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 10 November 2015

Natalie James
Fair Work Ombudsman