



# PRACTICE DIRECTION 6

## Emergency applications

Practice directions are issued pursuant to [section 233](#) of the *Body Corporate and Community Management Act 1997* (the Act). They provide directions and information about internal dispute resolution processes and the Commissioner's dispute resolution service. Practice directions must be interpreted and applied consistently with the Act. They do not limit the discretion of the Commissioner or dispute resolution coordinators when assessing individual applications. Anything done by a person for internal dispute resolution or the dispute resolution service is subject to any relevant practice direction.

1. In an emergency, the Commissioner may refer an application directly to an adjudicator to decide whether to make an order without first giving notice of the application to the respondent and affected parties and/or seeking submissions from them.
2. The circumstances of an appropriate emergency referral are not limited. The following is a typical circumstance:

**Example:** *A burst water pipe is causing significant property damage. The repair work requires general meeting approval from owners because the cost is above the committee's authorised spending limit. A general meeting requires at least 21 days' notice, but the contractor says if it is not fixed immediately there will be significantly more damage caused.*

*The body corporate therefore makes an emergency application for an order that the committee is authorised to spend the quoted amount and proceed with the works, without a general meeting resolution. The body corporate's application includes the builder's report and a detailed quote for the proposed repairs.*

3. An emergency application is not appropriate if the applicant urgently needs an order with only temporary effect (for example, to stop a body corporate acting on a resolution until the adjudicator's final decision about its validity). In such a case, an interim order application may be appropriate – see [Practice Direction 4 – Interim orders](#).
4. An applicant for an emergency order must:
  - clearly request emergency referral of their application
  - explain the nature of the emergency, including what harm may be caused if there is further delay in taking the action proposed in the application
  - provide documentary support for those claims (e.g. a builder's report), and
  - for any proposed expenditure, provide at least one detailed written quotation that includes sufficient information to identify the scope of any works proposed to be carried out.

### COMMISSIONER FOR BODY CORPORATE AND COMMUNITY MANAGEMENT

Version 1  
Effective 1 July 2025

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