

Workplace Relations Act 1996

DIRECTIONS TO INSPECTORS

I, KEVIN JAMES ANDREWS, Minister for Employment and Workplace Relations, acting under subsection 167(7) of the *Workplace Relations Act 1996*, revoke the Direction issued by my delegate on 16 May 2005 and direct as follows:

Commencement

- (1) These Directions commence on the day they are registered on the Federal Registrar of Legislative Instruments kept under the *Legislative Instruments Act 2003*.

Definitions

- (2) In these Directions:

the Act means the *Workplace Relations Act 1996*;

Australian Fair Pay and Conditions Standard has the meaning in subsection 4(1) of the Act;

award has the meaning in subsection 4(1) of the Act;

contract outworkers has the meaning in section 901 of the Act;

Department means the Department of Employment and Workplace Relations;

commencing litigation means lodging with a court or tribunal, including the Australian Industrial Relations Commission, the document or documents necessary to institute proceedings, whether civil or criminal, where the proceedings are instituted in the exercise of powers and performance of functions under the Act or the Regulations;

notional agreement preserving State awards has the meaning in subsection 4(1) of the Act;

OWS means the Office of Workplace Services, an Executive Agency established under section 65 of the *Public Service Act 1999*;

prescribed provision means any provision of the Act or the Regulations relating to:

- (i) an award;
- (ii) a workplace agreement, other than the negotiation of an agreement;
- (iii) the Australian Fair Pay and Conditions Standard, including wage rates;
- (iv) a contract of employment;
- (v) a notional agreement preserving State awards;
- (vi) a pre-reform AWA;
- (vii) a pre-reform certified agreement;
- (viii) a preserved State agreement;
- (ix) a transitional award;
- (x) contract outworkers;
- (xi) public holidays;
- (xii) meal breaks;

(xiii) termination of employment; and

(xiv) records relating to employees;

in relation to which an inspector is empowered to bring proceedings or provide advice;

pre-reform AWA has the meaning in Schedule 7 to the Act;

pre-reform certified agreement has the meaning in Schedule 7 to the Act;

preserved State agreement has the meaning in subsection 4(1) of the Act;

public holiday has the meaning in section 611 of the Act;

the Regulations mean the *Workplace Relations Regulations 2006*

SES officer has the meaning in section 34 of the *Public Service Act 1999* and includes a person acting in the capacity of an SES officer;

transitional award has the meaning in Schedule 6 to the Act;

workplace agreement has the meaning in subsection 4(1) of the Act;

workplace inspector has the meaning in subsection 4(1) of the Act; and

WRI means the Workplace Relations Implementation Group located within the Department.

Litigation concerning prescribed provisions

- (3) Before commencing litigation relating to an alleged breach of a prescribed provision, a workplace inspector must obtain the consent of an SES officer in OWS or the Agency Head of OWS.

Litigation concerning non-prescribed provisions

- (4) Subject to clauses 5 and 6, before commencing litigation relating to an alleged breach of a provision of the Act or the Regulations, other than a prescribed provision, a workplace inspector must obtain the consent of an SES officer approved by the Group Manager of WRI to give consent.
- (5) A workplace inspector must not commence or intervene in litigation mentioned in clause 4 where, in the opinion of an SES officer mentioned in clause 4, the litigation is in respect of a trivial or minor contravention of the Act or the Regulations.
- (6) A workplace inspector must not commence or intervene in litigation mentioned in clause 4 where, in the opinion of an SES officer mentioned in clause 4, the litigation is in respect of a trivial or minor contravention of section 365 of the Act.
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Dated this 27th day of March 2006.

Kevin J Andrews

Kevin Andrews

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MINISTER FOR EMPLOYMENT & WORKPLACE RELATIONS