

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY
I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHĪ ROHE

CIV-2025-409-754

UNDER ss 522 – 524 of the Financial Markets Conduct Act 2013 and pt 19 of the High Court Rules 2016

IN THE MATTER OF an originating application for asset preservation orders, and related and incidental orders

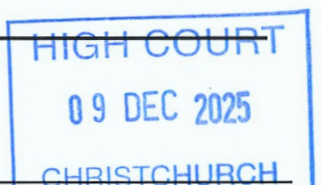
BETWEEN **FINANCIAL MARKETS AUTHORITY**, a Crown entity established under s 6 of the Financial Markets Authority Act 2011, having its principal office at Level 5, 2 Takutai Square, Britomart, Auckland
Plaintiff

AND **BERNARD TERENCE WHIMP**, of 6 Cone Street, Rangiora, company director
First Respondent

AND **HANMER EQUITIES LIMITED**, a duly incorporated company having its registered office at Level 2, The Chance Voight Building, 29 High Street, Rangiora, and carrying on the business of investing in securities
Second Respondent

INTERLOCUTORY ORDER: INTERIM ASSET PRESERVATION ORDERS

Dated: 9 December 2025



Presented for filing by:	Luke Cunningham Clere PO Box 10357 Wellington 6143 04 472 1050 R S May S T Hartley rsm@lcc.co.nz sth@lcc.co.nz	Counsel acting:	J S Cooper KC J C Adams Shortland Chambers PO Box 4338 Auckland 1140 09 354 1408 09 307 9802 jcooper@shortlandchambers.co.nz julia.adams@shortlandchambers.co.nz
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INTERLOCUTORY ORDER: INTERIM ASSET PRESERVATION ORDERS

TO Bernard Terence Whimp, of 6 Cone Street, Rangiora, company director

AND

TO Hanmer Equities Limited, a duly incorporated company having its registered office at Level 2, The Chance Voight Building, 29 High Street, Rangiora, and carrying on the business of investing in securities

1. A without notice interlocutory application made by the Financial Markets Authority on 3 December 2025 was determined by the Honourable Justice Harland on 9 December 2025.
2. The determination was made after hearing from J S Cooper KC, J C Adams and M Moon as counsel for the Financial Markets Authority and from M Welch as deponent at a judicial telephone conference on 5 December 2025.
3. The following orders were made:

Asset preservation orders with respect to Hanmer Equities Limited

3.1 Pursuant to s 523(1)(a) of the Financial Markets Conduct Act 2013 (**FMCA**), subject to 3.7, prohibiting Hanmer Equities Limited (**HEL**) from transferring, charging, or otherwise dealing with money, financial products, or other property held or controlled by HEL, including, without limitation:

- (a) any ordinary shares in ASX-listed companies held in the name of HEL; and
- (b) any cash held in any bank account (including Australian accounts) in the name of HEL, or of which HEL is an authorised signatory.

3.2 Pursuant to s 523(1)(b) of the FMCA, subject to 3.7 and 3.12 below, prohibiting any person who is indebted to HEL, or to an associate of HEL within the meaning of s 522(4) of the FMCA (**Associate of HEL**), from making a payment in total or partial discharge of the debt to either:

- (a) HEL; or
- (b) an Associate of HEL at the direction or request of HEL.



3.3 Pursuant to s 523(1)(c) of the FMCA, subject to 3.7, prohibiting any person who holds money on behalf of HEL, or on behalf of an Associate of HEL, from paying all or any of the money to either:

- (a) HEL; or
- (b) an Associate of HEL at the direction or request of HEL; or
- (c) another person at the direction or request of HEL or the Associate on whose behalf the money is held.

3.4 Pursuant to s 523(1)(d) of the FMCA, subject to 3.7, prohibiting any person who holds financial products or other property on behalf of HEL, or on behalf of an Associate of HEL, from transferring or otherwise parting with possession of the financial products or property to either:

- (a) HEL; or
- (b) an Associate of HEL on whose behalf the financial products or other property is held at the direction or request of:
 - (i) HEL; or
 - (ii) the Associate of HEL on whose behalf the financial products or other property is held.

3.5 Pursuant to s 523(1)(e) of the FMCA, subject to 3.7, an order prohibiting the taking or sending out of New Zealand by any person of:

- (a) money of HEL; or
- (b) any money held on account of HEL by an Associate of HEL.

3.6 Pursuant to s 523(1)(f) of the FMCA, subject to 3.7, an order prohibiting the taking or sending out of New Zealand to any place outside of New Zealand (including, without limitation, the transfer of financial products from a register in New Zealand to a register outside New Zealand by any person) of:

- (a) financial products or other property of HEL; or
- (b) any financial products or other property held on account of HEL by an Associate of HEL.



3.7 That nothing in the orders at 3.1 – 3.6 above shall prevent a person from dealing with any property subject to the orders as they may be required to do by:

- (a) any liquidator or interim liquidator of Chance Voight Investment Corporation Limited, a duly incorporated company having its registered office at Ground Floor, Unit 4, 6 Cone Street, Rangiora (CVICL), as the ultimate holding company of HEL; or
- (b) any liquidator or interim liquidator of any other holding company of HEL.

Asset preservation [Redacted as cross-refers to orders 3.10 - 3.11 below.] **with respect to Mr Whimp**

3.8 Pursuant to s 523(1)(e) of the FMCA, subject to the order at 3.12 below, an order prohibiting Mr Whimp or any other person taking or sending out of New Zealand any money of Mr Whimp or an associated body corporate of Mr Whimp's within the meaning of ss 12 and 522(4) of the FMCA (**Associated Body Corporate of Mr Whimp.**)

3.9 Pursuant to s 523(1)(f) of the FMCA, subject to the order at 3.12 below, an order prohibiting Mr Whimp or any other person taking or sending out of New Zealand to any place outside of New Zealand (including, without limitation, the transfer of financial products from a register in New Zealand to a register outside New Zealand by any person) any financial products or other property of Mr Whimp or an Associated Body Corporate of Mr Whimp.

[Redacted pursuant to order of the Court dated 19/12/2025 continuing suppression of orders 3.10 - 3.11 until further order of the Court.]

3.12 That nothing in the orders at 3.8 – 3.9 shall prevent a person from doing anything that they are authorised or required to do by any liquidator or interim liquidator of any of the entities referred to in the order at 3.7 above.



[Redacted pursuant to order of the Court dated 19/12/2025 continuing suppression of order 3.13 until further order of the Court.]

Duration

3.14 That the orders stated at 3.1 – 3.13 above shall:

- (a) take effect at 5.50 am on 10 December 2025; and
- (b) have effect pending the determination of the originating application for orders under s 522 of the FMCA to which this interlocutory application relates (**Originating Application**).

Ancillary

3.15 That leave is granted to commence this proceeding by way of originating application.

3.16 Leave is granted to HEL or Mr Whimp to apply on 48 hours' notice in respect the orders at 3.1 – 3.14 above.

3.17 That the Court's judgment in [2025] NZHC 3834 is not to be published (including this result) in news media or on the internet or other publicly available database ~~until 5.00 pm on 16 December 2025.~~

until further order of the Court. [Varied on 19/12/2025.]

3.18 That no person be permitted to access, inspect, or copy the Court's file in respect of this proceeding without the prior leave of a Judge.

3.19 That costs be reserved in respect of this application pending determination of the Originating Application.

DATED this 9th day of December 2025 at Christchurch

A. Nicholson



Deputy Registrar



ANNEXURE A:

[Removed pursuant to order of the Court dated 19/12/2025 continuing the suppression of this annexure until further order of the Court.]