

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

**Practice Direction 19**

**EXPEDITABLE APPLICATIONS**

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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 policies and procedures applying to dispute resolution applications lodged with the Commissioner's Office. Nothing in this Practice Direction supersedes or overrides the requirements of the legislation and the Commissioner retains the discretion provided for in the legislation in the case management of dispute resolution applications.

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1. The following describes certain types of dispute resolution applications which may be expedited by the Commissioner and adjudicators because of their routine nature. Whether an individual application within these categories can be expedited will depend on the nature and circumstances of the application, including whether the application also raises more complex issues.

**Return of body corporate property**

2. The legislation provides for a body corporate to seek the return of body corporate property, including assets, records, documents and the body corporate seal, from a person associated with the body corporate by issuing a prescribed notice [eg. Standard Module, *section 206*].
3. If the property is not returned as requested, the body corporate may lodge an application for the return of the property.
4. The application must include a copy of the prescribed notice issued requesting the property.

**Access to body corporate records**

5. The legislation provides for interested persons to access body corporate records [eg. Act, *section 205* and Standard Module, *section 204-205*].
6. If the body corporate fails to provide the access to records, the person requesting access may lodge an application against the body corporate.
7. The application must include copies of correspondence requesting the records and, if applicable, payment of the prescribed fee.

### **Change of financial year**

8. The legislation provides for an adjudicator to make an order to change the financial year end date for a scheme if the body corporate consents to the change [Act, *section 283*].
9. Such applications should be lodged by the body corporate and, as they seek a declaratory order, need not name a respondent.
10. Such applications must be accompanied by a general meeting resolution approving the change of financial year.

### **Annual general meetings out of time**

11. The legislation requires a body corporate to hold an annual general meeting each year within three months of the end of the scheme's financial year end date [for example, Standard Module, *section 66*].
12. Occasionally a body corporate may unavoidably be unable to convene its annual general meeting within the required time frame. In such cases the body corporate may apply for an order of an adjudicator that the annual general meeting is not void simply for being held out of time.
13. Such applications are not a mechanism to avoid compliance with legislative requirements, and should be based on genuine reasons.
14. Such applications should be lodged by the body corporate and, as they seek a declaratory order, need not name a respondent.
15. Such applications should specify when the annual general meeting is proposed to be held, the reason for the delay, and provide a copy of the notice of meeting if the meeting has already been called.



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