

Guide to completing the conciliation form

The contents of this guide are designed to assist applicants in completing the conciliation application form (form 22). Please read this guide carefully before completing the form 22. The section number of the guide corresponds to the section numbering in the form 22.

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

Accurate information

A copy of your conciliation 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.

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 and fact sheets 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.

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/bodycorporatepayments <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 attached documents necessary to show evidence of self resolution? <input type="checkbox"/> Have you completed all 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 (if needed)?
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<p>Section 1</p> <p>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, the CTS number and details of the plan types and numbers contact Titles Queensland on 07 3497 3479.</p>
<p>Section 2</p> <p>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</p> <p>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)</p> <p>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:</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)</p> <p>Respondent's information</p>	<p>Please include the name, postal address, 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> <table border="1" data-bbox="411 324 1493 929"> <thead> <tr> <th data-bbox="411 324 906 383">1. You are (the applicant)</th> <th data-bbox="906 324 1007 383"></th> <th data-bbox="1007 324 1493 383">2. They are (the respondent):</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 383 906 443"> <ul style="list-style-type: none"> • an owner, or • an occupier </td> <td data-bbox="906 383 1007 443" style="text-align: center;">and</td> <td data-bbox="1007 383 1493 443"> <ul style="list-style-type: none"> • another owner or occupier; or • the body corporate </td> </tr> <tr> <td data-bbox="411 443 906 504"> <ul style="list-style-type: none"> • the committee </td> <td data-bbox="906 443 1007 504" style="text-align: center;">and</td> <td data-bbox="1007 443 1493 504"> <ul style="list-style-type: none"> • a member of the committee </td> </tr> <tr> <td data-bbox="411 504 906 564"> <ul style="list-style-type: none"> • a member of the committee </td> <td data-bbox="906 504 1007 564" style="text-align: center;">and</td> <td data-bbox="1007 504 1493 564"> <ul style="list-style-type: none"> • the committee </td> </tr> <tr> <td data-bbox="411 564 906 779"> <ul style="list-style-type: none"> • the body corporate </td> <td data-bbox="906 564 1007 779" style="text-align: center;">and</td> <td data-bbox="1007 564 1493 779"> <ul style="list-style-type: none"> • an owner or occupier • a member of the committee • the body corporate manager • the caretaking service contractor • the letting agent • a service contractor • a former body corporate manager** </td> </tr> <tr> <td data-bbox="411 779 906 929"> <ul style="list-style-type: none"> • a member of the committee • the body corporate manager • the caretaking service contractor • the letting agent • a service contractor </td> <td data-bbox="906 779 1007 929" style="text-align: center;">and</td> <td data-bbox="1007 779 1493 929"> <ul style="list-style-type: none"> • the body corporate </td> </tr> </tbody> </table> <p>(**limited to an application about the return of body corporate property only)</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> <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>	1. You are (the applicant)		2. They are (the respondent):	<ul style="list-style-type: none"> • an owner, or • an occupier 	and	<ul style="list-style-type: none"> • another owner or occupier; or • the body corporate 	<ul style="list-style-type: none"> • the committee 	and	<ul style="list-style-type: none"> • a member of the committee 	<ul style="list-style-type: none"> • a member of the committee 	and	<ul style="list-style-type: none"> • the committee 	<ul style="list-style-type: none"> • the body corporate 	and	<ul style="list-style-type: none"> • an owner or occupier • a member of the committee • the body corporate manager • the caretaking service contractor • the letting agent • a service contractor • a former body corporate manager** 	<ul style="list-style-type: none"> • a member of the committee • the body corporate manager • the caretaking service contractor • the letting agent • a service contractor 	and	<ul style="list-style-type: none"> • the body corporate
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<p>Section 5(b)</p> <p>Status of the respondent</p> <p>Section 5(c)</p> <p>Affected parties</p>	<p>Section 5(b)</p> <p>Please tick the appropriate box to identify the status of the respondent.</p> <p>Section 5(c)</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 in an adjoining lot; or • if you are an occupier of a lot, you may like to nominate to owner of your lot as an affected party. <p>Note: If details of an affected party are provided, they may be invited to participate in the conciliation session if the conciliator is satisfied the person may help to resolve the dispute.</p>																		
<p>Section 6</p> <p>Evidence of self resolution with the respondent</p>	<p>One of the requirements of the Act is that an applicant must attempt to resolve their dispute with the other party prior to bringing an application to this office. Accordingly, an applicant must demonstrate their attempts to achieve self resolution by providing any relevant documentation as attachments to the form 22, making reference to the attachments in section 8 on the form 22. Relevant documentation may include copies of:</p> <ul style="list-style-type: none"> • body corporate committee minutes or general meeting minutes; • emails or letters between the applicant and the respondent; and • copies of any contravention notices issued. <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>Section 7</p> <p>What outcome are you seeking?</p>	<p>The BCCM Office can only deal with disputes that fall within its jurisdiction. These are primarily disputes about rights and obligations under the Act or a body corporate's CMS.</p> <p>You must specify the outcomes sought clearly and concisely stating the specific action that you would like the respondent to take, or cease, in order to resolve the dispute. For example, if you are an owner or occupier seeking approval to keep a pet on your lot and the body corporate have not approved your written request to keep your pet, then your outcome might be:</p> <ul style="list-style-type: none"> • I would like the body corporate to grant me approval to keep my pet 'Cindy' on my lot.
<p>Section 8</p> <p>Background to your dispute</p>	<p>The Act (<i>section 239A</i>) requires the applicant to provide a brief summary of the background to the dispute. You are required to provide grounds for <u>each</u> outcome sought outlining:</p> <ul style="list-style-type: none"> • a brief timeline / history of the dispute also outlining what you think the respondent should do to resolve the dispute; and • on what basis you consider that you are entitled to the outcome sought; and • if you believe the respondent is in breach of the Act and/or by-laws you must state how you believe the respondent has breached, or is continuing to breach, the Act and/or the by-laws.

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:

The conciliation process

Conciliation is a relatively informal and flexible process whereby parties to a dispute are assisted by an impartial conciliator to achieve a mutually agreed resolution of their dispute, thus avoiding the requirement for adjudication of the dispute. The conciliator will have knowledge of the body corporate legislation and previous adjudicators' decisions.

For more detailed information, please refer to the information at www.qld.gov.au/bodycorporatedisputes under the headings 'Self resolution for disputes' and 'Conciliation for body corporate disputes'.

Disputes not appropriate for conciliation

The commissioner may reject a conciliation application if they are satisfied the dispute is not appropriate for department conciliation. In these circumstances an application for adjudication can be made (please refer to [Practice Direction 9](#)). One example may be where the body corporate is making an application to change its financial year end date.

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 on 07 3497 3479.

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.