

# 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](http://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](http://www.qld.gov.au/bodycorporatedisputes).

## Checklist

- Have you arranged payment of the prescribed fee? Your options are:
  - [www.qld.gov.au/bodycorporatepayments](http://www.qld.gov.au/bodycorporatepayments)
  - Call 3227 7654 and pay by credit card over the phone
  - Cheque or money order made payable to BCCM
- Have you named the correct parties as the applicant and respondent? (see sections 4 and 5 below)
- Have you attempted to resolve the dispute with the respondent yourself before lodging the application? (see [www.qld.gov.au/bodycorporatedisputes](http://www.qld.gov.au/bodycorporatedisputes) under the heading 'Self Resolution')
- Have you attached documents necessary to show evidence of self resolution?
- Have you completed all sections on the application form?
- Have all applicants signed and dated the form?



<p><b>Section 1</b></p> <p><b>Body corporate / scheme information</b></p>	<p>In this section, please include:</p> <ul style="list-style-type: none"> <li>the name of your body corporate scheme and its community titles schemes number (CTS) (for example, <i>Seaview CTS 1234</i>);</li> <li>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</li> <li>the number of lots in the scheme and which regulation module is currently recorded on the <b>community management statement</b> (CMS) for the scheme. (If you do not know which regulation module applies, please leave this field blank.)</li> </ul> <p><b>Note:</b> For a copy of your scheme's CMS, the CTS number and details of the plan types and numbers contact the Land Titles Registry on 13 QGOV (13 74 68) or 1300 255 750.</p>
<p><b>Section 2</b></p> <p><b>Secretary's information</b></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 lodgment 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 can be found at <a href="http://www.qld.gov.au/bodycorporate">www.qld.gov.au/bodycorporate</a> under the heading 'Records and regulations'.</p>
<p><b>Section 3</b></p> <p><b>Body corporate manager's information</b></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><b>Section 4 (a) and (b)</b></p> <p><b>Applicant's information</b></p>	<p><b>Section 4(a)</b></p> <p><b>Owner and/or occupier is the applicant</b></p> <ul style="list-style-type: none"> <li>your name, preferred postal address and contact details; and</li> <li>the number of the lot you are the owner and occupier of; and</li> <li>the type of plan under which your scheme is registered. Examples; Building Form Plan (BFP) previously known as a Building Unit Plan (BUP) or Standard Form Plan (SFP) previously known as a Group Title Plan (GTP); and</li> <li>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.</li> </ul> <p><b>Note:</b> If you are applying as the owner of a lot, the owner's details must match those details recorded with the Land Titles Registry. 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 (<i>section 183 Land Titles Act 1994</i> and the meaning of 'owner' in <i>Schedule 6 Dictionary, Act</i>).</p> <p><b>Body corporate or committee is the applicant:</b></p> <ul style="list-style-type: none"> <li>The body corporate for Seaview; or</li> <li>The body corporate committee for Seaview.</li> </ul> <p><b>Note:</b> Please do not enter the details of an individual committee member as the applicant. Your application may be rejected under <i>section 241</i> of the Act, if your dispute is not between one of the combinations as listed in section 5(a) of this guide. If the body corporate or the committee is the applicant, a copy of the minutes of the meeting containing the resolution authorising the application <u>must</u> be provided.</p> <p><b>Section 4(b)</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 the owner. If you are an owner/occupier you may tick both the owner and the occupier boxes.</p>

<p><b>Section 5(a)</b></p> <p><b>Respondent's information</b></p>	<p><b>Naming the respondent</b> 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="400 432 1517 952"> <tr> <th data-bbox="400 432 895 477">1. You are (the applicant)</th> <th data-bbox="895 432 1007 477"></th> <th data-bbox="1007 432 1517 477">2. They are (the respondent):</th> </tr> <tr> <td data-bbox="400 477 895 539"> <ul style="list-style-type: none"> <li>• an owner, or</li> <li>• an occupier</li> </ul> </td> <td data-bbox="895 477 1007 539" style="text-align: center;">and</td> <td data-bbox="1007 477 1517 539"> <ul style="list-style-type: none"> <li>• another owner or occupier; or</li> <li>• the body corporate</li> </ul> </td> </tr> <tr> <td data-bbox="400 539 895 568"> <ul style="list-style-type: none"> <li>• the committee</li> </ul> </td> <td data-bbox="895 539 1007 568" style="text-align: center;">and</td> <td data-bbox="1007 539 1517 568"> <ul style="list-style-type: none"> <li>• a member of the committee</li> </ul> </td> </tr> <tr> <td data-bbox="400 568 895 598"> <ul style="list-style-type: none"> <li>• a member of the committee</li> </ul> </td> <td data-bbox="895 568 1007 598" style="text-align: center;">and</td> <td data-bbox="1007 568 1517 598"> <ul style="list-style-type: none"> <li>• the committee</li> </ul> </td> </tr> <tr> <td data-bbox="400 598 895 804"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> <td data-bbox="895 598 1007 804" style="text-align: center;">and</td> <td data-bbox="1007 598 1517 804"> <ul style="list-style-type: none"> <li>• an owner or occupier</li> <li>• a member of the committee</li> <li>• the body corporate manager</li> <li>• the caretaking service contractor</li> <li>• the letting agent</li> <li>• a service contractor</li> <li>• a former body corporate manager**</li> </ul> </td> </tr> <tr> <td data-bbox="400 804 895 952"> <ul style="list-style-type: none"> <li>• a member of the committee</li> <li>• the body corporate manager</li> <li>• the caretaking service contractor</li> <li>• the letting agent</li> <li>• a service contractor</li> </ul> </td> <td data-bbox="895 804 1007 952" style="text-align: center;">and</td> <td data-bbox="1007 804 1517 952"> <ul style="list-style-type: none"> <li>• the body corporate</li> </ul> </td> </tr> </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><b>Note:</b> Your application <b>will</b> be rejected under <i>section 241</i> of the Act if your dispute is not between one of the combinations as listed above.</p>	1. You are (the applicant)		2. They are (the respondent):	<ul style="list-style-type: none"> <li>• an owner, or</li> <li>• an occupier</li> </ul>	and	<ul style="list-style-type: none"> <li>• another owner or occupier; or</li> <li>• the body corporate</li> </ul>	<ul style="list-style-type: none"> <li>• the committee</li> </ul>	and	<ul style="list-style-type: none"> <li>• a member of the committee</li> </ul>	<ul style="list-style-type: none"> <li>• a member of the committee</li> </ul>	and	<ul style="list-style-type: none"> <li>• the committee</li> </ul>	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>	and	<ul style="list-style-type: none"> <li>• an owner or occupier</li> <li>• a member of the committee</li> <li>• the body corporate manager</li> <li>• the caretaking service contractor</li> <li>• the letting agent</li> <li>• a service contractor</li> <li>• a former body corporate manager**</li> </ul>	<ul style="list-style-type: none"> <li>• a member of the committee</li> <li>• the body corporate manager</li> <li>• the caretaking service contractor</li> <li>• the letting agent</li> <li>• a service contractor</li> </ul>	and	<ul style="list-style-type: none"> <li>• the body corporate</li> </ul>
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<p><b>Section 5(b)</b></p> <p><b>Status of the respondent</b></p> <p><b>Section 5(c)</b></p> <p><b>Affected parties</b></p>	<p><b>Section 5(b)</b> Please tick the appropriate box to state the status of the respondent.</p> <p><b>Section 5(c)</b> 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"> <li>• a particular person or persons in an adjoining lot; or</li> <li>• if you are an occupier of a lot, you may like to nominate to owner of your lot as an affected party.</li> </ul> <p><b>Note:</b> If details of an affected party are not 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><b>Section 6</b></p> <p><b>Evidence of self resolution with the respondent</b></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 at section 8 on the form 22. Relevant documentation may include copies of:</p> <ul style="list-style-type: none"> <li>• body corporate committee minutes or general meeting minutes;</li> <li>• emails or letters between the applicant and the respondent; and</li> <li>• copies of any contravention notices issued.</li> </ul> <p>The legislation sets out preliminary procedures for applications seeking to enforce body corporate by-laws (sections 184-186 of the Act). <a href="#">Practice Direction 6</a> provides further information on the policies and procedures relating to by-law breaches.</p>																		

<p><b>Section 7</b></p> <p><b>What outcome are you seeking?</b></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"> <li>• I would like the body corporate to grant me approval to keep my pet 'Cindy' on my lot; or alternatively</li> <li>• I dispute the decision of the body corporate made at a committee meeting on 16/02/2016 to not give me approval for the keeping of my pet as I believe they have acted unreasonably.</li> </ul>
<p><b>Section 8</b></p> <p><b>Background to your dispute</b></p>	<p><i>Section 239A</i> of the Act 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"> <li>• a brief timeline / history of the dispute also outlining what you think the respondent should do to resolve the dispute; and</li> <li>• on what basis you consider that you are entitled to the outcome sought; and</li> <li>• if you believe the respondent is in breach of the Act and/or by-laws then you must state how you believe the respondent has breached, or is continuing to breach, the Act and/or the by-laws.</li> </ul>

## Signing the application

You should note the requirements set out in **Section 4(a)** of this guide if you are signing the application form as a representative of a party, including a corporation, or on behalf of the committee or body corporate as the applicant. Evidence of authority to sign on behalf of the named application must be provided. **If the applicant is the body corporate, a committee or general meeting resolution must be included with the application.**

For individual applications, each applicant must sign and date the application. An unsigned or undated application cannot be accepted.

## 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 adjudicator's decisions.

For more detailed information, please refer to the information at [www.qld.gov.au/bodycorporatedisputes](http://www.qld.gov.au/bodycorporatedisputes) under the headings 'Self resolution' 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](#)). Possible examples might include:

- where the body corporate is making an application to changes its financial year end date;
- where the applicant is the sole owner of all lots in the scheme and an order is sought for appointment of an administrator to convene a general meeting; and
- where the dispute is a contractual matter as defined in Schedule 6 of the Act.

### 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 Freecall 1800 060 119 or by visit [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate). For **Land Titles** enquiries including information on the community management statement, registrations and plans contact the Titles Registry on 13 QGOV (13 74 68) or 1300 255 750.

### 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.

# Privacy Statement

## Conciliation application (form 22)

### Important information regarding privacy and access to personal information about an individual

Individuals contemplating lodging a conciliation application should be aware that a department conciliator is authorised to disclose information to other persons in accordance with the following provisions of the *Body Corporate and Community Management Act 1997* (“the Act”).

Under Section 252B of the Act the functions of a department conciliator include promoting the parties’ open exchange of information relevant to the dispute.

Section 252E of the Act further provides that the department conciliation session must be conducted in the way the department conciliator considers appropriate. Pursuant to section 252E the department conciliator, as the department conciliator considers appropriate, may accept written material from any person and distribute written material to any person for the purpose of the conciliation. In addition a person who is not a party to the application may attend and take part in the department conciliation session.

The effect of the above provisions is to **authorise** the department conciliator to disclose the contents of a conciliation application - which may contain personal information - to parties to the dispute and to other relevant persons. While the Office of the Commissioner for Body Corporate and Community Management is bound by the *Information Privacy Act 2009*, which imposes obligations on Queensland government agencies in respect of the collection, storage, use and disclosure of personal information, disclosure of personal information in accordance with the above provision does not breach the *Information Privacy Act 2009* as such disclosure “**is authorised or required under a law**”.

A person lodging a conciliation application with this Office is therefore responsible for ensuring that the documentation provided contains only information which the person is prepared to have made available to other persons.





<p><b>Section 7</b></p> <p><b>What outcome are you seeking?</b></p> <p>If insufficient space on this page attach detailed outcomes sought on an A4 page under the heading -</p> <p>7. Outcome sought</p>	
<p><b>Section 8</b></p> <p><b>Background to your dispute</b></p> <p>What are your reasons for making your application? Provide full details here</p> <p>If insufficient space on this page attach concise and relevant details of the background to the dispute on an A4 page under the heading –</p> <p>8. Grounds</p>	

**Warning:** Sections 297 and 298 of the *Body Corporate and Community Management Act* (the Act) provide that it is an offence for a person to supply false or misleading information or documents in relation to an application.

The information requested in this form is collected under the authority of the Act. Information in the application and any attachments will be disclosed to other parties in the dispute (Please refer to the Privacy Statement located in the guide to the *conciliation application* for further information). It is collected for the purpose of resolving disputes under the Act and for providing information to the community.

I believe the information given in this application to be true.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Note:** Each applicant must sign the application. An unsigned or undated application cannot be accepted. If the applicant is a corporation, this form may be signed by a person authorised by the corporation to act on its behalf, and must be accompanied by evidence of authorisation. Additional A4 pages may be attached.

**If the applicant is a body corporate, a copy of minutes containing the resolution authorising the application must be provided.**

**APPLICATION FEE:** See our website for [current application fees](#).