

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 41B/09
5127668

BETWEEN JOHN WILLIAM TE AMO
Applicant

AND BECON LIMITED
Respondent

Member of Authority: Philip Cheyne

Representatives: John Shingleton, Counsel for the Applicant
Denis O'Rourke, Advocate for the Respondent

Submissions Received: 6 July 2009 from Applicant
No submissions from the Respondent

Determination: 20 July 2009

DETERMINATION OF THE AUTHORITY

[1] In a determination dated 11 June 2009 I ordered Mr Te Amo to pay \$4,500.00 in costs to Becon Limited, Becon having earlier been successful in defending itself against Mr Te Amo's personal grievance and arrears claims.

[2] Mr Te Amo now seeks an order staying execution of the costs order pending disposition by the Employment Court of his challenge against the substantive determination. Counsel applied for the stay by letter dated 6 July 2009. Becon was given 7 days to lodge any submission in reply or seek a phone conference. Nothing has been received from Becon so I will proceed to determine the stay application.

[3] The order sought includes a condition that the applicant lodge \$4,500.00 in the trust account of his solicitors (Malley & Co Lawyers) in the name of both parties in an interest bearing account until the Employment Court has made its decision on the challenge. In that way the interests of both parties are protected in the meantime.

[4] In the absence of any submissions against making such an order I will grant Mr Te Amo's application. Accordingly the order that Mr Te Amo pay Becon Limited \$4,500.00 in costs is stayed, pending further order of the Authority or the Employment Court, on condition that Mr Te Amo forthwith deposit that sum into Malley & Co Lawyers trust account in an interest bearing account to be held in his name and in the name of Becon Limited until the Employment Court has decided Mr Te Amo's challenge.

Philip Cheyne
Member of the Employment Relations Authority