



Employment Court of New Zealand

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Auckland International Airport Limited v APC [2016] NZEmpC 8 (15 February 2016)

Last Updated: 2 March 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 8](#)

EMPC 38/2016

IN THE MATTER OF an application for a freezing order

BETWEEN AUCKLAND INTERNATIONAL
AIRPORT LIMITED
Applicant

AND APC
First respondent

AND ASB BANK LIMITED Second
Respondent

AND WESTPAC NEW ZEALAND LIMITED
Third Respondent

Hearing: By memoranda and affidavits filed on 15 February
2016

Appearances: K Dunn and S Fitzgerald, counsel for applicant

Judgment: 15 February 2016

INTERLOCUTORY WITHOUT NOTICE JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] For reasons which I will give subsequently in writing, the Court makes a without notice freezing order in terms of the amended draft orders filed which may now be sealed by the Registrar.

[2] Exempt from the terms of the freezing order applied for originally is the sum of \$5,000 upon which APC is entitled to draw for living expenses and initial costs of legal advice and representation. No matter in relation to which of the bank accounts covered by the freezing order, a maximum of \$5,000 only may be withdrawn by

APC and/or her husband (if he is a joint account holder) for these purposes.

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2016]

[3] I am satisfied that the requirements of rr 32.2 and following of the High Court Rules have been complied with and that this Court is empowered to issue this freezing order under [s 190\(3\)](#) of the [Employment Relations Act 2000](#).

[4] The freezing order is conditional upon the applicant filing its claim for breach of contract in the Employment Relations Authority pursuant to Practice Direction

9(d) of the Employment Court's Consolidated Practice Directions dated June 2015.1

That application to the Authority must be made forthwith but its contents are not to be published until further order of this Court.

Those proceedings in the Authority are not to be served upon, or otherwise brought to the attention of, APC until after execution of the freezing order.

[5] There is likewise a prohibition upon publication of this judgment to any persons other than Auckland International Airport Limited, ASB Bank Limited and Westpac New Zealand Limited until after execution of the freezing order.

[6] A copy of this judgment is to be served on APC at the same time as the Court's sealed order.

[7] This proceeding will be called in the Employment Court at Auckland on Thursday 18 February 2016 at 10 am at which time any of the respondent parties will have an opportunity to be heard by the Court. Leave is also granted to any of the parties to apply on short notice for any directions or orders before 18 February 2016.

[8] The Court advises APC to take legal advice as soon as possible about the consequences of this order.

GL Colgan
Chief Judge

Judgment signed at 3 pm on Monday 15 February 2016

1 <http://www.justice.govt.nz/courts/employment-court/legislation-rules>

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