



Dispute Resolution

Chapter 6 of the Body Corporate and Community Management Act establishes a comprehensive system of dispute resolution that is unique, exclusive, and in most cases mandatory for disputes relating to community title schemes. The main elements of the Body Corporate and Community Management Act dispute resolution process are-

- Applications to the Commissioner for Body Corporate and Community Management
- Dispute resolution recommendations, especially at the preliminary stage of the process
- Mediation, conciliation and adjudication
- Orders, including interim orders, by adjudicators
- Enforcement orders through the Magistrate Court
- Appeals to the District Court on questions of law.

Unfortunately, like most aspects of life, in a Body Corporate there is bound to be a differing of opinions which will cause friction and may require some action to be taken. There are some changes afoot that will come into operation from 1 December 2009 with the introduction of the Queensland Civil and Administrative Tribunal (QCAT). QCAT will take over 18 existing tribunals, including the Commercial and Consumer Tribunal (CCT).

Accordingly, “complex disputes” (including applications for the adjustment of lot entitlements) that were previously dealt with by the CCT will now be dealt with by QCAT. The alternative option of specialist adjudication for “complex disputes” continues.

The Body Corporate and Community Management Act (in most circumstances) requires an applicant to have attempted internal dispute resolution (self resolution) prior to making a conciliation or adjudication application – generally for smaller non-complex disputes. The Act defines self resolution as the resolution of a dispute by the parties to the dispute, using informal processes or the community titles scheme’s own processes. Internal dispute resolution includes any reasonable endeavour or step taken to attempt to resolve an issue in dispute short of making a conciliation or adjudication application.

Why is self resolution important?

- The Act requires it in most circumstances;
- The Act promotes responsibility for self management as an inherent aspect of community title living;
- It can prevent the escalation of the dispute;
- It encourages positive communication which can preserve relationships within community titles schemes;
- It can prevent future disputes from occurring, or if they do occur they may be resolved more quickly;
- It can be the quickest and most cost effective means of resolving a dispute.

Some examples of internal dispute resolution?

The Act provides three examples of internal dispute resolution processes:

- Communication between the parties
- Writing to the committee
- Presenting a motion for consideration at a general meeting

Ultimately, you should discuss the matter with your Committee and Body Corporate Manager before it needs to go any further.