

## Topic 7 - Keeping records of general meetings

### Keeping records

The body corporate must keep for **two years** all "associated general meeting material." (SM. s203(4)(a))

This includes:

- notices calling for nominations for committee positions;
- notices by owners requesting general meetings;
- notices of motions received, including explanatory notes for motions;
- nominations for election as a committee member;
- proxy appointment documents;
- completed voting papers (including ballot-papers and secret voting documentation) for motions and election ballots;
- voting tally-sheets or other records showing votes for motions and election ballots;
- notices of objection by lot owners to meeting locations;
- copies of instruments, notices and powers of attorney given to the body corporate in respect of representative voters. (SM. s202)

However, a body corporate must keep for **six years**, general meeting material which consists of notices of meetings, agendas and attachments including:

- (uncompleted) written voting papers;
- (uncompleted) ballot-papers;
- (uncompleted) secret voting documentation
- budgets;
- statements of account;
- certificates of auditors;
- tender documents; and
- other attachments accompanying notices; (SM.S202 definition - " associated general meeting material" at (c), SM.S203(3)(b) and SM.S203(4)(a))

Despite the above, a document may not be disposed of if it is a document having current relevance to the scheme.

Records may be kept in their original paper form or in photographic or electronic image form.

### Access to records

The body corporate must allow interested persons to have access to body corporate records and must provide copies of records if the interested person is willing to pay the required fee as set out in the legislation. An "interested person" is defined as a lot owner or mortgagee; a prospective buyer of a lot; or another person or his agent, who satisfies the body corporate of a proper interest in the information sought. (A.s205).

Within 7 days after receiving a request from an interested person accompanied by the prescribed fee, the body corporate must allow inspection of the records, or give the interested person a copy of the record requested. The body corporate may be fined 20 penalty points in a Magistrates Court if such inspection is denied. The body corporate may only refuse an interested person an inspection or a copy of a document from the

records if the body corporate reasonably believes that the document contains defamatory material.

The body corporate may refuse access to an interested person if a legal proceeding has been started between the interested person and the body corporate and the records are privileged from disclosure. (SM. S204)

All members of the committee may have reasonable access to records without payment of any fee, save for where the body corporate reasonable believes that a document may be defamatory. (SM. S204)