

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2013] NZEmpC 198
ARC 83/13**

IN THE MATTER OF an application for a freezing and ancillary
orders

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

AND CIVIC CITY LIMITED
First Respondent

AND RUM LIMITED
Second Respondent

AND 123J LIMITED
Third respondent

Hearing: 4 November 2013

Appearances: Sarah Blick, counsel for applicant
Mark Donovan, counsel for respondents

Judgment: 4 November 2013

ORAL JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] The freezing and associated orders made on 23 October 2013¹ expire at 4 pm this afternoon. The case has been called this morning to allow the parties to be heard on any issues and to determine whether the freezing orders should be renewed as the applicant has applied for.

[2] Paragraph 9 of the orders requires the respondents to serve on the Labour Inspector a schedule fully particularising their financial positions, and identifying all assets and their values, within 10 working days of service of the order upon the

¹ [2013] NZEmpC 196.

respondents. That 10 day period is still running and will not expire until Thursday this week. If for no other reason, that warrants a renewal of the freezing and associated orders. There is also evidence of a conditional sale of one of the businesses that will be affected by the orders, as will be the necessary transfer of the liquor licence held by that business.

[3] Although it would be possible theoretically for the Court to reconsider these matters on Friday this week, 8 November 2013, I think that is too soon after the time when the respondents will file their financial report and so a later date will have to be settled upon.

[4] The freezing and associated orders made by the Court on 23 October 2013 are, therefore, renewed and will continue until 4 pm on Monday 18 November 2013. The case will be called again at 10 am on Monday 18 November 2013, by which time it is expected that the respondents will have complied with para 9 of the original orders. Counsel advise me that the parties will have had an opportunity to discuss what is to happen to the freezing and associated orders. As I have also discussed with counsel, the Court will expect them to be in a position on that day to discuss the various directions that may need to be given to expedite the respondents' challenge to the Authority's determination to enable that to go to a hearing as soon as that is practicable.

[5] I reserve costs on today's hearing.

GL Colgan
Chief Judge

Judgment delivered orally at 10.13 am on Monday 4 November 2013