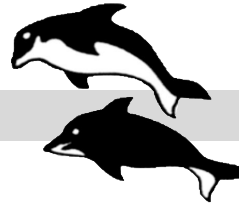


Special Bundy Flyer no 75



April 2015 – yet another ‘special’ Bundy Flyer

At the recent World Café of weekend 28 & 29th March, many questions were asked. This special Bundy Flyer is an attempt to answer these questions, to the best of our knowledge. Rejane, Janelle, Jamie, Allan, Sally, Malila.

Please note that this is prepared to the best of our abilities. Although a lot of care has been put into being accurate, there may be errors and elements lacking, so if you wish to contribute additional information or point out errors, it would be very appreciated.

Insurance

Q. How much is our insurance currently? What does our insurance currently cover? What insurance is in place for Bundagenites and woofers, etc., doing work on the land?

Policy	Who with	What for	Cost/year	Comments
Buildings & Contents	Advisernet	Mainhouse \$350,000 + \$36,000, Old School \$250,000 + \$25,000, Meditation Space \$150,000	\$4,030	Not valid in relation to operating ‘illegal’ commercial activities. Suggestion to include solar system, tractor, fire vehicles, sheds, etc. These amounts need to be re-assessed to be sure the buildings are not under insured.
Directors & Officers	Advisernet	\$5,000,000	\$1,179	Not valid in relation to operating ‘illegal’ commercial activities
Public Liability (PL)	Local Community Insurance Services (LCIS)	\$30,000,000 General public and products liability for community group, incl cover of maintenance of access roads.	\$9,400	It does NOT cover commercial activities. Not valid in relation to operating ‘illegal’ commercial activities. Does cover community activities, ie when there is no exchange of money. Anyone operating their own commercial activity needs to comply, ie ABN, insurance, training, etc
Voluntary workers	LCIS	\$10,000,000	\$400	Any volunteer (up to 85 years old) doing work for the co-op.
Workcover	CDU	Volunteers doing regular work incl for RFW	\$220	

Note: a commercial activity is when there is payment (cash or kind) for goods or services. An ‘illegal activity’ (as far as insurance, Council, etc) is one that is carried out in a non compliant building, kitchen or premise by uninsured, untrained people for commercial purposes.

Q. When did the Public Liability insurance stop covering all the common land?

R. There has been considerable effort recently to clearly define what the PL covers and what it does not. We have managed to get the following areas added or clarified:

- The access roads are now covered but members involved in roadworks must be operating to the required standards.
- Activities done on volunteer basis (such as yoga) are covered, but martial arts are excluded.
- Our PL covers all non-commercial activities on the coop’s behalf (eg. cabaret, social events, parties, etc)
- Bundagen’s PL insurance does cover all our land including inside peoples homes and their areas of responsibility. It will defend the coop against claims due to the member’s negligence. However the member is responsible in their structures and their ‘area of responsibility’ for their own negligence and it is highly recommended they protect themselves (and the coop) with personal PL insurance.

Q. Do individuals have to insure their own home? Will it become compulsory?

R. Members do not need to insure their homes but are strongly advised to do so in order to protect themselves and to increase our mutual protection. It is not likely that it would be made compulsory, as policing would be difficult.

Our GM agreement L.11.1 *Insurance on Structures and Property* says:

- a) Each individual present on the land, living on the land or with personal property on the land is responsible for protection of their personal property (eg. cars, building materials - including erected materials- and personal belongings) and shall take such steps as may be prudent to secure their property against fire. Individuals shall be responsible for their own safety and that of their dependents.
- b) Insurance on personal property is the responsibility of the individual.

Q. Whose responsibility is it to insure communal spaces / land in the village areas (village buildings, gardens, dams...)?

R. It is the coordinators responsibility to ensure that all appropriate insurances are in place and all exclusions noted and covered. The whole of Bundagen is covered by Bundagen PL cover but this does not cover member's negligence in their structures and the area of responsibility.

Q. Do we want to identify which risks we do want to get insurance cover for?

R. Yes, hence the work of the legal team since the arbitration and the risk assessment. A simple answer could be: anything or any activity whose repercussion could affect the whole community.

Q. How complicated is it to get the kitchen insured? Are individuals who are helping in the kitchen covered by insurance?

R. If the kitchen team is working on behalf of the community as volunteers (eg during the Visioning or a Cabaret, ie where there is no exchange of money), the activity is covered by Bundagen public liability and the individuals by the volunteers cover.

Bundagen insurance does not cover commercial activities (where there is payment for services or goods). If the kitchen was compliant as a 'commercial' kitchen (or whatever name could give it the status that it can cater for the public), the catering group could get an ABN and their own public liability and personal insurance. As the kitchen group is seen as a traditional benefit to the community there could be room for the coop to assist the kitchen group in these matters?

Q. What are other options / alternatives to insurance that may allow us to continue Tuesday Cafes?

R. If it was a community activity where there is no exchange of money, it would be covered by Bundagen PL. To get cover for catering where there is an exchange of money, the kitchen needs to be compliant with 'for the public' status, even if it was to serve only members of the coop. Also the Mainhouse needs to have its DA changed to 'public use' and any necessary upgrade carried out.

Q. Can we make our own insurance? How can we insure ourselves? Are there other models/ alternatives? Is there a possibility of a communities' group insurance or other alternative communities?

R. Rejane's understanding of this while talking to members of other communities is that yes it would be possible but not simple. We would need a group of communities to be viable (to build up a good fund quickly). It may take 5-10 years to build up a big fund enough to be sure we could cover a catastrophic incident such as a major fire in one of the communities; this would mean we would also need to pay the usual insurance company until we have enough funds. Also, it would need a group of dedicated people (on salary probably) to do the legwork to research it and set it up, and then to administer it. It is an attractive proposition though, as the capital of money would stay within the communities and could be use to our own advantage.

Q. Is there an ethical insurance company we can join?

R. The fact is, there aren't many companies that will insure communities like ours, ethical or not. In the last year or so, we have been looking and shopping around, asking many different insurance companies and brokers, and so far nothing has been offered. We are currently waiting for the answer from a company that specialise in caravan parks to see if they would take MOs like us.

Q. Is an insurance policy for a caravan park more relevant to our situation?

R. Our DA clearly states that we are not a caravan park. However, see question above.

- Q. Is it possible to have the land in trust to protect it?
- R. As discussed by Kestrel Maher from Bellbunya Community when she came here to discuss about asset protection, it would be possible to create two structures: for example a Co-op or Trust that is the owner of the land, and another structure (another coop, an association, or a company) that leases the land from the first structure and runs all the community's activities. More research is required. Some people think that if the membership of both structures was too similar, it may not stand up to a legal challenge as being separate. Having a totally separate entity to hold the land would require 'trustees' which may need to be separate to the members of the community. Recent events on Homeland Community have shown the disadvantages of this. Also, two structures (whatever they are) require two different administrations, boards, GMs, account books, etc. As it is, it is difficult to find anyone putting their hands up to do administration work for our co-op...

Risk Assessment

- Q. Why did the risk assessment happen? Who decided we needed it? Is it worth all the work and money?
- R. Since early 2013, we have requested not only PL cover, but also a risk assessment for all workshops, retreats or school camps coming to the land (this is common practice with most groups). At the March 2014 Visioning Forum, one of the discussions that took place was asset protection, and some of the questions that came up were about insurance and risk assessment. A well-attended workgroup got together on 25/3/14 to discuss this further and at CoordM 9/4/14 a report was presented after discussion with our PL insurer. It was then decided that it would be in our advantage to get a risk assessment done. At the CoordM 14/5/14, it was proposed and accepted that a basic risk assessment would be done firstly by ourselves, followed by employing a qualified risk management assessor. At CM 1/7/14, a report was given that the risk assessment forms were being collated, and there was consensus on an agreement to spend up to \$1,000 for a professional risk assessment to be done of the public areas, as recommended by our insurer, solicitor and the CoordM. At CM 5/8/14 the Risk Assessment done by Paul Cozens was circulated and made available to the members. Following the findings in the risk assessment, changes were introduced such as using chainsaw contractors for community work (rather than RFWs), keeping better records of tractor training, use and maintenance, adding signs where needed, etc.
- The risk assessment report was shown to Workcover when they visited on 23/1/15, and was praised as duty of care and showed that we took these matters seriously.** They thought it was a "damn" good report and that if our situation didn't change, we wouldn't need to do another risk assessment, but to keep improving what we had, starting with the most dangerous activities (chainsaw, tractor, roads, dams).

Mainhouse Communal Area

- Q. What and where is our public space?
- R. Bundagen is not a public space. The whole of Bundagen is open to all members, but we seem to naturally respect each other privacy. Being private land, the 'public' has to be invited in. If we have a public use building, we would retain control on how often the public comes, and for what purpose.
- Q. Do we really need to be compliant? Should we just stay small? Do we or don't we want to do 'commercial activities'? What can we do / not do in the Mainhouse at the moment? What 'commercial' things are intended? What public activities we want happening on Bundagen: do we want cafe open to the public? Do we want events, workshops, businesses?
- R. Obviously this is to be answered by the members. If the community decides to continue commercial activities (cafes, workshops, drumcamp, etc) we need to be compliant to reduce the small but real risk of being sued or fined. However, if we do decide not to hold any further commercial activities, then compliancy as PUB wouldn't be necessary.
- Currently, all activities (private such as a birthday party or public such as a workshop or a retreat) require approval at a CM/CoordM. In the last few years, the communal area has been used an average of 45 to 60 days a year, involving 200-300 visitors, bringing in \$4,000 to \$8,000 per year. This excludes our own in-house parties and events such as the Visioning and birthday parties, and Tuesday cafes.

Q. Requirements (including cost) for: Mainhouse, Communal Area and Kitchen to be compliant as a public use area or as a commercial kitchen.

R. It is only when we put a DA in with plans and intention that we will get a more precise answer to this. For this to happen we need a community decision to proceed, or not. However, an estimate of costs will be presented at the next World Café next Saturday 25th April.

Q. Can Council instruct us on the requirements to make the Mainhouse/Kitchen commercially compliant? Why is Council not assisting us with compliance of the Mainhouse (as a public use building) and the kitchen as a commercial kitchen (they have a designated officer to work with commercial kitchen approval)

R. We did ask, but they declined until we put a development application (DA) in with maps and plans, and indication of what we want to do; in other words, once we know what we want and start the process, they can advise us.

Q. Does our original DA allow for commercial activity?

R. In our approved DA, under the description of our principle of 'economic independence', we mentioned that:

"The growth and stabilisation of our resident community and the development of better facilities will encourage the generation of employment on the land. We shall be able to conduct workshops and seminars in many fields, such as communication, health, environment, low energy systems, permaculture, music and the like. With this consolidation we can also look to a growing ability to produce arts, crafts and specialised services for the local region."

Under 'uses for settlement zones', we mention:

- *Public and community recreation*
- *Special community places*
- *Short term camping*
- *Workshop, conference facilities*
- *Craft and cottage industry*
- *Education and scientific studies*
- *Rural industry*
- *Home industry and home occupation*
- *Co-operative goods and services*

Community and service buildings will range from workshops, schools to recreation, meditation and healing places.

About camping, we mention:

"The special nature of our organisation and potential involvement in specialised educative and learning processes require a facility to provide short term camping areas serviced with adequate water and waste systems and amenities, It is envisaged that this would also cater for the short term visits of non-resident members and hence be of a non-profit nature."

An amendment was made by CHCC to this:

"The camping area proposed in the application being used only in conjunction with the multiple occupancy development on the land and not as a tourist camping area, with a development application giving full details of location and construction of facilities, etc., and a building application for the structures to be erected being submitted to Council and approved prior to use of the camping area."

Q. Who are the consultants and what advice do we want from them?

R. Our team (Bass, Allan, Seb and other interested members) has met on two occasions with Rick Bennell (town planner consultant) and Frank Scahill, (architect who had previously worked on the OMH) on 15/7/14 (reported in NL 151) and (*date unknown*). There was also a meeting late August 2014 with CHCC with Bass, Allan, Rick Bennell and Frank Scahill (this was reported CM 7/10/14). The idea of employing consultants is that it is often easier and quicker to deal with council through consultants, and they may be able to argue on our behalf for alternative solutions when possible.

Q. Who has the information about alternatives to public use areas?

R. We don't know of any alternatives, but if someone wants to do any research please go ahead.

Q. If we have a 'public use building' do we need a "public road" to it? How? Who pays? Is there a need for a public road to the Mainhouse?

R. Our opinion is that this wouldn't be necessary, but it will need to be checked.

- Q. Do people from Bundagen have to pay to use the Mainhouse, kitchen or Meditation Space?
 R. If it is a community event or private function for a member, there is no charge except gas usage.
 If it is a commercial activity (where there is an exchange of money): see below for the approx. costs.

	Mainhouse	Mainhouse with kitchen	Old School	Med Space
non-member full day	40	60	40	40
non-member half day	20	30	20	20
member full day	20	40	20	20
member half day	10	20	10	10

For events involving a large number of participants and considerable impact on the land/buildings, there is a daily charge per participants (\$10 to \$20)

- Q. Who funds the kitchen? Does the Café group pay for kitchen use?
 R. Bundagen built the kitchen. Café workers pay for their gas usage. They also voluntarily agreed to pay a 10% tithing on their net profit. This money is managed on behalf of the Community by the café group/coordinator to maintain the kitchen equipment, to buy new equipment (plates, cutlery, cups, electrical goods, refrigerator, cleaning goods, etc). The kitchen group pays for repairs to stove, fridge, etc. When the kitchen is used for community events such as the Cabaret or CoordM meal, the community uses all of the kitchen equipment and gas without paying for it; however if a large expense is coming up (eg. new stove @ \$10,000), it might be financed partly by the kitchen group, partly by Bundagen after a proposal at a CM.
- Q. Could the kitchen workgroup give us feedback from their meetings?
 R. See reports in NL 154 (the latest one distributed last week).

Members Structures

- Q. Who has the ownership of members' structures, Bundagen members or the co-operative?
 R. By common law, all structures affixed to the land belong to the co-operative. However, members do have an equity in the buildings as they do receive all of the money from the transfer of their structure(s) to another member.
- Q. Does each member structure need to be insured?
 R. Insurance responsibility is on the member. If, for example, a hailstorm destroys solar panels, it will be the member's responsibility to bear the loss or to claim on their own insurance. GM agreement L.11.1 *Insurance on Structures and Property* states clearly that insurance is the responsibility of the member.
- Q. If we have an equitable ownership of our houses, do we really need to change the legal structure in order to protect the community from claims made against the Co-op arising from accidents in individual houses?
 R. By common law, all structures affixed to the land belong to the Co-operative, so the co-op could be liable in claims arising from accidents in individual houses. Our PL covers all non commercial activities on the coop's behalf. Bundagen's PL insurance does cover all our land including inside peoples homes and their areas of responsibility. It will defend the coop against claims due to the member's negligence. However under their LTO the member is responsible in their structures and their 'area of responsibility' for their own negligence and it is highly recommended they protect themselves (and the coop) with personal PL insurance.

Broader Questions

- Q. How to have more people visit Bundagen without people who live here feeling threatened?
 R. Maybe we will need to put some limits around commercial activities, ie no more than one drumcamp or similarly big impact event a year, no more than half a dozen retreats, no more than half a dozen weekend school/EYE camp a year. etc. And we may add parameters such as keeping at least one week/one weekend a month for the community, etc.

- Q. Need clarification around the meaning of the words “making profit” as opposed to making money for commercial activities
- R. If there is a payment (in cash or in kind) for goods or services, it is considered as a ‘commercial’ activity, as opposed to ‘community’ activity.
- Q. Should the community be ‘funding’ or ‘supporting’ people to undertake their own commercial activities?
- R. This is a good question that will need a group decision... The kitchen group is largely self supporting but may need help with compliance. As far as the expense that would be required to upgrade the communal area to PUB compliancy, the tithing/cost received by the coop for such activities will eventually (15 years? 20 years?) pay for the expenses.
There are other commercial activities on the community that have been supported by the community (ie no tithing are currently asked eg commercial gardens, the Chai group, etc).
- Q. Need clarification about why things are not transparent, equal and fair.
- R. There has been a great effort to make all information available to members. There is now an average of one Bundy Flyer a month where major agreements from previous CMs are mentioned and any other notices. There is a lot of information available on the website in the members’ section, and more is added gradually. Reports, letters, announcements are made and recorded in CM/CoordM minutes. Information sessions have been offered, specially before GMs.
We all prefer going to the beach rather than doing administration work. Those doing the work are doing the best they can, with their community hats on. However, we all make mistake, we forget things, we also want to go to the beach.
- Q. As Bundagen has grown over the years why is it that our voting and equality has not grown with the times to keep inclusiveness and equality?
- R. The principle of ‘one member one vote’ has never changed. Every member makes their own decision about attending meetings or not.
- Q. If values are not met, how do we meet them? If community values are diverging in a different direction, what next?
- R. The Visioning of March this year has shown that we still share the value of protecting the environment, and that we still have the desire for ‘community’ and social harmony. The divergence seems to be in the ‘economic independence’ value.
- Q. Where has the altruism gone?
- R. This is a question for every member.