



Employment Court of New Zealand

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Auckland International Airport Limited v Kimiangatau [2016] NZEmpC 96 (3 August 2016)

Last Updated: 10 August 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 96](#)

EMPC 39/2016

IN THE MATTER OF an application for a freezing order

BETWEEN AUCKLAND INTERNATIONAL
AIRPORT LIMITED
Applicant

AND TERE KIMIANGATAU First
Respondent

AND ASB BANK LIMITED Second
Respondent

AND WESTPAC NEW ZEALAND LIMITED
Third Respondent

Hearing: By documents filed on 3 August
2016

Appearances: S Fitzgerald, counsel for applicant
G Pollak, counsel for first
respondent

Judgment: 3 August 2016

JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This further judgment records the amendment to the original freezing order made on 15 February 2016¹ and amended on 18 February and 26 April 2016.²

[2] For the purpose of making reparations to the applicant, the first respondent's interest in her home in Auckland is being sold, with settlement due to take place on Friday 5 August 2016.

¹ *Auckland International Airport Ltd v APC* [\[2016\] NZEmpC 8](#).

² *Auckland International Airport Ltd v APC* [\[2016\] NZEmpC 12](#).

AUCKLAND INTERNATIONAL AIRPORT LIMITED v TERE KIMIANGATAU NZEmpC AUCKLAND [\[2016\] NZEmpC 96](#) [3 August 2016]

[3] The applicant requests that the property, including the first respondent's interest in it, be now excluded from the freezing order.

[4] Without determining whether the first respondent's consent is required or, more particularly, whether this application should be on notice to the first respondent, Mr Garry Pollak, lawyer, has indicated in an email to the Registrar of the Court that the first respondent consents to the removal from coverage of the freezing order of her interest in that property. Mr Pollak is not formally the lawyer on the court record for the first respondent although a number of documents have been filed to date by him.

[5] Because the sale by, and divestment in, the interests in a property is a very significant transaction and because it is possible that another person or other persons may have interests in that property, I required Mr Pollak to give a lawyer's undertaking to the Court that the first respondent consents to this alteration to the freezing order, and directed that the revised order was to lie in court and not be acted upon until that undertaking had been received or the Registrar was otherwise satisfied of Mr Pollak's authority to represent the first respondent.

[6] Those conditions having been satisfied, there is to be an order removing from coverage of the freezing order, the property referred to in the draft composite order filed with the Court by the applicant's solicitors, including the first respondent's interest in it, and also removing from the coverage of the freezing order the net proceeds of sale from it as a result of a sale and purchase of the property, settlement of which is to be effected on Friday 5 August 2016.

[7] The Registrar is authorised to seal the "Composite Freezing Orders endorsed 3 August 2016" (recording extant orders in this proceeding) which has been filed by counsel for the applicant.

[8] There will be no costs orders on this application.

[9] Because the first respondent's identity has been made public following her appearance in the District Court on criminal charges in relation to this matter, there is no longer any restriction on publication of her name or other particulars identifying her. The address of the residential property affected by this order is, however, not referred to in public documents issued by this Court and there will be an order prohibiting any publication of the first respondent's residential address the subject of the order.

GL Colgan
Chief Judge

Judgment signed at 4.50 pm on 3 August 2016