

Your rights as a strata company

Some people have a right to inspect your records, but know the fine print. Section 43(1)(b) grants a right of inspection of records only. The right is limited to proprietors, mortgagors and persons authorised by proprietors or mortgagors. It does not give a right to prospective purchasers or past or future proprietors.

This section of the Act - 43(1)(b) - does *not* give a right to make or take copies of records.

There may be a written request for copies of the documents under Section 43(1a), but that sub-section appears to give the strata company discretion as to whether to give copies of the documents. The section, for example, might allow a strata company to refuse to give copies of documents if the strata company believes a request is for improper or vexatious purposes.

It is, however, difficult to reconcile the discretion in Section 43(1)(a) with Section 43(5) which says that a person inspecting documents under subsection(1)(b) “may take extracts from, or make a copy of” such documents.

What you are required to do

Section 43(6), meanwhile, requires the strata company to give the name and address of the members of the Council of Owners to *any person* who “reasonably requests” that information, whether or not they are proprietors.

The *Privacy Act* cannot be cited as reason for refusing a proprietor inspection of or copies of records. The *Privacy Act* contemplates that the control of disclosure of personal information is subject to other legislation. The *Privacy Act* is therefore overridden by Section 43 of the *Strata Titles Act*.

What you aren't required to do

It is arguably not necessary to maintain a roll in all of its historical forms or to maintain records of amendments made to the roll kept under Section 35A.

A strata company is under no obligation to provide access to records to a prospective purchaser. If a prospective purchaser wants to conduct due diligence in respect of the strata company, the purchaser's enquiries should be directed to the vendor who may then in turn seek access under Section 43.

Nor is a strata company obliged to maintain copies of correspondence between individual proprietors and third parties.