

BCCM Form 17

Body Corporate and Community Management Act 1997
This form is effective from 18 April 2008



Department of
Justice and Attorney-General

NOTICE OF AN ADJUDICATOR'S ORDER**1275-2021 - "Emerald Lakes - The Quays"**

5 July 2022

Good morning,

In accordance with *section 274* of the *Body Corporate and Community Management Act 1997* (Act), you are hereby given notice of an adjudicator's order regarding the above application. Enclosed is a copy of the order and statement of reasons.

Appeal of orders

Aggrieved persons may appeal the order to the Queensland Civil and Administrative Tribunal (QCAT) but only on a question of law (see *sections 288A, 289 and 290*). A prospective appellant should contact QCAT for details of the appeal process, including the requisite form and fee. An appeal must be filed with QCAT within 6 weeks after the aggrieved person receives a copy of the order. However QCAT may allow an appeal to be commenced at a later time on application by a prospective appellant.

'Aggrieved persons' with a right to appeal an adjudicator's order are:

- an applicant
- a respondent
- the body corporate
- a person who, on an invitation under *section 243* or *271(1)(c)*, made a submission
- an affected person for an application mentioned in *section 243A*
- any other person against whom the order is made, or
- an applicant for a decision refusing to waive non-compliance with the time limits stated in *section 242*.

The Commissioner and/or the adjudicator are not a party to the appeal.

Enforcement of orders

Adjudicator's orders may be enforced in the Magistrate's Court if a certified copy of the order, and a sworn statement by a person in whose favour the order is made stating that a requirement of the order has not been performed, is filed with the registrar of the Court (see *sections 286 and 287*). The Commissioner's Office does not initiate enforcement proceedings.

A person who contravenes an order (other than an order for the payment of an amount) commits an offence, attracting a potential penalty of over \$50,000 (see *section 288*). A proceeding for an offence may be taken by: an applicant, a respondent, a person in whose favour the order is made, the body corporate or an administrator appointed by an adjudicator in certain circumstances.

**for Commissioner for Body Corporate
and Community Management**