



NOTICE TO THE PROFESSION: NATIONAL GENERAL PROTECTIONS LIST – *FAIR WORK ACT 2009* (CTH)

This notice explains the allocation and listing procedures that will apply to a new National General Protections List.

A pilot program of the National General Protections List will commence on 1 September 2024 and run for an initial period of eight months.

The adoption of the National General Protections List follows the successful conduct of the Adverse Action List before Registrars in the Victorian Registry of the Court since 2019.

Purpose of the List

The purpose of the National General Protections List is to allow the initial case management of proceedings filed under the general protections provisions of Chapter 3 Part 3-1 of the *Fair Work Act 2009* (Cth) (**general protections proceedings**) to generally be undertaken by Registrars of the Court.

The National General Protections List:

- promotes consistency and efficiency in the case management of general protections proceedings;
- ensures that general protections proceedings are heard in the appropriate Court, having regard to any points of principle and the quantum of claims;
- ensures that the resources of the Court in relation to mediation are targeted towards the most appropriate proceedings; and
- ensures early and appropriate case management and timetabling of any interlocutory or procedural matters before the proceeding is allocated to a Docket Judge.

List details

New general protections proceedings filed using forms 79, 80 or 81 from 1 September 2024 will be listed in the National General Protections List for initial case management.

However, a Registrar may determine that the proceeding instead be referred for allocation to a Docket Judge.

If a party considers there to be particular and sufficient reasons for a proceeding to instead be referred for allocation to a Docket Judge, the Registry should be notified as soon as practicable. Notification may be given by lodging correspondence with the application at the time it is filed, or by email to GeneralProtectionsList@fedcourt.gov.au.

The first List will take place on 4 October 2024.

The List will be conducted by a Registrar of the Court on Friday each week (with staggered start times to accommodate time-differences between various States and Territories).

The List will take place virtually.

Upon filing, the Registry will list new general protections proceedings for a first case management hearing on the List within 4-6 weeks of the application being accepted for filing.

In advance of each List, parties will receive correspondence from the Court with relevant listing information.

Issues that may arise on the List include, but are not limited to:

- procedural issues such as service and extension of time applications;
- whether formal pleadings ought be ordered, or further and better particulars;
- whether the proceeding ought be referred for mediation with a Registrar of the Court;
- if the proceeding is to be referred to mediation, at what stage a mediation ought take place;
- whether the proceeding has been commenced in the appropriate Court, and if not, whether a transfer order ought be made.

It will be open to parties to provide proposed consent orders in advance of any List for the Registrar's consideration.

Following initial case management on the List, general protections proceedings will be allocated to a Docket Judge.

If a proceeding is referred from the List to mediation with a Registrar of the Court, it will not be allocated a Docket Judge until after the mediation has concluded.

Consultation and feedback

The Court will monitor the pilot program to ensure it is meeting its objectives.

The Court will also consult with relevant professional groups and welcomes any feedback with respect to the pilot program.

Further updates on the pilot program will be published by the Court in due course.

D S Mortimer
Chief Justice
Date: 3 July 2024