

Fair Work Act 2009 Direction to Inspectors (November 2021)

I, Sandra Parker PSM, the Fair Work Ombudsman acting under subsection 704(1) of the *Fair Work Act 2009* (Cth) (**FW Act**), revoke the Direction dated 19 November 2015 (F2015L01907).

Pursuant to subsection 704(1) of the FW Act, I give the following Direction 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:

1. Before commencing litigation, a Fair Work Inspector must:
 - a. comply with any policy 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.
2. In clause 1 of 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* (Cth) (**FW Regulations**) 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.

3. Before taking any steps in a litigation commenced against a Fair Work Inspector or the Fair Work Ombudsman, a Fair Work Inspector must:
 - a. comply with any policy of the Office of the Fair Work Ombudsman concerning 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.
4. In clause 3 of this Direction, **taking any steps in a litigation** includes:
 - a. lodging, filing or serving any document in relation to civil proceedings, including an appeal, in a court or the Fair Work Commission; or
 - b. corresponding or communicating by any means with a court or the Fair Work Commission in relation to civil proceedings, including an appeal,

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, including a statutory notice issued by a Fair Work Inspector, under the FW Act, the FW Regulations or any other Commonwealth law.

5. This Direction commences to operate on the date it is registered on the Federal Register of Legislation, in accordance with the *Legislation Act 2003* (Cth).

Dated: 22 November 2021

Sandra Parker PSM

Fair Work Ombudsman