

Office of the Commissioner for Body Corporate and Community Management

Practice Direction 4

Fees and charges for dispute resolution applications

This Practice Direction is issued pursuant to *section 233* of the *Body Corporate and Community Management Act 1997*. Its purpose is to provide further information on the procedures and content requirements for dispute resolution applications lodged with the Commissioner's Office. Nothing in this Practice Direction supersedes or overrides the requirements of the legislation. The Commissioner retains the discretion to make decisions about the case management of individual dispute resolution applications as provided under Chapter 6 of the Act.

1. This practice direction provides information about fees and charges for dispute resolution applications.

Application fees

2. The Act requires that a dispute resolution application must be accompanied by the prescribed fee [Act, *section 239*]. The current application fees are available online at www.qld.gov.au/bodycorporate. A separate fee is payable for each application for conciliation or adjudication.
3. Applications which are not accompanied by the prescribed fee may not be actioned until the payment is received. If the prescribed fee for an application is not received the Commissioner may reject the application.
4. The prescribed fee for making an application is generally not refundable, regardless of whether the application is later withdrawn by the applicant; rejected by the Commissioner; or unsuccessful.
5. The prescribed fee may be paid in cash or EFTPOS at the Commissioner's Office, by cheque or money order, or by credit card (Visa and Mastercard only). Cheques and money orders should be made payable to the 'Office of the Commissioner for Body Corporate and Community Management'.
6. Credit card payments can be processed online at www.qld.gov.au/bodycorporatepayments or over the telephone.

Fee waiver and related

7. The Commissioner may waive the fee for lodging an application where payment of the fee would cause an applicant financial hardship [Act, *section 239(3)*]. Applicants seeking a waiver of the fee must complete *BCCM Form 23: Application – Waiver of Application Fee*. Completion of the Form 23 does not of itself mean the fee will be waived and the Commissioner may request the applicant to provide further evidence of financial hardship.



8. In considering 'financial hardship', the Commissioner may consider whether the applicant has a Commonwealth concession card.
9. If an application for conciliation has been rejected by the Commissioner as not suitable for conciliation, the applicant is not required to pay a further fee for making an adjudication application for substantially the same dispute.
10. If an application for adjudication has been rejected by the Commissioner on the basis that the applicant should attempt conciliation for the dispute, the Commissioner may waive the application fee for a conciliation application for the same dispute.
11. If an applicant requests it in their application, an adjudicator may consider making an order that a respondent to an application pay the fees associated with making conciliation and adjudication applications but only where the Commissioner has ended the conciliation application because the respondent failed, without reasonable excuse, to participate in conciliation.

Search and copy fees

12. An interested person may ask the Commissioner to provide them with copies of application documents, or to inspect application documents, if they have paid the prescribed fee. [Act, section 246].
13. The application documents include the application, a submission or the applicant's reply to submission.
14. An interested person for an application includes the applicant, respondent, an affected person, the body corporate, a committee member, or a person who made a submission on the application. Contact the Commissioner's Office for more details of the current fees.
15. The Commissioner has no power to waive the fees payable to inspect or obtain copies of documents, even if the Commissioner has waived the application fee.



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COMMISSIONER

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