

Guide to completing an alternative insurance application form 24

Alternative insurance

The legislation sets out the requirements for bodies corporate to obtain insurance (**required insurance**). If your body corporate has exhausted all attempts to obtain the required insurance an application can be made to an adjudicator seeking alternative insurance.

Please read this guide carefully. It is your responsibility to ensure the accuracy of the information provided on an alternative insurance application form.

If all relevant information is not provided, the commissioner and/or the commissioner's delegate can request further information from you to meet the legislative requirements pursuant to *section 240* of the [Body Corporate and Community Management Act 1997](#) (the Act).

Please refer to *sections 297* and *298* of the Act) in respect of providing false or misleading information/documents to the commissioner or an adjudicator.

The contents of this guide are designed to assist applicants in completing the alternative insurance application form (form 24). The section number on the guide corresponds to the section numbering in the form 24.

The alternative insurance application form can be accessed at www.qld.gov.au/bodycorporatedisputes.

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

Practice directions

The commissioner makes practice directions which provide more detailed information on the content, recommendations and procedures applying to internal dispute resolution and the dispute resolution services. Practice directions are available on the Office of the Commissioner for Body Corporate and Community Management (BCCM) website www.qld.gov.au/bodycorporatedisputes.

Checklist	<ul style="list-style-type: none"><input type="checkbox"/> Have you made payment of the prescribed fee? Your options are:<ul style="list-style-type: none">• Online* www.qld.gov.au/bodycorporatipayments• Cheque or money order made payable to BCCM<input type="checkbox"/> Have you completed all sections of the application form?<input type="checkbox"/> Have you attached all the required documents listed in section 6?<input type="checkbox"/> Has the authority to complete the form been ticked? <p>* You do not need a reference number before you can pay online. The payment will be matched to the application using the details provided.</p>
Section 1 Body corporate / scheme information	In this section, please include: <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, 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) and the plan type for the scheme. <p>Note: For a copy of your scheme's CMS, the CTS number and details of the plan types and numbers contact Titles Queensland www.titlesqld.com.au</p>

<p>Section 2</p> <p>Secretary's information</p>	<p>Please list the following details for the elected secretary of your body corporate:</p> <ul style="list-style-type: none"> • name, • address, and • email and telephone details <p>This information is required as the secretary may be contacted by the BCCM Office after lodgment of the application.</p>
<p>Section 3</p> <p>Body corporate manager's information</p>	<p>Please include the following details for the appointed BCM of your body corporate:</p> <ul style="list-style-type: none"> • name, • address, and • email and telephone details <p>If your body corporate has not appointed a BCM, please indicate this on the form by writing 'self-managed'.</p>
<p>Section 4</p> <p>Proposed alternative insurance for approval</p>	<p>Clearly describe the alternative insurance being sought by the body corporate, including:</p> <ul style="list-style-type: none"> • Insurer • Policy Number • Policy period • Sum insured • Special conditions or exclusions <p>A copy of this policy is also required to be attached to the application.</p>
<p>Section 5 (a)</p> <p>What are the reasons insurers have given for declining to offer the required insurance?</p>	<p>In this section, explain why the body corporate cannot obtain the required level of insurance cover.</p> <p>Provide specific details supporting the explanation. For example, refer to and attach a copy of the letter of rejection received from the insurer/s.</p>
<p>Section 5 (b)</p> <p>How is the proposed alternative insurance different from the required insurance?</p>	<p>Explain how the proposed alternative insurance compares to the required level of insurance, including how it does or does not meet the required level (full replacement value).</p>
<p>Section 5 (c)</p> <p>What attempts were made to obtain insurance for the full replacement value of each building included in the scheme?</p>	<p>List all the attempts made by the body corporate to obtain the required level of insurance including:</p> <ul style="list-style-type: none"> • date of request/s • insurer/s approached • response/s received <p>A copy of any requests, responses and relevant correspondence referenced are required to be attached to the application.</p>
<p>Section 5 (d)</p> <p>Provide details of all other insurance proposals available or considered by the body corporate?</p>	<p>List all insurance options and/or alternatives that have been investigated or considered by the body corporate.</p>

<p>Section 5 (e)</p> <p>If the required insurance is available, why is it reasonable not to accept it?</p>	<p>Provide a detailed explanation as to why the alternative insurance is being sought.</p> <p>For example, if the cost of the required level of insurance is considered prohibitively expensive, an explanation as to why the body corporate could not pay for it.</p> <p>Include specific factors such as premium amounts, coverage limitations, or any other financial constraints that prevent the body corporate from being able to afford the required insurance.</p>
<p>Section 5 (f)</p> <p>Has the proposed alternative insurance been considered by owners at a general meeting or otherwise?</p>	<p>Provide the specific outcome of the motion considered by the body corporate in relation to the proposed alternative insurance arrangement.</p> <p>Attach a copy of the general meeting minutes where the alternative insurance proposal was considered.</p> <p>If the decision was not made at a general meeting, evidence of the owners' decision.</p> <p>If owners have not considered a motion about the proposed alternative insurance at the time of lodging the application, explain why.</p>
<p>Section 5 (g)</p> <p>If the body corporate has declined this alternative insurance proposal, why should the adjudicator approve it?</p>	<p>Provide a detailed explanation for:</p> <ul style="list-style-type: none"> • why the body corporate cannot provide minutes of a general meeting showing the proposed alternative insurance plan approved by ordinary resolution. • why the alternative insurance adjudication application should still be considered without evidence that the body corporate approves the proposed plan.
<p>Section 5 (h)</p> <p>Other relevant information</p>	<p>Detail, and provide evidence of, any other matters relating to circumstances of the body corporate and its insurance arrangements that are relevant to the application.</p>
<p>Section 6</p> <p>Required attachments to be submitted with application</p>	<p>Ensure that all the documents listed are attached to the alternative insurance application form.</p> <ul style="list-style-type: none"> • Committee resolution authorising lodgment of the application • Proposed alternative insurance policy that confirms the following: <ul style="list-style-type: none"> ○ Insurer ○ Policy Number ○ Policy period ○ Sum insured ○ Special conditions or exclusions • Evidence of the full replacement value of the building or buildings that the alternative insurance application relates to. Evidence of attempts to obtain required level of insurance. For example, reports and or correspondence from insurers / insurance brokers • If available, general meeting minutes (ordinary resolution motion required) or written agreement of owners evidencing that the proposed alternative insurance has been approved by the body corporate.

Authorising lodgment

You must tick the box stating you are authorised to apply on behalf of the body corporate.

REMINDER - A full copy of the committee or general meeting minutes authorising this application must be included.

Other matters an applicant should note

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 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.

For **Land Titles** enquiries including information on the community management statement, registrations, and plans contact Titles Queensland www.titlesqld.com.au

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.