

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY  
I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE  
COMMERCIAL PANEL

CIV-2019-404-2049

UNDER

section 284 of the Companies Act 1993, section 66  
of the Trustee Act 1956 and Part 19 of the High  
Court Rules 2016

IN THE MATTER OF

**HALIFAX NEW ZEALAND LIMITED (IN  
LIQUIDATION)**

BETWEEN

**MORGAN JOHN KELLY and PHILIP ALEXANDER  
QUINLAN** (in their capacity as liquidators)

**First Applicants**

**HALIFAX NEW ZEALAND LIMITED (IN  
LIQUIDATION)**

**Second Applicant**

**MORGAN JOHN KELLY and PHILIP ALEXANDER  
QUINLAN** (in their capacity as trustees)

**Third Applicants**

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INTERLOCUTORY ORDER

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**AND**

**CHOO BOON LOO**

**First Respondent**

**ELYSIUM BUSINESS SYSTEMS PTY LTD**

**Second Respondent**

**JASON PAUL HINGSTON**

**Third Respondent**

**ATLAS ASSET MANAGEMENT PTY LTD** (as  
trustee for the Atlas Asset Management Trust)

**Fourth Respondent**

**FIONA McMULLIN**

**Fifth Respondent**

**ANDREW PHILLIP WHITEHEAD** and **MARLENE  
WHITEHEAD** (as trustees for the Beeline Trust)

**Sixth Respondents**

**ANDREW PHILLIP WHITEHEAD**

**Seventh Respondent**



TO the Respondents

AND TO the Financial Markets Authority

### INTERLOCUTORY ORDER

1. The application made by Morgan John Kelly and Philip Alexander Quinlan ("**Applicants**") on 12 May 2020 was determined by the Honourable Justice Venning on 26 May 2020.
2. The determination was made without a hearing.
3. The following orders were made:
  - (a) The remuneration, costs and expenses of the Applicants in their capacity as liquidators of Halifax New Zealand Limited (in liquidation) ("**Halifax NZ**") and the remuneration, costs and expenses of the Applicants as trustees of the FMCR Trust in the amounts set out in paragraphs [39], [44], [46], [56], [70], [75] and [81] of the affidavit of Morgan John Kelly affirmed on 9 May 2020 may be paid out of some or all of the following accounts of Halifax NZ, pending the determination of the application for directions filed by the Applicants (together with Halifax NZ) on 25 September 2019 in proceeding CIV-2019-404-2049:
    - (i) ANZ Business Current Account 01-0121-0135307-02;
    - (ii) ANZ Foreign Currency Account 205964USD00001;
    - (iii) ANZ Foreign Currency Account 205964EUR00001;
    - (iv) IB Proprietary Account U1439482;
 (together, the "**Accounts**");
    - (v) IB NZ Master Account U1439481; and
    - (vi) ANZ Appointee Account 06-0323-0537865-00,
 (together, the "**Additional Accounts**").
  - (b) The remuneration, costs and expenses in order 3(a) above may be paid from the Accounts and the Additional Accounts prior to any distributions to clients of Halifax NZ or other persons beneficially entitled to the funds in the Accounts and/or the Additional Accounts.
  - (c) The application and sealed orders in this proceeding are to be posted on the webpage maintained by KPMG Australia for the purpose of the liquidation of Halifax NZ (<https://www.ferrierhodgson.com/au/creditors/halifax-new-zealand-limited>) within 5 working days of the sealing of these orders.



- (d) Leave is reserved to the Applicants to apply further in respect of any ancillary orders.

Date: 29 May 2020

  
(Registrar/Deputy Registrar)

R KUMAR  
DEPUTY REGISTRAR

