

**ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING  
DETAILS IN THE CONTEXT OF THIS JUDGMENT**

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
WELLINGTON**

**I TE KŌTI TAKE MAHI O AOTEAROA  
TE WHANGANUI-A-TARA**

**[2023] NZEmpC 165  
EMPC 302/2023**

IN THE MATTER OF a without notice application for freezing and  
ancillary orders

BETWEEN A LABOUR INSPECTOR OF MINISTRY  
OF BUSINESS INNOVATION AND  
EMPLOYMENT  
Applicant

AND ZAQ LTD  
First Respondent

AND YBU  
Second Respondent

Hearing: 2 October 2023  
(via telephone)

Appearances: G La Hood and R Hill, counsel for applicant  
G Credo, counsel for respondents

Judgment: 2 October 2023

---

**JUDGMENT (NO 3) OF JUDGE J C HOLDEN  
(Application for further extension of freezing orders)**

---

[1] I heard this morning from the parties in respect of the freezing orders granted on 1 September 2023<sup>1</sup> and extended on 18 September 2023.<sup>2</sup>

---

<sup>1</sup> *A Labour Inspector of Ministry of Business, Innovation and Employment v ZAQ Ltd* [2023] NZEmpC 146.

<sup>2</sup> *A Labour Inspector of Ministry of Business, Innovation and Employment v ZAQ Ltd* [2023] NZEmpC 156.

[2] Shortly before the review hearing, the respondents filed statements of means and other financial documents. Those were emailed to the Court and copied to the Ministry of Business, Innovation and Employment (MBIE) but appear not to have been received by MBIE.

[3] This meant that neither the Court nor the Labour Inspector was able to consider this material prior to the review hearing.

[4] In those circumstances, the Labour Inspector has applied for an extension of the freezing orders until 31 October 2023 and suggested that the Labour Inspector file and serve an affidavit in response to the material on or before 17 October 2023.

[5] Mr Credo, for the respondents, expressed the hope that the parties may be able to file a joint memorandum within a week, which would at least enable the freezing orders to be refined.

[6] In the circumstances, I consider the Labour Inspector's suggested extension and timetabling to be appropriate. That does not, of course, prevent the parties from discussing the matter in an effort to reach agreement as to appropriate orders that can be made by consent. Indeed, the Court's expectation is that such discussions would occur promptly.

[7] Accordingly, at this stage, I order that the current freezing orders be extended until 4 pm on 31 October 2023 but with leave granted to either party, or to the parties jointly, to apply before then for a variation of the orders. The Labour Inspector is to file and serve an affidavit in response to the material filed by the respondents by 4 pm on 17 October 2023.

[8] If necessary, the freezing orders will be reviewed again at a hearing on 31 October 2023.

[9] There presently is an interim non-publication order in place.<sup>3</sup> The respondents have filed an application to sustain that order. That application is opposed by the Labour Inspector, who provided submissions on the issue at this morning's hearing.

[10] As discussed with the parties' representatives, at this stage the interim non-publication order continues pending further order of the Court. The application to sustain the non-publication order will be dealt with in a separate judgment that will be issued as soon as practicable.

[11] Costs are reserved.

J C Holden  
Judge

Judgment signed at 2.55 pm on 2 October 2023

---

<sup>3</sup> *A Labour Inspector of Ministry of Business, Innovation and Employment v ZAQ Ltd*, above n 1, at [4]; and *A Labour Inspector of Ministry of Business, Innovation and Employment v ZAQ Ltd*, above n 2, at [11].