



[2] The freezing orders were made on 4 April 2025 and have been varied subsequently.

[3] They currently cover trust property held by the trustees of the H&K Family Trust as well as various bank accounts of the respondents.

[4] At a hearing on this matter, I heard submissions from the parties about which assets should be covered by the freezing orders.

[5] Mr Sun, counsel for the respondents, submitted that the freezing orders should only apply to two properties held by the trust. He emphasised that the value of the assets covered by the freezing orders should not exceed the amount claimed. Mr Denyer, counsel for the applicant, submitted that other assets should be held in addition to the properties held by the trust. He argued that the value of each respondent's beneficial interest in the assets of the trust was unclear.

[6] I agree that the value of the beneficial interest, which is discretionary and not limited to the respondents, is unclear. Accordingly, the position is not as straightforward as submitted by counsel for the respondents.

[7] The risk of dissipation of assets has already been established. The reason freezing orders were made in the first place has already been canvassed.<sup>1</sup>

[8] Now the respondents seek for the freezing orders to only apply to trust property in circumstances where it is not apparent what meaningful beneficial interest each respondent has in that trust property. I am concerned that making freezing orders against that property could be illusory, which would be inconsistent with equity and good conscience.

[9] Given the difficulties arising in respect of the trust property, I consider that it may be more appropriate to issue freezing orders against other property held by the respondents. There are business bank accounts which were previously frozen, the

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<sup>1</sup> *A Labour Inspector of the Ministry of Business Innovation and Employment v Dao* [2025] NZEmpC 73.

second and third respondents apparently have significant shareholdings, and there are other assets which are still subject to the freezing orders in these proceedings.

[10] In light of the above, I seek further submissions from the parties on what assets could be frozen in respect of each respondent if the freezing orders over the trust properties are lifted. It will be necessary to consider each respondent separately. The following timetable applies for those submissions:

- (a) The applicant is to file a memoranda and any supporting documents by 4 pm on 28 May 2025.
- (b) The respondents are to file a memoranda and any supporting documents by 4 pm on 3 June 2025.
- (c) A decision will then be made on the papers.

[11] No further hearing will be required unless one is sought by the parties.

[12] As further submissions have been sought on this matter, the previous orders will continue until 4 pm on 5 June 2025.

[13] Costs are reserved.

Kathryn Beck  
Judge

Judgment signed at 4.55 pm on 22 May 2025