

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

# Practice Direction 32

## Supplementary 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. An adjudicator generally has no capacity to review or amend a final order or the accompanying statement of reasons once issued, except where directed to by a court or tribunal of competent jurisdiction.
2. Where an order or a statement of reasons contains an accidental slip or omission, such as a typographical or clerical error, an adjudicator has an inherent power to issue a further order correcting the error.
3. The capacity to correct accidental errors is limited to correctly stating what was decided and intended at the time of the original judgment. It does not extend to a reconsideration of the substantive issues of fact or legal interpretation and is not a mechanism to re-open an application to consider further evidence.
4. If a party to the dispute or a person affected by the order believes that the order or statement of reasons contains an accidental slip or omission, the person may make a written request to the adjudicator to issue a supplementary order.
5. It is a matter for the adjudicator's discretion whether a supplementary order is warranted in the circumstances. Without limiting this discretion, adjudicators may have regard to the nature of the error; whether the error appears in the order or the statement of reasons; and whether the error has any effect on the meaning, comprehension or enforcement of the order.
6. Other parties to the application would not normally be invited to make submissions in respect of the proposed correction.
7. Unless otherwise stated in the order, a supplementary order will have effect from the date that it is issued.



Chris Irons  
**COMMISSIONER**

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