



# PRACTICE DIRECTION 1

## Internal dispute resolution

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. Internal dispute resolution (also referred to as self-resolution) refers to the resolution of a dispute between the parties involved, using either:
  - informal processes such as written communication between the parties, or
  - body corporate processes including:
    - submitting a motion for consideration at a general meeting, or
    - making a written request to the committee to consider the matter.
2. If the applicant fails to demonstrate either that they have reasonably attempted internal dispute resolution, or that internal dispute resolution is not appropriate in the circumstances, the Commissioner may reject the application.
3. The Commissioner will decide, on a case-by-case basis, what constitutes sufficient internal dispute resolution efforts and supporting evidence. The following are examples of attempts and evidence that are generally considered sufficient:

**Example:** *The applicant lot owner requires committee approval for something and makes a written request to the committee. The applicant provides a copy of the committee meeting minutes denying their request. They also provide evidence of their attempts to find out from the committee why it denied the request and whether giving further information or making a revised request would get the committee to give approval.*

**Example:** *The applicant lot owner requires a general meeting resolution to pursue a particular matter. They submit a motion for consideration at the annual general meeting, but it does not pass. To evidence internal resolution the applicant provides:*

- a copy of the meeting minutes confirming the motion failed to pass, and
- copies of:
  - written communication or relevant material exchanged between them and the body corporate prior to the motion being considered at the general meeting, and / or
  - written correspondence sent to the committee after the general meeting decision, advising that they consider themselves to be in dispute with the body corporate and inviting options to resolve the dispute.

**Example:** *The applicant lot owner is in dispute with another occupier about causing nuisance and an alleged by-law breach. The applicant provides evidence of unsuccessful attempts to resolve the issue directly with the other person as well as efforts to involve the body corporate, specifically by submitting a BCCM form 1 notice to the committee requesting a by-law contravention notice be issued.*

**Example:** *The applicant body corporate has a dispute with an occupier about breaching a by-law. The applicant provides evidence of giving the occupier a properly completed by-law contravention notice about its concerns. The applicant also provides evidence that the occupier has continued to breach the by-law.*

## COMMISSIONER FOR BODY CORPORATE AND COMMUNITY MANAGEMENT

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