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## Conciliation for body corporate disputes

In conciliation an independent person who understands body corporate law (a conciliator employed by the Department of Justice and Attorney-General) helps you and the other parties try to resolve your dispute.

You must show that you have tried to solve the problem yourself (called self resolution (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/self-resolution>)) before you can apply for conciliation.

### Apply for conciliation

Complete the conciliation application form (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation>)

This online form creates a completed application form that you can print, sign and send to our office.

Or you can download the conciliation application form (<https://publications.qld.gov.au/dataset/conciliation-application/resource/dbadb908-030f-4cda-a636-4e54aaf79b27>).

Call us on 1800 060 119 (freecall) (<tel:1800060119>), if you cannot download the form.

There are fees (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/fees>) for conciliation applications.

You can send your completed form and all attachments to us by:

- post to GPO Box 1049, BRISBANE QLD 4001
- email to [bccm@justice.qld.gov.au](mailto:bccm@justice.qld.gov.au) (<mailto:bccm@justice.qld.gov.au>).
- fax to (07) 3013 5417.

Please email us when communicating about new or current applications. See Practice Direction 3 - Communication and document management (<https://www.publications.qld.gov.au/dataset/practice-directions-bccm/resource/6db44017-7886-4877-9c22-c78c652913c6>) for more detail on this issue.

## Benefits of conciliation

Conciliation can often resolve issues more quickly than adjudication—a more formal dispute resolution process where parties provide written submissions and we make an order.

Conciliation can help those involved to:

- have a say, listen to one another and suggest solutions
- reach their own agreement and not have one decided for them (as happens with adjudication)
- develop or maintain good relations—especially important if they live in the same building
- gain useful information that might prevent further disputes.

In some cases, the Commissioner may decide that a dispute is not suitable for conciliation (<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/5fa0b43c-fb4f-44c1-bdc9-b53bad5e1df2>). If this happens, you can apply for adjudication.

## Role of the conciliator

A conciliator:

- remains impartial, meaning they do not act for either side in the dispute
- helps parties talk to each other to see if they can reach an agreement to solve some or all of the issues in dispute
- runs the conciliation process in a way the conciliator decides will be most helpful
- gives parties information about the body corporate legislation and legal decisions related to their issues
- invites up to 2 committee voting members to attend, when the body corporate is involved
- makes sure everyone is treated fairly
- accepts written information from any person and gives this material to any other person if it will be useful for the conciliation
- gives copies of any signed agreement to everyone who participated in the conciliation
- keeps what you say in the conciliation confidential.

A conciliator does not:

- make a legal decision about who is right or wrong
- give legal advice
- change conciliation dates or times to fit in with somebody's work or personal commitments or a wish to have a specific committee member or support person come to conciliation
- allow non-voting committee members, for example body corporate managers, to represent the body corporate
- force the parties to carry out their agreement, or tell parties what to do
- tell anyone what happened during the conciliation

- give copies of any agreement to body corporate managers or other people who were not part of the conciliation.

## Preparing for conciliation

To get the best from your conciliation, you should:

- make a list and a clear summary of all the issues
- come along with a range of options to resolve the dispute, realising that you may have to compromise to reach an agreement
- provide to the conciliator any information they ask
- discuss any special needs you have with the conciliator (e.g. an interpreter).

The conciliator will contact you before the conciliation to explain the process and answer any questions you have.

## Attending a session

Only the people involved in the dispute can attend meetings with the conciliator. However, you may be able to have a support person with you, usually a friend, if the conciliator agrees. In some circumstances a conciliator may also allow an agent to represent you.

Read more about [attending and being represented at conciliation](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/5beae720-d1ae-4b36-9020-9bf7e8d59052)

[\(<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/5beae720-d1ae-4b36-9020-9bf7e8d59052>\)](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/5beae720-d1ae-4b36-9020-9bf7e8d59052).

If you can't attend a scheduled conciliation session you must let the conciliator know as soon as possible. In exceptional circumstances, the conciliator may arrange another session.

If you are the applicant and don't attend the conciliation session (or make a reasonable attempt to be there) you may not be able to apply for [adjudication](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication>) on that dispute.

A respondent (i.e. the other person in the dispute) who does not make a reasonable attempt to attend may have to repay the applicant's conciliation and adjudication application fees, if the applicant asks the adjudicator for this outcome in an adjudication application.

## If you agree

An agreement you and the other party reach will be written up by the conciliator. You and the other party will then sign that agreement.

Conciliation agreements are not enforceable under the *Body Corporate and Community Management Act 1997* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1997-028>).

## Consent orders

If you reach an agreement in the conciliation session, and both parties want the agreement formalised as a consent order (meaning the agreement will be enforceable), the Commissioner must refer the agreement to an adjudicator for a consent order.

The adjudicator may, in his or her discretion, issue a consent order. Read more on [consent orders](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/d0f2bd50-2db9-4664-92e4-02195ccf027b) (<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/d0f2bd50-2db9-4664-92e4-02195ccf027b>).

## If you don't agree

You may choose to apply for [adjudication](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication>) if your dispute cannot be resolved by conciliation. You will be charged an [adjudication fee](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/fees) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/fees>).

If you apply for adjudication you will have to abide by the adjudicator's decision.

## Privacy

Please be aware that we will provide your application to the other party.

Read more about [privacy and access to personal information](http://publications.qld.gov.au/dataset/conciliation-application) (<http://publications.qld.gov.au/dataset/conciliation-application>).

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## Further questions?

If you have further body corporate questions you can [submit an enquiry](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire>) or phone the information service on [1800 060 119](tel:1800060119) (freecall) (<tel:1800060119>).

We cannot give legal advice or rulings—we can only give you general information on body corporate legislation.

## Apply for conciliation

Complete the [conciliation application](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation-application) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation-application>) online and then lodge it by post, fax or email.

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