

**Attention is drawn to the orders
in determination AA 65/08
prohibiting publication of certain
information.**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 65A/08
5092431 and 5099244

BETWEEN	AKBAR SINGH AND BISHAN SINGH Applicants
AND	“W LIMITED” First Respondent
	“X LIMITED” Second Respondent
	“Y LIMITED” Third Respondent
	“Z LIMITED” Fourth Respondent

Member of Authority:	Robin Arthur
Representatives:	Bruce Murray, counsel for Applicants Kathryn Beck, counsel for Respondents
Investigation Meeting:	6 March 2008 by telephone conference
Determination:	6 March 2008

CONSENT DETERMINATION OF THE AUTHORITY

[1] This determination deals with specific terms on which a sum of money is to be deposited by the Respondents and held by way of security for the claims in these two matters (“the sum”).

[2] Determination AA 65/08 (28 February 2008) at [53] made orders about the basis on which the sum is to be held. That determination also provides for specific

terms for holding the sum to be set by further determination after hearing from counsel.

[3] Today I have heard from counsel by telephone. The following terms were agreed. By consent and by this determination, these terms become the further orders of the Authority:

- (i) the sum is to be held in the trust account of an independent solicitor in the name of the Respondents for the benefit of all parties' respective rights and interests, as determined by the Authority in due course, or otherwise earlier agreed in writing by the parties; and
- (ii) The sum is to be held in an interest-bearing account; and
- (iii) The independent solicitor is to undertake in writing to the Authority and the parties to hold the sum upon the terms specified in this determination and stated in Authority determination AA 65/08 at [53]. The undertaking is to be provided by Monday, 10 March 2008.
- (iv) The independent solicitor is entitled to deduct from the sum reasonable fees and disbursements for attendances in receiving, holding and paying out the sum; and
- (v) The independent solicitor is to account to the Authority for the sum while it is held on trust; and
- (vi) Richard Allen is appointed as the independent solicitor; and
- (vii) The sum is subject to a charge in favour of the party or parties to these proceedings who or which is or are successful in these proceedings.

Robin Arthur
Member of the Employment Relations Authority