

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

# Practice Direction 31

## Consent orders

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 procedures and content requirements for dispute resolution applications 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 individual dispute resolution applications as provided under Chapter 6 of the Act.

1. If the parties to an adjudication application agree to the terms of a proposed order, the adjudicator may, in his or her discretion, issue a consent order.
2. If the parties to a conciliation application reach an agreement at a departmental conciliation session, and the parties consent to the agreement being formalised as a consent order, the Commissioner must refer the agreement to an adjudicator for a consent order. The adjudicator may, in his or her discretion, issue a consent order.
3. If one of the parties to the conciliation agreement is a body corporate which has a committee voting member appointed as an agent for the body corporate, the Commissioner cannot refer the agreement to an adjudicator for a consent order unless, within 30 days after the agreement is made, the body corporate gives the department conciliator written notice stating that the committee has:
  - a. ratified the agreement; and
  - b. given a copy of the agreement to each lot owner; and
  - c. not received a notice of opposition to the agreement signed by or for the owners of at least one-half of the lots included in the scheme.
4. A consent order may only include matters that may be dealt with under the Act and must not include matters that are inconsistent with the legislation or another Act. There is no right to appeal a consent order.

### COMMISSIONER FOR BODY CORPORATE AND COMMUNITY MANAGEMENT

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