



Brought to you by your Strata Committee & Strata Manager

由业主委员会和物业管理公司为您呈报

December 2020

2020 年 12 月

### SPECIAL EDITION – CLARIFICATION REGARDING RECENT EMAILS

### 特刊——关于近期一些电子邮件的澄清

Dear Owners,

尊敬的各位业主：

It has come to our attention that in the past days owners and residents have been receiving multiple emails claiming to be from owners of units in Acacia Gardens. These emails make a number of allegations against the Strata Manager and Strata Committee. We have been contacted by many owners who understandably have many questions. As a result, the Strata Committee has put together the following list of questions and answers that address the allegations made in the emails.

过去几天小区业主和居民们收到的几封电子邮件引起了我们的关注。这些邮件对小区业主委员会和物业管理公司提出了许多指责和质疑，很多业主已经就此与我们联系。我们特此将有关问题进行汇总，进行如下的统一回复。

**Privacy Concerns:** A number of owners have asked us how the sender of the emails obtained private email addresses of owners in our building. The Strata Committee is currently investigating this and recommends that owners should respond to the emails asking that question. Personal email addresses **are not** made available to owners by the Strata Manager or the Strata Committee.

个人隐私问题：许多业主询问这些电子邮件的发件人是如何获取小区业主的私人电子邮件信息的。业主委员会将尽力调查，但建议您直接回复邮件，就此问题询问该发件人——因为业主委员会和物业管理公司并不会为他人提供此类信息。

Please take the time to read this carefully and get in touch via [newsletter@acaciagardens.com.au](mailto:newsletter@acaciagardens.com.au) or with our strata manager ([stratamanager@acaciagardens.com.au](mailto:stratamanager@acaciagardens.com.au)) if you have any further questions. If we get lots of questions, we can have an online information session.

请仔细阅读，如有任何问题，请通过 [newsletter@acaciagardens.com.au](mailto:newsletter@acaciagardens.com.au) 联系我们，或通过

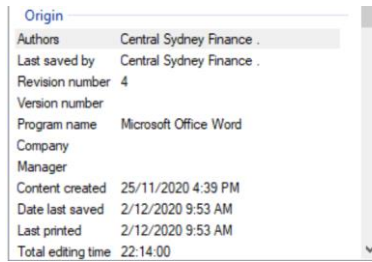
[stratamanager@acaciagardens.com.au](mailto:stratamanager@acaciagardens.com.au) 联系物业管理公司。如果收到大量问题，我们可以计划专门进行在线答疑。

We hope that this can clear up the misinformation that is circulating.

希望良好的沟通可以帮助我们破除流言蜚语引起的各种误会。

Allegation in emails 电子邮件中的质疑	Strata Committee Response 业主委员会的回复
Email dated 1 December claiming to be sent from the owner of lot 147. 12 月 1 日大家收到的电子邮件据称是由 147 号公寓业主发送的。	Whilst this email is claiming to be from "lot owner no.147", the word document attached to the email ("Lot 147 Shorter Version"), which mirrored the content of the email, was authored by "Central Sydney Finance" and last modified by "Central Sydney Finance". You can see this by viewing the properties of the document.

尽管该邮件自称由“147 公寓业主”群发，但查看附件中的 Word 文档属性就可看出，文档的创建和最后修改都是由“中央地产财务”完成的。



Central Sydney Finance is part of the business of the Building Manager for Stage 1 (SunAust), see here:

中央地产财务隶属于一期大楼管理公司 SunAust，详情请见：

<https://www.centralsydneyrealty.com.au/centralsydneyfinance/>

If you compare the language used in the multiple emails you will find that the content is very similar (copy and paste) in some sections.

仔细比对几封邮件，您可以看到内容高度近似，有些内容甚至是复制粘贴的。

Make up your own mind about who is behind these emails.

请您慎重考虑之后自行斟酌此类电子邮件的来源。

Validity of AGM on 8 August 2020:  
2020 年 8 月 8 日年度业主大会得有效性：

Allegations:

质疑：

1. BCS has been acting as our strata agent for Acacia Garden by defying Owners Corporation's wish in adjourning AGM on 8/8/2020; and 物业管理公司 BCS 作为小区物业管理方，违反 2020 年 8 月 8 日全体业主要求休会的意愿，并
2. The current NCAT proceeding brought by our lot owner William Dawe QC (Barrister) is disputing the validity of AGM on 8th August 2020 which was already adjourned by Committee members on the day. 由业主 William Dawe 提交至新州民事裁判庭的申诉认为 2020 年 8 月 8 日的年度业主大会有效性有争议。

The OC Lawyer has confirmed that the AGM held on 8 August 2020 was valid.

全体业主的律师方已经确认 2020 年 8 月 8 日的年度业主大会有效。

Chronology of events:

事件记录：

1. The AGM on 8 August 2020 was validly called, and the agenda approved, by the previous Secretary. 上一届业主委员会秘书依法召集了 2020 年 8 月 8 日的年度业主大会并批准了会议日程。
2. Certain (not all) members of the previous committee were unhappy with a number of the motions that were on the agenda and applied to the Supreme Court of NSW to invalidate the meeting. The Supreme Court refused to hear their case and transferred it to NCAT. After a lengthy hearing on 7 August 2020, **NCAT refused to cancel the AGM on 8 August 2020, and commented that the AGM should proceed.** The AGM was allowed to proceed. We note that these previous committee members engaged a lawyer (in their personal names) and told the lawyer that they were acting on behalf of the OC. The OC/previous strata committee never agreed to engage a lawyer to go to the Supreme Court. The lawyer later sought payment for his fees from the new strata committee. We have not paid these fees and recommended that payment be sought from his clients (including Ken Xue of CSR). 上一届业主委员会的个别成员对会议日程中的某些事项不满，并向新州最高法院提请取消此次业主大

会。最高法院拒绝审理并转交新州民事裁判庭处理。经过 2020 年 8 月 7 日一场长时间的听证会，新州民事裁判庭拒绝取消业主大会，认为此次大会应当正常进行。我们了解这几名前任业委会成员用私人名义雇佣了律师，并告知律师他们几人代表全体业主，该律师因此试图让全体业主支付费用。我们已经建议该律师向直接联系他们的人（其中包括中央地产的 Ken Xue）收取费用。

3. The Supreme Court/NCAT decision did not stop these particular members of the previous strata committee from trying to stop the AGM from happening. They hired private security to stop owners from entering the AGM. Susan Sun and her husband George and son Ken (Ken was a member of the previous strata committee) stood with the personal security and stopped owners from entering. NSW Police were required to attend to remove the private security and the AGM went ahead. The private security later sought payment of fees from the OC. Those fees have not been paid by the current committee and we have recommended that payment be sought from their actual clients (including Ken Xue of CSR).

新州最高法院和民事裁判庭的判决并未让这几名成员停下他们试图阻止业主大会的计划。他们雇佣了私人保安在会议当天拦住会场入口不让业主入内开会。Susan Sun、她的丈夫 George Xue 以及他们的儿子 Ken Xue（前任业主委员会成员）与私人保安们站在一起阻拦所有业主入场。新州警察不得不到场驱散这些保安人员，让业主们入场开会。这家保安公司后来要求全体业主支付当天的劳务费，现任业主委员会拒绝支付并建议他们向直接联系他们的人（其中包括中央地产的 Ken Xue）收取费用。

Anyone who attended the AGM would know that a number of members of the previous strata committee did not attend the AGM and, at no time was a vote taken to adjourn the AGM, and no announcement adjourning the AGM was ever made. Those previous committee members who did attend the meeting left when they realized how many owners were represented at the AGM.

参加此次年度业主大会的人都知道，前任业主委员会中有几名成员根本未到场参会，也从未进行投票决定休会或延期。事实上，有几名成员在目睹到场的业主人数众多之后，就直接离开了会场。

The OC has not been served with an NCAT application from William Dawe. Instead, we have received an application for mediation at Fair Trading NSW. We note that the same lawyer that represented some individual members of the previous strata committee (including, Ken Xue of CSR), is representing William Dawe at the mediation.

William Dawe 提交的新州裁判庭申诉并未上升到全体业主层面。我们目前只是收到了新州公平交易署的调解申请。我们注意到，此次调解中代表 William Dawe 出席的律师，正是

	<p>2020年8月在新州最高法院和民事裁判庭上声称代表全体业主要求取消业主大会的律师。</p> <p>We ask you to make up your own mind about whose interests you would actually be supporting if you join the Fair Trading mediation/NCAT proceedings.</p> <p>如果您有意参与此次调解，请您慎重考虑整件事态当中的利益关系。</p>
<p>Motions Approved by OC at AGM 业主大会当中全体业主通过的决议</p>	<p>There were a number of motions that were on the Agenda and validly passed at the AGM by the OC. These include: 此次业主大会中通过了许多决议，其中包括：</p> <ul style="list-style-type: none"> <li>• BCS was appointed as Strata Manager for a period of 3 years (the majority of owners voted in favour of BCS); BCS 被选为物业管理公司，为期三年；</li> <li>• The proposal for a special levy was defeated (i.e. no special levy); 紧急收缴一次性物业费的提议被否决(换言之，没有征收特别物业费)；</li> <li>• A loan of \$2.7 million was approved so that the OC can commence urgent remedial works to Stage 1 buildings; 允许进行不超过 270 万的贷款用于一期大楼的紧急重大维修；</li> <li>• The Administration and Capital work fund contributions were confirmed (these had been set by the previous Treasurer in early 2020); 通过了行政和储备资金的预算（按照 2020 年上半年上届业委会财务规划）；</li> <li>• A new Strata Committee was elected; 选举了新一届的业主委员会；</li> <li>• the Strata Manager is to undertake, or an independent third party to undertake, an audit of all accounts submitted by SunAust Properties Pty Ltd (Central Sydney Realty/CSR); 要求物业管理公司委派独立的第三方机构对 SunAust（中央地产）提交的账目进行审查；</li> <li>• the Strata Manager is to issue a breach notice to Central Sydney Realty for multiple years of overcharging the Owners Corporation for the caretaker services for Stage 1; and 要求物业管理公司就中央地产多年来违反合同超额向全体业主征收管理费一事发函；</li> <li>• the Strata Manager to prepare and execute with any and all necessary legal advice and or representation an NCAT application for the termination of the Central Sydney Realty caretaker agreement. 要求物业管理公司就全体业主与中央地产解约一事，准备并执行所有的相关法律手续。</li> </ul> <p>After reading these motions, we ask you to make up your own mind about who is behind this email campaign against BCS and the Strata Committee. 在了解过此次大会上通过的这些决议之后，请您自行判断是</p>

	<p>谁发出了这些与物业管理公司和新任业主委员会针锋相对的邮件。</p>
<p>The newly elected strata committee have supported a massive 2.7 million dollars special levy          新任的业主委员会支持了一笔高达 270 万的额外物业费？</p>	<p><b>There is no special levy.          物业并没有收缴特别物业费。</b></p> <p>The newly elected strata committee did not propose the \$2.7 million dollar loan, they inherited it from the previous strata committee and the AGM.          270 万贷款的提议也并不是新任业委会提出的，他们只是从上一任业委会和业主大会手中接过了这项提议。</p> <p>BCS has been recommending that the OC carry out urgent and important building works to Stage 1 for a number of years. CSR, as building manager for Stage 1, should have been recommending the building works (and repair of the Stage 1 intercom system). Instead, the previous committees, under the guidance of CSR, resisted the building works. As a result, the building needs even more work and insurance premiums for the building have increased because the required works have not been completed..          BCS 多年来一直建议全体业主对一期大楼进行必要的工程维护。作为一期的大楼管理公司，中央地产本应对一期大楼的各项维护作出专业合理的计划和建议。但正相反，前些年历任委员会在中央地产的指引下阻拦了工程维护，导致目前大楼保险费的一再增加。</p> <p>At some time in the future, levies may need to be raised to repay the loan and they will be calculated based on the amount of the loan that is drawn down. Interest is only payable on the amount that is actually spent.          未来一段时间内，维修工程贷款的利息可能导致物业费的上涨。但利息的计算方式是以实际发生的贷款计算，而不是贷款上限的总额。</p> <p>The strata committee will do everything it can to ensure that if levies need to be increased, they will be increased by the minimum possible amount. The loan is preferable to a special levy in this regard because it spreads the cost of the repairs over a number of years instead of owners having to pay a large special levy in one transaction.          业主委员会将竭尽所能让物业费涨幅保持在最小。在这方面，贷款比一次性紧急收缴更可取，因为这可以将维修分摊到数年之内，我们不必一次性为未来支付巨额的物业费。</p> <p>The strata committee does not intend to draw down the total amount of the loan in one transaction. Instead, the loan will be drawn down in increments to pay for each discrete piece of building work.          业主委员会不会同意一下子贷出所有款项。合理的方式应该是循序渐进地按照维修进程按需分笔贷款。</p> <p>If we do not commence the building works to Stage 1, the building will fall further into disrepair and will cost far more in the future.</p>

	<p>如果一期大楼的维修工程不能立即开始，将会导致严重的后果以及更为高昂的费用。</p>
<p>What does the Strata Committee get in return for supporting special levy and championing BCS?          业主委员会支持收缴额外物业费、拥护 BCS 公司，能得到什么好处？</p>	<p><u>Special Levy:</u>  <u>特别物业费:</u>  <b>There is no special levy.</b> There is a loan that has not yet been drawn down by the Strata Committee.  <b>无需缴纳特别物业费。</b> 小区将会贷款，但不会一次性全额贷出。</p> <p>The Strata Committee has no choice but to execute the \$2.7 million loan because it was approved by the OC at the AGM on 8 August 2020.          业主委员会对于 270 万贷款没有决定权，该贷款是在 2020 年 8 月 8 日的业主大会上投票通过的。</p> <p>All members of the Strata Committee are independent and do not receive any financial (or other) incentive to be on the committee. The Committee members all volunteer a significant amount of time to support Acacia Gardens owners.          新当选的业主委员会的成员都是独立个体，不因担任业委会工作收取任何报酬或佣金。每位成员都为小区业主们的共同利益义务贡献出了许多私人时间。</p> <p><u>BCS:</u>  <u>BCS 公司:</u>          The Strata Committee is not championing BCS. Instead, we are working with the Strata Manager that was approved at the AGM.          现任业委会并不是拥护 BCS 公司，我们只是希望与业主大会上投票选出的物业管理公司进行紧密地合作，改善之前的状况。</p> <p>No member of the Strata Committee has any relationship with BCS. All members are independent and do not receive any financial incentive to be on the committee.          新当选的业主委员会的成员都与 BCS 公司没有任何关联，不因担任业委会工作收取任何佣金。</p>
<p>The Strata Committee has failed Owners Corporation and BCS turned blind eyes on Meriton’s diminished cleaning service in Stage 2 building in Acacia Gardens since August 2020.          业委会自 2020 年 8 月开始，对美利通缩减二期清洁时间视而不见。</p> <p>Meriton cleaning in stage 2 has drastically reduced their cleaning hours by 35 hours every week and still charged us the same monthly invoice.          美利通对二期的清洁每周缩减了 35 小时，但仍然每月收取同样的费用。</p>	<p>On 12 February 2020, the previous committee agreed at a Strata Committee meeting that Meriton be appointed to clean the Stage 2 buildings for 70hours at \$131,000 plus GST.          2020 年 2 月 12 日，上一任业委会在会议上同意由美利通承担二期清洁工作，年度费用为 131000 澳币，每周 70 小时。</p> <p>The minutes of the meeting (and committee decision) were circulated to all owners by BCS after the meeting – see motion 11.          该会议纪要在会议结束之后就由 BCS 发送给了所有业主（见该会议纪要的第 11 项）。</p> <p>The current Strata Committee has not turned a “blind eye” to overcharging by Meriton for cleaning. The Strata Manager and Treasurer have reviewed all cleaning invoices submitted since February 2020 and confirm that there has been no overcharging.</p>

现任业委会并未对任何“超额收费视而不见”。物业管理公司和业委会财务重新审核了 2020 年 2 月以来的所有清洁费用账单，并无任何超额收费现象。

Meriton are providing cleaning services in line with their contract – 70 hours per week and this is what they are invoicing. 美利通按照其合同提供服务和收费——每周 70 小时。

In Stage 2 building, we now only see cleaners coming to work from 7am – 12pm daily and 10-3pm daily from Monday - Saturday and only 1 hour cleaning takes place on Sunday. Total cleaning is only 61 hours recorded per week  
二期现在我们看到的清洁工的 每周总清洁时间仅为 61 小时。

Two Meriton cleaners attend Stage 2 buildings as follows:  
二期的清洁工作由美利通雇佣的 2 位清洁人员负责:

Day 日期	Hours Cleaners are on site 工作时间
Monday 周一	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Tuesday 周二	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Wednesday 周三	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Thursday 周四	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Friday 周五	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Saturday 周六	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点
Sunday 周日	2 cleaners from 07:00 AM till 12:00 noon 2 名 早 7 点至中午 12 点

This is a total of 70 hours per week. If any owners have any issues with the standard of cleaning in Stage 1 or 2, please email your building manager and copy the Strata Committee into your email so that we can follow up for you.  
清洁时间共计每周 70 小时。如果任何业主对于一期、二期的清洁标准有问题，请发送电子邮件询问您的大楼管理公司，并抄送业委会，我们也会帮助您跟进。

We note that the Strata Committee is actively reviewing the level of service being provided by both Meriton and CSR.

The new Committee members have allowed our building – Owners Corporation to be sued by Central Sydney Realty – our caretaker in Stage 1 building in the Supreme Court on 13 December 2020!  
现任业委会任由全体业主被中央地产（一期大楼管理公司）起诉到最高法院？

The reason why our building has been taken to court is due to our caretaker in stage 1 has been refused payments for their services since November 2019.  
我们被起诉的原因是自 2019 年 11 月以来，就拒绝支付中央地产的管理费？

On 12 February 2020, the previous committee agreed at a Strata Committee meeting that the OC would not pay any invoices submitted from CSR unless they were in accordance with the correct CPI rate or if CSR could provide a valid contract where the OC approved a 5% increase.  
2020 年 2 月 12 日，上一届业委会在会议上同意，如果中央地产不按照其合同依据 CPI 调整管理费，或不能向全体业主提供书面合同证明全体业主曾批准过他们按照 5% 固定增长管理费，那么全体业主将停止支付中央地产提交的任何账单。

The minutes of the meeting (and committee decision) were circulated to all owners by BCS after the meeting – see motions 12b and 12.3.

	<p>该会议纪要在会议结束之后就由 BCS 发送给了所有业主（见该会议纪要的第 12b 和 12.3 项）。</p> <p>The current Strata Committee has not “allowed our building to be sued by CSR”. Instead, it has followed the decision of the previous committee and the legal advice received from the OC lawyer.</p> <p>现任业委会并没有“任由”全体业主被中央地产起诉，只是继续执行上一届业委会的决议，并遵从业主律师的建议。</p> <p>Representative of the Strata Committee and the OC lawyer attended mediation with CSR where no agreement could be reached.</p> <p>业委会参与了与中央地产的调解会，未能达成任何共识。</p> <p><b>Background:</b> <b>前情提要:</b></p> <p>CSR’s contract permits them to increase their management fee by CPI every year. However, we believe that for approximately 13 years CSR has submitted invoices that show that CSR has increased its management fee by 5% every year (which amounts to an overcharging of hundreds of thousands of dollars).</p> <p>中央地产的合同规定他们的管理费应按照每年的 CPI 指数（可理解为通货膨胀率）进行增长，但在过去十几年间，中央地产都实际按照 5% 增长费用，至今已经超额收取了巨额费用。</p>
<p>Cost of AGM dated 8 August 2020 - Masonic Centre Conference meeting room (\$6,998.00)</p> <p>2020 年 8 月 8 日业主大会的费用 (\$6,998.00)?</p>	<p>The AGM was validly called by the Secretary of the previous strata committee. Due to COVID-19 social distancing requirements, BCS was required to hire a larger venue than we would normally use.</p> <p>年度业主大会是按照物业法，由上一任业委会秘书合法召开的。因为疫情的关系，BCS 公司不得不按照相关规定租用了比往年会议更大的会议场地。</p> <p>A number of venues were considered by BCS and the Masonic Centre was the most cost efficient option available at the time. BCS 公司在对多个场地进行考虑之后，确认 Masonic Centre 是当时最经济的选择。</p> <p>The total cost to each lot for the venue hire was \$21.</p> <p>如果将费用平摊至每一位业主，约为 21 澳币每户。</p>
<p>Cost of BCS's barrister David Knoll (\$7,894.48) to defend Supreme Court proceedings on 7 August 2020 to invalidate the AGM</p> <p>2020 年 8 月 7 日 BCS 公司律师 David Knoll 出席最高法院进行辩护的费用 (\$7,894.48)?</p> <p>BCS billed the OC for additional services of \$6,321.00 to assist in defending the Supreme Court hearing on 7/8/2020</p>	<p>BCS incurred these costs in the course of their role as Strata Manager for the OC.</p> <p>这些费用是 BCS 公司在作为本小区物业管理公司而产生的。</p> <p>Paragraph 6.2 of the contract between the OC and BCS states that the OC will indemnify BCS against all actions, suits, proceedings, costs, claims, expenses or demands which may arise in the course of or as a result of BCS’s management of the scheme, including all legal expenses incurred by BCS in defense of or initiation of any legal proceedings.</p> <p>全体业主和 BCS 公司签订的合同第 6.2 项规定，全体业主将承担 BCS 对其在 BCS 管理本小区过程中或可能产生的所有诉</p>



<p>BCS 公司向全体业主收取了\$6,321.00 作为协助最高法院辩护工作的费用?</p>	<p>讼, 支出, 索赔, 费用或要求, 包括其为小区辩护或发起任何法律程序而发生的所有法律费用。</p> <p>BCS notified the previous committee that the OC would be liable for any legal costs incurred by BCS and yet still certain members of the previous committee commenced proceedings in the Supreme Court which required BCS to incur costs to defend itself against the allegations in the proceedings (relating to the AGM). BCS 公司事先已经告知上一届业委会, 全体业主将不得不承担 BCS 公司因此产生的任何法律费用, 但上一届的某些成员仍然坚持向最高法院提交诉讼。</p>
<p>BCS costs of AGM – additional services of \$14,381.60 BCS 公司收取的年度业主大会的费用 \$14,381.60 (7 名工作人员)</p>	<p>Following the 2018 EGM (that was called by Ken Xue and adjourned by Yilin Mao following high attendance by owners), the OC resolved to hold AGMs and EGM on Saturdays to facilitate greater numbers of owners attendance and, amongst other things, increased sign-in requirements. 继 2018 年的业主大会 (由 Ken Xue 召集, 在许多业主到场的情况下被 Yilin Mao 强行休会) 之后, 全体业主决定在周六举行业主大会, 让更多的业主能够抽时间出席, 增加签到手续。</p> <p>The total cost of the AGM included: 年度业主大会的费用包括:</p> <ul style="list-style-type: none"> <li>• a detailed proxy vetting process which was established by the OC after instances of fake proxies being submitted by some proxy holders; 在出现某些人伪造委托书之后, 增加了详细的委托书审核流程;</li> <li>• an additional at least 2 hours of BCS time (for multiple staff members) as a result of previous members of the strata committee (including Ken Xue of CSR) blocking access by owners to the venue (at least \$1,821); and 由于会议当日业主们被上届业委会的部分成员 (包括 CSR 的 Ken Xue) 所雇佣的私人保安阻挡在会场之外而浪费的 BCS 公司的工作时间 (至少 2 小时, 约 1821 澳元) ;</li> <li>• additional time on the day to count all of the votes so that owners understood which motions were passed/defeated. 当天需要当场统计票数所需的时间</li> </ul> <p>The total cost for BCS to facilitate the AGM was \$44 per lot. 总费用如果按照平摊到每户计算, 约为 44 澳元每户。</p>

If you would like to know more about anything in this document or in any of the emails that you have received, please feel free to reach out to us at any time. All owners are entitled to know the truth. The current Strata Committee is open and transparent; feel free to ask any questions.

如果您希望进一步了解详细信息, 请随时与我们联系。所有业主都有权了解真相。现任的业主委员会公开透明, 有任何问题请您尽管询问。

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We will be sending you the regular newsletter soon. So please tune in if you would like to know the latest information about our home!

我们将于近期为您发送常规大楼新闻简报。所以如果您希望获得我们家园的最新信息，请继续关注！

Thanks for reading!

感谢阅读！

Acacia Gardens Strata Committee

业主委员会

Strata Manager

物业管理公司