

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency - Fair Work Australia**

**DEEWR Question No. EW0078\_12**

**Senator Abetz provided in writing.**

**Question**

**What evidence do Judicial Officers seek to require to substantiate cost**

What evidence do Judicial Officers seek to require to substantiate costs applications (when made) from parties to proceedings?

**Answer**

*Fair Work Australia has provided the following response.*

Section 611(2) of the Fair Work Act 2009 provides that Fair Work Australia may order a person to bear some or all of the costs of the other person in relation to an application to FWA if:

- (a) FWA is satisfied that the first person made the application, or the first person responded to the application, vexatiously or without reasonable cause; or
- (b) FWA is satisfied that it should have been reasonably apparent to the first person that the first person's application, or the first person's response to the application, had no reasonable prospect of success.

It is for the Member of Fair Work Australia to decide what evidence is required in determining a costs application.