



# Applying for an order by an adjudicator



# A guide to completing the application form



This guide will support you to fill out an application form for an order by an adjudicator.

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 an adjudicator form on the Queensland Government website.

[www.publications.qld.gov.au/dataset/adjudication-application/resource/5708f3c3-e09b-479f-a11b-e61a4d14235a](http://www.publications.qld.gov.au/dataset/adjudication-application/resource/5708f3c3-e09b-479f-a11b-e61a4d14235a)

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



- your body corporate
- the owner or occupier of a unit – a unit is also called a lot
- the original owner – for example, the developer
- your body corporate manager
- a previous body corporate manager
- a committee member.

An adjudicator can make an order to solve disputes under [section 276](#) of the *Body Corporate and Community Management Act 1997* (the Act).



Section 276 explains that an adjudicator can make an order if they believe the respondent might not follow or isn't following:

- the Act
- the body corporate's community management statement (CMS).

## Provide accurate information



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

The information you provide must be correct.

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

## Section 1 – Body corporate/scheme information

Different laws apply under different regulation modules. It's important to know which regulation module applies to your body corporate.

If you don't know which regulation module applies, you can contact Titles Queensland on **07 3497 3479**.



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

If the dispute is between 2 bodies corporate who are part of a layered arrangement, include the name and details of the principal body corporate.

You can learn about what a layered arrangement is on the Queensland Government website.

[www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/layered-schemes/what-is-a-layered-scheme](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/layered-schemes/what-is-a-layered-scheme)

## Example of section 1 completed

### Section 1 – Body corporate/scheme information

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

Name of your registered body corporate	<b>Body Corporate for Ocean View Apartments</b>
CMS number	<b>15975</b>
Number of lots	<b>50</b>
Street address of your scheme	<b>20 Ocean View Road</b>
Area or suburb	<b>Coolangatta</b>
State	<b>Queensland</b>
Postcode	<b>4225</b>
Regulation module – if you know it <i>There are 5 types: Standard, Accommodation, Commercial, Small Schemes, Specified Two-lot Schemes.</i>	<b>Standard Module</b>

## 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 the 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	<b>Laura Smith</b>
Email	<b>lsmith@fakeemail.com</b>
Mobile phone	<b>0400 000 000</b>
Other phone	<b>Nil</b>
Address	<b>6/20 Pretend Road</b>
Area or suburb	<b>Coolangatta</b>
State	<b>Queensland</b>
Postcode	<b>4225</b>

## 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	<b>Dave Brown</b>
Company name	<b>Boxy BCM</b>
Email	<b>dave@boxybcm.com.au</b>
Mobile phone	<b>0400 000 000</b>
Other phone	<b>(07) 0000 0000</b>
Address	<b>GPO Box 000</b>
Area or suburb	<b>Brisbane</b>
State	<b>Queensland</b>
Postcode	<b>4001</b>

## 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.



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 option. For example, option 1.

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.

### Example of section 4 completed correctly

#### Option 1

##### Who is the applicant?

☒ the body corporate

##### Who is the respondent?

☒ the owner(s) of lot **18**

☐ the occupier(s) of lot

☐ a committee member

☐ the body corporate manager

☐ a caretaking service contractor

☐ a letting agent

☐ a service contractor

☐ a former body corporate manager

☐ the original owner (for example, the developer)

### Example of section 4 completed correctly

#### Option 2

##### Who is the applicant?

☒ the owner(s) of lot **12**

☐ the occupier(s) of lot

##### Who is the respondent?

☐ the body corporate

☒ the owner(s) of lot **7**

☐ the occupier(s) of lot



### Example of section 4 completed incorrectly

#### Option 1

##### Who is the applicant?

☐ the body corporate

##### Who is the respondent?

☐ the owner(s) of lot

☐ the occupier(s) of lot

☒ a committee member

☐ the body corporate manager

☐ a caretaking service contractor

☐ a letting agent

☐ a service contractor

☐ a former body corporate manager

☐ the original owner (for example, the developer)

#### Option 2

##### Who is the applicant?

☒ the owner(s) of lot

☐ the occupier(s) of lot

##### Who is the respondent?

☐ the body corporate

☐ the owner(s) of lot

☐ the occupier(s) of lot

### Example of section 4 completed incorrectly

#### Option 3

##### Who is the applicant?

☐ the committee

##### Who is the respondent?

☒ a committee member

#### Option 4

##### Who is the applicant?

☐ the body corporate manager

☐ a caretaking service contractor

☒ a letting agent

☐ a service contractor

☐ a former body corporate manager

☐ the original owner (for example, the developer)

##### Who is the respondent?

☐ the body corporate

# 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:

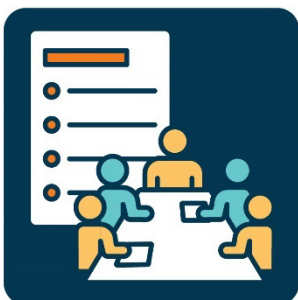
- their contact details
- the number of the unit they are the owner or occupier of.



If you are applying as the body corporate or committee, you need to write the name of the body corporate or committee in a certain way.

For example:

- the body corporate for Seaview
- the body corporate committee for Seaview.



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 it gave you permission.

## 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

### 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'.

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)

### Example of section 5(c) completed

#### Section 5(c)

##### Affected persons

**Will the adjudicator's order 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 owners.

## 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 order.

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

### Example of section 6 completed

#### Section 6 – Orders sought

##### What orders do you want?

Tell us what you want the adjudicator to do to solve the dispute. For example, 'An order that the decision to cut down the tree in the common property garden is not legal'.

If there is more than one order, please number them.

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

**I want an order to make the decision to paint the common driveway pink invalid. This decision was made at the Annual General Meeting (AGM) on 1 November 2024.**

## 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.



You also need to attach a copy of your conciliation certificate if you have one. This shows that a conciliator has helped you and the other party try to resolve your dispute. A conciliator is a neutral person who knows body corporate law.

You can find the application for conciliation on the Queensland Government website.

[www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation-application](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation-application)



The commissioner might stop your application progressing if you can't show you have tried self resolution or conciliation.



**Sections 184–186** of the Act explains what steps you must take if the respondent isn't following your body corporate's by-laws.

You can find more information about these steps on the Queensland Government website.

[www.qld.gov.au/law/housing-and-neighbours/body-corporate/by-laws/enforcing/enforcing-by-laws](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/by-laws/enforcing/enforcing-by-laws)

## Section 7 – Self resolution

### Section 7(a)

#### 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
- [BCCM Form 1](#)
- [BCCM Form 10](#)
- [BCCM Form 11](#).

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

When I received the AGM notice, I wrote to the body corporate committee to remind them that our by-law says the driveway can only be painted blue. I asked that Motion 7 be ruled out of order ([Attachment 2](#)). I voted against the motion and objected to it at the AGM. The chairperson refused to rule it out of order.

After the AGM, I wrote again to the body corporate committee. I explained that the colour is wrong. I also explained that the required two quotes due to the cost of the work were not included. I asked the committee not to continue with the work. ([Attachment 2](#)). The committee did not respond.

### Section 7(b)

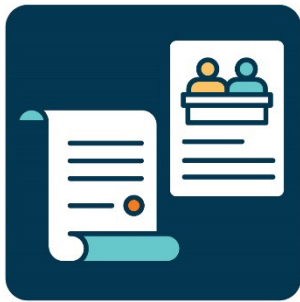
#### Do you have a conciliation certificate?

In most cases you must try conciliation first. If you don't think your dispute is suitable for conciliation, you need to explain why.

- ☐ Yes – *You must attach a copy of your conciliation certificate.*
- ☒ No – *Explain below why your case is not suitable for conciliation.*

This dispute is about an AGM decision. The committee can't change the result of the motion.

## Section 8 – Grounds



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

You must also show how the orders you want are covered by:

- the Act
- your body corporate's community management statement.

### 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 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 passed Motion 7 at the AGM to hire someone to repaint the common driveway from blue to pink. That is against by-law 18. The committee has not made a decision to change by-law 18. The cost of the work is more than our major spending limit of \$10,000 and only one quote was included in the AGM notice. The by-laws say we need two quotes when the cost of the work is above the major spending limit.**

**The driveway paint is currently in good condition and does not need to be repainted. The only reason for the work is to change the colour.**

**I think Motion 7 is invalid but the body corporate committee has ignored my concerns.**

**See [Attachment 1](#) for a timeline and more detailed grounds. See [Attachment 4](#) for by-law 18, [Attachment 5](#) for the AGM notice, [Attachment 6](#) for the AGM minutes, and [Attachment 7](#) for a photograph of the driveway that is currently painted blue.**



## 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 up to 12 months or until something else happens, like the adjudicator making a final order. You can ask for an interim order to be extended or reviewed.

An adjudicator can only make an interim order if they believe it's necessary.



You can find more information about applying for an interim order on [the Queensland Government website](#).

## Example of section 9 completed

### Section 9 – Interim order sought

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 the guide and [Practice Direction – Interim orders](#) for more information.

#### Do you need an interim order?

☐ No

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

Tell us what interim order you want:

**That the body corporate committee does not act on Motion 7 until the final order is made.**

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

**The chairperson of the body corporate committee told me the driveway will be repainted next week. The work is not urgent. If the work starts before this dispute is decided, it will be too late and the money will be wasted. All owners will then have to pay to paint the driveway blue again.**

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

**I emailed and asked the body corporate committee to wait to do the work ([Attachment 2](#)). They have not responded.**

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

## If your dispute is complex



We don't solve disputes that are complex.

For example, disputes about

- service contracts
- transferring management rights.

If your dispute is complex, it will be reviewed by:

- the Queensland Civil and Administrative Tribunal
- or
- a specialist adjudicator.

This includes disputes that are covered by the following sections of the Act:

- |                 |        |
|-----------------|--------|
| • 47AA and 47B  | • 385  |
| • 48            | • 387  |
| • 133           | • 405  |
| • 149A and 149B | • 412. |
| • 178           |        |



You can find more information about complex disputes on the [Queensland Government website](#).

## 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. This includes if we can't solve your dispute.

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](#) and [conciliation](#)
- ☐ 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.

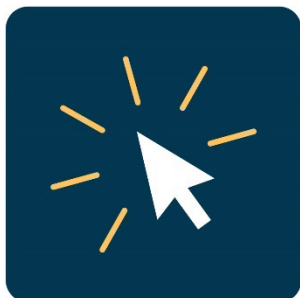
If you have questions about parts of the form, you can contact our Information and Community Education Unit.

You can call them.

**1800 060 119**

You can write to them online.

[www.qld.gov.au/bodycorporatequestion](http://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](http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/bccm)

## How we will use your information



We follow the rules of the 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](#).

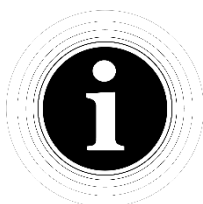
## Disclaimer



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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