

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 206A/09
5154932**

BETWEEN HAYDEN MILLER
 Applicant

AND CARSON RACING GROUP LIMITED
 Respondent

Member of Authority: Leon Robinson

Submissions Received: 14 July 2009

Determination: 16 July 2009

DETERMINATION OF THE AUTHORITY

[1] By a Determination dated 25 June 2009, I made formal orders in settlement of the employment relationship problem between these parties. Mr Miller now makes application for costs. The respondent company Carson Racing Group Limited takes no part in this proceeding.

[2] Through his representative, Mr Miller advises his actual costs are \$6,606.25 plus GST. He asks the Authority to award him those actual costs.

[3] It is said that the respondent materially increased the costs incurred by its failure to provide wage and time records and failing to engage or respond to Mr Miller's claims. I accept that submission.

[4] This is an equity and good conscience jurisdiction and costs awards in the Authority are generally modest consistent with the Authority's approach to its investigations. The exercise of my discretion calls for a determination of what is a fair and reasonable contribution as between the parties.

[5] This investigation proceeded over one half day. The applicant was successful in obtaining formal orders from the Authority in resolution of the employment relationship problem. Mr Miller is therefore entitled to an award of costs, but on a contribution basis.

[6] I award costs on the basis of the Authority's daily tariff, for one half day increased slightly for the respondent's lack of co-operation. Exercising my discretion on a principled basis and for the reasons outlined above, **I order Carson Racing Group Limited to pay to Hayden Miller the sum of \$2,000.00 as costs.**

Leon Robinson
Member of Employment Relations Authority