



# PRACTICE DIRECTION 10

## Application fees and costs orders

Practice directions are issued pursuant to [section 233](#) of the *Body Corporate and Community Management Act 1997* (the Act). They provide directions and information about internal dispute resolution processes and the Commissioner's dispute resolution service. Practice directions must be interpreted and applied consistently with the Act. They do not limit the discretion of the Commissioner or dispute resolution coordinators when assessing individual applications. Anything done by a person for internal dispute resolution or the dispute resolution service is subject to any relevant practice direction.

### Application fees

1. The applicant must pay the prescribed fee when submitting an application unless a fee waiver application is made and approved.
2. Information about current fees and payment methods is available at:  
[www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/fees](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/fees).
3. Upon request, payment can be partially refunded if the applicant paid more than the prescribed fee.
4. A payment is not refundable if the application is:
  - withdrawn by the applicant
  - rejected by the Commissioner
  - unsuccessful, or
  - appealed.
5. However, refer to **Application costs orders** (below) for further information or possible exceptions.

### Fee waiver

6. The Commissioner may, at their discretion, waive the fee for a conciliation or adjudication application where payment of the fee would cause the applicant financial hardship.
7. An applicant seeking a fee waiver for financial hardship must complete [BCCM form 23: Application - Waiver of fee](#) and provide all requested supporting information and evidence by the requested date.
8. Where the Commissioner has rejected a conciliation application for a dispute on the grounds that it is not suitable for conciliation, the Commissioner may decide to waive the fee for an adjudication application lodged by the applicant for the same dispute.
9. The Commissioner may waive the conciliation application fee where an application for adjudication has been rejected by the Commissioner on the basis that the applicant should first attempt conciliation for the same dispute.

## Application costs orders

10. A party to a dispute resolution application must expect to meet their own costs, including:
  - the application fee
  - the fee for inspecting or obtaining a copy of the application or submissions
  - personal costs incurred to attend a conciliation session, and
  - legal or other professional advice costs incurred in making or responding to an application.
11. Neither the Commissioner nor a conciliator has power to award costs against another party.
12. For an adjudication application, as described below, the adjudicator has only limited power to make an order about costs.

## Respondent's failure to participate

13. Where a respondent fails to participate in department conciliation without a reasonable excuse and the applicant then seeks an adjudicator's order about the same dispute, the adjudicator may, if requested and at their discretion, order the respondent to reimburse the applicant for the conciliation and adjudication application fees.
14. The applicant must request the order in writing.

## As part of an order dismissing an adjudication application

15. In the event an adjudicator dismisses an application for being frivolous, vexatious, misconceived or without substance, the adjudicator may, at their discretion, also order the applicant to compensate a respondent, the body corporate, or another affected person up to \$2,000 for a cost or loss resulting from the application (for example, the cost of legal advice).
16. A person seeking compensation for costs or loss must include a written request for such order with their submission about the application and must also provide evidence of the amount and nature of the cost or loss.

## COMMISSIONER FOR BODY CORPORATE AND COMMUNITY MANAGEMENT

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