

Guide to completing the adjudication form

The contents of this guide are designed to assist applicants in completing the adjudication application form (form 15). Please read this guide carefully before completing the form 15. The section number of the guide corresponds to the section numbering in the form 15.

The adjudication form can be accessed at www.qld.gov.au/bodycorporatedisputes.

Accurate information

A copy of your adjudication application form and any attachments will be provided to other parties listed in your application, for example, the respondent, affected parties or the body corporate manager (BCM). It is your responsibility as the applicant to ensure the accuracy of the information provided and to ensure that the information is not defamatory of the respondent or any other persons. Please refer to *sections 297 and 298* of the [Body Corporate and Community Management Act 1997](#) (the Act) in respect of providing false or misleading information/documents to the commissioner or an adjudicator.

If all relevant information is not provided, *section 240* of the Act provides for the commissioner and/or the commissioner's delegate to request further information from you to meet the legislative requirements of the Act.

Read our [Privacy Statement](#) for further information.

Practice directions

The commissioner issues practice directions which provide more detailed information on the policies and processes applying to dispute resolution applications. Practice directions are available on the BCCM website www.qld.gov.au/bodycorporatedisputes.

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| Checklist | <ul style="list-style-type: none"> <input type="checkbox"/> Have you arranged payment of the prescribed fee? Your options are: <ul style="list-style-type: none"> • www.qld.gov.au/bodycorporatipayments <ul style="list-style-type: none"> ○ 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. • Cheque or money order made payable to BCCM <input type="checkbox"/> Have you named the correct parties as the applicant and respondent? (see sections 4 and 5 below) <input type="checkbox"/> Have you attempted to resolve the dispute with the respondent yourself before lodging this application? (see www.qld.gov.au/bodycorporatedisputes under the heading 'Self resolution for disputes') <input type="checkbox"/> Have you obtained a conciliation certificate for this dispute? (see section 8 below for circumstances in which a certificate is not required) <input type="checkbox"/> Have you completed all relevant sections of the application form? <input type="checkbox"/> Has the authority to complete the form been ticked? <input type="checkbox"/> Have you attached documents necessary to satisfy matters arising under items 4(a), 6, 7, 8 & 9 (if needed)? |
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| <p>Section 1 Body corporate / scheme information</p> | <p>In this section, please include:</p> <ul style="list-style-type: none"> the name of your body corporate scheme and its community titles scheme (CTS) number (for example, <i>Seaview CTS 1234</i>); the physical / street address of the scheme (please do not include a PO Box address or the address of the appointed body corporate manager (BCM)); and the number of lots in the scheme and which regulation module is currently recorded on the community management statement (CMS) for the scheme (if you do not know which regulation module applies, please leave this field blank). <p>Note: For a copy of your scheme's CMS, CTS number and/or details of the plan types and numbers contact Titles Queensland on 07 3497 3479.</p> |
| <p>Section 2 Secretary's information</p> | <p>Please list the name, address, and contact details for the elected secretary of your body corporate in this section. This information is required as the secretary may be contacted by the BCCM Office after the lodgement of the application.</p> <p>Further contact details such as address and telephone numbers can be obtained by making a written request to the body corporate and paying the prescribed fee. Further information about accessing records can be found at www.qld.gov.au/bodycorporate under the heading 'Body corporate records'.</p> |
| <p>Section 3 Body corporate manager's information</p> | <p>Please include the name, address, and contact details for the appointed BCM of your body corporate (if your body corporate has appointed one). For details of the BCM for your scheme you should refer to the contents of minutes of meetings or other information previously sent to you as an owner.</p> <p>If your body corporate has not appointed a BCM, please indicate this on the form by writing 'self-managed'.</p> |
| <p>Section 4 (a) and (b) Applicant's information</p> | <p>Section 4(a)</p> <p>If applying as owner and/or occupier, provide:</p> <ul style="list-style-type: none"> your name, preferred postal address, and contact details; and the number of the lot you are the owner and/or occupier of; and the type of plan under which your scheme is registered. Example: building format plan (BFP) previously known as a building unit plan (BUP), or standard format plan (SFP) previously known as a group title plan (GTP); and if you are representing a company, organisation, or corporation then you should name this entity as the applicant. This may include a caretaking service contractor, letting agent, or a service contractor. <p>Note: If you are applying as the owner of a lot, the details must match those recorded with Titles Queensland. If you are not the registered owner and you wish to make an application as the owner you must provide evidence that you are entitled to be the owner of the lot (see <i>section 183</i> of the <i>Land Title Act 1994</i> and the meaning of 'owner' in <i>Schedule 6 Dictionary</i>, BCCM Act).</p> <p>If applying as the body corporate or committee, write in this format:</p> <ul style="list-style-type: none"> The body corporate for Seaview; or The body corporate committee for Seaview. <p>Note: Please do not enter the details of an individual committee member as the applicant. Your application will be rejected under <i>section 241</i> of the Act if your dispute is not between one of the combinations as listed in <i>section 5(a)</i> of this guide. If the body corporate or the committee is the applicant, a full copy of the minutes of the meeting containing the resolution authorising the application <u>must</u> be provided.</p> <p>Section 4(b)</p> <p>Tick the capacity in which you are making the application. For example, if you are applying as an owner, tick the box next to 'an owner'. If you are an owner/occupier you may tick both the owner and occupier boxes.</p> |

| <p>Section 5(a) Respondent's information</p> | <p>Please include the name, address for service, and contact details of the other party to your dispute (the respondent).</p> <p>Your dispute must be within the jurisdiction of the BCCM Office (see table below) before it can be dealt with under the Act. Under <i>section 227</i> of the Act, jurisdiction for a dispute exists only between a party mentioned in column one (the applicant) and a party mentioned in column two (the respondent) in each row.</p> <p>For example, an owner or occupier may lodge an application against another owner/occupier or the body corporate, but an owner or occupier may not lodge an application directly against the body corporate committee or the body corporate manager.</p> <table border="1" data-bbox="411 436 1495 1182"> <thead> <tr> <th data-bbox="411 436 922 488">Applicant – you are:</th> <th data-bbox="922 436 997 488"></th> <th data-bbox="997 436 1495 488">Respondent – they are:</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 488 922 766"> <ul style="list-style-type: none"> the body corporate </td> <td data-bbox="922 488 997 766">and</td> <td data-bbox="997 488 1495 766"> <ul style="list-style-type: none"> an owner and/or occupier a committee member the body corporate manager a caretaking service contractor a letting agent⁽¹⁾ a service contractor⁽²⁾ a former body corporate manager⁽³⁾ the original owner (developer)⁽⁴⁾ </td> </tr> <tr> <td data-bbox="411 766 922 846"> <ul style="list-style-type: none"> an owner and/or occupier </td> <td data-bbox="922 766 997 846">and</td> <td data-bbox="997 766 1495 846"> <ul style="list-style-type: none"> the body corporate another owner and/or occupier </td> </tr> <tr> <td data-bbox="411 846 922 927"> <ul style="list-style-type: none"> a committee member </td> <td data-bbox="922 846 997 927">and</td> <td data-bbox="997 846 1495 927"> <ul style="list-style-type: none"> the body corporate the committee </td> </tr> <tr> <td data-bbox="411 927 922 972"> <ul style="list-style-type: none"> the committee </td> <td data-bbox="922 927 997 972">and</td> <td data-bbox="997 927 1495 972"> <ul style="list-style-type: none"> a committee member </td> </tr> <tr> <td data-bbox="411 972 922 1182"> <ul style="list-style-type: none"> the body corporate manager a caretaking service contractor a letting agent⁽¹⁾ a service contractor⁽²⁾ a former body corporate manager⁽³⁾ the original owner (developer)⁽⁴⁾ </td> <td data-bbox="922 972 997 1182">and</td> <td data-bbox="997 972 1495 1182"> <ul style="list-style-type: none"> the body corporate </td> </tr> </tbody> </table> <p>⁽¹⁾ A person authorised by the body corporate to conduct a letting agent business for the scheme. ⁽²⁾ Only about a review under chapter 3, part 2, division 7 of the Act. ⁽³⁾ Only about the return of body corporate property to the body corporate. ⁽⁴⁾ Only about the supply of required documents or materials to the body corporate.</p> <p>Note: Your application will be rejected under <i>section 241</i> of the Act if your dispute is not between one of the combinations listed above.</p> | Applicant – you are: | | Respondent – they are: | <ul style="list-style-type: none"> the body corporate | and | <ul style="list-style-type: none"> an owner and/or occupier a committee member the body corporate manager a caretaking service contractor a letting agent⁽¹⁾ a service contractor⁽²⁾ a former body corporate manager⁽³⁾ the original owner (developer)⁽⁴⁾ | <ul style="list-style-type: none"> an owner and/or occupier | and | <ul style="list-style-type: none"> the body corporate another owner and/or occupier | <ul style="list-style-type: none"> a committee member | and | <ul style="list-style-type: none"> the body corporate the committee | <ul style="list-style-type: none"> the committee | and | <ul style="list-style-type: none"> a committee member | <ul style="list-style-type: none"> the body corporate manager a caretaking service contractor a letting agent⁽¹⁾ a service contractor⁽²⁾ a former body corporate manager⁽³⁾ the original owner (developer)⁽⁴⁾ | and | <ul style="list-style-type: none"> the body corporate |
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| Applicant – you are: | | Respondent – they are: | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> the body corporate | and | <ul style="list-style-type: none"> an owner and/or occupier a committee member the body corporate manager a caretaking service contractor a letting agent⁽¹⁾ a service contractor⁽²⁾ a former body corporate manager⁽³⁾ the original owner (developer)⁽⁴⁾ | | | | | | | | | | | | | | | | | |
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| <p>Section 5(b) Status of the respondent</p> | <p>Please tick the appropriate box to identify the status of the respondent.</p> | | | | | | | | | | | | | | | | | | |
| <p>Section 5(c) Affected parties</p> | <p>In addition to the respondent, please give the name and contact details of any other person(s) who may be affected by, or have an interest in the outcome of, your application. For example:</p> <ul style="list-style-type: none"> a particular person or persons (for example, an adjoining lot owner although this person is not a named respondent) all owners and occupiers (if the outcome sought will affect all owners and occupiers generally, then write 'all owners') or a specified class of owners or occupiers who will be affected by the outcome sought (for example, the lot owners in the canal units, or the lot owners who voted 'no' to the motion). | | | | | | | | | | | | | | | | | | |

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| <p>Section 6 (a) & (b) Evidence of self resolution with the respondent and/or department conciliation</p> | <p>The Act (<i>section 239B(f)</i>) requires that you, as the applicant, must have attempted to resolve the dispute by either internal dispute resolution (self resolution) or both self resolution and department conciliation before an adjudication application can be made. Department conciliation is attempted through this office by lodging a BCCM form 22 available on our website.</p> <p>The applicant must detail in this section their attempts at internal dispute resolution and provide evidence of these attempts as attachments to the application.</p> <p>Please attach a copy of your conciliation certificate or specify the grounds on which you wish to be excused from conciliation. Your application may be rejected if the commissioner believes you have not made a reasonable attempt to resolve the dispute by self resolution and/or department conciliation (<i>section 241(1)(c)(ii)</i> of the Act). The commissioner may excuse this requirement in limited circumstances (see Practice Direction 9).</p> <p>The legislation sets out preliminary procedures for applications seeking to enforce body corporate by-laws (<i>sections 184-186</i> of the Act). Practice Direction 6 provides further information on the policies and procedures relating to by-law breaches.</p> <p>If you are seeking an interim order, you must demonstrate self resolution for <u>both</u> the interim and final outcomes sought.</p> |
| <p>Section 7 What outcome are you seeking?</p> | <p>Please state the outcome you are seeking to resolve the matter in dispute. The Act (<i>section 276</i>) provides that a department adjudicator may make an order about a claimed or anticipated contravention of, or the exercise of rights and powers under, the body corporate legislation or the CMS.</p> <p>This should be a succinct statement which indicates clearly what outcome you believe would reflect a satisfactory resolution of the dispute for you. If seeking more than one outcome, please number each outcome.</p> <p>There is no authority for an adjudicator to undertake general investigations of concerns in community titles schemes. Each outcome sought must clearly outline the specific action that you are requesting an adjudicator to order. For examples of possible adjudicator's orders please review <i>Schedule 5</i> of the Act.</p> <p>Before an adjudicator makes an order determining the application, the respondent, affected parties and the owners will be given a copy of your application and invited to comment on the orders you are seeking and the reasons you give for those orders. In the interests of natural justice, your outcomes must be clear and able to be readily understood by all parties with an interest in the matter.</p> <p>For complex disputes requiring specialist adjudication see Practice Direction 20.</p> |
| <p>Section 8 Interim order</p> | <p>Please review Practice Direction 16 regarding interim order applications.</p> <p>The Act (<i>section 279</i>) allows an adjudicator to make an interim order if the adjudicator is satisfied on reasonable grounds that such an order is necessary because of the nature or urgency of the circumstances to which the application relates. Example: stopping imminent work being carried out where there is a dispute about the validity of the authorisation for the work.</p> <p>The interim order is a holding order until a final order on the dispute is made. An application for an interim order is not a means to simply expedite the final order. The applicant must provide evidence of internal dispute resolution regarding the interim outcome sought in addition to the final outcome sought.</p> <p>Please set out the outcome you consider is necessary prior to the making of a final order. This should be a succinct statement indicating what action you want the respondent to take, or cease taking, pending the determination of the final order.</p> <p>The interim application must establish the urgency of the situation and why the action is needed. Detailed grounds should be given in support of the interim order as well as grounds for a final order.</p> <p>Leave this section blank if you do not require an interim order.</p> |

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| <p>Section 9 Grounds</p> | <p>The Act (<i>section 239B(e)</i>) requires that an applicant provides the grounds, in detail, on which each outcome is sought.</p> <p>You must demonstrate the extent to which the outcome/s sought relate to a provision of the legislation or your scheme's CMS. As the applicant, the responsibility rests with you alone to ensure that your application addresses a legislative issue and to prove your case.</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 the orders sought should be made. A separate statement should be provided in respect of each outcome sought, ensuring that it clearly refers to any attachments you wish to provide. You need to support any statements you make with relevant documents or evidence such as minutes of meetings, photographs (clear and in colour if possible), plans or sketches, or reports from qualified persons, and refer to the attachments in your grounds.</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> |
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Authorising lodgement

You can authorise lodgement 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:

Complex disputes

The Act requires that certain types of disputes (known as complex disputes) must be dealt with either by the Queensland Civil and Administrative Tribunal (QCAT) or a specialist adjudicator.

Complex disputes include disputes about:

- contractual matters between the body corporate and a caretaking service contractor, letting agent, or body corporate manager (*sections 133, 149A, 149B and 178* of the Act); and
- the adjustment of lot entitlements (*sections 47AA, 47B, 48, 385, 387, 405, and 412* of the Act).

An application for **specialist adjudicator** may be made to the BCCM Office. Parties to specialist adjudication must agree in writing on a person who is to be the specialist adjudicator and the method of payment for the specialist adjudicator. This agreement is to be provided with the application. If you have not been able to agree on a specialist adjudicator with the other party, you may consider an application to the QCAT. See [Practice Direction 25](#) for further information about complex disputes.

The adjudication process

This is a formal process and an adjudicator will make an order which can be enforced in the Magistrate's Court and may be appealed to the QCAT on a question of law. An adjudicator has wide powers of investigation and may make an order that is just and equitable within jurisdiction. For more detailed information refer to the 'Adjudication for body corporate disputes' page at www.qld.gov.au/bodycorporatedisputes.

Further assistance

For **general information about body corporate legislation** contact the Office of the Commissioner for Body Corporate and Community Management's information service on free-call 1800 060 119 or visit www.qld.gov.au/bodycorporate.

For **land titles enquiries** including information on the community management statement, registrations, and plans contact Titles Queensland on 07 3497 3479.

For enquiries to the **Queensland Civil and Administrative Tribunal** (QCAT) phone 1300 QLD CAT (1300 753 228) or visit www.qcat.qld.gov.au.

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. If all relevant and accurate information is not provided in the application *section 240* of the Act provides for the commissioner and/or the commissioner's delegate to request further information to meet the legislative requirements of the Act. If further information is requested your application may not proceed until such time as the information has been provided.