



Strata Titles Amendment Act 2018 ***Fact Sheet***

SECTION 104 **Records and Correspondence**

104. Records and correspondence

- (1) A strata company must —
 - (a) keep a copy of each of the following —
 - (i) the current scheme documents;
 - (ii) any proposed amendments of the scheme documents of which it is aware and that remain current;and
 - (b) make and keep for a period fixed by the regulations —
 - (i) minutes of its general meetings and meetings of its council; and
 - (ii) records of its resolutions and decisions of its council; and
 - (iii) such other records as are required by the regulations;and
 - (c) keep for a period fixed by the regulations —
 - (i) records and statements of account made or kept under section 101; and;
 - (ii) notices of its general meetings and meetings of its council; and
 - (iii) notices of proposed resolutions and material submitted to members of the strata company in connection with proposed resolutions; and
 - (iv) notices of disclosures made under section 79, 145(2) or 147; and
 - (v) all correspondence, other notices and orders it or its council sends or receives; and
 - (vi) each lease accepted under section 92 and any instrument of surrender of such a lease; and
 - (vii) a copy of each contract entered into by the strata company and any variation, extension or termination of such a contract, including (without limitation) the following —
 - (I) a strata management contract;
 - (II) an insurance contract;
 - (III) an infrastructure contract for a common property (utility and sustainability infrastructure) easement;
 - (IV) a contract for services or amenities provided to the strata company or members of the strata company; and
 - (viii) each lease, licence or other document granting a special privilege over the common property (other than exclusive use by-laws); and
 - (ix) each key document it has received; and
 - (x) each document it has kept or received under section 63(8) or (9);and
 - (d) keep the following in a manner that facilitates access to the information, in particular, for use by the members of the council and officers of the strata company —

- (i) the terms of any current resolution about the use of the common seal of the strata company or authorising persons to execute documents on its behalf;
 - (ii) the current balance of the administrative fund and, if applicable, the reserve fund of the strata company;
 - (iii) the current budget (showing estimated income and expenditure) of the strata company;
 - (iv) the terms of the most recent resolution determining contributions, the period for which they are determined, the basis on which the contributions are apportioned amongst the members of the strata company and the date on which they fall due;
 - (v) the most recent 10 year plan, if applicable;
 - (vi) any termination proposal submitted to the strata company that remains current.
- (2) The regulations may impose additional requirements for the making or keeping of records by a strata company or about the manner in which this section is to be complied with.
- (3) A strata company must ensure that —
- (a) a letterbox with the name of the strata company clearly shown on it is continuously available and suitably placed on the parcel; and
 - (b) a mechanism for corresponding with the strata company electronically is reasonably available to —
 - (i) members of the strata company; and
 - (ii) occupiers of lots in the strata titles scheme.

REGULATION 83

83. Period in which records must be retained

A document that a strata company is required to make or keep under a section specified in the Table under the heading “Type of document” must be kept for the period specified in the Table under the heading “Retention period” next to the document concerned.

REGULATION 84

84. Form of records

A record that is required to be made or kept by a strata company under section 104 may be made and kept in electronic form.

Table

Type of document	Retention period
Section 104(1)(b)(i) (minutes of general meetings and meetings of council)	7 years
Section 104(1)(b)(ii) (records of resolutions and decisions of council)	20 years for special resolutions, unanimous resolutions and resolutions without dissent; 7 years in any other case
Section 104(1)(c)(i) (records and statements of account made or kept under section 101)	7 years
Section 104(1)(c)(ii) (notices of general meetings and meetings of council)	7 years
Section 104(1)(c)(iii) (notices of proposed resolutions and material submitted to members in connection with proposed resolutions)	7 years
Section 104(1)(c)(iv) (notices of disclosures made under section 79, 145(2) or 147)	7 years
Section 104(1)(c)(v) (all correspondence, other notices and orders sent or received by the strata company or its council)	7 years
Section 104(1)(c)(vi) (each lease accepted under section 92 and any instrument of surrender of such a lease)	7 years beginning the day after the lease ends
Section 104(1)(c)(vii) (a copy of each contract entered into by the strata company and any variation, extension or termination of such a contract)	20 years for an insurance contract, or an infrastructure contract for a common property (utility and sustainability infrastructure) easement, including any variation, extension or termination of such a contract; 7 years in any other case
Section 104(1)(c)(viii) (each lease, licence or other document granting a special privilege over the common property (other than exclusive use by-laws))	7 years beginning the day after the lease, licence or other document granting a special privilege ends
Section 104(1)(c)(ix) (each key document received by the strata company)	The life of the scheme (except where a shorter period is specified in relation to that document elsewhere in this Table)
Section 104(1)(c)(x) (each document kept or received under section 63(8) or (9))	The life of the scheme