

# AMCHAM NEWS

## American Chamber of Commerce in New Zealand

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Volume 13 Issue 8

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October 2014

### Joint Statement of the Ministers and Heads of Delegation for the Trans-Pacific Partnership Countries October 27, 2014 Sydney, Australia

We, the Ministers and Heads of Delegation for Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam have completed our three-day ministerial meeting to lay the groundwork for the conclusion of the Trans-Pacific Partnership Agreement negotiations. Our meeting followed a week of officials' level discussions in Canberra, from 19-24 October 2014.

We are pleased to report that, over the past weeks, we have made significant progress on both component parts of the TPP Agreement: the market access negotiations and negotiations on the trade and investment rules, which will define, shape and integrate the TPP region once the agreement comes into force.

Over the course of our weekend meeting, we have spent a considerable portion of our time in one-on-one discussions. That has allowed us to make further progress in the negotiations on market access for goods, services and investment. We met in a plenary format to make decisions on a range of issues that will help set the stage to bring the TPP negotiations to finalization.

We consider that the shape of an ambitious, comprehensive, high standard and balanced deal is crystallizing. We will continue to focus our efforts, and those of our negotiating teams, to consult widely at home and work intensely with each other to resolve outstanding issues in order to provide significant economic and strategic benefits for each of us.

We now pass the baton back to Chief Negotiators to carry out instructions we have given. We will continue to build on the progress we made at this meeting and will meet again in the coming weeks.

### From Inside Trade

#### TPP Ministers Set Nov. 8 Meeting At APEC; Leaders' Summit Still Undecided

Trans-Pacific Partnership (TPP) trade ministers are set to meet again on Nov. 8 on the sidelines of the Asia-Pacific Economic Cooperation (APEC) forum in Beijing, largely to review progress made by their negotiators and determine whether their leaders should hold a summit in the following days, according to informed sources.

#### TPP Ministers, Negotiators Steer Clear of Tobacco Issue during Australia Meetings

Trans-Pacific Partnership (TPP) ministers and negotiators did not discuss how a potential agreement would handle tobacco regulations during two weeks of meetings in Australia, although U.S. Trade Representative Michael Froman this week acknowledged that it remains a divisive issue.

#### In TPP, Big Pharma Seeks Time-Based Transitions; Hints at Biologics Flexibility

U.S. brand-name drug companies are taking the position that they will only support a Trans-Pacific Partnership (TPP) agreement that includes a time-based transition period for implementing intellectual property (IP) obligations rather than one linked to development indicators, but are willing to be flexible on their demand for 12 years of data exclusivity for biologic drugs, according to industry sources.

#### Japan Tables Improved Tariff Offers, Cites Progress In Talks With U.S.

Japan has tabled new tariff offers to a number of Trans-Pacific Partnership (TPP) countries other than the United States that provide improved access for sensitive agriculture products, and has also reported to other TPP countries that it made progress in market access talks with the U.S., according to informed sources.

#### Vietnam Seeks Delay on Enforceability of TPP E-Commerce Commitments

Vietnam has indicated it is willing to accept rules in the Trans-Pacific Partnership (TPP) e-commerce chapter that would, among other things, bar governments from restricting the free flow of data over the Internet. But is also seeking an exception that would temporarily shield Hanoi from a dispute settlement case alleging a breach of some or all of these obligations, according to informed sources.

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### President Obama has called on Japanese Prime Minister Shinzo Abe to show more flexibility in negotiations

President Obama has called on Japanese Prime Minister Shinzo Abe to show more flexibility in negotiations for a Trans-Pacific Partnership, including “bold” steps for economic reform. Obama’s message was delivered following four days of TPP talks in Tokyo that highlighted key challenges for a final deal.

A four-day meeting of U.S. and Japanese negotiators in Tokyo under the Trans-Pacific Partnership (TPP) ended on Wednesday (Oct. 15) without a bilateral deal, though Acting Deputy U.S. Trade Representative Wendy Cutler said the two sides made progress despite not resolving the tough issues of agricultural market access and auto trade.

### Senate Republican Leader McConnell seeks to protect tobacco industry in trade deal

Senate GOP Leader Mitch McConnell (R-Ky.) is pressing the Obama administration to protect the tobacco industry in the Trans-Pacific Partnership (TPP) trade pact. According to press reports, Senator McConnell is pressuring U.S. negotiators to ensure that tobacco companies can take part in the dispute settlement portion of the trade deal, with talks scheduled next week on with several countries in Asia and Latin America. Malaysia, backed by other TPP partners and some health groups, wants to exclude tobacco companies from the dispute settlement system to prevent them from filing suits that would seek to prevent tax hikes on tobacco products, or regulations requiring bigger warnings on labels. Tobacco companies say removing tobacco from the dispute settlement system would prevent the companies from suing governments over regulations that they consider damaging to their business, including efforts to remove their brands from packaging. They’ve been backed by McConnell, who is worried about a cash crop in his home state of Kentucky taking a hit. U.S. officials deny they are considering a new proposal to exclude tobacco. Read More: [The Hill](#)

### Summits Provide Obama Venues for Addressing Asia Challenges

By Murray Hiebert, ([@MurrayHiebert1](#)), Senior Fellow and Deputy Director, and Gregory Poling ([@GregPoling](#)), Fellow, Sumitro Chair for Southeast Asia Studies ([@SoutheastAsiaDC](#)), CSIS

Shortly after the November 4 congressional elections, President Barack Obama will head to Asia for a series of important summits at which he will have an opportunity to address some critical challenges facing the United States and the region. First will be the Asia-Pacific Economic Cooperation (APEC) Economic Leaders’ Meeting at Yanqi Lake outside Beijing on November 10–11. Next up will be the East Asia Summit (EAS) in Naypyidaw on November 13–14. These two summits will give President Obama an opportunity to give some much-needed momentum to his administration’s rebalance to Asia, which has been drowned out by crises in the Middle East and Ukraine, before he heads to the November 15–16 Group of 20 Leaders’ Summit in Brisbane, Australia.

As the Trans-Pacific Partnership (TPP) talks drag on, trade and investment remain one of the most important components of Obama’s rebalance to Asia still to be consummated. For much of 2014, the talks between the 12 TPP negotiating countries have been stuck largely due to Japan’s inability to slash tariffs on five key agricultural products. When Obama meets Prime Minister Shinzo Abe at APEC and the EAS, he will have opportunities to discuss with the Japanese leader the courageous vision to which the latter committed his country when he brought Japan into the TPP.

Japanese negotiators often say they do not want to put their most forward-leaning market access offer on the table until they are assured that Obama will get trade promotion authority from Congress. With his last election campaign behind him after November 4, the president could help remove one of Tokyo’s ostensible reasons for delaying by pledging to send trade promotion legislation to the new Congress early in 2015. For Obama to snare the TPP as a signature accomplishment of his presidency, U.S. lawmakers will likely need to pass the trade bill before mid-2015 when the next presidential election cycle will kick into full gear.

### New Zealand's Natural Health and Supplementary Products Bill

From Baldwins: The Natural Health and Supplementary Products Bill sets up a new regulatory regime to manage the risks associated with natural products manufactured and imported into New Zealand. [Read More](#)

### Green light for New Zealand to join WTO GPA

Economic Development Minister Steven Joyce and Trade Minister Tim Groser today welcomed the World Trade Organisation’s (WTO) decision on the terms for New Zealand’s accession to the WTO Government Procurement Agreement (GPA) in Geneva.

“A positive decision on the terms of New Zealand’s accession has been reached with GPA parties in Geneva overnight (NZ time), following two years of negotiations,” Mr Joyce says.

“Accession to the GPA will provide New Zealand companies with guaranteed access to bid for approximately US \$1.7 trillion in annual overseas government contracts across 43 WTO member countries including the US, Canada, Korea, Japan and 28 countries of the EU.”

Mr Joyce says this will make it easier for kiwi businesses to sell their products and services overseas. When the GPA is in place, kiwi companies will be able to export and do business with the likes of the US Government from right here in New Zealand, creating local jobs and growing New Zealand for all.

“There’ll be no need for our top entrepreneurs and innovators to build offshore branches in order to do business. The GPA will let kiwi

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Supporting AmCham

**GREEN LIGHT FOR WTO GPA** (Continued from page 2)

companies run their businesses the way they want to, rather than establish 'work arounds' like they have to now," Mr Joyce says.

"The GPA is another important step in opening up large overseas markets so New Zealand exporters can compete on equal terms with their international counterparts," Mr Groser says.

"New Zealand will now need to complete standard constitutional processes, including final Cabinet approval and the parliamentary examination of the Agreement, in order for accession to occur."

This is good news for New Zealand exporters including Fisher & Paykel Healthcare who will now be able to access Veterans Affairs Hospitals in the USA and US government contracts for NZ made products.

## SUCCESS STORIES WITH USA

[Xero pays \\$10m for US online payroll company Monchilla](#)

[Spike strikes pay dirt in US](#)

[Precinct taps US investors for \\$98m in private placement](#)

[IkeGPS shares jump on expanded defence deal](#)

[Telogis seeks to double workers in NZ](#)

[Coke boss planning expansion](#)

[Orion Health opens Scottsdale development centre](#)

[VMob: Seeking a New York endorsement](#)

[Magic Memories creates new experiences for guests and partners](#)

[2Degrees CEO outlines telco roadmap](#)

[Compac secures multi-million dollar contract](#)

[Kiwi banking software firm seals five-year IBM cloud deal](#)

[BurgerFuel flags US entry, five more Australian outlets](#)

[A Notable move as NZ tech startup becomes Google partner](#)

[IRD taps Accenture as preferred provider for digital re-design ahead of \\$1.5b IT overhaul](#)

[Polycom positions itself for NZ growth](#)

[US investors eye Kiwi firms](#)

## TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

### Commercial News USA

The November issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://exusa.thinkglobal.us/112014/112014.php>

### Trade-Leads for Importing and Exporting

You are invited to register your company at America's new online trade leads matchmaking platform for importers and exporters. ThinkGlobal is the world's first B2B matchmaking platform to integrate multimedia, localization, virtual trade show technology, and social media. Just register online at [ThinkGlobal](#)

**International Buyer Program – Trade Show Schedule 1 Jan to 31 Dec 2014 – for details and support contact Janet Coulthart:** [janet.coulthart@mail.doc.gov](mailto:janet.coulthart@mail.doc.gov)

### NZ Importer and distributor of food products seeks products.

We need your assistance to find us suppliers of Chickpeas. We need one container per month, Later on we want Walnuts, Almonds and super foods. Shirish Dev, Bulk Value Ingredients Ltd [bulkvalue@yahoo.co.nz](mailto:bulkvalue@yahoo.co.nz)

### Download and share the Kea App

Now you can find and chat with expats in every corner of the globe, and find New Zealand events and businesses near you. Using geo-locating software the Kea App connects you to other Kiwis, events and businesses in your region. Find out more on Kea's [website](#), and download the Kea App from the [App Store](#) or [Google Play](#). Please share the Kea App with your networks and help connect New Zealand offshore like never before.

### From NZTE

#### The virtual reality boom

California-based computer scientist and creative executive Neville Spiteri explains the significance of Facebook's \$US 2 billion acquisition of virtual reality (VR) hardware manufacturer Oculus Rift, and how New Zealand tech companies can position themselves to make the most of the VR opportunity and the ecosystem of development emerging to support it. [Watch](#)

(Continued on page 4)

(Continued from page 3)

## From ExportX

### Happy Valley Honey Rockets to #2 in the USA

In just 30 days Happy Valley UMF 15+ manuka honey has rocketed from new arrival in the USA to be the #2 bestselling UMF manuka ...  
[Read on »](#)

### WhereStock, Sales Tax Help for FBA Sellers

WhereStock is a new online service that helps businesses that sell on Amazon in the USA using Amazon's FBA order fulfilment service. A ...  
[Read on »](#)

## GENERAL

### Seeking summer work

Drew Cannon (19) is finishing his first year at Otago studying Politics and Law, and is seeking summer work in any field. He will be back to Auckland by the 14<sup>th</sup> of November and available through mid to late Feb. CV available from Pat Cannon [pcannon@ppg.com](mailto:pcannon@ppg.com)

### 3<sup>rd</sup> Year Product Development Massey Student Seeking summer work

Kate Libby is currently looking for work for over the summer period in the Engineering world. She is particularly interested in gaining some experience in the Engineering Consulting/ Project Management fields as well as Product Development Engineering. For more details contact Kate [kate\\_libby@hotmail.com](mailto:kate_libby@hotmail.com)

### Seeking work

Hanna Schmidt (Balemi) is Texan by birth, but has resided in Washington, DC since 2008. Hanna has joined her Kiwi fiancée, Ryan Balemi, in Auckland following their October wedding in the USA. A 2007 graduate of Texas A&M with degrees in English Literature and Spanish, Hanna has spent the bulk of her post-graduate career working in non-profit fundraising, event design and coordination, and program development. An excellent writer and communicator, Hanna has also managed online marketing projects and developed web content for the organizations she has represented. In Auckland, Hanna hopes to continue to hone marketing skills, and is excited to expand beyond the non-profit sector. For CV and references, please contact [hannaeschmidt@gmail.com](mailto:hannaeschmidt@gmail.com).

### Wakatipu Youth Trust's International Cultural Experience Program seeks support

Wakatipu Youth Trust have developed to provide an opportunity for a local Kiwi youth to attend Camp Carolina, based in North Carolina, USA. Through a lot of fundraising at the beginning of this year we were able to see this programme, named the International Cultural Experience Program (ICEP), go ahead this year. A selected youth named Baxter Thomas, who attends the local High School got the opportunity to experience this and absolutely loved it. I personally, worked at Camp Carolina these past two years and got to see first hand the effects attending camp has on these youth. That's why I am so passionate to see it continue in 2015 and hopefully beyond!

We are looking for people and businesses who are keen to support this program and would like to know your thoughts and how we can ensure this happens for the benefit of our Kiwi youth!

If you are keen to know more about Wakatipu Youth Trust please see our website, <http://theyouthbooth.co.nz/icep-program/> or contact Rhys Smith email: [rhys@wakatipuyouthtrust.co.nz](mailto:rhys@wakatipuyouthtrust.co.nz)

### Seeking support

Greetings from Chattanooga, Tennessee! My name is Christie, and I'm a musician and music teacher here in Chattanooga. I mainly teach and play traditional music from several different cultures, including "old time" American music from the Southern Appalachians. My primary instrument is the hammered dulcimer, and I'm proud to say that two hammered dulcimer students of mine, 11-year-old twin sisters, Laurel & Iris Luce, have been selected to perform at the upcoming WOMAD festival in New Zealand in March 2015. I'm currently raising funds for my musical partner and I to join them at the festival, and I would also like to explore other possibilities of engagement and connection while we're in NZ.

I'm looking for one or a few American companies there who'd like to sponsor a portion of the trip. In exchange for sponsorship, we could provide a lunchtime concert at their offices, or make a small concert/workshop at a local school or community center in their name. Someone might have ideas for other ways musicians from Tennessee could connect with supportive audiences, and we're open to those too, of course! Christie Burns, email: [tuneswapper@gmail.com](mailto:tuneswapper@gmail.com)

## BUSINESS TRAVEL & TRAVEL NEWS

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

Business World Travel is a member of GlobalStar Travel Management

**United Airlines** has launched the world's longest Boeing 787-9 route between **Los Angeles and Melbourne**. United's 787-9s have 252 seats, including 48 lie-flat business-class seats, 88 Economy Plus seats and 116 in standard coach. At a distance of 7,920 miles (6,855 nautical miles), the Los Angeles-Melbourne route is the world's longest with regular Dreamliner service and takes 15hrs 45mins. United says that the 787-9's extended range — 8,550 miles compared with the 787-8's 8,200 — enables United to launch the Los Angeles-to-Melbourne service, which will be the longest Dreamliner route in the world to date. The airline has retained the double daily Boeing 777-200 service from Sydney – one to San Francisco and one to Los Angeles.

**Air New Zealand** has increased the cost of its long-haul preferred seat options from \$30 to \$39. Meanwhile in further news from the airline it has confirmed that it will finally improve the customer experience for travellers joining the airline's flights in Los Angeles when it moves to the upgraded Tom Bradley International Terminal (TBIT) in early December.

New Zealand passport holders flying **Air Tahiti Nui** from Auckland into the **Tom Bradley Terminal** in **Los Angeles** are already enjoying easier entry into the US since the new terminal has installed 40 new automated passport control customs kiosks. These are currently being trialed, including by New Zealanders, and once trials are complete the kiosks will be open to Visa Waiver travellers who have completed an ESTA and have visited the US at least once since 2008.

**Qantas** has launched their Global Seat Sale with noteworthy airfares for travel in 2015 to the US. You'll know that Qantas aircraft operate to New York, Dallas Fort Worth, Los Angeles and Honolulu. Stand-out airfares include Premium Economy to New York from NZ\$3137 return (add around \$420 for tax/fuel depending where you fly from in NZ). Economy to New York starts at \$1756 return (plus the same taxes).

**Thai Airways** is the latest airline to introduce a standard 30kg economy luggage allowance for economy customers, matching the **Qantas, Emirates and Singapore Airlines** offers for travellers from New Zealand. **Hawaiian Airlines and LAN** are well known for their generous 2 pieces at 23kg each piece luggage allowance (in economy!). It's time to start boycotting any airline that doesn't offer this level of luggage allowance. We're encouraging the same treatment for hotels that don't include free Wi-fi within the rate. It's well and truly time these airlines and hotels stopped nickel and diming our travellers! These are basic services which need to be included within the (already high!) fare or rate paid.

We've just welcomed a new Australian partner into our international network **GlobalStar Travel Management**. **Concierge Business Travel** in Sydney has joined us to provide aligned trans-Tasman solutions for clients with offices in both countries. **QBT** is our other GlobalStar partner in Australia. In the **US** our key partners include Direct Travel based in Denver, Omega Travel based in Philly and Travizon from Boston. These three travel professionals have locations across the US. **GlobalStar** is a network of mostly privately owned Travel Management experts and we provide support and back up for each others clients.

### Air New Zealand announces December move to new LAX home

Air New Zealand customers will soon enjoy a more seamless experience in Los Angeles when the airline moves its airport operations to the newly refurbished Tom Bradley International Terminal on 3 December.

The move will provide the airline's customers with better connectivity to ports within the US and all the benefits of a newer terminal including faster processing, enhanced transit experience, a state-of-the-art lounge and more than 150,000 square feet of retail and dining space in the Great Hall.

Air New Zealand General Manager Customer Experience Carrie Hurihanganui says the move is an exciting new chapter for the airline which has been operating to Los Angeles from Auckland for almost 50 years.

"We're incredibly excited about our upcoming move to the Tom Bradley International Terminal and what it will mean for our customers. Enhancing the customer experience at all points of the customer journey continues to be a key priority and this move goes a long way to improving the ground experience at what is one of our busiest offshore ports."

In another added benefit, transiting customers will no longer need to remain in a dedicated transit facility and will instead be able to access the wider terminal while waiting for connecting flights.

Eligible customers will also have access to the Star Alliance Los Angeles Lounge which Air New Zealand manages on behalf of Star Alliance. The 18,000 square foot lounge opened in 2013 and features an open air terrace with panoramic views of the northern runway towards the Hollywood Hills and dedicated experience zones to cater to differing customer needs such as rest or business.

*(Continued on page 6)*

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)



**TRAVEL NEWS** (Continued from page 5)

The terminal move is another investment the airline is making in its North American operations.

Air New Zealand currently operates double daily services between Auckland and Los Angeles as well as a daily service between Auckland and London, all using Boeing 777-300ER aircraft. The airline has recently increased capacity on the Auckland – Los Angeles route over the upcoming 2015 Northern Summer by 20 percent with three additional weekly services.

The airline also recently took delivery of two additional Boeing 777-300ER aircraft to operate its Auckland – San Francisco route and has embarked on a programme to refurbish its Boeing 777-200 fleet which operate services to Vancouver.

The airline's first service to Tom Bradley International Terminal will be NZ6 which is expected to touch down in LA at 10.30am on Wednesday, 3 December 2014.

**US market continues its strong growth trajectory**

All indicators point to a positive growth trajectory for the [US market](#) in the wake of its strong economic recovery, was the message delivered to stakeholders at Tourism New Zealand's [research and market insights webinar](#), held last week. For the year ending September 2014 arrivals from the US were up to 213,680 - an 11.6 per cent increase on the previous 12 months. Holiday arrivals were up 14.3 per cent, at 127,968, indicating that holiday arrivals are driving the overall growth.

**FOR YOUR DIARY**

20 <sup>th</sup> November	Research findings how Young New Zealanders' attitudes towards national and cultural identity show biggest shift in 20 years, with Jacqueline Smart & Simon Lendrum of JWT, Auckland
25 <sup>th</sup> November	4th AmCham no frills Serious Golfers Day, Auckland
26 <sup>th</sup> November	New & Sustaining member reception, Auckland
27 <sup>th</sup> November	Research findings how Young New Zealanders' attitudes towards national and cultural identity show biggest shift in 20 years, with Jacqueline Smart & Simon Lendrum of JWT, Wellington
20 <sup>th</sup> February 2015	Hawaiian Airlines - AmCham Auckland Ambrose Golf Tournament

**MEMBER NEWS****Congratulations to:**

**Kiwa Digital** winner of Innovation in Media, Music & Entertainment in the New Zealand Innovators Awards

**Milmeq Ltd** winner of the Supreme Business Excellence Award at the Westpac Auckland Business Awards

**Bill Buckley** on being made a Patron of the Maintenance Engineering Society of New Zealand

**EY Entrepreneur of the Year 2014 - Dan Radcliffe, Founder of International Volunteer HQ**

At a prestigious 'yellow-carpet' occasion at The Langham, Auckland last night we were delighted to announce **Dan Radcliffe** as **New Zealand's Entrepreneur Of The Year**. Dan will now represent New Zealand and compete against 50 national winners for the coveted title of EY World Entrepreneur Of The Year™ in Monte Carlo next June.

**Lady Adrienne Stewart ONZM QSM LLD (HON)** was also announced as the winner of the **ASB Social Entrepreneur of The Year** award – recognition of her significant role in mentoring, arts patronage and business management to which she has devoted so much time and energy.

**Category winners**

Mark Rice, CDB Goldair: Products

Michael Whitehead, WhereScape Software: Services

Vaughan Rowsell, Vend: Technology & emerging industries

Dan Radcliffe, International Volunteer HQ: Young

Patrick Teo, BCS Group: Master

**New Member**

**Metrology Group of Companies**, Hamilton – **Paul Kapoor**, CEO - established in the early 1970's, the metrology group of companies has been providing sales, engineering and calibration services to a wide range of industries including the civil and military aerospace, canning, manufacturing, processing, engineering, power generation, and motor industries. <http://www.metrologygroup.co.nz>

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*MEMBER NEWS - (Continued from page 6)*

### People on the move:

**Sanchia Jacobs** has been appointed Manager Global Partnerships and Strategy, Auckland Plan, Strategy and Research at **Auckland Council**

**Eric Mahoney** has joined **Castle Point** as Partner, Sales

**Fletcher Building** has appointed **Gerry Bollman** as CFO and **Nick Olsen** Group Finance Director

**Nick Larsen** has been appointed Business Development Manager Auckland for **Toll Global Forwarding**

**Penelope Borland** as the next Executive Director of **Fulbright New Zealand**

**Dawn O'Connor** has been appointed as VP Corporate Communications at **Constellation Brands NZ**

**William Durning** has been appointed the new CEO of the **Waikato Chamber of Commerce**.

**Miles Fleming** has left The New Zealand Export Credit Office to take up a new role with **ASB Bank** as Business Development Manager Trade Finance based in Wellington

**Carl Jones** has been appointed as CEO of the Tauranga based tech incubator **WNT Ventures**

**Raewyn Bleakley** has left Business Central to take up a role with the **NZ Transport Agency** as Regional Director - Central. **Trevor Goodwin** is interim Executive Director.

**Kristian Aquilina** is the new Managing Director of **Holden New Zealand**

**Xero** has appointed **Andy Lark** as its new Chief Marketing Officer as it moves to strengthen its push into the vital US market

**Polycom** has appointed **Paul Newell** as VP Australia & NZ

**IkeGPS** has appointed **Richard Mander** as Vice President of Engineering and **Peter Shaw** as Head of Software Engineering



**THE AMCHAM OFFICE WILL BE CLOSED FROM 1 DECEMBER AS I WILL BE AWAY ON MEDICAL LEAVE FOLLOWED BY THE CHRISTMAS HOLIDAYS UNTIL MONDAY 19TH JANUARY 2015.**

**WE WOULD LIKE TO THANK ALL OUR MEMBERS FOR THEIR SUPPORT DURING 2014 AND WISH YOU ALL A VERY MERRY AND SAFE CHRISTMAS HOLIDAYS.**

### American Club Thanksgiving

We hope you'll join us for the 2014 American Club Thanksgiving celebration! We'll be serving all of the irresistible favourites prepared by seasoned chefs; roasted turkey, stuffing like grandma made it, other roasted meats, salads, cornbread, baked vegetables and pumpkin pie with ice cream and other delicious desserts, the way mom baked them.

Date: Sunday, November 23rd

Start Time: 12:00 pm - 12:30 pm

Intro: 12:30 pm - 1:00 pm Guest introductions and thanks giving

Dinner: 1:00 pm to approximately 2:30 pm (from 2:30 - 3:30 music, speakers, prizes)

Location: [Grace Hill Vineyard Estate](#), 34 Pomona Rd, Kumeu

Registration a MUST! Register at this link: [Thanksgiving Registrations](#)

A full bar will be open for all purchase of beverages throughout the event.

Raffle: Our traditional Thanksgiving raffle baskets and other donated gifts will be on display. Proceeds from the raffle will be donated to the Peter Brown Memorial Friendship Award, helping a New Zealand university student toward their study in the US. If you'd like to donate raffle gifts for the baskets please contact us by email.

Kids will have their own table for colouring and games and outdoor chess and other games.

American Club members: \$65/adult, Affiliates: \$70. Non-members: \$75. Children ages 4 to 12: \$25.

**Please contact us if you'd like to book a table of 8 or 10.**



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## LEGAL ISSUES

### Norris Legal Consulting – American Law Specialists

In partnership with the Chamber, our objective is to provide Chamber members with information on the complex US legal landscape, which might assist in US-NZ business relationships, and to assist NZ businesses expanding into the lucrative US markets. In our monthly column, we write about legal issues which we deal with in our representation of NZ businesses doing business in and with the US, however, we are also open to suggestions on topics about which members are interested in learning. So, please feel free to email us with your comments, questions and any suggested topics at [info@nz-uslegal.co.nz](mailto:info@nz-uslegal.co.nz).

### THE TROUBLE WITH “DIY”

New Zealand is a proud *Do-It-Yourself* (“DIY”) nation whose people demonstrate what we Americans admiringly call “rugged individualism”. This national character trait likely takes its roots from the construction of a society so far away from the rest of the world thereby creating a unique mixture of self-reliance and communal harmony. A Kiwi will rarely ask for assistance, but will also be quick to help a neighbor in need. This has undoubtedly led to a unique *DIY/ No 8 Wire* culture and an amazing array of innovative businesses. However, taking a DIY approach when doing business in the United States is a recipe for disaster.

Many of our clients come to us once they are in a dispute or are facing governmental regulatory issues after having tried to navigate the complicated US legal systems without professional US legal advice. These disputes and problems could almost always have been prevented had the client sought out a US lawyer’s advice beforehand. While it is not difficult to find a free form on line or to use non-attorney legal service providers (ie Legal Zoom or Rocket Lawyer) to create your US legal documentation, use of these DIY legal document sources places you and your business at risk. Form documents are not specifically tailored to your business and leave many legal issues unaddressed and leave you exposed to a range of potential risks and liabilities.

For example, a client came to us regarding a dispute with they were having with an independent agent they hired to manage their US subsidiary. After training the agent for about a year on the intricacies of their business methods, sharing their sales strategies, and generally teaching the agent how to run the business, the agent quit and immediately opened up a competing business in the same city. They called us wanting to enforce a non-competition agreement that they had the agent sign when he first started working for them. Our client had used a form employment agreement they found online that included a non-competition clause in it, but did not have any effective trade secret protection language. Their thinking was that the non-competition clause would prevent the agent from using their trade secrets or business methods in competition against them. Unfortunately for them, this agent lived in California, where non-competition agreements are unenforceable. There simply was no contractual protection that the client could utilize, and since the client did not protect its trade secrets, there was no basis on which it could claim misappropriation against the ex-agent. This situation could have been prevented had they simply invested in an employment contract drafted specifically for their business by a US attorney.

Another regular problem our clients come to us with is where they find themselves receiving notices from state governments that their business owes back taxes and penalties for failing to register their business in that state. The common story we find is that a NZ company will start a subsidiary in Delaware by using an online incorporation service. Thinking that this is all that is needed, they open up an office in Texas (for example) to act as their importer of record or distributor. They are completely shocked when they find out that the Texas State Comptroller’s office wants to collect taxes and penalties for failing to register the business and the Texas Attorney’s General is seeking an injunction to shut down their office. This common problem comes down to the fact that a business entity must register in each state in which it is doing business. Any sales in that state are subject to state taxation and a company may not legally conduct business in another state without registering. The penalties, back taxes and business interruption caused by this sort of situation could have been easily avoided had the company simply sought out legal advice before beginning operations in the US.

The moral of the story is that the United States does not have a Do-It-Yourself type of legal system. Simple innocuous actions, like using on-line form legal documentation, can lead to disastrous and costly legal predicaments. Making the proper investment in legal advice on the front end will always put you in a better position later on.

- Zachary D. Norris, JD, LL.M. and Ada Echetebe, JD, LL.M.

\*This article is for general informational purposes only and does not constitute legal advice, nor should it be construed as constituting any legal advice from Norris Legal Consulting, The Norris Law Firm or any of its affiliated lawyers. For specific analysis of your US legal issues, please contact the attorneys at Norris Legal Consulting at +64 (0)9-889-2602 or visit us on the web at <http://nz-uslegal.co.nz/>

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Dr Smith has received two technical Academy Awards, he directed the Genesis demo sequence in

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