

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

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

**[2024] NZEmpC 1
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: On the papers

Appearances: G La Hood and C Milesi-Humm, counsel for applicant
S Moore and G Credo, counsel for the respondents

Judgment: 10 January 2024

**INTERLOCUTORY JUDGMENT (NO 6) OF
CHIEF JUDGE CHRISTINA INGLIS
(APPLICATION TO VARY FREEZING ORDERS)**

[1] On 1 September 2023 Judge Holden granted an ex parte application for freezing and ancillary orders pursuant to s 190(3) of the Employment Relations Act 2000 (the Act).¹ She also made an interim non-publication order over the identity of

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

the respondents, including their names and any details that would tend to identify them, and over the evidence filed, except as referred to in her judgment.²

[2] The freezing orders were to have effect only until 4 pm on Monday 18 September 2023 but were extended twice³ and then were extended until further order on 31 October 2023.⁴ Judge Holden also continued the interim non-publication orders until further order of the Court.⁵

[3] The parties have reached an agreement for a variation and partial discharge of the freezing order on the basis that a sum of \$90,000 has been paid into the Court to be held until the conclusion of the substantive proceedings in the Employment Relations Authority. They have sought orders by consent. I am satisfied that it is appropriate to make the orders sought.

[4] By consent, the order of this Court dated 1 September 2023 in respect of the bank accounts related to or in the names of the respondents, any shareholdings held by the respondents, any plant, equipment, furniture, fittings, and other chattels owned by ZAQ Ltd, and any proceeds of sale of the respondents' businesses (the Freezing Order) is varied as follows:

- (a) Any and all bank accounts related to or in the respondents' names are to be immediately unfrozen and full access given to them.
- (b) All other terms of the Freezing Order as set out at paragraphs 7(a)(ii), (b), and (c) of that order are to remain on foot until further order of the Court.

² At [4].

³ *A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd (No 2)* [2023] NZEmpC 156; and *A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd (No 3)* [2023] NZEmpC 165.

⁴ *A Labour Inspector of the Ministry of Business Innovation and Employment v ZAQ Ltd (No 5)* [2023] NZEmpC 186.

⁵ *A Labour Inspector of the Ministry of Business Innovation and Employment v ZAQ Ltd (No 4)* [2023] NZEmpC 177.

[5] Costs are reserved.

Christina Inglis
Chief Judge

Judgment signed at 2.30 pm on 10 January 2024