

Office of the Commissioner for Body Corporate and Community Management

Practice Direction 1

Evidence of a dispute

This Practice Direction is issued pursuant to *section 233* of the *Body Corporate and Community Management Act 1997*. Its purpose is to provide further information on the procedures and content requirements for dispute resolution applications lodged with the Commissioner's Office. Nothing in this Practice Direction supersedes or overrides the requirements of the legislation. The Commissioner retains the discretion to make decisions about the case management of individual dispute resolution applications as provided under Chapter 6 of the Act.

1. An applicant must demonstrate the existence of a current dispute with the named respondent.
2. To demonstrate the existence of a dispute, the applicant must provide evidence of their attempts to communicate with the respondent to resolve each of the outcomes sought in the application. *Practice Direction 23: Internal Dispute Resolution* explains the obligation on an applicant to make reasonable attempts to resolve a dispute before lodging an application with the Commissioner's Office.
3. The Commissioner's Office also provides specific information on internal dispute resolution (sometimes referred to as self-resolution) online at www.qld.gov.au/bodycorporate.
4. The requirement for an applicant to demonstrate the existence of a dispute does not apply to adjudication applications seeking a declaratory order where there is no dispute and no respondent. This includes applications by a body corporate and accompanied by a resolution authorising the lodgment of the application, to:
 - a. change the financial year for the scheme; or
 - b. hold a general meeting more than 3 months after the scheme's end of financial year; or
 - c. authorise emergency expenditure by a body corporate.
5. An applicant must also demonstrate that the subject matter of the dispute is within the scope of the dispute resolution provisions of the Act. The fact that the applicant and respondent are both involved in a body corporate does not of itself bring the dispute within the scope of the Act. An applicant should demonstrate that their dispute relates to a contravention of the Act or community management statement; or the exercise or rights powers or duties under the Act or community management statement.



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COMMISSIONER

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