



**GRATA FUND**

## **Proposed amendment: Equal Access approach to costs**

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# **Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022**

- (1) Schedule 5, item 3, pages 26 (lines 10 to 31) to 27 (lines 1 to 13), omit the item, substitute:

### **3 Section 46PSA**

Repeal the section, substitute:

#### **46PSA Costs**

- (1) In proceedings under this Division against a respondent to a terminated complaint, an applicant to the proceedings may be ordered by the court to pay costs incurred by another party to the proceedings only in accordance with subsection (3).
- (2) The court may not make an award of costs against an applicant who conducts the proceedings in a reasonable manner, in respect of any costs which relate to —
  - (a) the claim; or
  - (b) any appeal in respect of the claim.
- (3) The applicant may be ordered to:
  - (a) pay the costs, or part thereof, referred to in subsection (2) if the court is satisfied that the applicant instituted the proceedings vexatiously or without reasonable cause; or
  - (b) pay so much of another party's costs, that the court is satisfied were incurred as a result of conduct by the applicant in the course of the proceedings which the court determines to be unreasonable.