



Applying for an order by a referee



A guide to completing the application form



This guide will support you to fill out the application form for an order by a referee.

Please read this guide carefully before filling out the form.

Each numbered section of this guide matches the same section in the form.

You can find the application for an order by a referee form on the Queensland Government website.

www.publications.qld.gov.au/dataset/bugta-forms/resource/61de78a5-4a92-4e81-a53e-d0001724c493



You might be able to apply for an order if you are having a dispute with:

- your body corporate
- the owner or occupier of unit – this is also called a lot
- your body corporate manager
- a person with an interest in a unit
- the chairperson, secretary or treasurer of your body corporate.



A referee can make an order to solve disputes under different sections of the *Building Units and Group Titles Act 1980* (the BUGT Act).

Section 77 of the BUGT Act gives the referee general powers to make an order.

Sections 79–94C of the BUGT Act gives the referee power to make specific orders in certain situations.

Provide accurate information



The referee or someone who represents them might ask you to provide more information.

They might do this to:

- meet the requirements of the BUGT Act
- help the referee review your application.

The referee might stop reviewing your application until you have provided this information.



The information you include must be correct.

We will give a copy of your application and any attachments to the other people involved.

Section 1 – Body corporate/parcel information



Please don't use a PO Box address or your body corporate manager's address.

In this section, put the name and details of the **highest relevant body corporate** for the dispute. This could be a:

- subsidiary body corporate
- community body corporate (CBC) or precinct body corporate (PBC) under the MUD Act, or
- primary thoroughfare body corporate (PTBC) or principal body corporate (PBC) under the SCR or IRD Acts.

Example of section 1 completed

Section 1 – Body corporate/parcel information

If you don't know the registered name or the community management statement (CMS) number, you can contact [Titles Queensland](#).

Name of your body corporate/parcel	Body Corporate for Ocean View Apartments
Plan type and number of your body corporate	15975
Number of lots	50
Street address of the body corporate	20 Ocean View Road
Area or suburb	Coolangatta
State	Queensland
Postcode	4225

Section 2 – Secretary’s information



You must include contact details for your body corporate’s secretary, in case we need to contact them.

You can contact your body corporate and ask for their secretary’s contact details.

Example of section 2 completed

Section 2 – Secretary’s information

Include the name of your body corporate secretary and a way to contact them. If your body corporate doesn’t have a secretary, please write ‘nil’ in this section.

Name of your body corporate secretary	Laura Smith
Email	lsmith@fakeemail.com
Mobile phone	0400 000 000
Other phone	Nil
Address	6/20 Pretend Road
Area or suburb	Coolangatta
State	Queensland
Postcode	4225

Section 3 – Body corporate manager’s information



You need to include contact details for your body corporate manager, in case we need to contact them.

You can find contact details for your body corporate manager in your body corporate’s records or minutes from meetings.

You can also contact a member of your body corporate and ask for the body corporate manager’s contact details.

Example of section 3 completed

Section 3 – Body corporate manager’s information

Include the name of your body corporate manager and a way to contact them. If your body corporate doesn’t have a manager, please write ‘nil’ in this section.

Name of your body corporate manager	Dave Brown
Company name	Boxy BCM
Email	dave@boxybcm.com.au
Mobile phone	0400 000 000
Other phone	(07) 0000 0000
Address	GPO Box 000
Area or suburb	Brisbane
State	Queensland
Postcode	4001

Section 4 – Who are the applicant and respondent?



There are rules about who can be an applicant and a respondent in a dispute.



We can't progress your application if you don't follow these rules. We will only look at disputes between certain applicants and respondents.

The rules are different depending on which section of the BUGT Act you are applying for an order under.

You should check to see which section of the BUGT Act covers your dispute before you fill out this section.



When you complete this section, tick the boxes next to the applicant and respondent in your dispute.

You must tick the box next to an applicant and respondent in the same row of the table.

You can tick more than one box for the applicant and respondent.

For example, if the applicant or respondent is the owner and occupier of a unit, you can tick both boxes.

Section 4 – Who are the applicant and respondent?

The **applicant** is the person or party applying for the order. For example, you as an owner or you on behalf of the body corporate.

The **respondent** is the person or party you are in dispute with. For example, a committee member or a letting agent. They will need to respond to the order.

The applicant must fill out this section.

We can only look at disputes between certain applicants and respondents. Check the guide for more information.

Who is the applicant?

For example, if you are applying as an owner, tick 'the owner'. If you are applying on behalf of the body corporate, tick 'the body corporate'.

Who is the respondent?

- ☒ the body corporate
- ☐ the owner(s) of lot
- ☐ the occupier(s) of lot
- ☐ the body corporate manager
- ☐ a person with an interest in a lot (such as a lender)
- ☐ the mortgagee of a lot
- ☐ a person to who signed a contract to buy a lot
- ☐ a person who is able to vote at a general body corporate meeting
- ☐ a past applicant who got a court order against the body corporate
- ☐ a judgement creditor – for example, if the body corporate hasn't paid an amount of money ordered by the court
- ☐ the respondent from a past application
- ☐ an affected person from a past application

- ☐ the body corporate
- ☒ the owner(s) of lot 42
- ☒ the occupier(s) of lot 42
- ☐ the body corporate manager
- ☐ a person with an interest in a lot
- ☐ the chairperson of the body corporate committee
- ☐ the secretary of the body corporate committee
- ☐ the treasurer of the body corporate committee
- ☐ the applicant of the past application

Section 5 – Applicant, respondent and other affected people

Sections 5(a) and 5(b)



If either the applicant or respondent is the owner or occupier of a unit, include:

- their contact details
- the number of the unit they are the owner or occupier of.



If you are applying for someone else, you need to:

- include their contact details
- attach evidence that shows you are allowed to complete this form for them.

For example, if you are applying for the body corporate, you need to attach minutes from the meeting where they gave you permission.

Example of sections 5(a) and 5(b) completed

Section 5 – Applicant, respondent and other affected people

Section 5(a)

Applicant's contact details

If you are applying on behalf of the body corporate, give its details. For example, 'The body corporate for Seaview'.

If you are applying as the owner or occupier, give your details here.

If you are the owner, the details must match Titles Queensland records. For example, the name of the owner should match how it appears on the title search.

Name	Jamie Sinclair
Email <i>This is the way we prefer to contact you.</i>	jamies@fakeemail.com
Mobile phone	0400 000 000
Other phone	Nil
Postal address	4/8 Pretend Drive
Area or suburb	Coolangatta
State	Queensland
Postcode	4225
Lot number/s	4
Plan type and number	

Section 5(b)

Respondent's contact details

The applicant must fill out this section.

Give the details of the other person or party in your dispute. If the respondent is an owner, their details must match Titles Queensland records. For example, the name of the owner should match how it appears on the title search.

If the other party is a group or business, give the group's name. For example, 'The body corporate for Seaview'.

You don't have to fill out this section if you are applying for an order under section 94A of the BUGT Act.

Name	Body Corporate for Ocean View Apartments
Email	dave@boxybcm.com.au
Mobile phone	0400 000 000
Other phone	(07) 0000 0000
Postal address	c/ Boxy BCM – GPO Box 000
Area or suburb	Brisbane
State	Queensland
Postcode	4001

Section 5(c)



When you complete this section, include contact details for anyone else who might be affected by the result of the dispute.

For example, if you are having a dispute with your body corporate about their decision to give approval to another owner to install an air conditioner on the outside of the unit. You need to include the contact details of the other owner in this section because they might be affected by the result of your application.

If the order will affect all owners and occupiers, write 'all owners and occupiers.'

Example of section 5(c) completed

Section 5(c)

Affected persons

Will the outcome of this dispute affect anyone else? *For example, a caretaking service contractor or another lot owner or occupier.*

☐ No

☒ Yes – *Give the name and contact details below or attach a separate page with the heading 'Section 5(c)'. If it affects all owners and occupiers, write 'all owners' below.*

All other owners and occupiers.

Section 6 – Orders sought



You must clearly explain what action you want the respondent to take.

Everyone involved in the dispute must be able to understand the orders.

If you want more than one order, you need to number each order.

Section 77 of the BUGT Act gives the referee general powers to make an order.



Sections 79–94C of the BUGT Act gives the referee power to make specific orders in certain situations.

Make sure you read each section to check that it covers your dispute.

A referee can't make an order under section 77 for a dispute covered in sections 79–94C.

The laws that your body corporate must follow might also affect what a referee can do to solve your dispute.

Example of section 6 completed

Section 6 – Orders sought

What orders do you want?

Tell us what orders you want the referee to make to solve the dispute.

Tell us what section of the Act is relevant to these orders, if you know.

Section 77 of the [BUGT Act](#) explains the general powers a referee has to make an order.

Sections 79–94C explain the specific orders a referee can make in certain situations.

If you need more space, attach a separate page with the heading '6. Orders sought'.

The owner of Lot 42 has been renovating their unit. The body corporate committee wants an order that stops the owner of Lot 42 from doing these renovations until we have approved it in writing. This is required under by-law 13.

If the owner of Lot 42 does not get approval from us within 3 months of the order, they must restore Lot 42 to the condition it was in before they started renovating it.

Section 7 – Self resolution



If you are also applying for an interim order, you must show self resolution for the interim order and the final orders you are applying for.

A referee might stop your application progressing if you can't show you have tried self resolution.

Example of section 7 completed

Section 7 – Self resolution

What have you done to try to solve your dispute?

Explain what you have done to try to solve the dispute yourself. This is called self resolution.

If you want more than one order, please give details of self resolution for each one. Please attach and refer to documents to support your case. For example:

- meeting minutes
- emails
- reports
- quotes
- photos.

If you need more space, attach a separate page with the heading '7. Self-resolution'.

On 2 April, the chairperson of the body corporate committee contacted the respondent (owner of Lot 42) when neighbours complained about the renovations. The chairperson explained that the respondent needed approval under by-law 13. The respondent refused to talk about the issue. When the respondent didn't stop the renovations, the committee made the decision ([Attachments 2, 4 and 6](#)) to enforce the by-law. The committee wrote to the respondent again, asking them to stop work and ask for approval ([Attachments 3, 5, and 7](#)). The respondent did not reply.

Section 8 – Grounds



You should clearly explain why you have attached each piece of evidence.

Example of section 8 completed

Section 8 – Grounds

For each of the orders you want, please explain:

- a brief history of the dispute
- why you think you should get each of the orders. For example, tell us which section of the BUGT Act is not being followed or which by-law applies to your dispute.

Please attach and refer to documents to support your case. For example:

- quotes
- photographs
- plans or sketches of the lot
- reports from qualified people.

If you need more space, attach a separate page with the heading '8. Grounds'.

The body corporate committee believes the respondent is doing renovations to Lot 42, including structural changes and changes to the outside appearance of the unit. Under by-law 13, the body corporate committee needs to approve these changes in writing. The respondent has not sought or received approval from the body corporate committee. They have also ignored our requests to apply for approval. The body corporate committee is concerned about the impact of the works on other units and the impact of the renovations on the structural integrity and consistent appearance of the building.

See [Attachment 1](#) for a timeline and more detailed grounds. See [Attachment 8](#) for the by-laws. See [Attachment 9](#) for witness statements. See [Attachment 10](#) for photographers of the works in progress.

Section 9 – Interim order sought



If you don't need an interim order, you don't need to complete this section.



An interim order lasts for 3 months. You can ask to extend it for another 3 months, but you can only ask for this once.

A referee can only make an interim order if they believe it's necessary.



You can only ask for an interim order if you are applying for an order under section 77 of the BUGT Act.

You can't request an interim order if you are applying for an order under sections 79–94 of the BUGT Act.

Example of section 9 completed

Section 9 – Interim order sought

You can only get an interim order for a final order under section 77 of the BUGT Act.

An interim order is a temporary order. It is only for urgent situations. For example, to put a stop to a harmful action while you are waiting for a decision on your final order. An interim order **will not speed up** the final order.

Check our [interim order application guide](#) for more information.

Do you need an interim order?

☐ No

☒ Yes – Give details below or attach a separate page with the heading '9. Interim orders sought'.

Tell us what interim order you want:

That the respondent stops all renovation work on Lot 42 until the final order is made or the body corporate committee has approved the work.

Explain why it is urgent and what harm might happen if you don't get an interim order:

While some work has been happening for a few months, the respondent's contractor told the chairperson last week that a significant new stage in the renovation program, including removing a structural wall, will start next week (see [Attachment 9](#)).

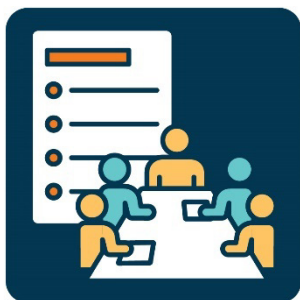
The body corporate committee believes this work may negatively affect the structural integrity of the building. Once the wall is removed, it may be difficult or time consuming to fix. Also, the works have been very noisy and dusty, impacting the ability of others to use and enjoy their units. We explain these issues and impacts further in [Attachment 1](#).

When and how have you asked the other party in your dispute to stop the action?

The committee wrote to the respondent and asked that they not continue with the renovations until it was approved by the body corporate committee, or the dispute was resolved (see [Attachment 7](#)). The respondent did not respond. The respondent's contractor told the chairperson that the work is continuing (see [Attachment 9](#)).

Please attach supporting documents. For example, meeting minutes, reports, quotes, emails and photos.

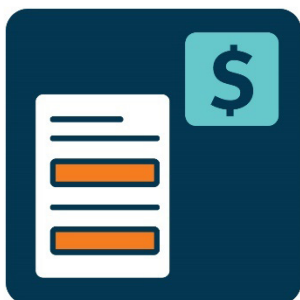
Authority to submit the form



If you are submitting the form for someone else, you need to show you have permission from them.

For example, minutes from a meeting or a letter where the person gave you permission.

Application fees



You need to pay a fee to submit your application.

We can only process your application if you pay the fee.

We don't refund this fee.

Visit our website for [current application fees](#).

You can apply to not pay the fee if you can't afford it.

Checklist to complete the form

- ☐ I have organised to pay for the fee for the application
- ☐ I have completed all relevant sections of the form
- ☐ I have attached all relevant evidence
- ☐ I have attached all additional pages as separate documents and labelled them
- ☐ I have tried [self resolution](#)
- ☐ I have ticked the box under 'Authority to submit the form' that shows I am allowed to complete and submit the form for someone else
- ☐ I have read the privacy statement

Support and more information

Help with the form



We can help explain questions about the form. But we can't help with legal advice or tell you what to write.

If you have questions about parts of the form, you can contact our Information and Community Education Unit.

You can call them.

1800 060 119

You can write to them online.

www.qld.gov.au/bodycorporatequestion



You can visit our website to find more general information to help you solve your dispute.

www.qld.gov.au/law/housing-and-neighbours/body-corporate/bccm

How we use your information



We follow the rules of the BUGT Act when we collect information in the application form. We do this to solve disputes under the Act and to provide information to the community. We will share the information in the form and attachments with other people involved in the dispute.

You can read more in our [privacy statement](#).

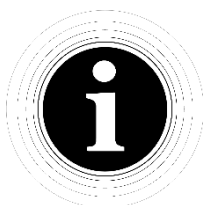
Disclaimer



The laws we refer to in this guide are complex.
You should not rely on this document for legal advice.
You should get legal advice if you're not sure how these laws apply to your dispute.



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