

**Office of the Commissioner for  
Body Corporate and Community Management**

**Practice Direction 5**

**PARTIES' COSTS**

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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.

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1. The parties to a dispute resolution application are generally required to meet their own costs. This includes the application fee and any legal costs incurred in making the application.
2. If an adjudicator dismisses an application for adjudication because it appears to the adjudicator that it is frivolous, vexatious, misconceived or without substance, the adjudicator may order costs against the applicant for loss resulting from the application to the respondent, the body corporate or another affected person under the Act. This can include legal expenses. The costs awarded must not be more than \$2,000.
3. An applicant may request that an adjudicator make 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.



Ingrid Rosemann  
**A/COMMISSIONER**