

# WA Strata Professionals

*Where excellence is our business*

## **INSPECTION OF RECORDS**

Dear Owner/agent/buyer,

Thank you for your recent enquiry in relation to access to documents which form part of the records for strata company The Owners of \_\_\_\_\_ for lot \_\_\_\_\_.

Requests for information or copies of documents that form part of a strata company records are treated as an “application to inspect material” governed by various sections of the Strata Titles Act and Regulations 2019. Extracts of these sections are included on pages 2 and 3 of this document for your information.

When a person requests to either inspect or gain copies of records or information, this falls under Sections 107, 108 and 109 of the Strata Titles Act WA.

### ***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 for the scheme for —*
- (a) *information under section 108; or*
  - (b) *inspection of material under section 109; or*
  - (c) *a certificate under section 110.*

The Regulations 2019 stipulate that certain prescribed fees are chargeable for such requests for material and the following options are available to the person who is requesting the information;

1.	Applicant is Proprietor/Person with proper interest who wishes to gain electronic copies of records as listed	\$51 (+ GST if applicable)
2.	Applicant is an authorised representative who wishes to gain electronic copies of records as listed	\$150 (+ GST if applicable)
3.	Applicant is Proprietor/Person with proper interest who wishes to physically inspect the records and gain own copies of documentation	Prescribed fees as per Section 88.
4.	Applicant is an authorised representative who wishes to physically inspect the records and gain own copies of documentation	Prescribed fees as per Section 88.

**Please complete below section and return this page;**

<b>Indicate your selected option (1 - 4)</b>	<b>Name:</b>	<b>Date:</b>
	<b>Signature:</b>	

Please note that once we have received your response, we will calculate the prescribed fees and an invoice will be issued to you that must be paid prior to the inspection of records (if fees are applicable). A scheduled time and date will also be supplied to you wherein your documents can be inspected or received electronically in accordance with the legislation.

If you have any further queries, please don't hesitate to contact our office.

Kind regards

*WA Strata Professionals*

## **Regulations 2019 - prescribed fees and methods of inspection**

### **85. Person with proper interest in information**

For the purposes of section 107(2)(d), the following classes of persons are specified as persons who have a proper interest in information about a strata titles scheme -

- (a) the owner of a leasehold scheme;
- (b) a person appointed as a guardian or administrator of the owner of a lot under the *Guardianship and Administration Act 1990*;
- (c) if the whole or part of the parcel is, or is intended to be, used or occupied as a retirement village (within the meaning given in the *Retirement Villages Act 1992* section 3(1)) —
  - (i) a resident (within the meaning given in that section) of the retirement village; or
  - (ii) a person who has entered into a residence contract (within the meaning given in that section) in relation to the retirement village.

### **86. Fees for applications under s. 107**

- (1) For the purposes of section 107(4), the following amounts are fixed as the maximum fee for an application under section 107 -
  - (a) in the case of an application for information under section 108 - \$10;
  - (b) in the case of an application for inspection of material under section 109 -
    - (i) if the application is by a person who has a proper interest in information about a strata titles scheme - \$1; or
    - (ii) if the application is by a person authorised in writing by the person referred to in subparagraph (i) - \$100;
- (2) An application under section 107 is not duly made to a strata company until the fee (if any) charged by the strata company for the application has been paid.
- (3) A maximum fee under this regulation is increased by 10% if the strata company is required to remit GST for the provision of the service for which the fee is payable.

### **87. Inspection of material**

- (1) For the purposes of section 109(4)(a), a strata company may, by notice in writing to an applicant, specify requirements for the taking of extracts from, or the making of copies of, material that a person inspects under section 109.
- (2) A person inspecting material under section 109 may take extracts from, or make copies of, the material but only in accordance with those requirements.
- (3) Subregulation (1) does not authorise a strata company to prevent or impose restrictions on the person photographing any of the material during the inspection using the person's own camera.
- (4) A strata company cannot charge the person a fee for any such photographing.

### **88. Maximum charge for copies of material**

- (1) For the purposes of section 109(5), the following amounts are fixed as the maximum fee that may be charged by a strata company for providing a copy of material under section 109 —
  - (a) for the supply of a copy of the material on a portable data storage device provided by the strata company - \$50 plus the actual cost of the device;
  - (b) for the supply of a photocopy of the material - \$50 for the first 5 pages plus \$1 for each extra page of the photocopy;
  - (c) for the supply of an electronic copy of the material by email or other electronic transmission - \$50.
- (2) A strata company may refuse to provide a copy of material until the fee (if any) charged by the strata company under section 109(5) for providing the copy is paid.
- (3) A maximum fee under this regulation is increased by 10% if the strata company is required to remit GST for the provision of the service for which the fee is payable.

## Strata Titles Act 1985 WA

### **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 for 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;

### **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.
- (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.