



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

### **SECTION 107-111**

#### **Provision Of Information**

#### **107. Application by person with proper interest in information**

- (1) A person with a proper interest in information about a strata titles scheme, or a person authorised in writing by such a person, may apply in writing to the strata company or the scheme for —
  - (a) information under section 108; or
  - (b) inspection of material under section 109; or
  - (c) a certificate under section 110.
- (2) A person has a proper interest in information about a strata titles scheme if the person is —
  - (a) a member of the strata company for the scheme; or
  - (b) a buyer who has entered into a contract for the sale and purchase of a lot in the strata titles scheme; or
  - (c) a mortgagee of a lot in the strata titles scheme; or
  - (d) a person of a class specified in the regulations.
- (3) A strata company may charge a fee for an application under this section.
- (4) However, any fee that is charged must not exceed an amount fixed by the regulations.

#### **108. Contact information**

A strata company commits an offence if it does not, within 14 days after being given an application for contact information under section 107, provide the applicant with the following as stated in the application —

- (a) the name and address for service of a member of the council of the strata company;
- (b) the name and address for service of an officer of the strata company;

Penalty: a fine of \$3 000.

#### **109. Inspection of material**

- (1) A strata company commits an offence if, on application for inspection under section 107, it does not make material to which this section applies available for inspection by the applicant at a place and time —
  - (a) agreed between the strata company and the person; or
  - (b) if agreement is not reached within 3 days after the strata company is given the application, specified in a written notice given by the strata company to the person.

Penalty for this subsection: a fine of \$3 000.

- (2) The time specified in a notice under subsection (1)(b) must be between 9am and 5pm on a day not more than 10 days after the strata company is given the application.

- (3) The material may be made available in electronic or hard copy form.
- (4) A person inspecting material under this section —
  - (a) may take extracts from, or make a copy of, the material, including by photographing it, subject to any limitations specified in the regulations; and
  - (b) must not, without the consent of the strata company, remove physical material from the custody of the strata company; and
  - (c) must not alter, damage, conceal or destroy any material or entry.
- (5) The strata company may, but is not obliged to, provide a copy of any material at the request of the applicant, and, if it does so, it may charge a fee for the copy of an amount not exceeding an amount fixed by the regulations.
- (6) This section applies to the following —
  - (a) material kept under section 104;
  - (b) the roll kept under section 105;
  - (c) other documents in the possession or control of the strata company.

#### **110. Certificates**

- (1) A strata company commits an offence if it does not, within 14 days after being given an application for a certificate under section 107, provide the applicant with a certificate certifying, as at the date of the certificate, the following matters as stated in the application —
  - (a) whether or not a strata management contract is in effect and, if so, when the contract starts and ends;
  - (b) details of any contracts of insurance maintained by the strata company, including the name of the insurer, the contract number, the type and amount of cover, and the expiry day;
  - (c) whether any transfer, lease or other disposition has been entered into or exclusive use by-laws have been made in favour of a person over the common property but not registered by the Registrar of Titles, and, if so, the name of the person and the nature and effect of the transaction or by-laws.

Penalty for this subsection: a fine of \$3 000.

- (2) A strata company commits an offence if it does not, within 14 days after being given an application for a certificate under section 107, provide the applicant with a certificate certifying, as at the date of the certificate, the following matters as they relate to a lot specified in the application —
  - (a) the amount and due date of contributions determined for the lot —
    - (i) at the most recent annual general meeting of the strata company; and
    - (ii) at any time subsequent to that meeting; and
    - (iii) in the previous 12 months;
  - (b) any amount owed to the strata company by the owner or occupier of the lot that is outstanding, the date on which it became outstanding, and the nature of the payment;

Note for this paragraph:

For example, the amount may be an amount of —

- contributions; or
- an amount payable under exclusive use by-laws; or
- an amount payable for work undertaken on the part of the owner of the lot; or
- any penalty or other amount ordered to be paid by the Tribunal; or
- any amount payable for utility services or other services or amenities.

(c) the rate of interest payable in respect of the outstanding amount.

Penalty for this subsection: a fine of \$3 000.

- (3) A certificate under this section is conclusive evidence of the matters stated in the certificate, as at the date of the certificate, in favour of a person taking an estate or interest in a lot for valuable consideration.

#### **111. Legal professional privilege and defamation**

- (1) Nothing in this Subdivision requires a strata company —
- (a) to give or certify any information that is the subject of legal professional privilege; or
  - (b) to make available a document or a part of a document if that would disclose information that is the subject of legal professional privilege.
- (2) It is a defence to an action for defamation if the defendant proves that —
- (a) the defamatory matter was contained in information or a document mentioned in this Subdivision; and
  - (b) the publication consisted of giving or certifying the information, or making the document available, in accordance with this Subdivision.