

# AMCHAM NEWS

## American Chamber of Commerce in New Zealand

P.O. Box 106-002, Auckland. Tel: 649 309 9140; Fax: 649 309 1090

Email: [amcham@amcham.co.nz](mailto:amcham@amcham.co.nz)



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### Star spangled line-up for the fourth US NZ Partnership Forum

Final planning is underway for the fourth United States New Zealand Partnership Forum, a major event next month that will further strengthen New Zealand's relationship with the United States.

The United States New Zealand 2011 Partnership Forum, to be held in Christchurch from 20-22 February, will focus on how the two countries can work together to address a range of global challenges, says NZUS Council Executive Director Stephen Jacobi.

Mr Jacobi described the Forum's line-up of 120 delegates and sponsors as representing an impressive cross section of politicians, senior officials, business and community leaders. Senior representatives from the US Administration and Congress are expected to attend.

Forum co-chairs from New Zealand will be former Prime Minister and current NZ US Council Chair Rt Hon James Bolger and former Deputy Prime Minister and Chair of NZ Post Hon Dr Michael Cullen.

Forum Co-chairs from the United States will be former US Senator and Governor of Indiana Evan Bayh and former US Trade Representative Ambassador Susan Schwab.

For the first time, a programme called the US NZ Future Partners Forum will run alongside the Forum, bringing together a group of 10 New Zealand and 10 American young people (our US Fulbright students in fact) to discuss and present their views on the future of the US NZ relationship to the wider Partnership Forum. The Future Partners Forum is a joint initiative of the US Embassy, the NZ US Council and Fulbright New Zealand.

### 2011 APCAC Spring Conference, in Singapore, March 3 – 4

APCAC would like to formally invite you to the 2011 APCAC Spring Conference, which will be held in Singapore at the Marina Bay Sands on March 3 - 4. The Summit has been designed to attract over 250 delegates from business, government, and media. The U.S. Ambassadors to Singapore, Thailand, and Indonesia have confirmed to speak at the event. In addition, 14 U.S. Commercial Service Officers will be available for one-to-one meetings with participants, providing a customized experience for U.S. companies looking to gain insight into the Asia Pacific region.

For the latest information on the event (list of speakers, program, hotel recommendations) and to register, please go to this webpage: <http://www.amcham.org.sg/APCAC2011>.

At the annual meeting APCAC proposes to issue a report that would focus on the key issues addressed at the meeting and would then be issued as recommendations to the USG. In 2008, the report was issued as an introductory to the new Administration on the key issues facing US business and workers in the region. Now, two years later, the Administration is working on many of these.

Indeed, the discussion on trade in the State of the Union included the core principles advocated by our community here and in DC.

In 2011, we need to focus on the very concrete deliverables we want to see achieved this year. This report will focus on these key areas: **APEC, TPP and NEI**.

### TPP negotiations continue

The fifth round of TPP negotiations will be held in Santiago, Chile, from 14-18 February 2011. USTR Ron Kirk recently testified before the **House Ways and Means Committee Hearing saying** "USTR is doing our part to keep America globally competitive. And our work is producing results. U.S. goods and services exports through the first 11 months of 2010 were up \$239 billion over the same period in 2009. We are on pace to reach President Obama's National Export Initiative goal of doubling exports by the end of 2014.

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We will not be left behind as others open markets and take our market share. But the President has made one thing abundantly clear: we will not sign agreements for agreements' sake. They must be enforceable and of the highest standard, in the interests of our workers, farmers, and businesses.

In the Trans-Pacific Partnership, which is now the world's most dynamic regional trade negotiation, we are moving to unlock the Asia-Pacific through a 21st century trade agreement".

**AmCham has joined with the US TPP Business Coalition** to highlight the priority that we place on the United States' achieving a high-standard, commercially meaningful agreement through the Trans-Pacific Partnership (TPP) negotiations.

## U.S. Chamber President Looks Toward an Improving Economy, Promotes Plan to Spur Job Creation

In his annual *State of American Business* [address](#), U.S. Chamber of Commerce President and CEO Thomas J. Donohue was cautiously optimistic about the state of the economy and outlined a four-point plan to put jobless Americans back to work.

"We begin 2011 in a lot better shape than we found ourselves last year. The state of American business is improving," Donohue said, pointing to expectations that the GDP will grow by 3.2% this year. "While the recovery may be picking up steam, it is fragile and uneven. There are many unanswered questions that must be addressed before companies will start aggressively hiring. Over the next year, the Chamber's number one priority will be to turn this economic recovery into a jobs recovery so that we can start putting Americans back to work."

"We face an array of potentially serious risks that at any moment could send us back in the wrong direction," Donohue continued. His speech outlined four immediate priorities that the Chamber will address to boost America's competitiveness in the global economy:

**Regulatory restraint and reform**—Work to reform the regulatory process—to restore some badly needed balance, restraint, and common sense. We will also stand up a new group to tell the story to the American people about the massive costs of excessive regulations on jobs and their personal and economic freedom.

**Expanding American trade**—Work to pass the pending free trade agreements and launch a major initiative to educate citizens and policymakers on trade that will clearly link global engagement to American jobs.

**Rebuilding our economic platform**—Rebuild America's economic foundation—the platform our society runs on. Roads, bridges, rail and mass transit networks, airports, and air transport systems must be modernized. Broadband capacity, power generation, and water supplies must be expanded. We can create jobs, reduce our trade and budget deficits, and increase our own security by developing all forms of alternative, renewable, and traditional energy. We will also commence a new project to outline what our nation must do to create and secure a 21st century global supply chain and logistics system.

**Reducing deficits and debt**—Support congressional efforts to lower spending. We will make the case for entitlement reform as any plan that fails to tackle these runaway programs is doomed to fail. We will also support efforts by Republican and Democratic governors to challenge public employee unions and their excessive payroll, health, and retirement demands.

With President Obama scheduled to speak at the Chamber on February 7, Donohue pledged to work with the administration, the new House majority, and Democratic legislators on the Chamber's priorities over the next year. He also noted the new political realities of getting things done in a divided government.

## OTHER NEWS BRIEFS & SUCCESS STORIES WITH USA

[Good news for US restaurants as grocery prices rise](#)

[Safeway in United States launches all-natural brand](#)

[More US students studying abroad in New Zealand](#)

[Obama signs US food safety law](#)

[US mandates nutrition fact panels on all meat and poultry cuts](#)

[US household products brand debuts recycled packaging](#)

[Major US supermarket chains pledge to boost animal welfare standards](#)

[Marriott launches sweeping sustainable seafood policy](#)

[Top ten US restaurant trends in 2011](#)

[Senate passes Food Safety Modernisation Act](#)

[US food industry to emphasise technology and health in 2011](#)

[Survey: Americans favour home medical devices](#)

[Mase Energy plans wind project in San Luis Potos](#)

[Smartfoods' breakfast cereals make first push into American market](#)

[Pacific Fibre secures new investors](#)

[Macro future for NZ microchip firm](#)

[Gold star in Lone Star state](#)

[Xero adds automatic feeds to North American offering](#)

[NZ professional named top Oracle director](#)

[Hyperfactory leaves for the US](#)

[Hilton to open its first South Island hotels](#)

[Versacold sells off NZ chain](#)

[Buggy maker sells roof-rack business to US firm](#)

[Icebreaker continues expansion in key markets – Iconic Kiwi label experiences retail growth in both US and NZ](#)

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## US Ambassador's blogs

### AmeriCARna Hutt City 2011

After being based in Taranaki for the past few years, AmeriCARna Hutt City will bring in excess of 400 American cars, along with drivers, passengers, supporters, and enthusiasts for four full-on days of action! Highlights include the Friday Night Cruise down Jackson Street in Petone from 6pm – 11pm on Friday 25 February, and the Country Fair in the Lower Hutt Civic Centre from 10am – 4pm on Saturday 26 February. [\[find out more\]](#) [\[watch video from 2010 AmeriCARna event in Taranaki\]](#)



### Seeking support - Rugby World Cup – the US is coming

The U.S. Embassy is planning American-style tailgates before each of the Eagles games during the Rugby World Cup, with a large Texas Barbecue at the embassy before the U.S.-Australia game on Sept. 23. We've invited military bands and U.S. tribute bands to take part in these events. In New Plymouth there will be Classic American vehicles and a parade. There will be food, fun and distinguished guests at these events.

The dates of the U.S. games are: Sept. 11 (vs. Ireland in New Plymouth), Sept. 15 (vs. Russia in New Plymouth), Sept. 23 (vs. Australia in Wellington) and Sept. 28 (vs. Italy in Nelson).

The Embassy is looking for U.S. businesses who would like to partner in this venture. We believe the events will generate a lot of good will, fun and will showcase the shared values between U.S. and New Zealand.

If you are interested in supporting any of these events please contact: Adrian Pratt at the US Embassy [PrattAJ@state.gov](mailto:PrattAJ@state.gov)

## TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

### Commercial News USA

The January/February issue of Commercial News USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at [http://thinkglobal.us/pdf/2011\\_01\\_jan\\_feb.pdf](http://thinkglobal.us/pdf/2011_01_jan_feb.pdf)

Trade Events in the USA <http://www.buyusa.gov/newzealand/en/usevents.html>

See also [www.exporthyellowpages.com](http://www.exporthyellowpages.com)

### 2011 NAB Show (National Association of Broadcasters); April 11-14, 2011

Las Vegas, Nevada [www.nabshow.com](http://www.nabshow.com)

The NAB Show is one of the 10 largest trade shows in North America and provides the world's largest comprehensive gathering of TV, radio, film, video, audio and multimedia professionals. NAB comprises of more than 1600 exhibitors and nearly 130,000 attendees. The U.S. Commercial Service is partnering with the NAB show organizers to provide complimentary "exhibits only" registration. This is a saving of US\$150 per attendee. Anyone wanting to take-up this offer should contact Janet Coulthart at the U.S. Commercial Service in Wellington either by email [Janet.Coulthart@trade.gov](mailto:Janet.Coulthart@trade.gov) or phone: (04) 462-6002.

### 17<sup>th</sup> February - annual Discover America Trade Seminar at the SkyCity Auckland Convention Centre.

### International Buyer Program – Trade Show Schedule 11 Jan to 31 Dec 2011

The US Embassy has provided us with copies of this publication. If you would like a copy email: [mike@amcham.co.nz](mailto:mike@amcham.co.nz)

NZVCA - [www.nzvca.co.nz](http://www.nzvca.co.nz)



From NZBio – [www.nzbio.org.nz](http://www.nzbio.org.nz)

### US NZ Health Innovation Symposium 17 & 18 February in Auckland

Supported by New Zealand's Ministry of Science and Innovation, this symposium includes a showcase of innovation, presentations and panel discussions from NZ and American researchers. It offers some great opportunities to build new collaborations between the two countries. Speakers from the United States:

Dr John E Wennberg, Dartmouth Institute for Health Policy and Clinical Practice

Dr Steven Zeisel, University of North Carolina

Dr Jonathan Lasch, University of Southern California

Dr Peter Senter, Seattle Genetics

View full programme and register here <http://www.usnzhealth2011.com/>

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(Continued from page 3)

## Auckland Tourism, Events and Economic Development Calling for Expressions of Interest

Auckland Tourism, Events and Economic Development, a council controlled organisation, will be hosting a satellite event at the NZBIO Conference in March 2011 in collaboration with NZBIO. The purpose of the event is to provide New Zealand companies with the opportunity to seek capital investment from an international audience, as well as providing an overview on recent trends in capital investment, both in New Zealand and overseas.

We are now seeking expressions of interest from companies wanting to 'pitch' to the investor audience at the event. A total of 10 companies will be given the opportunity.

### Event details

The event will take place as part of the NZBIO 2011 Conference at Sky City Convention Centre, Auckland, on the third day of the conference, 23 March 2011, starting at 3.10pm and will feature the following:

- overview of Auckland's industry
- state of the investment market in New Zealand
- international investment markets (AU, US, EU, China)
- current capital raising strategies and case studies
- Question and answer panel with speakers from investment sessions - Chair: Peter Bradley, CEO NZBIO (acting)
- company profile sessions for 10 companies – six minutes per company
- From 5.30pm drinks and networking for one hour

There will be an opportunity to arrange one-on-one meetings between companies and investors the next morning (Thursday, 24 Mar). appointments can be made on the spot during the event.

Please email or post your full application no later than Monday, 14 February 2011, 8am to: Tim Kahlen Investment Analyst Auckland Tourism, Events and Economic Development Ltd, Private Bag 92330, Auckland 1142 or email [tim.kahlen@aucklandcouncil.govt.nz](mailto:tim.kahlen@aucklandcouncil.govt.nz) If you have any further questions, please call Tim on 09 301 7579.

## The Sir Peter Blake Trust seeks nominations for the 2011 Leadership Awards

Great leaders build great teams and great teams achieve great things. Recognising and celebrating our leaders inspires us all to achieve. The Sir Peter Blake Trust is seeking nominations for New Zealand's premier Leadership Awards, which identify the achievements of leaders who add value to our nation. The Blake Medal celebrates a New Zealander who has made an outstanding contribution to the country. The Sir Peter Blake Emerging Leader Award recognises and encourages six younger leaders of considerable potential. The Leadership Awards will be conferred on 1 July 2011, the first day of the Sir Peter Blake Trust Leadership Week (1 – 8 July). For more information and to request nomination forms, contact the Programme Director, Siobhan O'Kane at [Siobhan@sirpeterblaketrust.org](mailto:Siobhan@sirpeterblaketrust.org) and find out more information at [www.sirpeterblaketrust.org](http://www.sirpeterblaketrust.org). Nominations close on 26 April 2011.

## Support for exporters extended for three more years

The Government has announced its decision to continue the NZ Export Credit Office's (NZECO) existing suite of products for another three years in support of New Zealand exporters.

The decision comes after an extensive review of the function and recent performance of the NZECO, and recognises that difficulties and risks are still being encountered by New Zealand exporters as a result of the global economic downturn and its fragile recovery.

"As the recovery takes hold exporters still face difficulty getting the trade credit and financial guarantees they need to maintain existing overseas markets and establish new ones", Finance Minister Bill English says. For the full media statement see [Export credit support extended for three more years](#) (Beehive website).

The Government's decision includes extending the NZECO's ability to provide short-term credit insurance, which it began offering in 2009 as a temporary measure for exporters affected by the availability of private short term trade credit insurance due to the global financial crisis. Since then the NZECO has underwritten buyers from 44 countries, helping exporters mitigate their repayment risks and to access trade finance from banks. It will now continue to offer short-term trade credit insurance, until 30 June 2014, to complement the private sector provision.

The NZECO has supported more than \$1 billion of total NZ exports, since it was established, by selling a range of financial guarantees and trade credit insurance to exporters and banks with commercially sound deals that the private sector lacks the capacity or appetite for.

For further information about the range and application of the NZECO's products see [Products We Offer](#) and [Case Studies](#).



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### TRAVEL

#### BUSINESS TRAVEL

News, views and information for Amcham business travellers from **Grant Bevin**, Managing Director Business World Travel.

**Business World Travel is a member of the American Express Travel Service Network.**

Our team of travel experts has contacted clients due to travel to the US in order to avoid fare increases – airfares to the US will go up for fuel increase reasons. Economy fares will increase by around \$100. If you'd like to book ahead of the fare increase, which takes effect from 21 February with Air New Zealand, then call one of our team.

This year's ATW (Air Transport World) Airline of the Year is Emirates. You'll recall that Air New Zealand deservedly won the award last year. The award is based not only on the in-flight product and service, but takes into account all facets of the airline including the business end of an airline, and as one of the power houses of international airline performers, Emirates has also deservedly won. In a move from the norm, US airlines have picked up some subsidiary awards – Virgin America for in-flight service, and Atlas Air Cargo for a specialist award related to business turnarounds.

Air New Zealand's new Boeing 777-300 aircraft will commence operations between Auckland and Los Angeles in the coming weeks. It will be used for occasional NZ006 and NZ005 flights. The Business Class is similar to the current model, with improvements made to the lie-flat beds, which are a little softer; the head phone and lap top sockets are in improved positions; the tv screen is far better quality. On-demand menus are now a feature. Premium Economy class is a smart game-changing design and layout, and in economy class this aircraft has a 3-4-3 configuration across the economy section; the airline's current 777-200 aircraft has 3-3-3 across the economy cabin. At the front of economy is the much publicised 'Skycouch'. The airfare surcharge for this seating ranges according to how many travellers in your party, together with the mix of children and adult fares. Aircraft nerd trivia – how do you tell the difference between the 777-200 and the -300? The Series 200 has 4 doors and the Series 300 has 5.

British Airways upgrades their Boeing 777 between Heathrow and Las Vegas, Nevada to a larger 747 every day, in order to meet demand. It's a great alternative to a stopover in LAX or San Francisco, and great for New Zealanders heading home from business in Europe – take in Vegas for a well deserved weekend R&R – and then connect home with Qantas over LAX, all as part of one of the Qantas / British Airways global airfare packages. Our team of experienced Consultants knows how to manipulate the airfares to achieve this, so please give us a call.

United Airlines has recruited Australian television chef Curtis Stone (contestant in the latest Celebrity Apprentice) to work on menus on international routes. The new menus are currently on the Japan/US United routes.

New airlines arriving in New Zealand include China Airlines, with three services per week Taipei, Taiwan (TPE) – Brisbane – Auckland. China Southern, a Skyteam member with US based Delta Airlines and with a hub in Guangzhou China, will fly three daily non-stop flights from April between Guangzhou (CAN) and Auckland. Low-cost JetStar Asia will fly daily between Auckland and Singapore, and low-cost AirAsiaX will fly up to six flights weekly between Christchurch and Kuala Lumpur (KUL).

#### US Service Security Update

US sites to see for updated information visit [www.dhs.gov](http://www.dhs.gov) and [www.safetravel.govt.nz](http://www.safetravel.govt.nz) or <http://www.tsa.gov/travelers/index.shtm>

#### DHS announces Pre-Travel Authorization Program for U.S.-Bound Travelers from Visa Waiver Countries

Beginning on September 8, a fee of US\$14 will be introduced for a new or renewed electronic travel authorization (ESTA). Please [click here](#) for further information and [here](#) for FAQs.

Check out our website at [www.bwt.co.nz](http://www.bwt.co.nz)

Reviewing your Corporate Travel? Call our Team:

Jane Higgie Business World Travel Wellington 04-470 6044 [jhiggie@bwt.co.nz](mailto:jhiggie@bwt.co.nz)

Grant Bevin Business World Travel Auckland 09-529 3700 [gbevin@bwt.co.nz](mailto:gbevin@bwt.co.nz)



## MEMBER NEWS

### Baron Ralph Steven von Kohorn 1919-2011

Baron Ralph von Kohorn, one of the founding members of the American Trade Association of NZ back in 1965 which later became the American Chamber of Commerce died on January 15th. He leaves behind his wife Jill.

Baron von Kohorn was awarded the Wellington Civic Award for services to the city. He was a driving force behind Wellington's former maritime museum, was on the steering committee and board of the Sports Foundation, now SPARC, was involved in setting up New Zealand Oral History Archives, served as finance chairman for Cot Death Research and was on the board of directors for the Fulbright Foundation for 29 years.

He was made a Life Member of AmCham in 1993.

### Accor completes takeover of the Hyatt Regency Hotel, rebrands it as Pullman Auckland Hotel & Residences

The international Hotel management group, Accor, has completed its takeover of Auckland based Hyatt Regency Hotel, rebranding the hotel as Pullman Auckland Hotel & Residences. The Hyatt Regency Hotel is one of Auckland's oldest five star hotels. The Hyatt Regency became Pullman Auckland Hotel & Residences just after midnight Sunday when the international hotel management group Accor took control.

Plans to rebrand the hotel on Waterloo Quadrant follow its \$60 million sale last year to a confidential buyer within the GPR Hotel Group. Pullman is Accor's corporate "check-in, chill out" brand of upscale hotels for business travelers, with a network of 50 internationally.

Accor made the New Zealand investment as part of its larger strategy aimed at expanding its reach in the country. Before this purchase, Accor bought what was Hotel So in Christchurch (formerly owned by developer Dave Henderson) for conversion to its All Seasons economy brand just before Christmas.

Paul Richardson, Accor vice president New Zealand said the Pullman was off to an auspicious start with close to a "full house" Sunday. Accor will become New Zealand's largest hotel group when it opens the new Novotel and Formule 1 hotels at Auckland Airport in the middle of next year.

The company said yesterday there were a number of other projects under consideration in New Zealand. The Hyatt opened in 1968 as the Intercontinental, or "Big I" as it became known, and boasts some of the largest conference facilities in Auckland, with the capacity to host events for up to 1000 delegates.

These include the grand ballroom and Top of the Town boardroom – one of Auckland's most exclusive venues – on the top floor of the hotel. The hotel received a \$7 million refurbishment last year. As the Pullman, it will offer 267 rooms, suites and apartments, with three executive levels.

**AmCham would like to thank the Hyatt International and all their staff who have worked with us over the last 26 years and their last General Manager Franz Mascarenhas. For the last 11 years the Hyatt has hosted our annual New Members Reception, something that we have valued greatly.**

**We are obviously disappointed to see such an iconic US global brand depart from New Zealand but we look forward to working with Paul Richardson and his team at this great property.**

### Ogilvy and Bullet PR launch Ogilvy 360 Degrees Digital Influence

Ogilvy NZ and Bullet PR have today joined forces to create a new digital engagement and social media marketing practice, Ogilvy 360 Degrees Digital Influence.

Drawing on the proven technical expertise of Ogilvy Digital and Bullet PR's extensive experience in online communications, Ogilvy 360 Degrees Digital Influence offers clients a powerful combination of digital communications, web development, search and social media marketing to deliver meaningful engagement with stakeholders.

In addition, Bullet PR joins Ogilvy NZ, merging Ogilvy PR's business into the one brand, Bullet PR, offering full service consumer PR, experiential marketing and corporate communications.

### Kinross Partners Announcement

Stuart Chrisp has accepted a position as Senior Client Partner with Korn/Ferry International ([www.kornferry.com](http://www.kornferry.com)), the world's leading search and leadership development practice, and will be joining them in early February 2011.

After in-depth discussions with Korn/Ferry, I weighed this decision very carefully. In the end I was attracted by the opportunity to build on Korn/Ferry's solid track-record in New Zealand, backed by a global network with tremendous expertise and resources, and significant growth opportunities in the trans-Tasman and Asia-Pacific markets.

*(Continued on page 7)*



**Supporting Amcham**

(Continued from page 6)

My long term colleague, Amanda Gibson, will also be joining me at Korn/Ferry as an Associate. Denis Horner, who has been my partner at Kinross, has decided it is time to exit the executive search industry to focus on growing the number of Advisory Board positions he currently holds. Roger Branch will continue on with his consulting activities and is also seeking fulltime employment and Linda Kirby, our highly capable Practice Manager, is looking for an Office Manager role with another great team who need her superb organisational skills to keep them on track.

## DB Schenker achieves ISO 14001:2004 certification for all 14 logistics centres in Australia and New Zealand

In line with DB Schenker's Global Environment Program [www.dbecoprogram.com](http://www.dbecoprogram.com), Schenker Australia Pty Ltd and Schenker (NZ) Ltd are now ISO 14001:2004 certified, having established an Environmental Management System that will ensure sustainable operations across Australia and New Zealand in the long-term. The audit and certification was undertaken by Bureau Veritas Pty Ltd.

Ron Koehler, CEO of DB Schenker in Australia and New Zealand says "Having achieved the ISO 14001:2004 certification shows that we are on the right track as a company and that our Environmental Management System builds on and complements the other initiatives we have in place already such as reducing truck movements by shifting containers to rail freight and successfully introducing intermodal transport concepts."

## Transitainer Xtreme Logistics has changed its name to Extreme Global.

This change is effective from today and all future correspondence from our company will show our new Extreme Global brand. All of our existing brands including Transitainer, Braid Liquid Logistics and Xtreme Logistics will now be represented as Extreme Global. We believe that this is an important step for our business in order to streamline our operations and provide a consistent level of service for all of our clients.

## New Members

**Dynamic Controls Ltd**, Christchurch – **Charlotte Walshe**, Chief Executive Officer - Dynamic Controls is the world's leading manufacturer of electronic controls for power wheelchairs and scooters. Certified to ISO 13485, Dynamic Controls goes above and beyond industry standard expectations to ensure customers receive the best products possible. [www.dynamiccontrols.com](http://www.dynamiccontrols.com)

**Manpower Services (NZ) Ltd**, Auckland – **Neil Munro**, Business Manager - world leader in the employment services industry; creating and delivering innovative workforce solutions that enable its clients to win in the changing world of work. Collectively have 4,000 offices across our network. Manpower has offices in 82 countries and Manpower Professional has offices in 34 countries. [www.manpowerprofessional.co.nz](http://www.manpowerprofessional.co.nz)

**NextWindow Ltd**, Auckland – **Al Munro**, Chief Executive Officer - NextWindow, a subsidiary of **SMART Technologies**, is a leading supplier of optical touch panels and touch-screen components to electronics manufacturers with offices in New Zealand, Taiwan, the United States, Singapore, Korea and Japan, with manufacturing facilities throughout Asia. [www.nextwindow.com](http://www.nextwindow.com)

## People on the move

**Derek Syme** is the new Chief Country Officer for **Citigroup, New Zealand**

**3M New Zealand** has appointed **Neil Kench** to the role of Master Black Belt for NZ & Australia with **Janice Nicholas** taking over as Human Resources manager.

**Dr Gary Pace** has been appointed Chairman of **Pacific Channel** while **Paul Smart**, founding Chief Financial Officer at Sky Network Television has become a Non-Executive Director.

**NZTBC** ceased to exist and a new organisation, **thinkTV**, with **Rick Friesen** as Chief Executive

**Jackie Maw** ([www.kiwispcegirl.com](http://www.kiwispcegirl.com)) is taking up the role of Academy Trainer for **Harcourts USA** in California.

**Microsoft New Zealand** has appointed **Waldo Kuipers** to the role of Corporate Affairs Manager.

**Simpson Grierson** has appointed **David Cochrane** as Special Counsel

**Amon Nunns** has been appointed as a Partner of **Bell Gully**.

**Denise Woods** has resigned from **Medicines New Zealand** and is moving to Australia. **Kevin Sheehy** has been appointed interim Chief Executive.

Current Comptroller & Chief Executive of **New Zealand Customs** **Martyn Dunne** has been appointed as the next High Commissioner to Australia

**Google** has appointed **Nick Leeder** as its new Australia-New Zealand Managing Director based in Sydney.

**Jock Irvine** has left **Simpson Grierson** after 54 years with the firm.

**Bill Hood** has retired from **Motion Picture Distributors Association of New Zealand**



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## EVENTS & SERVICES

24 <sup>th</sup> Feb	<b>lunch with Clayton Yeutter Former US Secretary for Agriculture, in Auckland</b>
25 <sup>th</sup> Feb	<b>AmCham Auckland Golf Tournament, The Grange.</b>
17 <sup>th</sup> March	<b>Annual Wellington Receptions for Members &amp; Government Officials hosted by Minter Ellison Rudd Watts.</b>
23 <sup>rd</sup> March	<b>Employment Update forum with Kim Seeling Smith; Mark Spring CEO of DTR; Alan Casey Alan Casey – Casey Osgood &amp; Hutchinson, &amp; Perigee+; Michelle Visser, GM of Manpower Professional in Auckland.</b>

## US NZ CONNECTIONS IN NEW ZEALAND

### OSAC New Zealand

Membership of OSAC New Zealand is **free** for US companies and provides members with advices of Special Notices re security warnings, threat analysis and other security advisory services. For more info on OSAC see [www.ds-osac.org](http://www.ds-osac.org) (there is also a New Zealand county specific site at this website) or contact OSAC New Zealand Secretariat, Mike Hearn on tel: 09-309-9140 or email [mike@amcham.co.nz](mailto:mike@amcham.co.nz)

**Kiwi Expat Association** – [www.keanewzealand.com](http://www.keanewzealand.com)

**American Club – Auckland** <http://www.americanclub.org.nz/>

**American Women's Club – Auckland** [www.awcauckland.com](http://www.awcauckland.com)

**New Zealand-American Association – Wellington** [www.nzaa.org.nz](http://www.nzaa.org.nz)

**Wanganui New Zealand American Association** [donnarush@clear.net.nz](mailto:donnarush@clear.net.nz)

**American Women's Network – Wellington** [www.awn.co.nz](http://www.awn.co.nz)

**American Club of Christchurch** – [www.american-club-chch.org](http://www.american-club-chch.org)

### Yale's Spizzwinks, in Auckland Sat., March 19

The Yale Spizzwinks are America's oldest underclassmen a capella group (unaccompanied by musical instruments), founded in 1914. They present a diverse repertoire, ranging from traditional Yale songs and jazz standards to pop hits and rock n' roll, with classic musicianship and humor. To indicate your interest in attending a concert for all ages, (venue TBD) on March 19, please contact the American Club: [info@americanclub.org.nz](mailto:info@americanclub.org.nz)

### Softball American Club v Canadian Club

American Club 'Eagles' softball team will be playing the Canadians, in The Maple Cup Challenge, 11:00 am Feb 27, Prince Edward Park, Wharf Street, Papakura. Another great day out for the family. This is listed on our website: [www.americanclub.org.nz](http://www.americanclub.org.nz)

### Seeking Work/Contacts

**Christy M.P. Gilmour** - U.S. citizen based in Auckland seeks professional opportunity to help advance the interests and vision of an organization. Most recently, I served as a lobbyist for nearly five years for one of the largest specialty medical associations in the United States. My specialization was research funding through health and armed forces government agencies, where I advanced relationships with key government officials. I also managed several Board of Director committees, implemented several medical symposia annually, managed unit budgets of up to \$1 million USD, and changed the face of our patient lobby day in Washington, D.C., creating a well-known advocacy event in medical circles. Prior to this position, I spent four years working for two large not-for-profits, focusing on community and public relations, strategic development, and fundraising. Early in my career, I spent five years in Washington, D.C. working for a U.S. Senator and for a law firm, honing my skills in the U.S. appropriations process, communications and political action committee management. I obtained my B.A. from Marquette University (Milwaukee,WI), where I obtained a double major in Political Science and Spanish. My background is unique, but my skillset and experience can translate to any company, organization or government entity. Email: [cmpgilmour@yahoo.com](mailto:cmpgilmour@yahoo.com)

**Bill Feldman** - former U.S. Naval Officer with an extensive background in Naval warships, port security and military logistics. Additionally, I have been a licensed (U.S.Coast Guard) mariner in the United States for the last 5 years while serving in the U.S. Coast Guard Reserve. I have had over two decades of maritime training and international experience in logistical support and maritime security. Based in New Zealand where I am in the process of migrating by offering my professional credentials to New Zealand's Defence Forces or maritime industry in any aspect. Contact: [bill.feldman@gmail.com](mailto:bill.feldman@gmail.com)

**Erica Berenstein** - [ericave@gmail.com](mailto:ericave@gmail.com) I'm American, and have spent the past few years working as a journalist and videographer in Washington, DC. I moved to Auckland permanently last month. My areas of expertise are communications and multimedia production (I have a full HD professional camera kit with me). I am very interested in business development as well and am definitely open to branching out. I graduated from Columbia University's masters program in International Affairs in 2008. Below is an example of something I've shot and produced. It is a look at the Jazz scene in New Orleans, 5 years after Hurricane Katrina: [http://www.dailymotion.com/video/xeinl9\\_five-years-after-katrina-new-orlean\\_news](http://www.dailymotion.com/video/xeinl9_five-years-after-katrina-new-orlean_news)

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Contact [mike@amcham.co.nz](mailto:mike@amcham.co.nz)

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## 'Global Sales Strategies' workshop with Ken & Laura Morse, dates changed

Ken and Laura Morse, serial entrepreneurs and global sales veterans, are coming to Christchurch and Auckland to deliver 2-day workshops for NZ's most ambitious companies to help them grow their sales. Laura Morse, formerly a VC partner with Atlas Venture and 20-year Partner at Russell Reynolds and Heidrick & Struggles co-teaches the recruiting and compensation portions of the workshop with Ken.

The dates for the workshops are now May 2-3 in Auckland and May 5-6 in Christchurch. To learn more, see testimonials from previous workshops survivors, and to register, please go to [www.entrepreneurshipnewzealand.com](http://www.entrepreneurshipnewzealand.com).

## TAX ISSUES

### Form W-8BEN

By Gina Wallace, director of NZ US Tax Specialists Ltd

Form W-8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding, is a United States federal income tax form that is used to advise a United States organization of an entitlement by a foreign organization to a reduced rate of federal withholding tax.

The form is frequently required to be furnished by a foreign corporation or other foreign organization (including a New Zealand company) to a United States organization that is conducting business with that foreign organization.

Much pressure is imposed on United States organizations by the federal government to comply fully with its withholding tax obligations when doing business with offshore organizations.

Specific to this is the requirement to withhold, or not withhold, federal income tax on payments to a foreign recipient of a certain class of income for United States federal income tax purposes called **fixed or determinable annual or periodical (FDAP) income**.

FDAP income includes all income included in gross income, including interest, dividends, rent, royalties and compensation. Most gains from the sale of property are excluded from the definition.

Under federal tax law an amount of 30% is required to be withheld – that is unless the amount can be reduced under the double tax agreement (treaty) that the United States has with other countries, including New Zealand. Hence this explains the function of form W-8BEN.

This withholding tax obligation is reinforced with heavy penalties for failure by a United States organization to comply with its obligations. This includes that the organization can be held personally liable for the amount of withholding tax that has not been withheld.

Consequently foreign organizations can end up not being paid until the form is supplied. This situation has frequently and understandably led to frustration and bewilderment by New Zealand businesses that are dealing with the Accounts Payable department of its United States customers.

Completion and submission of form W-8BEN is not to be treated lightly. Completion of this form *indicates* to a United States organization the foreign entity's position as regards its United States federal income tax status.

However, the onus is on the foreign organization to ensure that it has analysed its exposure to United States taxation correctly. An assessment *must* be done by a foreign entity, prior to furnishing form W-8BEN to a United States customer, to determine its United States' tax status.

The Accounts Payable functions of United States organizations are open to audit by the Internal Revenue Service at any time. Accordingly it is critically important that the furnisher of form W-8BEN is both entitled to the exemption that is effectively being claimed from withholding tax, and able to substantiate the position if ever called on to do so by the Internal Revenue Service's International Audit Division.

Submission of form W-8BEN to a United States customer does not pass this responsibility to the customer. The foreign entity is ultimately responsible to comply with its United States' federal income tax obligations whether or not any exist, and whether it knows this or not.

Frequently New Zealand companies are sent another form in addition to form W-8BEN by a United States customer, with the customer requesting that the correct form be identified and submitted. That other form is more often than not form W-9, Request for Taxpayer Identification Number and Certification.

Form W-9 only applies to United States persons. A United States organization is not aware of the United States tax status of a foreign organization, thus explaining why Form W-9 can be supplied in addition to form W-8BEN. Accordingly, form W-9 can usually be quickly eliminated as being not the correct form.

Form W-8BEN is also used in cases where some income is effectively connected with the conduct of a United States trade or business, and some is not, where there is a notional principal contract in place for different business activities being conducted in the United States.

The form is furnished to the United States withholding agent and not the Internal Revenue Service.

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Contact [mike@amcham.co.nz](mailto:mike@amcham.co.nz)

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### **Taxpayer Identification Number requirements for form W-8BEN submission**

A United States Taxpayer Identification Number (TIN) is required in order to claim most benefits using form W-8BEN. For businesses, the form to complete is form SS-4 - Application for an Employer Identification Number.

In situations where the payment could not have been anticipated and a foreign recipient could not have obtained a TIN, a TIN is not required for W-8BEN purposes. However, a withholding agent will need to fulfil certain obligations, and this provision should be exercised with extreme caution.

### **Validity**

Furnishers of form W-8BEN are required to notify the withholding agent of any change in circumstances that affects the validity of the form W-8BEN, and must resubmit the form within 30 days of the change. Forms which are furnished without a TIN are effective until the last day of the third year following the year in which the form is signed. Example: form W-8BEN is signed 30 September 2005 and therefore it is valid until 31 December 2008.

### **Tips**

Here are some tips for completing form W-8BEN.

Tip 1: an EIN can be applied for by telephone, rather than by completing form SS-4. The telephone number is 1-267-941-1099 (not a toll free number).

Tip 2: when requesting an EIN by telephone, advise that the purpose of obtaining an EIN is 'for W-8BEN purposes'.

Tip 3: always check whether the state with which business is being done recognizes the treaty.

Some states do not recognize the treaty. For example, California. Accordingly there may be a liability to withholding tax at the state level even if there is no withholding tax requirement at the federal level. California requires withholding tax at the rate of 7% on payments in excess of US\$1500 per calendar year.

Tip 4: check the limitation of benefits article in the new treaty. These have just become exponentially more complex for organizations.

For assistance with Form W-8BEN issues contact Gina Wallace at [gina@nzustax.com](mailto:gina@nzustax.com) or by phoning 64.9.525.5931. Form W-8BEN is also available at [www.nzustax.com/knowledge-centre.html](http://www.nzustax.com/knowledge-centre.html)

*This article provides general information, current at the time of publication. The information contained in this article does not constitute advice and should not be relied upon as such. Professional advice should be sought prior to actions being taken based on the information contained in this article.*

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