

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2025] NZEmpC 269
EMPC 148/2025**

IN THE MATTER OF a without notice application for a freezing
order and ancillary orders

AND IN THE MATTER OF an application to vary or discharge orders

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

AND THOM DAO
First Respondent

AND VIET HUNG NGUYEN
Second Respondent

AND DUONG ALEX NGUYEN
Third Respondent

Hearing: On the papers

Appearances: M Denyer, counsel for applicant
L Yang, counsel for respondents

Judgment: 11 December 2025

**JUDGMENT (NO 11) OF JUDGE KATHRYN BECK
(Application to vary or discharge orders)**

[1] This proceeding involves freezing and ancillary orders that were made on 4 April 2025, with reasons given on 9 April 2025.¹ The proceeding has come before the Court several times since then.

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

[2] A review hearing is scheduled to take place on 12 December 2025. Yesterday, counsel filed a joint memorandum seeking to vacate that hearing and proposing that orders be made by consent.

[3] The parties are agreed that the freezing and ancillary orders can be extended by consent, subject to the agreed variations contained in the draft orders provided to the Court.

[4] The parties agree the following:

- (a) that the orders be amended to only apply to real estate property owned by the respondents directly or as trustees.
- (b) that the amended orders no longer freeze bank accounts but the Labour Inspector, on written request to the relevant banks, is able to obtain balances and bank statements directly from the banks in respect of:
 - (i) all personal bank accounts held by any of the respondents, including any joint personal accounts; and
 - (ii) any company bank accounts of entities that are wholly owned and controlled by one or more of the respondents.
- (c) that for any company bank account in respect of which any respondent is a signatory but the relevant entity is not wholly owned and controlled by one or more of the respondents, each respondent must, on reasonable written request by the Labour Inspector, procure and promptly provide to the Labour Inspector copies of bank statements and such transaction information as is reasonably necessary to monitor compliance with these orders.

[5] The parties have also agreed that the orders should remain in force until the conclusion of proceeding EMPC 177/2024, including the substantive proceeding and any related enforcement proceedings, or until further of the Court, without prejudice to either party's right to apply on notice to vary or discharge.

[6] While it is unusual for orders such as these not to have a review date, given the parties' agreement and the nature of the amendments to the orders, I agree that it is appropriate in the circumstances.

Outcome

[7] By consent, the hearing scheduled for 12 December 2025 is vacated and appearances of counsel excused.

[8] Orders are made as set out below.

Orders

[9] The freezing and ancillary orders are varied as set out in paragraph [4] above and as detailed in the draft orders provided to the Court.

[10] Such orders will remain in force until the conclusion of proceeding EMPC 177/2024, including the substantive proceeding and any related enforcement proceedings, or until further order of the Court.

[11] This judgment and the orders which I now make are to be served immediately on the relevant banks.

[12] Costs are reserved.

Kathryn Beck
Judge

Judgment signed at 9 am on 11 December 2025