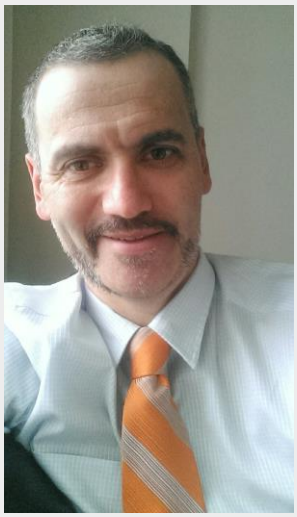
Department of Justice and Attorney-General
Body Corporate and Community Management

Common Ground

Issue 15 – July 2016

Commissioner Foreword



Welcome to our latest edition of *Common Ground*.

One of the more eye-opening parts of my job is when I get to meet with a wide cross-section of sector stakeholders, be they lot owners, committee members, managers, legal practitioners or contractors, to hear about what is happening 'on the ground'.

It's a healthy reminder that while I and my Office in Brisbane, deal with formal enquiries and issues from all over the State, there are many other things going on as well.

Throughout May I was fortunate enough to be a guest speaker in a state wide seminar series held in conjunction with Archers the Strata Professionals and alongside fellow presenter Mr Andrew Suttie of Nicholsons Solicitors.

This series was a great opportunity for me to not only give information but to also hear it, in locations from North Queensland to both the Gold and Sunshine Coasts as well as Brisbane.

Seminar summaries are available on our website www.qld.gov.au/bodycorporateseminars.

As you might expect, not everyone was happy about absolutely everything which was happening in their scheme or indeed, in all their dealings with my Office. Positive or negative, hearing all the feedback from these seminars help my Office to plan for the type of information services it might need to offer in the future.

It's also an invaluable way for my Office to put a very human face on the work that we do.

I met many dedicated and passionate owners and committee members as well as sector professionals on this series and I look forward to continuing to meet with a diversity of participants into the future.

Chris Irons
Commissioner for Body Corporate and Community Management

In this issue:

Online enquiry form

Some *Common Ground* subscribers might already be aware of my Office's latest innovation, the online enquiry form.

For those who are not, this form provides a series of factual prompts to better assist people who are asking a body corporate question.

Those prompts include things such as the applicable regulation module and plan for the scheme.

Knowing both of these pieces of information enables my Information Service to give a more focussed, meaningful response to queries.

You should use the online enquiry form wherever possible – it is found at www.qld.gov.au/bodycorporatequestion.

Practice directions

I am pleased to advise that our newly-revised Practice Directions are live.

Practice Directions are published to guide parties in the most commonly-occurring queries about my Office's dispute resolution process.

They cover issues such as fees, document lodgement, standing of parties and how the conciliation and adjudication processes work.

One of the new features of the Practice Directions is an enhanced guide to by-law enforcement.

By-law enforcement comprises a large number of enquiries and disputes and there is a prescriptive process for enforcement under the legislation. So the new Practice Direction on this topic includes a flowchart to assist.

Practice Directions can be downloaded, saved or printed and this can be done by a topic group, by individual Practice Direction or the entire set, at www.qld.gov.au/law/housing-and-neighbours/body-corporate/body-corporate-disputes/types-of-dispute-resolution/practice-directions/

Fee increase

All fees under the legislation increased on 1 July 2016.

There are increased fees for dispute resolution applications along with other fees payable to my Office which are now published at:

- fees for body corporate dispute applications (including copies of documents)
- fees for search of adjudicators orders (and referee orders)

Additionally there are new fees payable to your body corporate for obtaining copies of or inspecting body corporate records, requesting an information certificate or otherwise. This is outlined at fees for access to body corporate records.

These fees differ depending on which regulation module applies to your scheme and the above link deals with all 5 regulation modules.

If your building is registered under the *Building Unit and Group Titles Act 1980* then fees under this Act have also increased as of 1 July 2016.

With a fee increase each year, we typically sees a number of related questions about GST. GST is not payable on any fees that you pay my Office. However, fees payable to the body corporate under the legislation may be dealt with differently. Whether fees payable to a body corporate (i.e. fees for copies of documents or other fees payable) attract GST is a question that **should** directed to the Australian Taxation Office. Please **do not** call us for information on GST which falls under federal taxation laws outside the jurisdiction of my office.

Online applications and payments

You can complete your dispute application online in preparation for lodgement.

The online completion of a conciliation application and an adjudication application has been designed to guide customers through each section of the form. It helps customers name the correct parties and ensure they meet the self resolution requirements. These are still common errors we are seeing with most dispute applications lodged using the pdf form.

Go to www.qld.gov.au/bodycorporatedisputes for more information on dispute resolution.

Note: You cannot lodge the form online. This service is to help you complete the form for lodgement by post, email or facsimile to the BCCM Office.

All fees payable to this office can be paid online by credit card at www.qld.gov.au/bodycorporatepayments.

National Broadband Network

My Office has been liaising with the Office of Fair Trading Queensland about the National Broadband Network roll out across Australia in an aim to keep information flowing to all relevant bodies. Therefore the following Smart Business Bulletin issued by Office of Fair Trading might be useful to all those involved in community titles scheme. Please distribute this at your discretion to reach as many persons as possible. Access the Smart Business Bulletin May 2016.

For more information on this issue visit the NBN website or call 1800 687 626. Please do not direct these questions to my office.

Community titles schemes statistics

People will often talk about just how sizeable the body corporate 'industry' or 'sector' is in Queensland, but what are the actual numbers?

Statistics about schemes and lots in Queensland come from the Titles Registry. Based on figures supplied by the Registrar of Titles, as at March 2016, some useful statistics to be aware of include:

Number of schemes: 45,362
Number of individual lots: 431,368

Number of schemes registered under each regulation module:

Standard: 28,966
Small Schemes: 9,457
Accommodation: 3,549
Commercial: 1,969
Specified Two-Lot: 1,501

Further breakdown of community titles scheme statistics:

Summary	Number of schemes	Number of lots
6 lots and under	31,937	103,656
7 to 10 lots	5,562	46,296
11 to 20 lots	3,758	54,368
21 to 50 lots	2,621	84,492
51 to 100 lots	1,068	75,221
Over 100 lots	416	67,335
TOTAL	**45,362**	**431,368**

This year we have also obtained statistics of the top five local authorities by the number of lots:

Brisbane City 138,974
Gold Coast 118,931
Sunshine Coast 36,426
Moreton Bay 22,358
Cairns 20,347

Dispute resolution statistics

While on the subject of statistics, we also get asked for data on the types of disputes and queries we encounter. Such information can really put into perspective the issues my Office handle on a day to day basis. Below is a summary of the top 5 topics seen in conciliation and adjudication applications and the top 5 general information requests.

In the 2015-16 financial year we received 557 conciliation files. The top 5 disputes that are dealt with in conciliation are:

1. Maintenance
2. By-laws - animals
3. By-laws – other (not including by-laws about animals, exclusive use, vehicles or energy efficient installations)
4. Improvements by an owner
5. By-laws - vehicles

In comparison, in the last financial year we received 866 adjudication applications. This time, we have a top 6 matters – see note below::

1. General meeting procedures
2. General meeting motions
3. Change of financial year[1]
4. Maintenance
5. By-laws - other (not including by-laws about animals, exclusive use, vehicles or energy efficient installations)
6. Committee - jurisdiction

The primary role of the Information Service is to provide information to customers with an aim of assisting them to resolve disputes without the need for formal dispute resolution. During the 2015-16 financial year, the Information Service attended to 18,006 telephone enquiries. The top 5 topics of information for these callers were:

1. Maintenance and improvements
2. Committee
3. General meetings
4. By-laws
5. Dispute resolution

[1] While this is technically not a 'dispute' it is included here for statistical purposes to show that applications to change a financial year for the scheme are regularly lodged with my Office.

How to resolve neighbourhood disputes

Each year thousands of Queenslanders seek assistance to resolve disputes with their neighbours. There are a variety of services available to assist but not everyone finds it easy to find the right kinds of assistance for their situation.

The Department of Justice and Attorney-General (DJAG) has developed an online tool to assist people with neighbourhood disputes to more easily find the information and level of assistance that would suit them.

The ***how to resolve neighbourhood disputes*** tool is a user-friendly online pathway to help people with neighbourhood disputes more easily navigate the justice system by showing them the range of options for their circumstances; and by encouraging them to explore less formal options first.

Find out how you can avoid or resolve a dispute with a neighbour (http://www.qld.gov.au/law/housing-and-neighbours/resolve-disputes)—use the tool to select your question to find out what you can read or do.

Interesting adjudication orders

My Office gets many queries about the interpretation of the body corporate legislation. The Information Service cannot provide this interpretation and instead refer customers to a search of past adjudicators orders to see how certain provisions may have been interpreted in particular circumstances.

Looking more generally, the Information Service often gets queries about 'precedent' adjudication orders. I would suggest that the word 'precedent' is not necessarily the best descriptor. Certainly, any order provides good guidance for how a similar application will likely proceed. However the result of each application will depend on the specific circumstances and the arguments presented by the parties. Critically, every case is considered on its merits.

Additionally, adjudicators will always consider the decisions of the Queensland Civil and Administrative Tribunal and higher courts. Consistency is a key objective.

In this section I will outline some useful adjudicators' orders on some commonly-occurring topics. This is not intended to 'name and shame' and I do not intend to go through the meaning ofeach order line by line. Instead, this section will focus on some high level points of interest. Links have been provided to these orders so that you can read the statement of reasons in full at your leisure. Any reference to an Act is a reference to the *Body Corporate and Community Management Act 1997*, unless otherwise stated.

Similar to the section on survey results we anticipate publishing a new webpage with orders like this for continual future reference.

Sierra Grand [2015] QBCCMCmr 447 (25 September 2015)

This application looked at the question of whether there was a quorum for a general meeting.

Please note, any reference in this order to a section number of the regulations is reference to the *Body Corporate and Community Management (Accommodation Module) Regulation 2008*.

When the adjudicator turned to the question '*Was a quorum achieved at the AGM*', there were a number of aspects to be considered.

One of those was whether unfinancial owners should be counted as part of the quorum. On this point, the adjudicator said:

> *"I consider that section 81 does not preclude an individual from being a 'voter' if they owe a body corporate debt. Therefore, I consider that any voters who were disqualified from voting on the*

basis that they owed a body corporate debt would still be counted when determining the number required to constitute a forum".

The adjudicator also considered other matters including how many voters were in the scheme at the time of the AGM, who can be counted as voter (company nominees, representatives, co-owners, etc.) and how many times an individual can be counted as a 'voter'. When looking at company nominees, the adjudicator said:

> "Section 81(1)(b),(c) *states that a voter is an 'individual' whose name is entered on the body corporate's roll as the company representative; or an 'individual' who is the corporate owner nominee. Given that no individual is listed as the company representative or nominee, I am not satisfied these companies can be considered voters per* section 81*."*

Tank Tower [2015] QBCCMCmr 322 (9 July 2015)

This order has become of interest to many involved in bodies corporate as it relates to the manner and volume with which an owner communicates with the body corporate and, by extension, the body corporate manager.

Firstly, it should be made clear that the body corporate legislation and subsequently, my Office cannot generally address interpersonal conflict such as concerns of harassment, abuse, intimidation, or otherwise. If this is your experience then it is always suggested you obtain independent legal advice.

This application was bought by the body corporate against a lot owner about the nature and excessive volume of the owner's communication with the body corporate, committee members, body corporate manager and caretaker. The body corporate argued that the owner was breaching a by-law about communication and also causing a nuisance under *section 167* of the Act.

The adjudicator found that the nuisance claim could not be made out as the issues were not connected to the 'use of the lot' as required by the relevant section. However the body corporate also had a registered by-law about reasonable communication with the committee and the adjudicator was satisfied that this had been breached. However, if no by-law had existed, the adjudicator commented that a committee could set conditions on how owners communicate with their body corporate, providing that it acts reasonably in doing so.

In this case the adjudicator found that the owner's communication with the body corporate was unacceptable. She noted:

> *"The volunteer voting members of the committee, as well as the paid non-voting members (the caretaker and the BCM), have extensive and time-consuming responsibilities, including dealing with 62 owners and numerous occupiers. In that context, it is entirely appropriate for the Body Corporate to expect communications to be reasonable, respectful, constructive, and not a nuisance."*

and

> *"In sending emails to multiple persons, the respondent does not appear to understand that individual committee members have no capacity to unilaterally act or respond on behalf of the Body Corporate. Responses to correspondence, and action on issues raised, can generally only be determined by the Committee as a whole, for example through a formal committee meeting. The respondent's demands for acknowledgement of correspondence and action within specified timeframes, are not mandated by the legislation and fail to recognise the statutory decision-making obligations"*

The Adjudicator ordered there be restrictions placed on the respondent's communications including that they should be '*courteous and not abusive or offensive*' and be directed to a single contact point. It was also stated that the body corporate was not required to acknowledge communications and can disregard those that do not comply with restrictions.

Other bodies corporate with similar concerns could consider recording an appropriate by-law or giving clear directions to owners about the mode of communication with the body corporate and its representatives.

Regardless, it should be remembered that a body corporate is required to act reasonably (Act, *s.94*) and the body corporate needs to ensure it doesn't overlook a genuine issue raised by a lot owner even if communication from the lot owner is abusive or offensive.

Xanadu [2015] QBCCMCmr 381 (14 August 2015)

It is an unfortunate fact of life that some schemes find it necessary to maintain CCTV as a security measure. This next order considered whether footage recorded on CCTV equipment in a scheme was a body corporate record.

Following a police complaint about an incident on common property the body corporate sought a copy of the relevant CCTV footage from the caretaker who operated the CCTV equipment at the scheme. The footage supplied was incomplete. The body corporate lodged the application against the caretaker requesting access to all CCTV footage.

The adjudicator found that the CCTV footage was a body corporate 'record' for the purposes of the Act. She noted that the footage was recorded on equipment owned by the body corporate and operated by the caretaker as part of its duties under the caretaking agreement. The fact that the footage was held and stored by the caretaker did not change the fact that it was body corporate property.

The adjudicator found that the body corporate was empowered to require the caretaker to return the record to the committee. Privacy concerns were raised, but on this point the adjudicator said:

> *"…because section 204 of the Accommodation Module requires and authorises body corporate records held by a service contractor to be provided to the Body Corporate, the disclosure of body corporate records under that section that include personal information is authorised by law".*

Where a body corporate has CCTV equipment on common property, or is considering installing it, it may wish to consider matters such as the reasons for recording activity on common property, who operates and maintains the equipment, and how and where footage is stored and used. While CCTV equipment may assist in preventing and resolving criminal activities, it will also capture non-criminal activities which will then have implications for owners and occupiers.

An update on the decision on reasonableness

In the last issue of Common Ground the Court of Appeal decision relating to "Viridian" Community Titles Scheme was discussed.

Since then the Court of Appeal handed down its decision on 6 November 2015 (*Albrecht v Ainsworth & Ors* [2015] QCA 220), that set aside the Queensland Civil and Administrative Tribunal's decision (*Re Body Corporate for Viridian; Kjerulf Ainsworth & Ors v Martin Albrecht & Anor* [2014] QCATA 294). The reasons for judgement by President McMurdo concluded that there was no error of law by the adjudicator (Viridian Noosa Residences [2013] QBCCMCmr 351), and that the adjudicator's findings of fact were open to her on the evidence. The decision accepted [at paragraph 82 and 90] that the question of reasonableness is objective, requiring a consideration of all relevant circumstances; and that the determination of whether opposition to the motion was unreasonable required a consideration in an objective and fair manner of all the relevant facts and circumstances.

Since that time, leave was sought to appeal this Court of Appeal decision to the High Court. This leave has now been granted and the matter has now been filed in the High Court of Australia. I will endeavour to keep up to date on this proceeding so watch this space for further updates.

Survey results

Recently I invited Common Ground subscribers to complete an online survey. My thanks to those who participated. We received 565 responses from subscribers and we also conducted the survey on 112 customers who phoned the Information Service.

This survey and the results have been finalised and you can see a snapshot of these results.

What will we do with these results? We are committed to increasing online services, enhancing the information and education facilities for the public and to meet the needs of our customers as identified in these results. Not only is this a legislated requirement, it is in the best interests of all concerned to have a better-informed sector. We plan to add new webpages to capture information that is missing such as extracts of adjudicators' decisions, information on layered schemes and what you need to know before you buy into a community titles schemes.

We also aim to add additional modules to our free online training course and to provide information and education through additional avenues including targeted seminars with specific groups of people (i.e. committees) and events such as webinars in collaboration with other industry groups.

Update your subscription details

As a result of our survey and to help us meet your needs, it is necessary for my Office to learn more about you - our customers. Therefore I ask you to update your subscription details so that we can gather further details such as your geographic location, age group, gender, status (committee member, owner) etc. this will then enable us to utilise our subscription list more effectively by distributing targeted information and invitations to specific subscribers in the future.

Please update your subscription here.

When doing so you details must match those that you subscribed with. For example, if you subscribed using the name 'Doug' then you will need to amend your details with that name; not an alternate such as 'Douglas' as it will not recognise your details.

You can now access the subscription links and all past issues of Common Ground at www.qld.gov.au/commonground. Save this link for the future.

Frequently asked questions

Q – I just received a copy of the adjudicator's order determining an application. I don't agree with the decision, so I want to lodge a complaint requesting the adjudicator reconsider the matter.

A – Once an adjudicator has issued an order determining a dispute resolution application the adjudicator has no further role in relation to the application, unless directed by a court of competent jurisdiction. There is no capacity under the Act for an adjudicator to review, amend or add to an order. In particular, there is no legal authority given to an adjudicator under the Act to reopen or reconsider a matter based on new information or an alleged error of fact or an alleged failure to consider relevant information.

Further, the Commissioner (and indeed, the Attorney-General) has no authority under the Act to direct an adjudicator about the way adjudication is conducted or to review the decision of an adjudicator. This Office is unable to interpret or provide advice on the terms and effect of the order, as that would amount to legal advice.

Section 289 of the Act gives an 'aggrieved person' the right to appeal an adjudicator's order to the Queensland Civil and Administrative Tribunal ("QCAT") but only on a question of law, and this is the appropriate step for a party to take in the event that they are dissatisfied with the order. *Section 290* of the Act prescribes that appeals should be lodged within 6 weeks after the aggrieved person receives a copy of the order; however the QCAT may extend this time limit, in certain circumstances, on application by a prospective appellant.

For further information about the appeal process and to access necessary forms, you may wish to visit the QCAT website at www.qcat.qld.gov.au or you may contact QCAT on 1300 753 228. You may also wish to seek legal advice about any proposed appeal.

Q – I want to lodge an application for dispute resolution about a recent general meeting decision that I want overturned. I think this is an urgent issue and I want the matter determined quickly. How do I get an order quickly?

A – *Chapter 6* of the the Act outlines the dispute resolution provisions. My Office must follow these provisions when administering dispute applications. This Chapter gives three options for what customers may be sees as a 'quick' order, although I think it is fair to say there is a consistent misunderstanding of these options.

The first provision is the ability to lodge an application for emergency expenditure. Practice Direction 18 outlines the requirements for such an application in detail. In short, it should be understood that an application of this nature is normally lodged by the committee to seek approval from an adjudicator to spend monies above the committee spending limit in an emergency. Now while there is no definition of 'emergency' in the legislation, an example may be where there is a burst sewer pipe that requires immediate, urgent repair to reduce damage and restore the sewerage system back to working order.

The body corporate must have funds already in the bank account to cover this expenditure and have quotes included with the application for the adjudicator to consider. One issue we see regularly with these applications is where a committee has simply failed to take action over a few months and the particular issues has become worse. Put simply, failure to act over a period of time may not now warrant an emergency expenditure application. The other point that should be made here is the body corporate manager cannot lodge this application, it must be authorised by committee resolution (which must be attached).

The next provision relates to applications that would be considered declaratory in nature. Practice Direction 19 outlines the requirements of these applications in more detail. Generally applications of this nature have no respondent and deal with administrative matters such as reducing notice periods for general meetings, changing the financial year of a scheme or seeking authority to hold an annual general meeting out of time. In these applications there is no dispute hence the term 'declaratory'. A common misunderstanding my Office sees in these types of applications is where the committee lodge this application seeking a determination on responsibility for an action because they cannot decide who is responsible. These 'declaratory' applications are not a mechanism to seek such a ruling and these matters should be handled initially by the committee or general meeting making a decision and then any aggrieved owner lodging a dispute resolution application if they believe the decision is unlawful or unreasonable.

Lastly, there is the ability for an interim order to be sought. Again, this is not a means to speed up an application because the applicant wants a quick decision. The applicant must show attempts at self-resolution, outline the urgency to the application and provide sufficient grounds as to why the adjudicator should grant the interim sought. In the first instance, as the Commissioner I must be satisfied these requirements have been met before I can refer the matter to an adjudicator for consideration of the interim order sought. An example of an interim order that is regularly considered by an adjudicator is where the applicant seeks that a motion previously passed at a committee or general meeting not be implemented pending the final resolution of the dispute (whether through conciliation or a final order being made). The detailed requirements for an interim order application is contained in Practice Direction 16.

Q – *I believe the committee are doing everything wrong and I request one of your officers to come out to investigate my scheme.*

A – My Office does not have an investigative role beyond the provisions of Chapter 6 of the Act – dispute resolution. If an owner believes the committee are making unlawful decisions (or not acting in accordance with the legislation) the first thing the owner should do is write to the committee requesting a specific remedy to these matters. Only if the committee do not remedy these matters can the owner lodge a dispute resolution application. In the first instance this will most likely be through department conciliation with my Office. A common argument I hear as to reasons why conciliation should not be required is that the committee just ignore or refuse to address the applicant's concerns. Rarely, if ever, will this be a good reason why conciliation, as a mandatory step in dispute resolution, should not be attempted.

If a matter proceeds through the adjudication process and is referred to an adjudicator, the adjudicator may, at their discretion, undertake further investigations. This is solely the decision of the adjudicator determining the matter and is not something I can direct as Commissioner. Investigations under *section 271* of the Act may include obtaining further information or records, conducting an inspection of the scheme or conducting a teleconference.

Q – *There are numerous financial irregularities within our body corporate and I want someone to come and audit my accounts.*

A – Some people might be familiar with being involved with a community organization which is an incorporated association. In that scenario, the association is required to lodge an annual return and have accounts audited. That said, and as was the case with the previous question, my Office does not conduct audits of body corporate accounts or keep a register of financial records. Most of the regulations require a motion to be considered at each annual general meeting as to whether the body corporate should have the financial accounts audited for a particular financial year. If it is decided not to audit that particular financial year, there is still the ability for an owner (or the committee) to submit another motion to again consider whether the financials should be audited for that same financial year. The statutory motion is required to be passed by special resolution whereas the second motion only requires an ordinary resolution. If an owner submits a motion of this nature, they must include a nominee and quote for an auditor with their motion.

Q – *Another owner wants my personal details but I don't give my consent and I really don't want my details being made available like this. Can the body corporate give it to the other owner or can I ask them to conceal my details?*

A – *Section 205* of the Act permits an 'interested person' to obtain copies of or inspect the body corporate records. An interested person is defined as, an owner of a lot in the scheme, a mortgagee of a lot, the buyer of a lot, someone who satisfied the body corporate of a proper interest in the records or the agent of one of these persons.

The interested person must make a written request and include payment of the prescribed fees. See our fees for access to body corporate records webpage.

Once the body corporate received a written request and the fee from an interested person they must make the records available for inspection or give the requested copies to the interested person. The body corporate cannot dictate whether an inspection is done or copies are obtained. This is a decision of the interested person when making the request. If the interested person asks for copies only, they only page the per page fee and cannot be charged an inspection fee as well.

One of the records required to be retained by the body corporate is the body corporate roll. The regulations provide that the roll must contain the name and address for service of the owner of the lot. This information is captured by *section 205* of the Act and must be disclosed if requested. The privacy restrictions do not apply to information that must be given by law. This means that the privacy legislation cannot be relied upon as reasons for refusal and this matter has been determined in many previous adjudicators' decisions which you can search for at http://www.austlii.edu.au/au/cases/qld/QBCCMCmr/.

The owner is responsible to provide the name and address for service to the body corporate. However they are not required under the body corporate legislation to give phone numbers or email addresses. If they choose to give this information, then it becomes a body corporate record open to disclosure under *section 205* of the Act. Owners should make themselves familiar with their rights and obligations so that they do not disclosure information which is not required to be given to the body corporate. This can prevent from the outset the owner's information being disclosed to interested persons.

My Office hears the argument often that it is just not sensible in this day and age noting the continuous use of email to not give an email address as it speeds up processes and limits costs. The fact remains that the legislation does not require it and owners need to be mindful that this email address can be disclosed to others. I could make the suggestion that owners, especially those on the committee, may choose to create a new email address for the sole use of body corporate matters.

So back to the question - this question asked whether an owner can request the body corporate conceal their details. Well, the short answer is no. As stated earlier, once it becomes a body corporate record it is open to disclosure. The regulations outline limited provisions that would entitle a body corporate to refuse disclosure of a body corporate record and these include where:

- legal professional privilege exists or
- the document has defamatory material in it

For a document 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.

I can understand that, for a variety of reasons, there may be some owners who would be quite concerned at the prospect of their details being made available. It's important to keep in mind that firstly, only an 'interested person' will be entitled to access and it is not as though personal details will be made available to all and sundry. Secondly, as noted in the answer above, there are some options to consider to safeguard one's personal details. Perhaps, though, it is equally important to remember *why* these requirements are in existence – namely, to ensure that there is a way for owners in a scheme to be able to know and then, contact, their fellow owners, to be able to discuss issues which are essential to the running of the scheme and thus, the protection of their asset. Such a requirement is consistent with the objective of the Act that bodies corporate be able to effectively manage their own affairs.