



Magistrates' Court
Victoria

Practice Direction

No: 2 of 2003

Outworkers (Improved Protection) Act 2003

BACKGROUND

The **Outworkers (Improved Protection) Act 2003** ("the Act") and the **Federal Award (Uniform System) Act 2003** have conferred jurisdiction on the Industrial Division of the Magistrates' Court of Victoria in the matters referred to below. This practice direction regulates proceedings in the matters pending the making of Rules of Court.

DIRECTION

Application for an Order Waiving the Requirement for Notice of Entry pursuant to s. 44(1) of the Act

1. An application must be in writing and be supported by affidavit(s) setting out all the material facts and circumstances relied upon.
2. No fee shall be payable on the filing of the Application.

Applications for permits pursuant to S. 45 of the Act or S. 41 of the Federal Award (Uniform System) Act 2003

1. An application shall be made without notice. The application must state:
 - (a) the name, address and occupation of the officer or employee of the Union or Organisation in respect of whom the permit is sought and the name of the union or the Organisation.

(b) whether there have been any previous application made for a permit in respect of the said officer or employee and whether there have been revocations of any permits and in each case provide particulars thereof.

2. No fee shall be payable on the filing of the Application.

Applications for Revocation of Permits pursuant to S. 46 of the Act or S.32 of the Federal Award (Uniform System) Act 2003

1. An application must be in writing and be supported by affidavit(s) setting out all the material facts and circumstances relied upon .
2. An application and supporting affidavit(s) must be served on the permit holder in accordance with R.5.03(1)(a) or (b) of the Magistrates Court (Civil Procedure) Rules 1999.
3. Answering affidavit(s) setting out all the material facts and circumstances relied upon must be served and filed within 21 days of the receipt of the Application
4. an application will be listed for mention 28 days after filing thereof or as soon thereafter as the Court's business shall permit
5. No fee shall be payable on the filing of an Application.

Application for Civil Penalty to be imposed pursuant to S.48 or S. 38 of the Federal Award (Uniform System) Act 2003

1. An application must be in writing and be supported by affidavit(s) setting out all the material facts and circumstances relied upon .
2. An application and supporting affidavit(s) must be served on the permit holder in accordance with R.5.03(1)(a) or (b) of the Magistrates Court (Civil Procedure) Rules 1999.

3. Answering affidavit(s) setting out all the material facts and circumstances relied upon must be served and filed within 21 days of the receipt of the Application
4. an application will be listed for mention 28 days after filing thereof or as soon thereafter as the Court's business shall permit

Content of Applications

In addition to any other relevant information each of the above applications must contain:

1. In the title of the Application
 - the words - " In the Industrial Division of the Magistrates Court of Victoria at [*insert the name of the locality of the Courthouse*];
 - A description of the Application and relevant section and whether it is made "Ex Parte"
 - The full name of the Applicant and the Respondent (if any) including any Australian Company Number or Australian Business Number or any trading name or registered business name
 - The full name of the respondent.
2. An address for service for the Applicant and the Respondent (if any).
3. A full but succinct statement of the grounds relied upon to support it.
4. A statement of the orders the Court is asked to make.
5. The signature of the Applicant

This practice direction takes effect on the 1st November 2003.

IAN L GRAY

Chief Magistrate

Dated 31st October 2003