

# Guide to completing the application for an order by a referee form

Read our [Privacy Statement](#) for information on how your application may be distributed.

The contents of this guide are designed to assist applicants in completing the application for an order by a referee form. Please read this guide carefully before completing the form. The section number of the guide corresponds to the section numbering in the form.

The application for an order by a referee form can be accessed at [www.qld.gov.au/bodycorporatedisputes](http://www.qld.gov.au/bodycorporatedisputes).

## Accurate information

A copy of your application for an order by a referee form and any attachments will usually be provided to other parties, including the respondent and affected parties. It is your responsibility as the applicant to ensure the accuracy of the information provided and that it is not defamatory.

The referee or their delegate may request further information from you. This may be sought to meet the requirements of the *Building Units and Group Titles Act 1980* (the Act) or to assist the referee in investigating the application. The referee may decide not to proceed with the application until that information is provided.

<b>Checklist</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have you arranged payment of the prescribed fee? Your options are:             <ul style="list-style-type: none"> <li>• <a href="http://www.qld.gov.au/bodycorporatепayments">www.qld.gov.au/bodycorporatепayments</a> <ul style="list-style-type: none"> <li>○ You do not need a reference number before you can pay online. Our office can match the payment and application using the details provided in each.</li> </ul> </li> <li>• Cheque or money order made payable to BCCM</li> </ul> </li> <li><input type="checkbox"/> Have you named the correct parties as the applicant and respondent? (see sections 4 and 5 below)</li> <li><input type="checkbox"/> Have you demonstrated you have a dispute with the respondent before lodging this application? This includes demonstrating that you have made the respondent aware of the issue and sought the outcome you are now seeking an order about.</li> <li><input type="checkbox"/> Have you completed all relevant sections of the application form?</li> <li><input type="checkbox"/> Has the authority to complete the form been ticked?</li> <li><input type="checkbox"/> Have you attached all necessary documents?</li> <li><input type="checkbox"/> Have you read the privacy statement about how your application may be distributed?</li> </ul>
------------------	--



<p><b>Section 1</b></p> <p><b>Body corporate / parcel information</b></p>	<p>In this section, please include:</p> <ul style="list-style-type: none"> <li>• the name of your body corporate and its plan number (for example, <i>Seaview GTP 1234</i>)</li> <li>• the physical / street address of the plan (please do not include a PO Box address or the address of the appointed body corporate manager (BCM))</li> <li>• the number of lots in the body corporate.</li> </ul> <p>If the dispute is between a higher-level body corporate and a subsidiary body corporate, include the name and details of the higher-level body corporate in this section.</p> <p><b>Note:</b> For details of plan types and numbers contact <a href="#">Titles Queensland</a> on 07 3497 3479.</p>
<p><b>Section 2</b></p> <p><b>Secretary's information</b></p>	<p>Please list the name, address, and contact details for the secretary of your body corporate in this section. This information is required as the referee or their delegate may need to contact the secretary.</p> <p>The secretary's details may be included in information sent to you by the body corporate. Alternatively, contact the body corporate to request this information.</p>
<p><b>Section 3</b></p> <p><b>Body corporate manager's information</b></p>	<p>Please include the name, address, and contact details for the BCM appointed by your body corporate (if any). This information is required as the referee or their delegate may need to contact the BCM.</p> <p>The BCM's details may be included in information sent to you by the body corporate. Alternatively, contact the body corporate to request this information.</p> <p>If your body corporate has not appointed a BCM, please indicate this on the form by writing 'nil'.</p>
<p><b>Section 4 (a) and (b)</b></p> <p><b>Applicant's information</b></p>	<p><b>Section 4(a)</b></p> <p><b>If applying as proprietor (owner) and/or occupier, provide:</b></p> <ul style="list-style-type: none"> <li>• your name, preferred postal address, and contact details</li> <li>• the number of the lot you are the proprietor and/or occupier of, and</li> <li>• the number and type of plan under which your lot is registered (for example, Building Unit Plan (BUP) 123, or Group Title Plan (GTP) 456).</li> </ul> <p>If you are representing a proprietor or occupier (including a company that is the proprietor or occupier) you should name them as the applicant and provide evidence of your authority to act for them.</p> <p><b>Note:</b> If the applicant is the proprietor of a lot, the applicant's details must match those recorded with Titles Queensland. If the applicant is not the registered proprietor but wishes to apply as the proprietor, you must provide evidence that they are entitled to be the proprietor of the lot (see <i>section 183 of the Land Title Act 1994</i>).</p> <p><b>If applying as the body corporate</b>, state the body corporate's name and preferred contact details and provide a full copy of the minutes of the meeting resolution authorising the application.</p> <p><b>If applying as the body corporate manager</b>, state your name and preferred contact details and provide evidence that you have been appointed as body corporate manager for the body corporate.</p> <p><b>If applying as a person with an estate or interest in a lot</b>, provide details as for a proprietor along with documents evidencing your proprietary interest in the lot (for example, that you are a mortgagee who has taken possession of the lot).</p> <p><b>Section 4(b)</b></p> <p>Tick the capacity in which you are making the application. For example, if you are applying as a proprietor, tick the box next to 'a proprietor'. If you are a proprietor and an occupier, you may tick both the proprietor and occupier boxes.</p> <p><b>Note:</b> The referee may refuse to proceed with the application if the dispute is not between the parties required for the type of order sought under Division 3 of the Act. See section 5 for more detail.</p>

<p><b>Section 5(a)</b></p> <p><b>Respondent's information</b></p>	<p>Please include the name, postal address, and contact details of the other party to your dispute (the respondent).</p> <p>Your dispute must be within the jurisdiction of the referee before it can be dealt with under the Act.</p> <p>The Act (<i>section 77</i>) sets out the general power of a referee to may make an order. For an application made under <i>section 77</i>, the applicant and respondent may be any of the following:</p> <table border="1" data-bbox="411 318 1508 497"> <thead> <tr> <th data-bbox="411 318 938 349">Applicant</th> <th data-bbox="938 318 1508 349">Respondent</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 349 938 497"> <ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> </ul> </td> <td data-bbox="938 349 1508 497"> <ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> <li>• the chairperson, secretary or treasurer</li> </ul> </td> </tr> </tbody> </table> <p>The Act (<i>sections 79 to 94C</i>) also provides for the referee to make specific orders in certain situations. For these orders, possible parties are set as follows. Refer to the section itself to determine if the dispute is covered by the section.</p> <table border="1" data-bbox="411 631 1508 1482"> <thead> <tr> <th data-bbox="411 631 518 663">Section</th> <th data-bbox="518 631 1013 663">Applicant</th> <th data-bbox="1013 631 1508 663">Respondent</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 663 518 775">79, 80, 81, 82, 83, 89, 94B</td> <td data-bbox="518 663 1013 775"> <ul style="list-style-type: none"> <li>• a proprietor of a lot</li> </ul> </td> <td data-bbox="1013 663 1508 775"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 775 518 887">84</td> <td data-bbox="518 775 1013 887"> <ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> <li>• a person who has signed a contract to purchase a lot</li> </ul> </td> <td data-bbox="1013 775 1508 887"> <ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• the chairperson, secretary or treasurer</li> </ul> </td> </tr> <tr> <td data-bbox="411 887 518 976">85, 86</td> <td data-bbox="518 887 1013 976"> <ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• a person with an estate or interest in a lot</li> </ul> </td> <td data-bbox="1013 887 1508 976"> <ul style="list-style-type: none"> <li>• a proprietor or occupier of a lot</li> </ul> </td> </tr> <tr> <td data-bbox="411 976 518 1124">87</td> <td data-bbox="518 976 1013 1124"> <ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• a proprietor of a lot</li> <li>• a person having or acquiring an estate or interest in a lot</li> </ul> </td> <td data-bbox="1013 976 1508 1124"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 1124 518 1155">88, 90</td> <td data-bbox="518 1124 1013 1155"> <ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul> </td> <td data-bbox="1013 1124 1508 1155"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 1155 518 1214">91</td> <td data-bbox="518 1155 1013 1214"> <ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee in possession of a lot</li> </ul> </td> <td data-bbox="1013 1155 1508 1214"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 1214 518 1245">92</td> <td data-bbox="518 1214 1013 1245"> <ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul> </td> <td data-bbox="1013 1214 1508 1245"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 1245 518 1303">93</td> <td data-bbox="518 1245 1013 1303"> <ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> </ul> </td> <td data-bbox="1013 1245 1508 1303"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="411 1303 518 1415">94</td> <td data-bbox="518 1303 1013 1415"> <ul style="list-style-type: none"> <li>• an applicant under another section</li> <li>• a person with an estate or interest in a lot</li> <li>• a judgment creditor for a judgment debt owed by a body corporate</li> </ul> </td> <td data-bbox="1013 1303 1508 1415"> <ul style="list-style-type: none"> <li>• any respondent</li> </ul> </td> </tr> <tr> <td data-bbox="411 1415 518 1447">94A</td> <td data-bbox="518 1415 1013 1447"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> <td data-bbox="1013 1415 1508 1447">-</td> </tr> <tr> <td data-bbox="411 1447 518 1482">94C</td> <td data-bbox="518 1447 1013 1482"> <ul style="list-style-type: none"> <li>• any applicant</li> </ul> </td> <td data-bbox="1013 1447 1508 1482"> <ul style="list-style-type: none"> <li>• any respondent</li> </ul> </td> </tr> </tbody> </table>	Applicant	Respondent	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> <li>• the chairperson, secretary or treasurer</li> </ul>	Section	Applicant	Respondent	79, 80, 81, 82, 83, 89, 94B	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	84	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> <li>• a person who has signed a contract to purchase a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• the chairperson, secretary or treasurer</li> </ul>	85, 86	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• a person with an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• a proprietor or occupier of a lot</li> </ul>	87	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• a proprietor of a lot</li> <li>• a person having or acquiring an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	88, 90	<ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	91	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee in possession of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	92	<ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	93	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	94	<ul style="list-style-type: none"> <li>• an applicant under another section</li> <li>• a person with an estate or interest in a lot</li> <li>• a judgment creditor for a judgment debt owed by a body corporate</li> </ul>	<ul style="list-style-type: none"> <li>• any respondent</li> </ul>	94A	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	-	94C	<ul style="list-style-type: none"> <li>• any applicant</li> </ul>	<ul style="list-style-type: none"> <li>• any respondent</li> </ul>
Applicant	Respondent																																								
<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• the body corporate manager</li> <li>• a person with an estate or interest in a lot</li> <li>• the chairperson, secretary or treasurer</li> </ul>																																								
Section	Applicant	Respondent																																							
79, 80, 81, 82, 83, 89, 94B	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
84	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> <li>• a person who has signed a contract to purchase a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• the chairperson, secretary or treasurer</li> </ul>																																							
85, 86	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• a proprietor or occupier of a lot</li> <li>• a person with an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• a proprietor or occupier of a lot</li> </ul>																																							
87	<ul style="list-style-type: none"> <li>• the body corporate</li> <li>• the body corporate manager</li> <li>• a proprietor of a lot</li> <li>• a person having or acquiring an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
88, 90	<ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
91	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee in possession of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
92	<ul style="list-style-type: none"> <li>• a person entitled to vote at a meeting</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
93	<ul style="list-style-type: none"> <li>• a proprietor of a lot</li> <li>• the mortgagee of a lot</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>																																							
94	<ul style="list-style-type: none"> <li>• an applicant under another section</li> <li>• a person with an estate or interest in a lot</li> <li>• a judgment creditor for a judgment debt owed by a body corporate</li> </ul>	<ul style="list-style-type: none"> <li>• any respondent</li> </ul>																																							
94A	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	-																																							
94C	<ul style="list-style-type: none"> <li>• any applicant</li> </ul>	<ul style="list-style-type: none"> <li>• any respondent</li> </ul>																																							
<p><b>Section 5(b)</b></p> <p><b>Status of the respondent</b></p> <p><b>Section 5(c)</b></p> <p><b>Affected parties</b></p>	<p><b>Section 5(b)</b></p> <p>Please tick the appropriate box to identify the status of the respondent.</p> <p><b>Section 5(c)</b></p> <p>In addition to the respondent, please give the name and contact details of any other person(s) who are likely to be affected by, or have an interest in, the order sought your application. For example, if your application is against the body corporate disputing a decision to give approval to another proprietor, name the other proprietor as an affected person. If your application is against the body corporate disputing the decision to elect a person as committee member, name the committee member as an affected person.</p> <p>If there is a class of persons who may be generally affected, you can name them collectively (for example, 'all proprietors' or 'all proprietors and occupiers in building B'). You do not need to provide the name and contact details for each person named in this way.</p>																																								

<p><b>Section 6</b></p> <p><b>Evidence of attempts to resolve the dispute by internal dispute resolution</b></p>	<p>A referee may not have jurisdiction to decide the matter unless satisfied the applicant has made reasonable attempts to resolve the dispute. You must detail your attempts at internal dispute resolution and attach evidence of these attempts to the application. For example, provide copies of correspondence and the minutes of meetings at which the issue was raised.</p> <p>If you are seeking an interim order, you must demonstrate self-resolution for <u>both</u> the interim and final orders sought.</p>
<p><b>Section 7</b></p> <p><b>Order sought</b></p>	<p>Please state the order(s) you seek. This should be a succinct statement clearly saying what outcome you believe would resolve the dispute. If seeking more than one order, please number each order.</p> <p>The Act (<i>section 77</i>) sets out the general power of a referee to may make an order about the exercise or performance of, or the failure to exercise or perform, a power, authority, duty or function conferred or imposed by the Act in connection with the parcel. The Act (sections 79 to 94C) provides for the referee to make specific orders in certain situations. An order cannot be made under section 77 for a matter covered by sections 79 to 94C. Always refer to the section itself to determine if the dispute is covered by the section.</p> <p>A referee does not have authority to undertake general investigations of concerns in a body corporate. Each outcome sought must clearly outline the specific action that you want a referee to order.</p> <p>The legislation governing your body corporate's development may include other limitations on the jurisdiction of a referee to determine a dispute.</p> <p>Before a referee determines final orders in an application, they will usually give a copy of the application to the respondent and other parties, who will be invited to comment on the application. In the interests of natural justice, your outcomes must be clear and able to be readily understood by all parties.</p>
<p><b>Section 8</b></p> <p><b>Interim order</b></p>	<p><b>Leave this section blank if you do not require an interim order.</b></p> <p>The Act (<i>section 76</i>) allows a referee to make an interim order if satisfied on reasonable grounds that it is necessary because of the urgent circumstances to which the application relates. An example is pausing imminent work where there is a dispute about the validity of the authorisation for the work.</p> <p>An interim order can only be requested in relation to an application for an order under <i>section 77</i> of the Act. There is no right to an interim order for applications seeking orders under <i>sections 79 to 94</i> of the Act.</p> <p>The interim order is a temporary order that has effect for 3 months. It can be renewed once for a further 3 months, by application to the referee before the expiry of the initial 3-month period. An interim order is not a way of expediting a final decision. It is only made until a final order can be decided.</p> <p>Please set out the interim order you seek before a final order is made. This should be a succinct statement saying what action you want the respondent to take or cease taking before the determination of the final order.</p> <p>The interim application must establish the urgency of the situation and why the interim order is needed, as well as the grounds for a final order. The applicant must provide evidence of internal dispute resolution regarding the interim order sought in addition to the final order sought.</p>

<p><b>Section 9</b></p> <p><b>Grounds</b></p>	<p>You must specify the grounds on which each order is sought.</p> <p>As the applicant, the responsibility rests with you to ensure your application relates to a legislative issue and to prove your case. You must demonstrate that a dispute exists with the respondent and why the order sought should be made against the respondent.</p> <p>A statement of grounds should clearly outline the history and nature of the issue, what action has been taken and when, and why you consider an order should be made. A separate statement should be provided for each order sought. The statement should clearly refer to and explain any attachments you provide. You should support your statements with all relevant documents or evidence such as minutes of meetings, photographs (clear and in colour if possible), plans or sketches, or reports from qualified persons.</p> <p>If you are seeking an interim order, you must provide a separate statement giving the basis for and urgency of the interim outcome sought.</p>
---	--

## Authorising lodgment

You can authorise lodgment of the application by ticking the appropriate box.

If you are the individual(s) **named in Section 4(a)** of the application, you can tick the first box.

If you are applying as a representative of the applicant, including a corporation, or on behalf of the committee or body corporate, you must tick the box stating you are authorised and the relevant box for your relationship to the applicant. Evidence of authority to sign on behalf of the named applicant must be provided. If the applicant is the body corporate, a **full copy** of the committee or general meeting minutes authorising the application must be included with the application.

## Other matters an applicant should note:

### The referee's order process

This is a formal process.

A referee has wide powers of investigation, and will normally determine the dispute based on the written material submitted. There will not be a hearing. If appropriate, a referee will make an order which is legally binding. The order may be appealed to a Tribunal on the grounds that the referee did not act reasonably in making the order. For more detailed information refer to the 'Referee orders for body corporate disputes' page at [www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/referee-orders](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/referee-orders).

### Further assistance

For general information related to the body corporate legislation contact the Office of the Commissioner for Body Corporate and Community Management Information Service on free-call 1800 060 119 or visit [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate).

For Land Titles enquiries, including information about plans, contact [Titles Queensland](http://Titles Queensland) on 07 3497 3479.

### Disclaimer

The laws referred to in this guide are complex and various qualifications may apply in different circumstances. The information in this document does not constitute legal advice. You are encouraged to obtain independent legal advice if you are unsure of how these laws apply to your situation.