

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

Practice Direction 8

CONCILIATION 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. Applicants for conciliation must complete the *Conciliation Application Form* [BCCM Form 22]. In addition to the information set out in the *Guide to completing the Conciliation Application Form* and accompanying checklist, applicants should note the following.

Respondent

2. The respondent to the application is the other person or party to the dispute with the applicant.
3. If the applicant has separate disputes against separate respondents, not related to the same issue, separate applications will generally be required.
4. There are specific legislative provisions guiding the different categories of person that an applicant can bring an application against (refer to the *Guide* for full details). For example, an owner or occupier can only bring an application naming the body corporate or another owner or occupier as a respondent. An owner or occupier cannot lodge an application against the body corporate manager, the committee or a caretaker.
5. If an owner has a dispute about a decision made, or the failure to make a decision at a general meeting or committee meeting, the respondent to the dispute should normally be the body corporate.

Outcome sought

6. The applicant should provide a short statement of what outcome they believe would resolve the matter.

7. Applicants should note that conciliators are not decision makers. Conciliators will not make an order for the outcome sought or otherwise decide on the merits of the dispute. Rather, they will assist the parties to the dispute to reach an outcome which can satisfactorily resolve the dispute for the parties. The use of information included in an application is limited to enabling the conciliator and other parties to understand the issues in dispute.

Background

8. Applicants must provide a brief summary of the background to the dispute. The conciliator is not a decision maker and consequently does not need to know in advance all the issues in detail. This is in contrast to making an application for adjudication if conciliation does not resolve the matter.
9. The conciliator will contact the applicant if they require further information.

General

10. The application form and any attachments should preferably be typed, in a clear font. Handwritten applications must be clear and legible.
11. An applicant can request to amend their application or provide additional information prior to the referral to conciliation.
12. An applicant may withdraw an application in writing at any time before the conciliation application is finalised. Once an application is withdrawn, the Commissioner's Office will take no further action on the application.



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