



Our Ref: 7485-10/11

27 January 2011

Department of
Justice and Attorney-General

Mr Ken Greenaway
Purchasers Strata Inspections Pty Ltd
PO Box 766
COOLUM BEACH QLD 4007

Dear Mr Greenaway

I refer to your letter dated 18 January 2011 and received at this office on 24 January 2011 requesting information on inspection of records.

The Office of the Commissioner for Body Corporate and Community Management provides a dispute resolution service and an information service, under the *Body Corporate and Community Management Act 1997* (the BCCM Act). The dispute resolution service resolves matters in dispute either through conciliation or a formal adjudication process. The role of the information service is to provide information on the Act and the associated regulation modules for all members of the public involved with community titles schemes.

The information service cannot interpret the legislation, provide legal advice or provide directions or rulings.

You have referred to section 205 of the Standard Module, which states as follows:

205 Fee for information given to interested persons—Act, s 205

(1) For section 205(2) of the Act—

(a) the prescribed fee for inspection of the body corporate's records is—

(i) if the person inspecting the records is an owner of a lot—\$13; or

(ii) if the person inspecting the records is not an owner of a lot—\$25; and

(b) the prescribed fee for obtaining a copy of a record kept by the body corporate is 50c for each page supplied.

(2) For section 205(4) of the Act, the prescribed fee to accompany a request for a body corporate information certificate under the subsection is \$49, plus a priority fee of \$18.50 if the certificate is required within 24 hours, plus a fee of \$12.50 if the certificate is to be faxed.

(3) The priority fee mentioned in subsection (2) must be refunded if the certificate is not supplied within 24 hours.

In accordance with section 205(1)(a)(ii) if the person inspecting the records is not a lot owner, the prescribed fee for inspection of the body corporate records is \$25.00. If the person requests a copy of a record, it is 50cents per page supplied. There is no provision in the legislation for charging a "fee per lot" for inspection of records.

The BCCM Act also makes no reference to GST. This is implemented via federal taxation legislation. Any inquiries regarding the GST should be directed to the Australian Taxation Office, or you may wish to consider seeking independent legal advice regarding the matter.

I trust this information has been of assistance.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'MTsui', with a large, sweeping flourish above the letters.

May Tsui
Office of the Commissioner for Body Corporate
and Community Management