

Executive Summary

BCS Strata Management incites religious intolerance and discrimination

- Very quiet and humble owners of a unit in large strata scheme at Macquarie Park (SP52948) were selectively isolated and put under spotlight for celebrating their religious festival by BCS Strata Management in 2013. They only displayed it during Diwali Hindu festival.
- Strata Manager, their NSW COO Mr. Greg Freeman, and all members of the Executive Committee were asked to explain this vilification on allegedly justified religious basis four times. Not a single response, or any other comment was ever received and this sad attempt of their unjustified prosecution of an innocent owner was not shared with owners corporation.
- In this strata complex, managed by BCS Strata Management without request for tender for 16 years, there are lot of people with different backgrounds. Some of them keep their faith private, whilst some show it openly and permanently for the last 17 years.

A few photos, taken from common property, at the door entrances of members of the Executive Committee, showing Mezuzah affixed to a door frame. Their religious freedom is guaranteed, in spite of being non-compliant with By-Law 5:

5. Damage to common property

(1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, otherwise damage or deface any structure that forms part of the common property without the approval in writing of the owners corporation.

(2) An approval given by the owners corporation under subclause (1) cannot authorise any additions to the common property.

(3) This by-law does not prevent an owner or person authorised by an owner from installing:

(a) any locking or other safety device for protection of the owners lot against intruders or;

(b) any screen or other device to prevent entry of animals or insects on the lot or;

(c) any structure or device to prevent harm to children.

(4) Any such locking or safety device, screen, other device, or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.

(5) Despite section 62, the owner of a lot must maintain and keep in a state of good and serviceable repair any installation, or structure referred to in subclause (3) that forms part of the common property and that services the lot.



- The unit in question was on level two, in a corner area with very light traffic on the floor.
- **The issue of concern was display of small religious symbol (less that 4cm in size) at the front door of the unit, which was part of a much larger beautiful decoration around the door frame.**
- No owners objected to this display at any time.
- All of a sudden, in the second week of the festive season, BCS Strata Management (Mr. Peter Bone, with direct approval by Branch Manager Mr. Paul Banoob) sent them a stern warning to remove the religious signage, citing completely irrelevant reasoning.
- The owners ignored the Strata Manager's request and completed their celebrations in a dignified manner, with full respect for their religious signs.

Sadly, the year after, they decided not to proudly show any display of their religion, and celebrated festive season in private.

Nobody from the Indian community or anybody else but one owner in the complex dared to defend these respectful people.

- **Had this been an isolated incident, or all owners treated equally at all times, this would not have been an issue to report. But, the fact is that number of members of the Executive Committee and their friends (of which some live on ground floors that have much higher amount of traffic) enjoy different status and they are allowed to show their religious background and symbols on common property for many years without disturbance.**
- **The members of the Executive Committee and BCS Strata Management were approached to correct this injustice with suggestion to offer apology to Indian owners but that never happened. COO of NSW BCS Strata Management was also approached but he stayed silent on the matter.**

Global Human Rights and Religion

Commonwealth of Australia Constitution Act Section 116:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states:

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.**
- 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.**
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.**
- 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.**

The freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private". The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. **The concept of worship** extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, **the display of symbols**, and the observance of holidays and days of rest.

The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or headcoverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group.

In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications. Many people who have a religious belief exercise their religious freedom to promote the common good.

Letter by BCS Strata Management Threatening Innocent Owner

Re: **STRATA PLAN**
INAPPROPRIATE DISPLAY OF RELIGIOUS SWASTIKA'S

We are the Strata Managing Agents for the above property.

The scheme's Building Manager has this morning advised our office that two adhesive decals, depicting the religious swastika symbol, have been affixed to the floor tiles in front of the front door of your unit (unit).

We understand that this symbol was originally a good luck charm originating in Hindu and Buddhist signography, and has the meaning good health. Unfortunately this same symbol was corrupted by the Nazi Party in the 1930's, and has now come to symbolise evil for many people in a large part of the world.

Accordingly, the Owners Corporation requests that these symbols be removed from the common property as soon as possible.

We advise that our intention is not to cause any disrespect to yourselves or your religious beliefs, and trust that you will understand the need not to cause any offence to other residents in the scheme. Your early attention to this matter will be greatly appreciated, and should you have any questions regarding this matter please do not hesitate to contact the undersigned.

Yours faithfully,

RAINE & HORNE STRATA-SYDNEY



Complaints Sent to BCS Strata Management and EC Members by Concerned Owner

- First email from the concerned owner to BCS Strata Management and all members of the Executive Committee.

Not a single reply was ever received.

Subject: SUMMARY: Lot XXX and private religious celebration

Date: Mon, 11 Nov 2013 21:33:38 +1100

From: SP52948 Concerned Owner

To: Peter Bone <PeterB@bcms.com.au>

Cc: Paul Banoob <Paul.Banoob@picaust.com.au>, EC members

It seems I have to get involved in more issues than I wish to (by the way, today I found out that ThyssenKrupp credited our next invoice for lift maintenance on 25 September 2013, due to overcharging for the last two years as reported and discovered by me in August 2013). You and EC will probably try to get credits for that "work" although you did absolutely nothing to manage the contract properly. It does not matter to me, the facts will always prevail in the end. That is why I carry on with my quest to save money to owners and provide better services (levy savings of around \$500.00 per lot owner per year are easily possible if proper duty of care is implemented).

Recently, a letter surfaced with warning to owners of Lot XXX about their usage of a specific religious sign during their festive season. These are wonderful, old Indian couple, with humbleness that is exemplary.

They are my neighbors, and good ones in every sense of the word.

I am appalled by the ignorance in the letter because swastika sign that was used in Nazi's Germany has nothing to do with 5000-year old swastika sign used in Hinduism, Buddhism, and Jainism, for example.

Note that India's and China's population alone comes to around 2.5 billion, so every third person in the world is either an Indian or a Chinese (simple mathematics). Telling them that they should stop using 5000-year old symbol is horrendous. Of course, there are people who use swastika in many other regions too.

I would suggest a careful review of this issue.

- A follow-up email was sent to COO of BCS Strata Management, Mr. Greg Freeman. He stayed silent too, but there is an undeniable proof that he read the message. Here is the return receipt (original is kept for IT forensic analysis when investigation requires it):

Subject: Read: Re: Updated Request SP52948 Strata Manager and EC promoting religious intolerance and discrimination

Date: Sun, 23 Nov 2014 09:51:18 +1100

From: Greg Freeman <Greg.Freeman@picaust.com.au>

Your message was read on Sunday, November 23, 2014 9:51:18 AM (GMT+10:00) Canberra, Melbourne, Sydney.

Attached Message Part

Final-recipient: RFC822; Greg.Freeman@picaust.com.au

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: IfZxINQfAkCaGpGOpSvE0Q==

X-Display-Name: Greg Freeman

- That this was not an isolated incident confirmed the Police Event against a member of the Executive Committee:

Subject: SUMMARY Police report for harassment and assault by EC member on 31 October 2015

Date: Sat, 31 Oct 2015 23:36:40 +1100

From: SP52948 owner

To: Caretaker

Bcc: EC members, and around 80 owners

Police report has been filed and there is they requested that owners corporation preserve the video recording for today, 31 October 2015, between 19:00 and 20:00 hours. Any attempt to tamper with evidence will be seen as direct meddling into police affairs.

At around 19:20 hours this evening, on the way out of lift, as EC member (name undisclosed) was going towards the lift enclosure, he deliberately used elbow to push my wife (same thing was reported by my wife being done by another EC member recently), and as he passed by he called my wife and me thieves.

I asked him to repeat what he said, and he pointed out towards missing necklaces on the bench. I then blocked the door from closing and asked him to explain himself. I also made sure to point him in direction of video camera so that he would be careful what he said or did.

I asked him three times if he knew who the owners of necklaces were, which he declined. In the end all he could come up with was that they belonged to common property. That was a complete fabrication, which I challenged and firmly rejected. In desperation he had to use anything he could think of.

I explained that several days ago, I asked you, Caretaker, if you knew who the owners were, or the origin of the necklaces. The response was that they were there for quite a while, but owner was unknown!?

The last part of the verbal conflict was witnessed by the security guard on duty (name undisclosed).

As the necklaces are not common property, and have never been, they really are lost property. As well, none of the other benches in the complex or basement have them. Documentary evidence about it exist.

For something to be common property, it must be on the register and must be officially acquired and maintained by owners corporation.

Among the other things, it was reported that there is continuous bullying by EC member and his wife, especially when I am not around, and they even called my wife "non-believer" recently. We presume that they are of superior race and without even knowing what our religion was (or was not), they had the courage to say such thing. This is clear vilification and discrimination on religious basis.

Evidence why EC member behaves like that was also provided (all really related to sheer hate and anger because he and other EC members have been caught in serious mismanagement and fraud in the complex).

Time line of events:

28 October 2015

Around 06:05 I asked Caretaker if he knew who owned the necklaces.

He responded with question if it bothered me. I replied "yes, due to religious reason" as Caretaker certainly was not the right person to know my reasons. Caretaker is just a temporary employee in the complex. I asked him to remove the necklaces and find the owner (if one still exists).

At around 18:00 I arrived home and found out that nothing was done, and no response provided to me. I removed the necklaces and notified Security Guard (witnessed by owner of Lot 150) that they were now considered lost property and I would be happy to return it to rightful owner. I also advised that if nobody claimed them, I would give them to St. Vincent De Paul as charity contribution in next couple of days.

31 October 2015

EC member made an unprovoked attack on my wife and me at around 19:20 hours.

And final reminder about By-Law 5:

5. Damage to common property

(1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, otherwise damage or deface any structure that forms part of the common property without the approval in writing of the owners corporation.

Attached is warning to Mr. John Ward who tried to harass my wife two months ago at the petrol station. My response to him was clear and simple.

Also a letter to Minister of Fair Trading in 2013.

We need to find out who is behind these actions and who is profiteering on behalf of the owners corporation.

I give everyone an opportunity to prove me wrong by PROVIDING EVIDENCE, the same way I do it. Hiding evidence is only a temporary delay and does not stop actions for transparency of the management in the complex.

No owner, EC member, or BCS Strata Management staff ever replied or apologised.

- **The owner even further tried to engage staff at BCS Strata Management in January 2016. No reply was received:**

From: SP52948 owner
Subject: Re: Missing Documents for Lot 158 and proxies
To: Gary Mills <Gary.Mills@bcssm.com.au>
Cc: Mike Smythe <Mike.Smythe@bcssm.com.au>, Greg.Freeman@picaust.com.au, kristina.petrovic@bcssm.com.au, Billy.Cheung@bcssm.com.au
Date: Tue, 26 Jan 2016 19:33:22 +1100

To add to vilification on religious basis, ridicule on nationality basis, threats endangering life and well-being of my family and me:

Direct financial losses to me are above \$70,000.00. Losses due to neglected management of the complex and delayed repairs - much higher. Add to it losses to other owners.

Evidence is in my possession that EC member instructed BCS to make document viewing "as difficult as possible" in one previous visit.

Mr. Freeman negotiated special so-called "loyalty discount" which was never reimbursed to owners corporation since 2011. And there is PICA cash advance undisclosed to owners corporation for 15 months now! Undisclosed insurance benefits to BCS since 2014... Add to it BCS Doc ID 13974443 in which I requested that I be asked for Motions to be included at AGM 2015, which you silently ignored (in addition to official Motion submitted on 27 January 2015).

And during all those times, BCS contract was never tendered.

BCS also directly prevented recommendation by Department of Fair Trading to vote for engagement of forensic accountant at AGM 2015.

It is, therefore, quite logical why BCS prevents access to documents.

On 25/01/16 20:14, SP52948 wrote:

Hi Gary,

Whilst your message looks friendly at the first impression, it is actually very abusive, disrespectful, and dangerous. You also question my integrity.

My first request for document search in 2015 was on 6 August 2015 but not responded to or acknowledged by BCS. Request for document viewing was resent on 2 September 2015, and then forwarded to COO of BCS Strata Management Mr. Greg Freeman on 15 September 2015. Like AGM 2014, AGM 2015 was conducted without allowing access to strata documents not only to me, but also proxies vested in me. Only in the fourth attempt, when I forced BCS to give access (I paid for search without the invoice, you are very well aware how much time DEFT spent trying to sort it out). So, BCS had four months TO PREPARE DOCUMENTS BEFORE MY VISIT.

More than 90% of the documents were NOT AVAILABLE on the day of my visit. I documented it in front of you and asked that you, or your manager sign it. Both of you refused. I also proposed that you photocopy the document, which you seemingly rejected. Your choice.

I forced you to listen to message left for Mr. Greg Nash at PICA Group at the end of the visit. In very renown forum, in front of massive audience, he "personally promised" the investigation. He also committed to call back. For the sake of documentation: nobody ever called me or contacted me, let alone "fixed" the problems.

Now, all of a sudden, somebody instructed you to "search for some documents that might not have been available" when I spent significant time in the BCS office.

My response to BCS is as follows: figure out what was missing as per my request and send immediately. If you cannot do it, send EVERYTHING. Majority of the documents were not available, so resending few that were available is not a major issue for BCS.

I will give BCS three days (till this Friday) to respond.

My internet sites have been documented to BCS, EC members and all owners for almost five years. They have also been disclosed in CTTT cases. BCS and EC members even tried to force CTTT to prevent me from publishing facts about mismanagement. All such efforts failed.

Let me explain in brief words how serious it is. If BCS wants to resolve them then they have to speak to me directly and without lies and bullying. And use very careful language. My wife is very ill and affected by bullying in the complex (thanks to you). If her health deteriorates further, BCS will be held liable for professional negligence causing serious illness or (let's hope not) death. This is not a joke.

a) My attempts for better management of the complex have been met with extreme cases of hate, ridicule towards my family and me, and huge efforts to prevent access to documents that legally nobody has rights to do.

In spite of all such efforts, as the evidence shows, I am able, step by step, to show who BCS really are and enforce laws.

Your direct actions over the last five years endanger my family and me:

* Anonymous hate email in letterbox on 6 October 2011. Police Event submitted on 7 October 2011.

* EC Member's attack on my wife in garage on 20 October 2011. My wife reported it to Police. I was away on business at the time.

* Anonymous phone death threat in 2012. I reported it officially to Minister of NSW Department of Fair Trading on 22 March 2013 and several times in CTTT cases (it is on record the Adjudicator said she did not care about it!? - but that is a separate story for me to share with the world). EC member was witness to hear it.

* EC Member's verbal attack and light assault on my wife on 31 October 2015. Police Event recorded.

* While waiting for outcome of DFT Mediation attempt, Police Event was raised against EC member and BCS on 18 November 2015. As we all know, OC allegedly declined to attend Mediation without EC meeting and without notifying owners, only two days after receiving note from the Department of Fair Trading.

My family and me were called "non-believers" (by religious supremacist who is on the EC), another EC member submitted to CTTT that I was "educated under dictatorship of Marshall Tito of Yugoslavia" and did not know what democracy was, and so on.

Much more is in my evidence.

b) How much BCS did not (and still does not) care about proper management and my safety, shows the email from Mr. Simon Wicks, who said the following when I reported anonymous threat against me and to be very careful about fair and punctual reporting to owners:

BEGIN QUOTE

From: Simon Wicks <SimonW@bcms.com.au>

Date: Wed, 12 Oct 2011 16:38:12 +1100

Subject: CRIMINAL REPORT TO POLICE: Personal Hate Mail Received Macquarie Gardens SP 52948 - 6 Oct 2011

Thank you for your email.

Private mail addressed to you by parties unknown is not a matter for the members of the Strata Plan to consider.

END QUOTE

c) The actions by BCS are predictive, deliberate, pre-meditated, and designed to scare all those who ask questions. Two document searches in previous years, with almost identical outcomes, are enclosed herewith.

And one more with the language identical to yours from previous Branch Manager Mr. Paul Banoob:

BEGIN QUOTE

From: Paul Banoob <Paul.Banoob@picaust.com.au>

To: SP52948 owner

CC: Peter Bone <PeterB@bcms.com.au>

Date: Tue, 13 Nov 2012 09:11:52 +1100

Subject: RE: SUMMARY OF INCOMPLETE DOCUMENTATION: RE: REQUEST FOR ACCESS: SP52948 document viewing on 12 Dec 2012

You have my word that all records will be looked at and any information we have will be sent to you.

END QUOTE

Needless to say, most of the documents I never received!

No further comments are needed.

It is BCS's duty and legal obligation to conduct comprehensive internal investigation, and deal with massive issues. 28 attempts to engage Mr. Greg Freeman were ignored by him. Not the way to satisfy customers.

On 19/01/16 16:49, Gary Mills wrote:

Hi,

I have just come back from a month of holidays venturing around Tasmania...

Please let me know in point form what if any documents you are missing and we will try to find them.

I have more than 300 emails reply to since my absence so I maybe slow to reply to any questions however I will try to assist quickly with missing docs.

Regards

Gary Mills

Portfolio Manager

Why does BCS Strata Management encourage religious intolerance?

BCS Strata Management linked swastika that the old Indian couple put on pavers in front of their entrance door with swastika that Nazis in Germany used in the WWII.

<http://www.ancient-origins.net/myths-legends/symbol-swastika-and-its-12000-year-old-history-001312>

http://en.wikipedia.org/wiki/Western_use_of_the_swastika_in_the_early_20th_century

a) The swastika is one of the 108 symbols of Hindu deity Vishnu and represents the Sun's rays, upon which life depends.

Swastika is a symbol of auspiciousness in Hinduism, Buddhism, and Jainism.

The swastikas on Hindu and Jain temples, for example are exempt from the bans, as religious symbols cannot be banned.

b) Today there are many religious uses of the swastika in number of Asian countries.

c) A ban on the swastika would not in itself remove racism or silence those who wish to express such views. For many in the world a ban on the swastika would be quite bewildering - the equivalent of banning the cross or the crescent. And, in ignoring the sensitivities of people in the East, such a ban would itself be an act of Western arrogance - the very kind of attitude Nazis in Germany encouraged.

d) The swastika is a 5000-year-old symbol that has been used for centuries by Hindus and Buddhists to denote good luck, but because of the Nazis it has come to symbolize hate, anti-Semitism, violence, death and murder.

Hindus often have swastikas displayed around their homes and businesses or in artwork.

In lot of literature it was stated that it was ironic that a symbol depicting the wheel of life and good fortune had become a symbol of racism, torture and war.

e) In Hinduism, the (clockwork motion) swastika represents the microcosmic creation of the spiral galaxy in progressive expansion and motion as symbolic representation of our cosmic universe seen on the right hand forefinger of Lord Vishnu as 'Vishnu Chakra'. It is also seen on the right palm of the elephant god Ganesha, evoked and worshipped before any auspicious work. It also has its origin in Hopi civilization as the progressive sun in clockwork motion and life, in well-being. In the Indus valley civilization seals, the clockwork motion swastika was used as permit for the merchants to travel out from the city during the day.



Right Hand Swastika



Left Hand Swastika

In India, the Swastika is used in two forms, one with the arms moving to the right, the right-handed Swastika, and the other with the arms moving to the left, the so-called "left-handed" occult Swastika.

f) It is commonly thought that the Nazis used the left-handed Swastika and that this is the difference between the Hindu's use of the Swastika and the Nazi's use of it. But this is not the case. In fact, the Nazis used the same right-handed Swastika that is used in modern Hinduism, but gave it a 45 degree turn. This gives it the appearance of being left-handed, even though it is not.

Regardless, in India many groups have used the left-handed Swastika. One common example amongst Hindu groups is the Theosophical Society, which used it on their logo. The left-handed Swastika is also associated with esoteric tantric practices. Jains and Buddhists often use the left handed Swastika as well. Today the right-handed Swastika is mainly used in Hindu temples, homes and sacred ceremonies as a symbol or affirmation of good luck, health and prosperity. A "yes" to life!

The German swastika is a left-clockwork motion, an anti-thesis of the 'good', as selected and used by Hitler in the Nazi symbol of 'power & destruction' was understood as "the symbol of the creating, acting life" of a pure breed over humanity by tantric human sacrifice (**das Symbol des schaffenden, wirkenden Lebens**) and as "race emblem of Germanism" as pure Aryans.

g) Other countries use swastika today. A few examples:

The 1920s-era Dymocks Building in George Street, Sydney, Australia includes a multi-level shopping arcade, the tiled floors of which incorporate numerous left-facing swastikas. A brass explanatory sign, probably dating to World War II, is affixed to the wall near the elevator doors on each floor of the building, and refers to it as a "fylfot", emphasizing that its use in the building pre-dates any Nazi connotations or usage. In nearby Circular Quay, the Customs House also has tiles in the front entrance area dating from the same period, with a plaque to explain the symbols.

The Finnish Airforce units still wear a swastika on their colours.