



*is granted for an extension of time. Should leave not be granted, the funds should then be immediately distributed to the Respondent.*

[3] Mr Young has now advised the Authority that the matter before the Employment Court (ARC 40/10) is likely to be heard in April 2011.

### **Orders of the Authority**

[3] The following orders are made:

- (a) By no later than 30<sup>th</sup> July 2010, Mr Young is to pay into the Authority, by way of a cheque made out to the Department of Labour, the sum of \$7,500 (“the sum”).
- (b) The sum will be held by the Department of Labour, on behalf of the Authority, in an interest bearing trust account (“the trust account”) and shall not be distributed to any party or person except by further order of the Authority. Such order may be given by way of a determination of the Authority or by a consent determination giving effect to any written agreement between the parties.
- (c) Upon the receipt by the Authority of the sum from Mr Young, the effect of the costs determination (AA 146A/10) shall be stayed. The stay will remain in place until such time as the decision of the Employment Court regarding whether leave to proceed is known. In the event that the Court fails to grant leave, and upon the application of the respondent, or by the consent of the parties, the Authority will issue a determination releasing the sum (with accrued interest) from the trust account for the use of the respondent.
- (d) In the event that the Court grants leave for Mr Young’s challenge to proceed, the sum shall remain in the trust account until after such time as a judgment regarding the challenge to the determination of the Authority (AA 146/10) is known. Upon the application of the successful party, or by the consent of the parties, a final determination shall be issued effecting the release of the sum (with accrued interest) for the use of the successful party.

- (e) In the event that Mr Young fails to pay into the Authority the sum of \$7,500 by 30<sup>th</sup> July 2010, then pursuant to s.137 of the Employment Relations Act 2000, he is ordered to pay to the respondent this sum not later than 20<sup>th</sup> August 2010.

**K J Anderson**  
**Member of the Employment Relations Authority**