



30 June 2012

Australian Malaysian Singaporean Association

Passages
June 2012 Edition

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Editor's Note

It has been 6 months since the previous issue of *Passages* was published. Over this period of time, AMSA successfully held its Annual General Meeting and its former committee members including myself have mostly been re-elected to serve for another term. I am pleased to announce that the newly re-elected Committee has also made use of this period to plan ahead its activities for the rest of the year. To give you an idea of our upcoming events, AMSA's Busnet Group Inaugural Meeting will be held in July and the Presidents' Tea Party in August. Please visit our [website](#) for more details of these and other upcoming events.



In this issue of *Passages*, the Committee has decided to include a special tribute to Mrs Edna Yap who was the late wife of AMSA's former president Dr Bin Yap.

I have also included our President's detailed Annual Report and reports on our sponsored activities under the 'AMSA's Activities' section of *Passages*.

Under the 'Features' section, I have again included various articles contributed by our members. These articles touch on current legal issues, history, lifestyle, prominent Malaysians and ancient Chinese proverbs.

On a more light-hearted note, you may wish to explore the 'Humour' section of *Passages* where you can read a few funny, if not, controversial/politically incorrect jokes and have a few chuckles to lighten up your mood.

If you believe you have more interesting articles to share with us or wish to unleash the writer/author within you, you are welcome to [submit](#) your contributions before the next issue of *Passages* is published.

Alvin Lee
Editor



President's Review

Following the recently held 2012 Annual General Meeting, 6 of 8 outgoing committee members have chosen to return and serve another term. I am also pleased to announce that 2 new members have joined our committee, namely Ms Tracy Tan as Hon Treasurer and Mr Daniel Tan as committee member. I wish to welcome them to the committee and to assure them that our journey together will once more be purposeful, fun-filled and stress-free.

Although my yearly report at the AGM appears in a separate part of this publication, I would like to highlight some key points:

- a. Financially, AMSA's expenditure for the year ending March 2012 exceeded income by \$1,739. We believe it was money well spent. Interest from our Term Deposit account amounted to \$3,255.
- b. We held eight events over a seven-month period, the last being the Chinese New Year BBQ in January 2012. We attended several events organized by other associations/organizations as well.
- c. Improvement in membership management and related initiatives had very positive and measurable results.
- d. Improvement of our website and introduction of AMSA's Facebook page resulted in more exposure, enquiries and new membership applications.
- e. New memberships more than tripled at seventy four, renewals quadrupled at fifty four, while total financial members more than doubled to one hundred and thirty six, taking our total membership base to one hundred and sixty eight as at 1 April 2012.
- f. For this year we are planning for eleven events, some based on different formats from last year. These events will be posted in "Future Events" on our website for members' information.
- g. Our first official event will be an Inaugural BusNet Group meeting for business owners and professionals on 7 July 2012, followed by a Sponsors' Lunch on 13 July and Presidents' Tea Party on 4 August.
- h. We will continue to recruit more participants in our AMSA-Provider Promotion drive, particularly from members who are business owners and service professionals.

"For all the good things that happened in 2011/12, the outgoing committee could proudly say "We have done it". But we could not have done it without the enthusiastic participation of current and new members. For that, we thank you most heartily."

For all the good things that happened in 2011/12, the outgoing committee could proudly say " *We have done it*". But we could not have done it without the enthusiastic participation of current and new members. For that, we thank you most heartily.

We hope that with your continued support 2012/2013 will be just as good, if not better. Thank you.

Elvan Tong
President

In Memory of the Late Mrs Edna Yap

By Elvan Tong

It is with heartfelt condolences that I, on behalf of AMSA, wish to announce that the late Edna Yap who was the loving wife of Dr Bin Yap and devoted mother of Raznal, Rowan and Terence Yap, passed away on 25 May 2012 after a protracted illness.

I did not know Edna well, but through my close acquaintance with Dr Bin Yap over the years, I was able to gauge the kind of person Edna was. Dr Bin Yap was the past President of AMSA in 2003, 2008 and 2009 respectively. He has been one of the staunch supporters of our association for many years.

Who really was Edna? At her memorial service on 30 May 2012, through heartfelt tributes from her family, relatives and friends, we came to know of her true character. Despite her illness, her unstinting and selfless service through voluntary work at various schools and churches was truly legendary. Not many among us possess her passion, devotion and selflessness to the community and religion.

On behalf of AMSA committee, past presidents and members who know Dr Bin Yap, we share with his family, relatives, friends and community in mourning his loss. We will remember Edna, not for how she died but for how she lived.



AMSA's Activities

AMSA's Annual General Meeting, Saturday, 28th April 2012

By Elvan Tong

AMSA's Annual General Meeting was held last Saturday 28 April in the city. We reached a quorum of just over twenty attendees and ten proxies. After the preliminaries, acceptance of our Annual Financial Statement and unanimous passing of 4 Special Resolutions to amend the Constitution, it was decided to have the election of the new Committee before tea break of Nonya kuihs. This was decided in order to allow some members to attend the Bersih 3 Rally in Martin Place. The President's Report for the year was delivered after the tea break.

The following are elected members, unopposed, of the new Executive Committee for 2012-13:

- Mr Elvan Tong - President
- Ms Evelyn Tian - Vice President
- Prof James Chin - Vice President
- Mr Victor Hau - Hon Secretary
- Ms Tracy Tan - Hon Treasurer
- Mr Alvin Lee - Committee Member (Editor)
- Mr Douglas Tan - Committee Member
- Mr Daniel Tan - Committee Member
- Mr Rick Siew - Hon Auditor
- Mr Alex Seng - Webmaster



Your Committee at work

Front – Alvin Lee; Back from left – Elvan Tong, Daniel Tan, James Chin, Tracy Tan and Victor Hau

President's Report

By Elvan Tong

Ladies and Gentlemen,

It gives me great pleasure to report on the activities and achievements of the outgoing Committee over the past year.

As some of you present may know, this Committee only came to being on 9 July 2011 after 2 Special General Meetings, effectively giving us only 7 months to work with. I will not belabor the details for the delay but suffice to say that, as luck would have it, we survived and even thrived.

I will now make my report under four headings, namely Events, Improvements, Achievements and Future

Events

One of the unexpected benefits from the 4-month delay in forming the Committee was that it gave us time to carefully plan our events in advance.

AMSA itself had organized 8 events from July 2011 to January 2012 over a period of just 7 months. In chronological order these events were:

- Sponsor's Lunch – July 2011 at Harry's Singapore Chilli Crab Restaurant. We had twenty three guests, including some Committee members.
- Seniors' Health Information Lunch/Seminar – August 2011 at Easy Buffet, North Ryde. Nearly seventy people came to this event of which nineteen joined us as new members. I believe this was a record for an AMSA daytime function.
- Welcome Afternoon Tea (for new members) – September 2011, at Sydney Mechanics School of Arts. Tea, Coffee and Nonya Kuihs were served and personal stories from some Committee members were shared. Eighty two people attended the event.
- Pamper Day – October 2011 at Sydney Mechanics School of Art for a demonstration on beauty care, aromatherapy, trigger pointing and Swedish massage. Nearly thirty people came of which 6 joined us as new members.
- Coastal Walk – November 2011, Coogee to Bondi Beach. Members who participated in the event also took advantage of seeing numerous sculptures along the way.
- Business Forum on Entrepreneurship – November 2011 at Sydney Mechanics School of Art as part of a Global Entrepreneurship Week. We had 3 speakers, namely Mr Shaheer Gobran, Architect and Urban Designer; Mr Phillip Ang of Hakka Pty Ltd and Mr Thomas Sohns of PM-International. Thirty people attended out of 48 commitments.
- AMSA Christmas Dinner – December 2011 at Crystal Seafood Restaurant, Strathfield. An outstanding success with seventy seven guests, good food and service.
- CNY BBQ – January 2012 at Bicentennial Park, Homebush. Twenty-four members brought their own meats while AMSA supplied the rest on a beautiful sunny day.

In between, there were numerous functions that we were either invited to attend or to advertise on behalf of associations we have relationships with.

Some years ago, AMSA contributed a sum of money to have a documentary film, called North of Capricorn. It is directed and produced by Ms Margaret Anne Smith. It is about the significant contribution by Asians, Pacific Islanders and Aborigines to a thriving economy in Australia's north – Darwin, Cairns and Broome. The completed documentary has recently screened in Sydney and is expected to be shown by ABC TV. AMSA is proud to be part of this milestone event.

Improvements

The 4-month delay also gave us time to formulate improvement plans in the following areas:

- Website Management

The first thing we did was to change the headings of sponsor, co-sponsor and professional listings. Then we reduced the listing fee for sponsors from \$250 to \$150 per annum.

We engaged a web-design expert to revamp our website and provide ongoing maintenance. The bonus came when AMSA had its own Facebook page where members and the public could access photographs and commentaries of past events.

The overall effect is that now members are constantly updated via AMSA's website and Facebook page, thus resulting in an increased in AMSA's exposure to the public, favourable commentaries and significant new membership applications.

- Membership Management

The following initiatives were taken:

- a. Major re-formatting and updating of the membership database.
- b. Having 1 person (at most 2) to manage the database, as this helps to speed up the processing of new applications and renewals.
- c. Membership Application Form has been updated to ease application and payment.
- d. Reduced fee from \$25 to \$20 for Single membership and from \$40 to \$30 for Couple membership.
- e. The issue of new membership cards to identify AMSA members. The membership card has many uses.
- f. The move to a common renewal date to the month of April each year.
- g. Renewals can now be done by e-mail without having to complete AMSA's application form, since the membership database is always up-to-date. This is very convenient for members.

- Financial management

Following on from the practice of using a cheque requisition form for every transaction from the previous year, a multi-purpose financial report form (MFR) was introduced.

MFR is used by the Hon Treasurer to summarise items of income and expenditure as stated in the monthly bank statements, to cross-check with source documents like invoices, receipts, expense claims, membership applications and renewals and so on.

It is also used to summarise incomes and expenses of each event that AMSA organises, as a separate exercise from the Treasurer's monthly report. Therefore, any committee member who was responsible for an event would use this to prepare a financial and written report on the function.

From the Treasurer's monthly MFR reports, an Excel spreadsheet by month was developed to give running totals. Therefore, at the end of the financial year our Auditor only needs to have this spreadsheet to cross-check with all source documents and bank statements to prepare his Annual Financial Statement.

We have also set up a petty cash system which is yet to be used.

Achievements

When you think of all the events and improvements I have just outlined, there are bound to be some milestones or achievements. Let us examine the following:

- a. Record attendances at the Seniors' Lunch/Seminar, Afternoon Tea and Christmas Dinner.
- b. Record new membership enrolments at seventy four in 2011; renewals at fifty four and Couple memberships at thirty nine. These came from events that AMSA held or after each event as follow-up; reduced fees; cheaper Couple membership via AMSA Facebook page and website. The total financial members more than doubled to one hundred and thirty six.
- c. The revised and updated membership database has become a good foundation for all forms of communication with members as well as for internal administration. It is best to have 1 person, (at most 2) to manage the database. The person who manages the membership database also manages the emailing database. In this way, new applications and renewals are processed on the same day of receipt and the database is updated immediately.
- d. The new AMSA membership card has many uses. It serves as a reminder for renewal, a form of membership and identity card to be presented at AMSA functions, a tool to validate membership in the AMSA-Provider Promotion program and to encourage a switch from Single to Couple membership.
- e. Introduction of the AMSA-Provider Promotion program was prompted by the introduction of the new AMSA membership card. To date, we have six retailers and restaurants taking part.
- f. To supplement our magazine, *Passages*, the "Recent Events" section of our website keeps members and friends well informed of our recent activities in a timely manner. The "Future Events" section advises members of upcoming events.
- g. As a result of more publicity, AMSA received invitations to functions held by the Australian Asian Association of Bennelong, Peranakan Association Australia, Chinese Australian Forum, Australian Community Badminton Association, Community Relations Commission, Attorney-General and Justice Department, Northern Sydney Central Coast Health Services, Paramasala and the Afro-Latino Festival.
- h. In addition, AMSA has had the usual invitations from Tourism Malaysia, MIDA, MATRADE, Malaysian Student Bodies in Sydney and Newcastle.

Future

The plan for 2012/2013 will include:

- 7 Social/Cultural Events
The AMSA Annual Dinner that we did not hold last year will be held in October this year. It will have a different format.
- 3-4 BusNet Group Meetings
These will be based on a new format and held where the group decides.
- *Passages*.
3-4 issues will be published this year and we will invite members and outsiders to subscribe and submit articles of interest.
- AMSA-Provider Promotion
We will seek AMSA members who are also business owners to take part in this promotion. This will encourage those who wish to promote their goods and services to members a chance to be featured in the "Restaurant and Retail Sponsors" section of our website.
- Community Sponsorship
AMSA will continue to support Malfest, MYSUN and Day of Difference.
- Relationship with other Associations
AMSA will actively seek to establish reciprocal relationship with like-minded associations that promote multiculturalism and social inclusion and hold activities that help members to become better Australian citizens or permanent residents. Having cross web-links is our priority.

Acknowledgement

Out of 8 committee members from last year, 6 have stayed on to be re-elected, 1 will rejoin the Committee in July and 1 has left us permanently. I would like to acknowledge Chrys Voon, Jonathan Ong, Kwee Phaik Lim and Rick Siew who have a common quality. They always get their jobs done, quietly and without fuss. The following are their brief profiles:

Chrys Voon – a PhD student at Macquarie University is a committee member and a former Treasurer who has recently left us to work on her Thesis in Malaysia. Chrys has been instrumental in helping us secure the services of a very good webmaster, Alex Seng. He is also a PhD student from Wollongong University. Chrys was also our photographer. Both Chrys and Alex were also responsible for setting up and promoting AMSA's presence on Facebook. Chrys has brought AMSA in contact with Malaysian university students. She will rejoin the Committee in July when she returns to Sydney. We can look forward to having her back.

Jonathan Ong – Jonathan has been around for a number of years with AMSA and on Committees. He has seen it all. He is a quiet, unassuming kind of person who would say something when it needed saying. Jonathan brought common sense and proper perspective into the Committee and the way we conduct ourselves. I for one will miss him. I wish to thank him for his support and contribution.

Kwee Phaik Lim – although Kwee Phaik was not on our Committee last year, she was Hon Secretary in 2010 while I was Vice President. She was another humble person who should be acknowledged. 2010 was a year of incidents that many of us would rather forget. But I would like to be put on the record by acknowledging that Kwee Phaik did a job well done, not only as Hon Secretary but also as part-time Treasurer when we were without one for the most of that year. I can vouch for this as I have read files she prepared and her record keeping was meticulous. Kwee Phaik was also a major player in helping AMSA promote awareness of the Peranakan Heritage with her Nonya cooking in 2009 and 2010. She also contributed to my booklet *Story of Malacca*, and some good articles to our magazine, *Passages*. I believe she has recently launched a book of her own. I wish her well and good luck in her future endeavours.

Rick Siew – Rick Siew is one other person who is often overlooked, simply because he has adopted a low profile as a quiet achiever. Rick has served AMSA as Hon Auditor for many years even before I joined AMSA in 2008. He does not come to our functions often enough, but he attended our last Christmas Dinner in Strathfield. I hope Rick will continue to serve AMSA faithfully and with integrity and on behalf of the outgoing Committee, I thank him most sincerely.

Premier's Harmony Dinner

By Elvan Tong

In March 2012, President, Elvan Tong, Vice Presidents, Evelyn Tian and James Chin, and Hon Secretary, Victor Hau attended the inaugural NSW Premier's Harmony Dinner at the prestigious WaterView Restaurant at Sydney's Bicentennial Park. It was truly a multicultural affair with over 600 guests and dignitaries from at least 30 different ethnic groups - a fine example of social inclusion in action.

Before dinner the Chairperson of the Community Relations Commission, Mr Stepan Kerkyasharian made a welcome speech and SBS TV News Presenter, Ms Peta Jane Madam and CRC Commissioner, Jihad Dib paid tributes to Australia's multiculturalism.

During dinner, guests were treated to a variety of shows, including a Korean drum performance, a flamenco dance exhibition, an Indian dance routine and a Chinese face-changing magic show. Guests also heard from the NSW Premier, Hon Barry O'Farrell MP and Minister for Citizenship and Communities, Hon Victor Dominello MP. Both praised the immense contribution by our multicultural communities to the social, cultural and economic prosperity of New South Wales. Mr O'Farrell then launched the *Multicultural Advantage Action Plan* with Mr Dominello. Its purpose being to further improve the social, economic and cultural wellbeing of our diverse communities. The highlight of that plan was a whole month of multicultural activities during March 2013, appropriately called 'Multicultural March'. An exciting feature would be 'Voices in Harmony' drawing on the artistic talents and cultural traditions of New South Wales's ethnic communities.



North of Capricorn

By Elvan Tong

"North of Capricorn" is a documentary film directed and produced by Ms Margaret Anne Smith that was partly financed by AMSA four years ago. It was finally completed and opened for public viewing on 20 February 2012 at the NSW Parliament theatre. About 75 people attended to watch the hour-long film.

Dr Michael Wesley, Executive Director of the Lowy Institute, made an introductory speech that added much credence to the documentary. We congratulate Ms Margaret Anne Smith for its successful launch.

"North of Capricorn", originally from a book by Professor Henry Reynolds, is about the people of Australia's deep North (Darwin, Cairns and Broome) who have lived in a multiracial frontier society long before the South accepted non-Anglo migrants. The Aborigines worked alongside Chinese, Japanese, Javanese, Malays, Filipinos, Timorese, Pacific and Torres Straits Islanders. They worked in cane fields, mines, pearling, sheep and cattle stations, farms, banana plantations, sea cucumber collecting, fishing, transporting, shipping, shops, market gardening, manufacturing and so on. They had different ancestors, architectures, music, fashions, food, vegetation, work ethics, and cultural ties with Asia and the Pacific. The North was in fact 'won' by these diverse races of people.

Following Australia's federation in 1901, the Australian Parliament introduced legislations to discourage mixed race liaisons, deport Asians and Pacific Islanders and restrict their emigration to Australia. The Aborigines were sent to missions and settlements for assimilation. Hence the White Australia policy was born that lasted seventy years.

Today, the people of the North have kept their cultures alive, to celebrate their complex history and renew their ties with Asia through festivals, games and relationships.

In recognition of AMSA's monetary contribution to the production of the film, an AMSA logo is prominently featured at the end of the documentary. A DVD of the documentary is available for purchase at around \$20 each. We will advise where it may be purchased and when it may be viewed from one of our local television stations.



The Day of Difference Foundation

Introduced by Alvin Lee

Did you know that around 10,000 Australian children are rushed to emergency departments each year as a result of critical injury? In 2004, Sophie Delezio was one of those children. The Day of Difference Foundation was founded by Sophie Delezio's parents after her tragic accident to provide support for critically injured children and their families especially during the first weeks of hospitalisation, to achieve the best possible recovery. The Foundation's vision is to restore hope to critically injured children and their families. The Foundation's current goal is to raise enough funds to place a Family Support Coordinator at Westmead Children's Hospital to assist and guide families through the healthcare system when they are thrown into this unknown world.

One of AMSA's members, Daniel Kwan, is a staunch supporter of this Foundation. He recently took part in a fund raising event for the Foundation which saw him attempt to cycle 511km from Centennial Park, NSW to Canberra. AMSA has also donated some funds to the Foundation's cause. The following is an excerpt of the event from his e-mail to his sponsors:

Hello Follower Sponsor,

Once again many thanks for your sponsorship. Attached are a few photos of the ride. Yes I did make it to Canberra however I did not completely cycle the whole 511 km journey.

The cycling was completed almost a month ago. The week leading to the start on Friday 20 April Sydney had substantial rain. Thank goodness on Friday morning the rain stopped.

More than 20 cyclists started the journey from Centennial Park (6:30am) and headed towards Moss Vale for the day (180 km). The first pit stop was at the Royal National Park (8:30am). Ron (Chairman) and I, being the slower of the pack decided to hitch a ride on the car to avoid the steep climb of Audley. As the road was still wet, Scott from Macquarie Bank skidded and fell off his bicycle prior to the bridge climb of Audley. The whole group was delayed for half an hour and we all started again after the steep climb of Audley. Scott continued on to Austinmer (some 55 km from Sutherland) with a fracture collar bone. I cycled with Ron thru the Royal National Park to keep him company however the climb was getting too much for the both of us and we again hitched a 15 km to Austinmer. My intention was to stop at Austinmer (90 km from start) as I had to attend a wedding on Saturday. I accompanied Scott back to Sydney via train and ensured that he took a taxi to Royal North Shore Hospital.

Late Saturday afternoon (4pm) after attending the wedding in Sydney, I drove back to Queanbeyan (8pm) to prepare for the Sunday ride.

The strong group started their journey at 6:30am on Sunday. Ron and I started at 7:30 am for an easy 27km ride down south of Queanbeyan. Half way down we met up with Charles Dennis the CEO of DOD. He was concerned that we might get lost and took the short cut to Canberra. There is no doubt that it would have happened if Charles did not accompany us. I must say cycling to Canberra was a breeze. The cycling paths were great and there was not much traffic. We completed our 75km ride around Canberra and arrived at Parliament House at 11:30am.

In total, I have completed about 165km. I have broken my previous year's record of a 150km ride to the Hunter Valley. I vow to complete 300km the next time I take part in this event.

Once again many thanks for your donation. The Day of Difference Foundation appreciates your support. So do the hospital and the patient. In total we received over \$30,000.00 donations.



Features

Linda and Anna

By Lara Song – from the Salvos Legal Humanitarian
Sourced by Mark Khoo

Linda and Anna first encountered Salvos Legal Humanitarian at our Lakemba office (which we run in partnership with Canterbury City Council) in October 2011. Both had received default judgments against them for approximately \$10,000.00 each, and were anxiously in need of legal advice. Both ladies had previously been to three different Legal Aid offices and each time they were told that due to the nature of their issue, Legal Aid was not available to assist them. They were in a very difficult position because neither of them had any money to pay a solicitor to act on their behalf. The last Legal Aid solicitor they met referred them to Salvos Legal Humanitarian.

Linda and Anna were two neighbours who purchased units in a townhouse in 2001 and 1999 respectively in a suburb of Western Sydney. The builder of the townhouse also owned two lots in the complex, and, as it turned out, attempted to unilaterally (and illegally) appoint himself as the Strata Manager.

As the units were in a constant state of disrepair, Linda and Anna regularly asked the builder as to what could be done, and what they were required to do to have their units repaired. The builder continually promised he would take action but nothing was ever done. Linda and Anna were unaware of the statutory warranty period in which they could take Court proceedings against the builder in relation to the defects in their homes. By the time they were made aware of it, the 7 year period had expired, leaving the heavily mortgaged home owners with defective units and no legal recourse against the builder.

In June 2011, Linda and Anna were each served with a Statement of Claim in which the builder was claiming payment of levies dating back over the previous decade. This was despite the fact that there had never been a meeting of the Owners Corporation nor had Linda or Anna ever received minutes of Annual General Meetings, invoices detailing expenditure of the strata scheme or breakdowns for the administrative and sinking fund. Linda and Anna had also only received sporadic invoices which purported to be claims for strata levies.

Unfortunately, Linda suffered from a brain tumour that affected her short term memory and as a result she could not recall being served with the Statement of Claim. Anna did not speak or read English and she did not understand the contents of the Court document or its significance. Furthermore, shortly after receiving the Statement of Claim, Anna's father died and she traveled back to China to be with her family. As a result, both neighbours failed to take action in relation to the Statements of Claim and Default Judgment was entered against them.

Consequently, when the Sheriff arrived at Linda's home and told her that a Judgment had been entered against her and that he was authorized to seize and sell her property to cover the Judgment Debt, she was in shock. Both Linda and Anna faced the prospect of losing what little they had; their homes. Apart from their modest homes (which were subject to significant mortgages), both Anna and Linda were of limited means. Due to the effects of her brain tumour Linda received the Disability Support Pension, and Anna did not work. Anna's husband supported his family from his very limited wages earned from working at a restaurant.

At Lakemba, Linda and Anna met with Anne-Marie Paterson, one of our Humanitarian partners and Christine, one of our volunteer solicitors. Several problems were identified with the Statement of Claim, not least that the builder was seeking to recover unpaid levies in his personal capacity, but significantly that the majority of the alleged debt was statute barred; for those reasons alone, it would be an injustice for the Default Judgment to stand and for Linda and Anna to face losing their homes to satisfy the debt. That being said, Anne-Marie was aware that because the proceedings were civil proceedings involving an alleged strata debt, there was literally no other legal service that would be in a position to help Linda and Anna on a pro-bono basis. Having thoughtfully considered their situation and after taking detailed instructions, Anne-Marie referred the matter to our Surry Hills office, so that we could take on Linda and Anna's case on a full-time basis and represent them in Court without charge.

Christine then worked on Linda's and Anna's matter in our Surry Hills office. Numerous and lengthy discussions occurred between Linda and Anna, Christine, and Rizpah Jarvis, one of our Humanitarian partners. Many attempts were made to contact the builder to seek a resolution of the matter without the need for further Court proceedings including an attempt to reach agreement on the appointment of an external Strata Manager to get the Owners Corporation up and running as it should have been for the last decade. The builder was not prepared to substantiate his claim with any documentation, nor was he prepared to enter into any settlement discussions that did not involve the flawed Judgment debts being paid to him in full.

As a result, Salvos Legal Humanitarian had no alternative but to go to Court for these two ladies. The proceedings came before the Court on 2 December 2011. Rizpah Jarvis appeared on Linda and Anna's behalf and to their relief the orders sought were granted and the Default Judgment was set aside.

Discussions continued with Linda, Anna and the builder. We again sought to negotiate an amicable resolution to the matter that would take the matter out of Court and ambitiously put the Owners Corporation in good stead for the future. Once again, all attempts to negotiate failed.

In January 2012, we filed a Notice of Motion in Court seeking to have the proceedings dismissed. On 2 March 2012, once again Rizpah Jarvis appeared before Bankstown Local Court on behalf of Linda and Anna. She sought to have the proceedings dismissed for failing to disclose a reasonable cause of action. After reviewing the documents, the Magistrate gave the builder some stern words of warning regarding persisting with the proceedings and adjourned the matter so that the builder could consider his position and obtain legal advice. Following the Court appearance, Linda and Anna made another offer to the builder for the proceedings to be discontinued without costs.

On 30 March 2012, Rizpah Jarvis again appeared before Bankstown Local Court. Before the proceedings commenced, the builder finally indicated through his solicitor that he was now prepared to discontinue the proceedings on the basis that each party paid their own legal costs. As this was a proposal previously made by Linda and Anna, they accepted this, and the proceedings were discontinued.

This was great news and an enormous relief for Linda and Anna who faced a real risk of losing their homes prior to their first meeting with us at Lakemba. There are no longer any Court proceedings against them and they are no longer facing the prospect of bankruptcy or losing their homes.

Financial Agreement between Partners

By Jeffrey Lee

This article looks at financial agreements between partners as prescribed by the Family Law Act 1975. It discusses pre-nuptial agreements, agreements entered into during marriage and other related agreements, which would be recognised as enforceable by Australian courts.

With the introduction of Section 90B (and other related sections) of the *Family Law Act 1975*, financial agreements relating to property and maintenance entered into by partners are recognised and enforced by the courts.

What may the agreement cover?

The agreement may cover:

Property or financial resources before marriage, during marriage, or in the event of a breakdown of marriage [s90B(2)(a)]; and/or maintenance during marriage, or in the event of a breakdown of marriage [s90B(2)(b)].

"Property" may include:

- real estate;
- businesses;
- cash and shares;
- cars, wine and art collections;
- life insurance;
- superannuation; and
- proceeds of litigation.

"Maintenance" may be expressed in terms of regular payments for a specified period, the payment of certain bills and expenses incurred (such as school fees or rate payments in relation to a residential property), or as a lump sum. Note that either or both of the parties are entitled to maintenance, although it is usually calculated to be paid from the party with higher earnings to the party with lower income or earnings (but need not be).

A. PRE-NUPTIAL AGREEMENTS

What is required for a valid agreement?

For a pre-nuptial agreement to be considered valid under Section 90B it must:

- be in writing [s 90B(1)(a)];
- be expressed to be made under s 90B [s 90B(1)(b)];
- the parties must receive independent legal advice from a legal practitioner prior to entering into the agreement [s 90G(1)(b)];
- the parties must present a statement signed by the provider of the independent legal advice [s 90G(1)(c)] to each other [s 90G (1) (ca)]; and
- the agreement must be signed by both parties [s 90G(1)(a)].

It should be noted that any new financial agreement will have the effect of terminating previous agreements if all the parties to the previous agreement are parties to the new agreement [s 90B(4)].

Can the agreement be set aside by the court?

Yes, under Section 90K the court can set aside an agreement if it is satisfied that the agreement was:

- obtained by fraud;
- entered into by one of the parties for the purpose of defrauding or defeating a creditor(s) or another person who is party to a de facto relationship;
- void;
- unenforceable; or
- puts the party responsible for the welfare of a child/children to the marriage in a position of hardship.

In considering whether to set an agreement aside, the court will have regard to whether the circumstances of the parties have changed to such an extent since the making of the agreement as to make the agreement unjust. The courts will have particular regard to the effect of any existing agreement on the welfare of the children of the marriage.

To avoid an agreement being set aside by the court, the parties should consider entering into a new agreement when there is a significant change in circumstances, which may include (but is not limited to):

- The birth of a child;
- A child or children moving out of home or getting married;
- Purchase or sale of a house or unit;
- Purchase or sale of shares or investment assets;
- Purchase or sale of other major assets, such as a motor vehicle;
- The receipt of proceeds of a deceased estate as a beneficiary by one or both of the parties;
- Retrenchment/job loss or retirement of one party or one party not returning to the workforce following maternity or paternity leave; and
- Set up or termination of a new business.

B. AGREEMENTS ENTERED INTO DURING MARRIAGE

Under Section 90C, parties can enter into agreements relating to property and maintenance during marriage. Section 90C is in all respects identical to Section 90B (agreements entered into before marriage), except that it applies to agreements entered into after the marriage has taken place.

A new agreement entered into during marriage will terminate any existing pre-nuptial agreement under s 90B or any agreement entered into under s 90C (s 90C(4)).

As with pre-nuptial agreements, the agreement may cover "property" of the marriage both during and after marriage. This includes property acquired by the couple or by each party separately during the marriage. Property may include cash in bank accounts, shares, insurance, cars, homes, businesses, intellectual property and other assets, such as art or wine collections. The agreement should stipulate clearly what items of property it applies to, as property not covered by the agreement may be dealt with separately by the court in the event of a breakdown. Thus, to ensure all assets are covered, the agreement should be reviewed frequently, particularly at the time of sale or purchase of major assets such as the family home. The easiest way to do this is to incorporate a list of property into the agreement by way of an annexure, thus making it easy to review.

C. AGREEMENTS ENTERED INTO AFTER MARRIAGE BREAKDOWN

These may be entered into under Section 90D following the breakdown of marriage. Again, these are similar to both pre-nuptial agreements under s 90B and agreements entered into during marriage under s 90C. Financial agreements entered into following the breakdown of marriage have the effect of terminating any existing pre-nuptial agreements or agreements entered into during marriage under ss 90B, 90C. The requirements for a valid agreement under s 90D are the same as those required under ss 90B and 90C.

Why enter into an agreement?

- To save court time and money in the event of the breakdown of marriage;
- To ensure each party is provided for sufficiently in the event of a marriage breakdown;
- To ensure each party feels that their own property, which they have brought into the marriage,
- Remains secure from other claims; and
- So that each party feels they have achieved a sense of fairness, have had the opportunity to make their own arrangements and will be protected in the future.

D. DE FACTO PARTNERS

Under recent amendments to the Family Law Act, defacto couples (including same sex couples) can now make financial agreements under s 90UB (Financial Agreements before De Facto Relationship), s 90UC (Financial Agreements during De Facto Relationship) and s 90UD (Financial Agreements After Breakdown of a De Facto Relationship).

E. WHEN SHOULD THE PARTIES ENTER INTO A FINANCIAL AGREEMENT

As discussed above, pre-nuptial agreements, those entered into during marriage or those entered into after the dissolution of marriage differ very little. However, it is preferable for the protection of each party's separate property that the agreement be entered into earlier rather than later (eg. in contemplation of marriage under s 90B).

Important: This is not advice. Clients should not act solely on the basis of the material contained in this paper. Our formal advice should be sought before acting on any aspect of the above information.

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Life at Chakrabongse House

Introduced by Elvan Tong

It is not every day that AMSA has a writer of a substantial book in our midst. Therefore, I am delighted to introduce its author, Ms Kwee Phaik Lim. Kwee Phaik was AMSA's Hon Secretary in 2010 who, apart from performing her normal duties admirably, was able to find time to write a series of articles for our magazine, *Passages*. This book entitled "Life At Chakrabongse House" is her crowning glory. It is in fact the full version of an article she wrote in 2010 for us.

Below is a brief synopsis of Kwee Phaik's book about her family:

A family history of Khaw Sim Bee, "Phraya Rasadanupradit Mahisornpakdi" and of his father Khaw Soo Cheang who escaped from the Manchu in China to arrive in Penang in 1822, worked as a vegetable farmer and later went to Siam and made his fortune. Khaw Sim Bee, his youngest Sino-Thai son was appointed as High Commissioner of Monthon Phuket by King Chulalongkorn of Siam. Khaw Sim Bee brought the first rubber seedlings into Trang and introduced the bucket dredge system of tin mining in Phuket which revolutionised that industry. He built Chakrabongse House in Penang. The lifestyle of a by-gone era includes accounts of World War 2 and the customs and traditions of a Straits Chinese family that existed in Chakrabongse House.

So if you are into human interest and keen on the history of a famous family, this book is now available for purchase through Google EBook. Below is the link:

http://books.google.com.au/books/about/Life_at_Chakrabongse_House_Khaw_Sim_Bee.html?id=xrrsESoNpfAC&redir_esc=y

Two Outstanding Malaysians I Met during My Recent Trips to Malaysia

By Dr. YKK (Yew Kam Keong, PhD)

I travel back to Malaysia about 3-4 times a year to present speeches and conduct business innovation workshops. During my recent trips back to Malaysia, I was delighted and privileged to meet and to re-connect with two outstanding Malaysians.

The first outstanding Malaysian is Dr. John Lau from Sarawak.



Dr. John Lau

Dr. Lau is the first Malaysian ever to be elected as the President-elect of Toastmasters International and will be installed as President this coming August 2012 during its annual international convention in the U.S.A.

Toastmasters International is the largest public speaking organisation in the world. Founded in 1924, the organization has more than 270,000 members in more than 13,000 clubs in 116 countries. Thus being elected as President of this organisation is an outstanding achievement that all Malaysians should be proud of. He has achieved Distinguished Toastmaster (DTM) status 11 times, the highest speaking level a member can achieve.

In recognition of his achievement, the Malaysian government appointed him as the Malaysian Business Events and Industries Ambassador, to promote Malaysia as a global centre of business events and industries.

I first met Dr. John Lau as a fellow member of the Kuching Toastmasters Club more than 20 years ago and reconnected with him during my visit to Kuching last year.

Dr. Lau is the Chief Executive and owner of the Acme Group of Companies, a management consultancy specializing in human capital development, corporate restructuring information technology, oil and gas construction, as well as sales of construction materials.



Dr. Victor S.L Tan

The other outstanding Malaysian is Dr. Victor S.L. Tan, a fellow professional public speaker. He has been awarded the "The Malaysia Book of Records" recipient for his book "The Secret of Change" - the first of its kind powerfully crafted in poetic verses. He is the author of six best selling management books on change.

Dr. Tan has previously won the Phi Beta Kappa Award, the highest academic honours given for overall achievement for universities in the U.S.A.

I first met him about 20 years ago in Malaysia. I then reconnected with him after moving to Australia, when he invited me to speak at one of his corporate training sessions.

Currently, he is the principal consultant and Chief Executive Officer of KLSCC group, leading professional consulting organisation specialising in developing competitive excellence for companies in the Asia Pacific.

As a management practitioner and international consultant, Victor has published over 300 management articles which appeared in various journals such as The Malaysian Business, The Banker's Journal, Certified Management Digest, The New Straits Times, Corporate World, The Executive Today and the Malaysian Tatler.

The author Dr.YKK (yew Kam Keong, PhD) is an international speaker, trainer, consultant and best-selling author in the field of creativity and innovation. He is the Chief Mind Unzipper of Mindbloom Consulting. Email: DrYKK@mindbloom.net, web: www.mindbloom.net

The Wisdom of Lao Tzu

Sourced by Elvan Tong

A good traveler has no fixed plans, and is not intent on arriving.

When you are content to be simply yourself and don't compare or compete, everybody will respect you.

He who controls others may be powerful, but he who has mastered himself is mightier still.

He who does not trust enough, will not be trusted.

He who is contented is rich.

To lead people walk behind them.

To love someone deeply gives you strength; being loved by someone deeply gives you courage.

To realize that you do not understand is a virtue; not to realize that you do not understand is a defect.

He who knows others is wise; he who knows himself is enlightened.

He who knows that enough is enough will always have enough.

Truthful words are not beautiful; beautiful words are not truthful. Good words are not persuasive; persuasive words are not good.

When a nation is filled with strife, then do patriots flourish.

When I let go of what I am, I become what I might be.

When the best leader's work is done the people say, "We did it ourselves."

Great acts are made up of small deeds.

He who conquers others is strong; he who conquers himself is mighty.

Respond intelligently even to unintelligent treatment.

Silence is a source of great strength.

The more laws and order are made prominent, the more thieves and robbers there will be.

The power of intuitive understanding will protect you from harm until the end of your days.

The softest things in the world overcome the hardest things in the world.

The wise man does not lay up his own treasures. The more he gives to others, the more he has for his own.

Those who have knowledge, do not predict. Those who predict, do not have knowledge.

To know yet to think that one does not know is best; not to know yet to think that one knows will lead to difficulty.

He who knows, does not speak. He who speaks, does not know.

He who obtains has little. He who scatters has much.

He who talks more is sooner exhausted.

Health is the greatest possession. Contentment is the greatest treasure. Confidence is the greatest friend.

How could man rejoice in victory and delight in the slaughter of men?

I have just three things to teach: simplicity, patience, compassion. These three are your greatest treasures.

If you do not change direction, you may end up where you are heading.

All difficult things have their origin in that which is easy, and great things in that which is small.

An ant on the move does more than a dozing ox.

Anticipate the difficult by managing the easy.

At the centre of your being you have the answer; you know who you are and you know what you want.

Be content with what you have; rejoice in the way things are. When you realize there is nothing lacking, the whole world belongs to you.

Be the chief but never the lord.

Do the difficult things while they are easy and do the great things while they are small.

A journey of a thousand miles must begin with a single step."

Give a man a fish and you feed him for a day. Teach him how to fish and you feed him for a lifetime.

Humour

Dumb Blonde Jokes

Sourced by Elvan Tong

A young ventriloquist is touring Sweden and one night he is doing a show in a small fishing town. With his dummy on his knee, he starts going through his usual dumb blonde jokes.

Suddenly, a blonde woman in the fourth row stands on her chair and starts shouting:

"I've heard enough of your stupid blonde jokes. What makes you think you can stereotype Swedish blonde women that way? What does the colour of a woman's hair have to do with her worth as a human being? It is men like you who keep women like me from being respected at work and in the community, and from reaching our full potential as people. It's people like you that make others think that all blondes are dumb! You and your kind continue to perpetuate discrimination against not only blondes but women in general ... pathetically all in the name of humor!"

The embarrassed ventriloquist begins to apologise, and the blonde yells:

*"You stay out of this! I'm talking to that little s**t on your lap!"*

Singlish – Singaporeans' Answer To English

Sourced by Elvan Tong

Britons – Is there anything wrong dear? Is there anything troubling you?
You aren't yourself. Come, let us sit and talk about it.

Singaporeans – Not happy izzit ?

Britons – Oh gracious, I am so appalled by your shocking behaviour.
How could you do such a thing?

Singaporeans – Why you so liadat?

Britons- Wow, you got yourself a really pretty girlfriend.
You must be very truly happy.

Singaporeans- Steady lah brudder !

Britons - Oh dear, his car was involved in an accident and I think there was some damage.

Singaporeans - Kena Langgar!

Britons - The coffee I had at Starbucks was really below standard.
It tasted awful and I was unable to drink it.

Singaporeans - Longkang chui!

Britons – I am so upset you broke that vase.
Do you know how much it costs?

Singaporeans – Wah piang eh!

Britons – Did you see how that referee did not book that player.
How could he not see that foul?

Singaporeans - Referee kayu!

Britons - I am so angry that you have no respect for your parents.
Just look at the manner in which you communicate with us.
Your words are so hurtful. I hope you will think carefully before you speak next time.

Singaporeans- U wan me put chilli in your mouth??

Britons - I think Paul has already gone home although it is not 5 o'clock yet.

Singaporeans - He chabut oredi / Balek Kampong oredi

Britons – His hair has been really badly cut by the barber.
It is very uneven and not at all a good look.

Singaporeans- Like chicken backside!

Britons- This task is actually relatively easy, not complicated at all.
In fact, anyone can do it.

Singaporeans- Chicken feed lah

Britons- It was a really difficult day today at work. I am so exhausted and really
cannot take this for much longer.

Singaporeans- Can die man

Britons- I don't understand why you tried to date your best friends girlfriend.
Everyone knows that they are a couple.

Singaporeans- Why u potong jalan?

Britons- I really cannot understand his instructions. He doesn't make himself clear.

Singaporeans- What talking you?

Britons -I don't understand what you are so afraid of?

Singaporeans- Scared what?

Britons- I haven't been doing much at home as I am currently unemployed.

Singaporeans- Juz shaking legs.

Britons - I am really so tired of this job. I feel very jaded.

Singaporeans- So sian.

Britons - I truly enjoyed every morsel of food It was simply delicious.

Singaporeans- Damn shiok!

Britons - It is really so frustrating trying to explain something to him.
I feel extremely annoyed at this moment.

Singaporeans - Can vomit blood!

Britons - I am so sorry to trouble or inconvenience you but will be possible

to take a lift home with you?

Singaporeans- Can Tumpang?

Britons - I think that after all our efforts to encourage and support him we cannot do much more. He is beyond help and really it is a lost cause.

Singaporeans - Gone case man he.

Britons - I cannot believe you are not using the pedestrian crossing.

Do you really think you can cross the road wherever you want?

Singaporeans - Your grandfudder road izzit??

Britons – I don't think that this is really possible.

It seems highly unlikely that he will take your advice.

Singaporeans - U wait long long.

Some Misperceptions about Australia

Sourced by Kong Teh

Q: Will I be able to see kangaroos in the street? (USA)

A: Depends how much you've been drinking.

Q: I want to walk from Perth to Sydney - can I follow the railroad tracks? (Sweden)

A: Sure, it's only three thousand miles, take lots of water.

Q: Are there any ATMs (cash machines) in Australia? Can you send me a list of them in Brisbane, Cairns, Townsville and Hervey Bay? (UK)

A: What did your last slave die of?

Q: Can you give me some information about hippo racing in Australia? (USA)

A: A-fri-ca is the big triangle shaped continent south of Europe. Aus-tra-lia is that big island in the middle of the Pacific which does not... oh forget it. Sure, the hippo racing is every Tuesday night in Kings Cross. Come naked.

Q: Which direction is North in Australia? (USA)

A: Face south and then turn 180 degrees. Contact us when you get here and we'll send the rest of the directions.

Q: Can you send me the Vienna Boys' Choir schedule? (USA)

A: Aus-tri-a is that quaint little country bordering Ger-man-y, which is...oh forget it. Sure, the Vienna Boys Choir plays every Tuesday night in Kings Cross, straight after the hippo races. Come naked.

Q: Can I wear high heels in Australia? (UK)

A: You are a British politician, right?

Q: Are there supermarkets in Sydney and is milk available all year round? (Germany)

A: No, we are a peaceful civilisation of vegan hunter/gatherers. Milk is illegal.

Q: Please send a list of all doctors in Australia who can dispense rattlesnake serum. (USA)

A: Rattlesnakes live in A-meri-ca which is where YOU come from. All Australian snakes are perfectly harmless, can be safely handled and make good pets.

Q: I have a question about a famous animal in Australia, but I forget its name. It's a kind of bear and lives in trees. (USA)

A: It's called a Drop Bear. They are so called because they drop out of Gum trees and eat the brains of anyone walking underneath them. You can scare them off by spraying yourself with human urine before you go out walking.

Q: Do you have perfume in Australia? (France)

A: No, WE don't stink.

Q: I have developed a new product that is the fountain of youth. Can you tell me where I can sell it in Australia? (USA)

A: Anywhere significant numbers of Americans gather.

Q: Can you tell me the regions in Tasmania where the female population is smaller than the male population? (Italy)

A: Yes, gay night-clubs.

Q: Do you celebrate Christmas in Australia? (France)

A: Only at Christmas.

Q: I was in Australia in 1969 on R+R, and I want to contact the girl I dated while I was staying in Kings Cross. Can you help? (USA)

A: Yes, and you will still have to pay her by the hour.

Q: Will I be able to speak English most places I go? (USA)

A: Yes, but you'll have to learn it first

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