



Community schemes application for Adjudicator's orders

CONSUMER AND COMMERCIAL DIVISION | COMMUNITY SCHEMES LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for Adjudicator's orders under the *Community Land Management Act 1989* to resolve a community schemes dispute.

File Number

Office use only

1. DISPUTE DETAILS

A. HAVE YOU TRIED TO SETTLE THIS DISPUTE THROUGH MEDIATION?

- ☐ **Yes** If yes, please attach evidence of the mediation outcome
- ☐ **No** If no, why?

B. ADDRESS OF SCHEME

Address:

C. COMMUNITY PLAN DP NUMBER

Is your lot in a: ☐ Community plan ☐ Neighbourhood plan ☐ Precinct plan ☐ Strata corporation

How many lots are shown on the plan:

D. ADDRESS OF MANAGING AGENT

Provide the address of the managing agent or secretary of owners corporation / association.

Address:

E. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties:

2. APPLICANT

A. APPLICANT TYPE

Tick the box that best describes the person or corporation lodging the application.

- ☐ Owner / proprietor of Lot ☐ Occupier ☐ Association
- ☐ Strata corporation ☐ Managing agent ☐ Other

B. APPLICANT'S DETAILS

Provide details of person or corporation making the application. For multiple applicants attach details on a separate sheet.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email

3. RESPONDENT

A. RESPONDENT TYPE

Tick the box that best describes the person or corporation you are making the applicant against.

- ☐ Owner / proprietor of Lot ☐ Occupier ☐ Community Association
☐ Precinct Association ☐ Neighbourhood Association ☐ Other

B. RESPONDENT'S DETAILS

Provide the respondent's name and their postal address. For multiple respondents attach details on separate sheet. If the respondent is a company or business, please attach a current business name extract or company extract from ASIC.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email

4. ORDER DETAILS

A. WHAT ORDERS DO YOU WANT?

Write down the section/s of the *Community Land Management Act 1989* and the orders you want the Adjudicator to make. Refer to the attached information for sections of the Act and types of orders that can be made.

B. REASONS FOR ASKING FOR THE ORDERS?

You must explain why you are lodging this application and asking for Adjudicator's orders by providing as much information as possible. If the space below is insufficient you can attach additional information to this form.

5. APPLICATION CHECKLIST

- ☐ **I have attached all other documents relevant to this application**
Include all relevant information with your application. Attach details of multiple applicants or respondents, or further information about the orders you are seeking. Note: A copy of this application and any attachments will be sent to the respondent.
- ☐ **I have attached a recent ASIC company or business name extract**
If the respondent a company or business, attach a current business name extract or company extract from ASIC which shows the organisation's registered name and address. Extracts can be purchased online on the [ASIC website](#).
- ☐ **I have made a copy of this application for my own records**
Before lodging your application with NCAT you must make a copy of your application for your own records.
- ☐ **I have attached the application fee**
Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or Service NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.
- If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

6. SIGNATURE

Applicant's signature or signature of representative.

Name

Position title *(if company)*

Signature

Date

Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the [NCAT website](#). For all NCAT enquires telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

ORDERS under the *Community Land Management Act 1989*

GENERAL ORDERS FOR THE SETTLEMENT OF DISPUTES

Section	Orders	Who can apply?	Information required
71	To settle a dispute or complaint about an exercise of, or failure to exercise, a function conferred or imposed by or under this Act in relation to a scheme	<ul style="list-style-type: none">• Association or strata corporation• Managing agent• Proprietor of a development lot, neighbourhood lot or strata lot• Person who has an estate or interest in, or occupier of, such a lot	Attach evidence of attempted mediation. Provide copies of relevant plans, minutes of relevant meeting etc.

INTERIM ORDERS

Section	Orders	Who can apply?	Information required
72	An applicant may request the making of an interim order	<ul style="list-style-type: none">• An applicant eligible to apply for an order by an Adjudicator	Complete the separate interim orders application form

GENERAL INFORMATION

ABOUT NCAT

The NSW Civil and Administrative Tribunal (NCAT) is an independent, specialised and accessible service for the fair and timely resolution of disputes according to law.

NCAT Adjudicators can make orders under the *Community Land Management Act 1989* about disputes or complaints which have not been resolved by mediation.

MAKING AN APPLICATION

Any party involved in the mediation process can make a community schemes application for Adjudicator's orders. If does not have to be the person who applied for mediation.

An application may be lodged at any time up to 12 months after the mediation process. Attach a copy of the letter advising the result of mediation.

If you have not attempted mediation you should get advice before completing this form

Do not include any confidential information with your application. A copy of your application and any attached documents will be sent to the other party. The association or strata corporation also has an obligation to provide a copy of the application to all parties on the roll.

ADJUDICATION PROCESS

HOW IS AN ADJUDICATOR'S DECISION MADE?

Applications to an Adjudicator are determined 'on the papers'. This means that parties are not required to appear in person at NCAT.

When applying for an order by an Adjudicator you will need to submit all relevant documents to prove your case. If possible, attach a copy of the community, neighbourhood or precinct plan, minutes of relevant meetings, resolutions and by-laws.

A letter is then sent by NCAT to interested parties asking for submissions (the comments of anyone involved). One month is usually allowed for submission to be lodged.

Once the submissions period closed, the Adjudicator considers the application and all submissions received. The Adjudicator's decision and the reasons for the decision are provided in writing.

The orders are then sent out to the people involved (the person who applied, the person it is against, anyone who sent in a submission and the association).

Adjudicator's orders are binding and carry a penalty for failure to comply.

WHEN WILL I GET A DECISION?

You can expect the matter to be finalised within 3 months after lodging an application with NCAT.

HOW DO I ENFORCE AN ORDER?

It is an offence to wilfully contravene or fail to comply with Adjudicator's orders. A party can apply to NCAT to impose a penalty order on anyone who does not comply with the order of an Adjudicator. You should get advice before pursuing this option.

INFORMATION AND ASSISTANCE

NSW FAIR TRADING

Phone: 13 32 20

Website: www.fairtrading.nsw.gov.au

Contact NSW Fair Trading for information and assistance **before** lodging the application.

NCAT

Phone: 1300 006 228

Website: www.ncat.nsw.gov.au

Contact NCAT's Consumer and Commercial Division for information and assistance **after** lodging the application.