as \$79. That's the place where my focus is for most of the year, supporting our members, Strata managers, committee members, strata owners to have their best experience of strata ownership and strata living.

With that, I'm going to let you know the number one most popular, most downloaded podcast episode of 2024. It was episode number 411: "Will you wait to be forced? Dr. Nicole Johnston on repairing our buildings." Dr. Nicole Johnston, no stranger to the podcast, I invited her on the show to discuss the critical issue of maintaining our ageing strata buildings. She presented some of her early research highlighting what's turning out to be rather widespread neglect of our strata buildings and a tendency for communities to react only when the issues arise rather than address preventative maintenance.

Her research was highlighting common problems including patchwork repairs, the reluctance to invest in quality solutions and governance structures that just don't prioritise building care. Now importantly, Dr. Johnston was referring to international practices like mandatory building inspections, which apparently take place in the U.S, in Hong Kong, in Singapore. In the us this has been driven by tragedies like the Florida condo collapse, and Dr. Johnston was stressing the importance of a similar type of proactive action in Australia to avoid similar disasters and at the least ensure that legal obligations to properly repair and maintain common property are being met.

And the title of this episode, "Will you wait to be forced?" has become a little bit prophetic. When I was talking to Dr. Johnston, I pointed out that this is a good reminder for our communities, for our committee members in particular, that this is their chance to take control, to take matters into their own hands, to make their own decisions about properly repairing their buildings, to be proactive, at risk of being forced to act against their will down the track.

Now this is precisely the place we've ended up at the end of 2024. You may have heard me cover this previously. A bill has been introduced to New South Wales Parliament that if passed, will see the New South Wales Government have the power to enter strata buildings, enter common property without permission, without a search warrant, enter lot property with permission or with a search warrant to take steps to force buildings to force owners to properly repair and maintain the common property.

This is happening. This legislation is before Parliament. In my view, it is likely to be made now. I know from comments Dr. Nicole Johnston has made publicly that she doesn't agree that this type of reform should happen. Now, as she said in her research, as she says in this podcast episode, her view is that more research is needed in depth research and evaluation to decide exactly how we deal with this problem of poorly ageing, poorly maintained buildings.



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She has recommended a cross jurisdictional analysis. Let's have a look at what other countries around the world are doing and how that is working. It's appropriate, she has said in her research, to consider comprehensive inspection programmes like those that they have in Singapore, in Hong Kong, in Florida, and look at whether that kind of framework of regular mandatory inspections might be suitable in Australia. Apparently there has been limited research on what the most common repair and maintenance issues are in ageing buildings.

That's different from the considerable research that has been around problematic construction defects. Dr. Nicole says that an analysis of common repair and maintenance problems should be considered essential before we determine what steps we take to fix the problem. That includes looking at the current condition of strata buildings by age and by location. We don't have a record of that. What are the type of environmental conditions that might exacerbate or accelerate maintenance issues?

Do we need to be treating buildings closer to the sea in a different way to those that are further inland? What types of technologies might be available to assist in the assessment of maintenance failures? And if we are going to have regular inspection programmes and regular reporting on maintenance issues, how do we resource that kind of program? How feasible is that for our buildings that are apparently already struggling to meet day to day expenses?

How do we lessen the financial burden on our buildings? And how do we prioritise buildings based on risk factors? Can we look at buildings that have certain construction methods or products that have been used and focus on getting them up to scratch first? So I know that having discuss those recommendations with me, having highlighted them in her research, Dr. Nicole Johnston was a little disappointed seeing the content of the draught bill that's currently before New South Wales Parliament with this in some views rather heavy handed approach of simply giving government power to enter property, to make directions, to issue orders, to carry out their own investigations, to seek undertakings, to make sure that work simply gets done when it needs to be done, rather than a more research backed approach of implementing systems and programs that we're seeing being implemented around the world to address the same problems.

Now, I think it's interesting that during a year when strata management practices were under fire in the media, a discussion about proactive building repair and maintenance was our most popular podcast episode. I think that's a great reminder to take us in to 2025 while we do. And we must continue to improve the way that strata management services are delivered to ensure transparency, fairness, value for money, all of those things we were talking about last year.

The issues on the ground for owners who are living in and investing in Strata properties haven't changed. In fact, some of them are becoming more serious. Our buildings are ageing. They need more urgent and more expensive repair. In too many buildings, those repairs are not happening for reasons of safety, for people's health, including mental health. For financial reasons, that situation is just not sustainable. We have been talking about it here a lot.

It is encouraging to see that you have been listening and it's important in my view, that this remains a big ticket item on the strata agenda for 2025 the proper repair and maintenance of our buildings.

So those are our top five podcast episodes of 2024:

Number one was episode 411, will you wait to be forced? Dr. Nicole Johnston on repairing our buildings.

Number two, episode 410, termites, security cameras and Tribunal costs. Your questions answered.

Number three, would you choose strata over a terrace house? Kareem tawansi in episode 412.

Fourth on the list, episode 409, ending the abuse of democracy, the Barnes case with our friend Adam AI and episode 403, Strata Management's Future. Reena weighs in.

As we move into 2025. A big couple of months ahead of me. In particular the end of Jan. I'm heading over to the US to represent the Australian College of Strata lawyers at the U.S. lawyers Annual Conference. That's the conference of the College of Community Association Lawyers that's happening over in San Antonio, Tex. I'll be making a flying visit there for a week over January, February and in March the Australian College of Strata Lawyers is hosting its own annual conference. We're in Brisbane this year that's happening on the 5th to the 7th of March at the Marriott in Brisbane. I'll pop a link to that conference programme in

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the show notes for you all.

Strata Lawyers, aspiring Strata Lawyers, strata managers, other strata sector supporters, you are all welcome at the ACSL conference. We have a stunning programme lined up if I do say so myself as Conference Chair. Head over via that link in the show notes, check out the details and hopefully you can join us.

And at the end of March I will be hosting our one day CPD event for New South Wales Strata Managers in my hometown of Mudgee.

That's all happening on Friday. 28th March. I have just a couple of spots still available for that day as I record this. If you are a New South Wales Strata Manager keen to spend the day with me and an exclusive small group of other Strata professionals in a very unique location, I'd love to hang out with you. With the assistance of our special guest speakers, I'll be delivering all all of your compulsory CPD hours for Class one and two Strata agents.

We'll do that over the course of the day, wrapping up on Friday evening with a beautiful dinner at one of Mudgee's best restaurants. Pipeclay Pump House is ready for us. You can find out more and secure your spot over at yourstrataproperty.com.au/cpdevent those of you who are already booked in, I can't wait to see you. Many of you I know are returning for a second year in a row, having enjoyed our inaugural One Day CPD event so much last year.

And some of you I'll be meeting in person for the first time, which is always a pleasure.

That's our top five episode for January 2025. Thank you for tuning in. I'm looking forward to doing Strata with you in all its forms again this year. Have a fabulous week ahead and I'll catch you next time.

Outro: Thank you for listening to Your Strata Property, the podcast which consistently delivers to property owners reliable and accurate information about their strata property.

You can access all the information below this episode via the show notes at yourstrataproperty.com.au.