



Australian Government

Fair Work OMBUDSMAN

DIRECTION TO INSPECTORS

I, **Natalie James**, the Fair Work Ombudsman, under subsection 704(1) of the *Fair Work Act 2009* (FW Act) revoke the Direction dated 1 October 2014 (FL2014L01374) and direct as follows:

Commencement

- (1) This direction commences to operate on the day it is registered on the Federal Register of Legislative Instruments, in accordance with the *Legislative Instruments Act 2003*.

Application

- (2) This direction applies to persons appointed as a Fair Work Inspector under subsection 700(1) of the FW Act, in relation to the performance of functions or the exercise of powers as an inspector.

Definitions

- (3) In this direction commencing litigation means:

- a. the making or lodging of an application to commence civil proceedings, including an appeal, in a court or the Fair Work Commission; or
- b. applying for leave to intervene or otherwise seeking to intervene in, civil proceedings in a court or the Fair Work Commission;

by or on behalf of a Fair Work Inspector or the Fair Work Ombudsman, where the proceedings relate to the exercise of powers or functions under the FW Act, *Fair Work Regulations 2009* or any other Commonwealth law that confers standing on a Fair Work Inspector or the Fair Work Ombudsman to commence or intervene in civil proceedings.

Direction

- (4) Before commencing litigation a Fair Work Inspector must:

- a. comply with any guidance note(s) of the Office of the Fair Work Ombudsman concerning commencing litigation; and
- b. obtain my consent or the consent of a member of staff of the Office of the Fair Work Ombudsman authorised by me to give such consent.

Dated 19 November 2015

Natalie James
Fair Work Ombudsman