



PRACTICE DIRECTION 7

Consent orders

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. A consent order under the Act is an adjudicator's order made with the consent of each party to a dispute resolution application.
2. A consent order:
 - is a final determination of the legal issues in dispute
 - is legally binding and enforceable, and
 - cannot be appealed.
3. A consent order:
 - may be made at any time during a conciliation or adjudication process
 - may be made about some or all of the issues in dispute, and
 - can only include matters that may be dealt with under the Act and that are consistent with the Act and other legislation.
4. Evidence of anything said or done about the dispute in the course of negotiating a consent order is not admissible in an adjudication application, unless by agreement.
5. All parties considering agreeing to a consent order are encouraged to get legal advice before consenting.
6. For a consent order arising from a conciliation agreement, a party who is a body corporate must, within 30 days after the agreement is made, give the department conciliator written notice stating that the committee has:
 - ratified the agreement
 - given a copy of the agreement to each lot owner, and
 - not received a *notice of opposition* from owners in the way specified in the relevant regulation module.

COMMISSIONER FOR BODY CORPORATE AND COMMUNITY MANAGEMENT

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