

**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 policies and procedures applying to dispute resolution applications lodged with the Commissioner's Office. Nothing in this Practice Direction supersedes or overrides the requirements of the legislation and the Commissioner retains the discretion provided for in the legislation in the case management of dispute resolution applications.

1. This practice direction is limited to fees and charges required for dispute resolution applications.
2. The Act requires that dispute resolution applications must be accompanied by the prescribed fee. The fees payable are outlined on the Commissioner's Office website.
3. A separate fee is payable for an application for conciliation and an application for adjudication.
4. Cheques should be made payable to the 'Office of the Commissioner for Body Corporate and Community Management'.
5. Credit card payments can be accepted through the mail, fax or email by completing BCCM Form 21: *Credit Card Payment Authorisation*. Credit card payments are unable to be processed over the telephone.
6. EFTPOS payments can be made at the Commissioner's Office reception.
7. Applications which are not accompanied by the prescribed fee may not be actioned until the payment is received.
8. The prescribed fee for making an application is not refundable.
9. 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*.

In considering whether payment of the fee would cause an individual financial hardship, the Commissioner may consider whether the applicant has a concession card and other evidence of financial hardship.

10. 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.
11. If an application for adjudication has been rejected by the Commissioner, the Commissioner may waive the application fee for a conciliation application for the same dispute.
12. 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 where the Commissioner has ended the conciliation application because the respondent failed, without reasonable excuse, to participate in conciliation.



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