



including bank accounts, shareholdings, plant, equipment, furniture, fittings and other chattels owned by the first respondent, and any proceeds of sale of the respondents' businesses.

[2] The freezing orders were due to expire at 4 pm today (18 September 2023). At 10 am today, the matter was called for review.

[3] Before the hearing, each respondent filed and served a statement of means, and the Labour Inspector filed an affidavit in response.

[4] The Labour Inspector seeks a continuation of the freezing orders for a further two weeks as she remains concerned that the respondents have an intention to dissipate assets. She also is concerned about the completeness and accuracy of the statements of means.

[5] Mr Credo, counsel for the respondents, said their principal concern was that the first respondent had been unable to readily access funds for the payment of suppliers and staff. That should not be occurring, given that the freezing orders expressly provide that they do not prohibit the respondents from dealing with the assets covered by the orders for the purposes of:

- (a) paying ordinary living expenses;
- (b) paying legal expenses related to the freezing orders; or
- (c) disposing of assets, or making payments, in the ordinary course of the respondents' business, including business expenses incurred in good faith.

[6] After considering the statements of means and the affidavit of the Labour Inspector, and hearing from the parties, I accept the basis on which the Court imposed the freezing orders remains. The first respondent is still seeking to sell the businesses previously identified by the Labour Inspector. Further, the statements of means provided by the respondents are unclear and contain inconsistencies.

[7] For these reasons, I order that the current freezing orders continue for a further two weeks, now expiring at 4 pm on 2 October 2023. They will be reviewed again at a hearing on 2 October 2023.

[8] I note that the Labour Inspector served the freezing orders on a range of banks and received information from most of those with whom the respondents bank. ASB Bank Ltd (ASB), advised that one or both respondents had accounts with it, and that it held funds but was not prepared to disclose the details of the accounts or the amounts held. Mr Credo indicated that the respondents were also unclear about the amounts being held on their behalf.

[9] ASB is ordered to provide details of the accounts held by the respondents, and the amounts in those accounts, to the Labour Inspector and to the respondents.<sup>2</sup> My expectation is that this will occur promptly upon ASB being provided with a copy of this judgment.

[10] An interim non-publication order was made in my judgment of 1 September 2023 to enable the respondents to consider taking steps to protect their identity. The respondents seek to maintain the non-publication order. I acknowledge that they have had limited time to make any application or to provide evidence in respect of non-publication.

[11] Accordingly, the interim non-publication order continues, as set out in my earlier judgment.<sup>3</sup> If the respondents wish the orders to continue beyond the next calling of this matter, they will need to file a proper application with supporting evidence.

[12] Costs are reserved.

J C Holden  
Judge

Judgment signed at 3.30 pm on 18 September 2023

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<sup>2</sup> Pursuant to High Court Rules 2016, r 32.3.

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