ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING DETAILS IN THE CONTEXT OF THESE PROCEEDINGS

IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

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

[2023] NZEmpC 186 EMPC 302/2023

IN THE MATTER OF		a without notice application for freezing and ancillary orders
BETWEEN		A LABOUR INSPECTOR OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT Applicant
AND		ZAQ LTD First Respondent
AND		YBU Second Respondent
Hearing:	31 October 2023 (via telephone)	
Appearances: C Milesi-Humm, cour G Credo, counsel for		11
Judgment:	31 October 2023	

JUDGMENT (NO 5) OF JUDGE J C HOLDEN (Extension of freezing orders)

[1] The freezing orders previously granted and then extended came before the Court again this morning.¹

A LABOUR INSPECTOR OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT v ZAQ LTD [2023] NZEmpC 186 [31 October 2023]

¹ A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd [2023] NZEmpC 146; A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd [2023] NZEmpC 156; A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd [2023] NZEmpC 165.

[2] An affidavit has now been filed from a Labour Inspector regarding the financial information filed by the respondents on 2 October 2023. That affidavit goes through and comprehensively addresses concerns about the financial information filed to date.

[3] Although the respondents remain concerned about delays in the release of funds for paying creditors, and there have been discussions between the parties about the basis for a variation or discharge of the freezing orders, nothing further has been filed by the respondents.

[4] An extension to the freezing orders is warranted. In the circumstances, the freezing orders are extended until further order of the Court.

[5] As previously noted, the best course would be for the parties to reach agreement as to appropriate orders and then jointly apply for orders that can be made by consent.² Alternatively, either party may apply with supporting evidence for a variation or discharge of the orders.

[6] Costs are reserved.

J C Holden Judge

Judgment signed at 1 pm on 31 October 2023

² A Labour Inspector of Ministry of Business Innovation and Employment v ZAQ Ltd [2023] NZEmpC 165 at [6].