

*Fair Work Act 2009*  
*Paid Parental Leave Act 2010*  
*Fair Work (Transitional and Consequential Amendments) Act 2009*

### DIRECTION TO INSPECTORS

I, Mark Scully, the Fair Work Ombudsman (Acting), under subsection 704 (1) of the Fair Work Act 2009 (the Act) and subsection 33 (3) of the Acts Interpretation Act 1901, revoke all previous Directions issued under subsection 704 (1) of the Act, including the Direction issued on 24 March 2011 (FL2011L00683) by the previous Fair Work Ombudsman, Nicholas Paul Wilson and direct as follows:

#### Commencement

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

#### Definitions

- (2) In this Direction:

**FW Act** means the *Fair Work Act 2009*;

**Commencing litigation** means lodging with a court the documents necessary to institute civil proceedings, where the proceedings are instituted by, or on behalf of, the Fair Work Ombudsman exercising powers or performing functions conferred by the FW Act, the FW Regulations or any other Act or Regulations that confer an ability on the Fair Work Ombudsman to commence or intervene in litigation (including the *Paid Parental Leave Act 2010* and the *Fair Work (Transitional and Consequential Amendments) Act 2009*) and includes but is not limited to applying to a court for orders in relation to a contravention or proposed contravention of civil remedy provision of these Acts;

**FWO** means Office of the Fair Work Ombudsman;

**FW Regulations** means the *Fair Work Regulations 2009*; and

**Fair Work Inspector** means a person appointed as a Fair Work Inspector under section 700 of the Act.

#### Direction

- (3) Before commencing or intervening in litigation on my behalf, a Fair Work Inspector must :
- Comply with any Guidance Note concerning the litigation policy of the FWO;
  - Be satisfied that:
    - There is sufficient evidence to commence civil proceedings; and
    - The facts in the matter and all the surrounding circumstances demonstrate that civil proceedings are in the public interest (including that the contraventions are not trivial or minor); and
  - Obtain my consent or the consent of a member of staff authorised by me to give such consent.

**Dated 1 October 2014**

**Mark Scully**

**Fair Work Ombudsman (Acting), Office of the Fair Work Ombudsman**