



LookUpStrata

Administrator Appointments in Queensland and How to Make the Responsible Party Pay

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Overview

1. Types of Administration
2. Surace v Commisso
3. Body Corporate for Donnelly House v Shaw 2015 & 2016
4. Tume & Marques v Hronis & Body Corporate for Malibu
5. Kleinschmidt v Body Corporate for The Bantry
6. How to Make the Responsible Party Pay
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Types of Administration

- General (Dysfunctional Body Corporate – s276)
- Enforcement (of Adjudicator's Non-Monetary Order - s287)
- Recovery (of Enforceable Money Order - s300)
- Termination (of Community Titles Scheme - s79)
- History & Principles via some key cases

Surace v Commiso [2009] QCCTBCCM 42 (25 September 2009)

... Typically, without attempting to be exhaustive, there will be evidence that the body corporate is so dysfunctional that it cannot operate properly within the statutory framework that governs it, or that there is a well founded suspicion, on the part of an applicant for appointment of an administrator of financial malpractice within the body corporate, or that there is conduct that amounts to undue oppression in the conduct of its affairs. Without more, mere disagreements between the members, especially when the disputes are due to reasonably held differences of view and there are means available to resolve them by reference to external processes. Member Mackenzie QC at [44]



Body Corporate for Donnelly House v Shaw [2015] QDC 139 (5 June 2015)

It was submitted that I should consider whether or not the respondent was ready, willing and able to comply with the adjudicator's decision and that on a balanced consideration of that submission I should conclude that the respondent was not ready, not willing, and not able to comply with the decision. Robertson DCJ at [55]



Body Corporate for Donnelly House v Shaw [2016] QDC 132 (3 June 2016)

[48] In my view, the evidence of the remaining Lot owners and Mrs Donnelly does not establish prejudice to the extent that I would not make orders now sought in all the circumstances. All of them were aware of the nature of the dispute; all were served with the costs assessment and therefore on notice that they could be personally liable, and all have acted on the Committee to frustrate Mrs Shaw from having her costs order satisfied, and to frustrate the Administrator in carrying out his duties. Robertson DCJ at [48]



Tume & Marques v Hronis & Body Corporate for Malibu CTS 22174 (Queensland Magistrates Court Southport, Finger AM, 4 June 2021)

Order 7 - No lot owners other than the First Respondents be required to contribute to any levy to be struck to pay any of the costs referred to in paragraphs 1(k), 5 and 6 above. Acting Magistrate Finger



Kleinschmidt v Body Corporate for The Bantry CTS 2184 & Anor [2025] QMC 33

I accept:

- (a) The party against whom the order sought must be joined as a party to the proceeding.*
- (b) There must be a judgment or order at the time the parties joined.*
- (c) The person against whom the order sought actually caused or gave rise to the costs and that those costs were improper or avoidable.*
- (d) The other persons-lot owners-who would usually contribute, should not have to contribute because they have not been a party to the causing of the costs.*

Magistrate Madsen at [13]

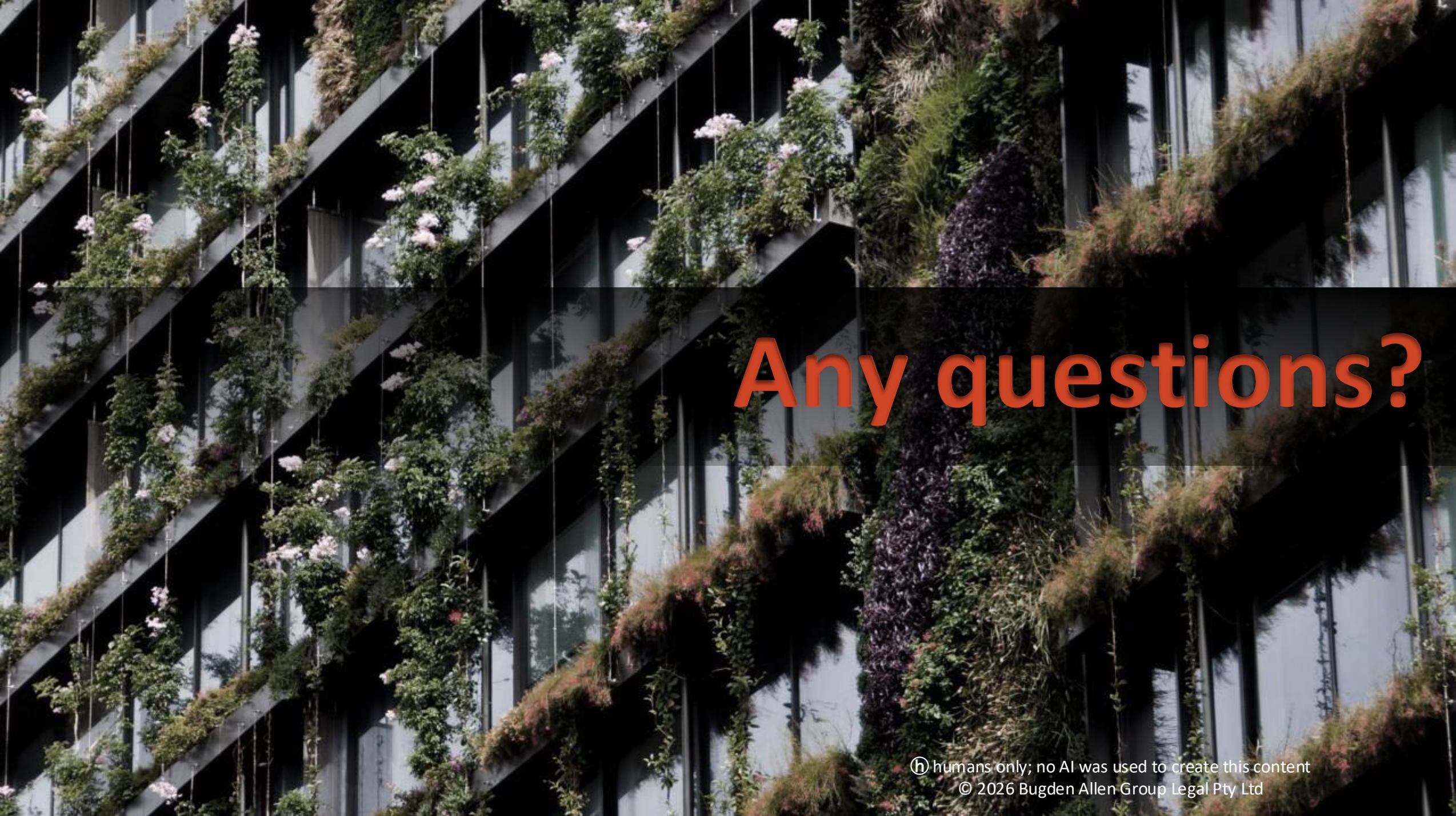


How to Make the Responsible Party Pay

- Enforcement Administrations - Easy
- General Administrations – The Strategy
- Unnecessary or Improper Costs
- Proceedings and Admission
- Application to Join and Section 314 Orders
- Levies and Recovery

Tips & Tricks

- Get the Right Administrator
- Record Keeping
- Telegraph the Punches
- Enforcement Administrations – Appointment Costs

A modern building facade with a lush vertical garden. The garden is composed of various plants, including green leafy plants, purple flowers, and pink roses, growing in a grid-like structure of dark metal frames. The building has large glass windows reflecting the sky and surrounding environment.

Any questions?

If you have any questions about this presentation, please contact:

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