

Office of the Commissioner for Body Corporate and Community Management

# Practice Direction 33

## Electronic communication

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. This practice direction gives information about electronic communication for dispute resolution applications, having regard to the *Acts Interpretation Act 1954* and the *Electronic Transactions (Queensland) Act 2001*.

### Transmission of information to the Commissioner's Office

2. Dispute resolution applications, submissions, correspondence, requested documents, media (such as video or audio files) and all other communication relating to an application will be accepted by email.
3. The Commissioner's Office will not download a party's documents from a nominated portal, cloud-based server or other internet source. Rather, it is the party's responsibility to provide electronic information in a file format that is able to be used by the Commissioner's Office. If a party is uncertain whether a particular file format is appropriate, they should contact the Commissioner's Office prior to sending the file.
4. Due to the security risks associated with data storage devices (such as a USB or external drive) and writable media (such as a DVD or Blu-Ray disc), acceptance of material submitted by these methods will generally not be accepted unless approved by or at the discretion of the Commissioner or a dispute resolution officer.
5. Where correspondence or documents are provided electronically, it is not necessary to also provide a hard copy, unless the electronic form is not fully legible or if otherwise requested.
6. Where a signature is required on a document, such as an application form or the authorisation of a representative, an electronic copy of an original signature will be sufficient.
7. Email communications must be directed to the Commissioner's Office general email address ([bccm@justice.qld.gov.au](mailto:bccm@justice.qld.gov.au)), unless otherwise directed by the Commissioner or a dispute resolution officer. Emails should ideally, in their subject line, contain the reference number (if known) for the application in question.
8. If information is being emailed to the Commissioner's Office in a sequence of related emails, the subject line of each email should also identify the number of that email as part of the sequence, and the total number of emails to be received.

Example: 0909/2015 Email 1 of 5

9. Where documents or media are sent as email attachments, the file name for each attachment should clearly identify the content. In addition, where an email has multiple attachments, each file name should include an identifying number or letter to show the order in which the attachment is to be read.

Examples: Attachment 1 – Minutes of AGM 01/01/2015; Attachment 2 – Photograph of damage to internal wall; Attachment 3 – Letter from applicant to body corporate 01/01/2015



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10. Emails sent to the Commissioner's Office must not exceed 15MB (including attachments). Very large email attachments or large numbers of attachments that would cumulatively exceed 15MB must be:
  - a. sent as multiple emails; or
  - b. reduced in size; or
  - c. sent by post or else delivered to the Commissioner's Office.
11. The Commissioner may take steps to block an email sender where the sender has sent junk or mass advertising emails, social media communications or other unsolicited emails which do not relate to the legislative role of the Commissioner's Office.

#### **Transmission of information from the Commissioner's Office**

12. The Commissioner's Office will routinely communicate with parties via email, where an email address has been provided for a party, unless that party has asked not to receive communication by email.
13. Where the Commissioner's Office corresponds with a party by email, a hard copy of the correspondence will not be sent to the party unless approved by or at the discretion of the Commissioner or a dispute resolution officer.
14. The Commissioner's Office may distribute audio, video or multimedia content on writable media, such as on DVD or Blu-Ray disc, as required in relation to a dispute resolution application.

#### **Distribution of notices by a body corporate**

15. Where a body corporate has been requested to distribute a *Notice of application and invitation to make a submission*, or a *Notice of extension of time for making submissions* to specified persons (such as all owners), it will be sufficient for the body corporate to email the notice and any attachments.
16. The notice and any attachments should only be emailed to a person who has given the body corporate a current email address and who has not instructed the body corporate that they do not wish to receive communications by email.

#### **Distribution of notices by an applicant**

17. Where an applicant has been requested to distribute a notice of further material submitted on an application to specified persons (such as all owners), it will be sufficient for the applicant to email the notice and any attachments.
18. As is the case with (16) above, the notice and any attachments may only be emailed to a person who has given the applicant or the body corporate a current email address and who has not instructed the applicant or the body corporate they do not wish to receive communications by email.



Chris Irons  
**COMMISSIONER**

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