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Accessing your body corporate's records

A body corporate must keep certain records (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/keeping-disposing>), and allow some people to see and copy those records.

Who can access body corporate records

This information is for schemes registered under the:

- Standard Module
- Accommodation Module
- Commercial Module
- Small Schemes Module.

See Specified Two-lot Schemes Module (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/modules/two-lot>).

You can see and/or get copies of a body corporate's records if you are:

- an owner of a lot in the scheme
- a mortgagee of a lot
- the buyer of a lot
- someone who satisfies the body corporate of a proper interest in the records (e.g. a tenant who wants information about living in or using a lot)
- the agent of someone in this list.

See the adjudicator's order in Kidston Terrace Chermside (<http://www.austlii.edu.au/au/cases/qld/QBCCMCmr/2007/587.html>) for more information on who can see the body corporate's records.

Asking for access to records

If you are entitled to see the records, you must:

- give a written request to the body corporate

- pay a fee (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/fees-for-access>).

The body corporate must let you see and/or give you copies of the records within 7 days of getting your written request and fee.

You can request that copies of documents which exist in the records be given to you. You must identify the documents you want. You do not have to personally search the records to obtain copies of identifiable documents.

If you cannot name the specific documents, you will need to search the records yourself and find the documents you want copied. You can appoint another person to do the search for you.

The body corporate can only charge the copying fee when supplying copies. A search fee will only apply if you inspect the records in person.

It is an offence for a body corporate not to allow access to its records when requested. A fine in excess of \$2,600 applies.

A body corporate must give committee members reasonable access to its records at no cost.

A body corporate can be asked by a buyer for an information certificate.

When access can be refused

A body corporate does not have to make a document available if it reasonably believes the document has defamatory material in it.

A body corporate may be able to keep records confidential because of 'legal professional privilege'.

To be 'privileged' the document would need to be:

- a communication between a lawyer and their client
- created for a lawyer as part of legal advice to their client, or to take current or planned legal action
- kept confidential by the client.

A body corporate does not have to give a committee member privileged records if legal action between the body corporate and the committee member has started or is threatened.

The *Privacy Act 1988 (Cwlth)* (<https://www.legislation.gov.au/Details/C2017C00283>) and the *Information Privacy Act 2009 (QLD)* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>) may apply to the body corporate (and its agent).

The privacy restrictions do not apply to information that must be given by law. This means the body corporate cannot refuse to make documents available because of privacy legislation.

See the adjudicator's decision in [Club Lodge](#)

(<http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/qld/QBCCMCmr/2010/223.html>) for more information on making documents available.

Access to records in the Specified Two-lot Schemes Module

For schemes registered under the [Specified Two-lot Schemes Module](#)

(<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/modules/two-lot>), a lot owner (or their representative) is entitled to reasonable access to the body corporate's records.

The body corporate, or a person appointed to keep the records, must make them available.

A lot owner's first request is free. Otherwise, [fees apply](#) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/fees-for-access>) to see or get copies of the records.

The body corporate does not have to give access if:

- the records are privileged and a legal action has started or is planned between the body corporate and the person who wants to see the records
- the body corporate reasonably believes the record has defamatory material in it.

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Further questions?

If you have further body corporate questions you can [submit an enquiry](#).

(<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire>) or phone the information service on [1800 060 119](tel:1800060119) (freecall) (<tel:1800060119>).

We cannot give legal advice or rulings—we can only give you general information on body corporate legislation.

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