

## Office of the Commissioner for Body Corporate and Community Management

# Practice Direction 35

## Parties residing or travelling overseas

This Practice Direction is issued pursuant to *section 233* of the *Body Corporate and Community Management Act 1997*(Act). Its purpose is to provide further information on the procedures and content requirements for a dispute resolution application 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 an individual dispute resolution application as provided under Chapter 6 of the Act.

1. The following sets out considerations for communication when one or more parties to a dispute resolution application with the Commissioner's Office resides overseas or will be travelling overseas during any part of a dispute resolution process.
2. Generally the Commissioner's office will only communicate with parties who are overseas by email, mail or facsimile. Alternatively, a party could nominate someone located in Australia to communicate with the office on their behalf.
3. If a party who is overseas wishes to speak directly to a member of the Commissioner's office by telephone, they may call the office at their own cost. It is advisable to contact the office by email to determine the most appropriate telephone number and an agreed time to call.

### Conciliation application

4. The Commissioner's Office will not incur the cost of international telephone calls to conduct pre-conference calls or conciliation.
5. A party to a conciliation who is overseas at the time of the scheduled session may nominate one of the following processes in order to participate:
  - a. Telephone the office on a nominated telephone number at the designated time.
  - b. Nominate a representative located within Australia to act on their behalf. Written authorisation stating the name and contact details of the representative must be provided to the conciliator prior to the scheduled session.
  - c. Video conference using Skype for Business. The conciliator will discuss this option with all parties prior to the scheduled session.
6. Parties are required to inform the Commissioner's Office of the preferred method and availability for the conciliation session by:
  - a. Emailing the completed paperwork to [conciliationbccm@justice.qld.gov.au](mailto:conciliationbccm@justice.qld.gov.au)
  - b. Fax +617 3006 2551, or
  - c. Phone +617 3109 1647.
7. The conciliator will conduct the session in the way the conciliator considers appropriate in the circumstances.

### Adjudication application

8. In the first instance, a case manager will contact an applicant who is overseas by email with respect to any requests for information or clarification about an application.



9. Refer to [Practice Direction 13: Adjudication process](#) for more information about the adjudication process.



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**COMMISSIONER**

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