

Issue 199. August 2023

# Round about.

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- Naturally

**BNZ Leaders  
Lunch**

**Imitation**

the Sincerest Form of Theft



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Cover: BNZ Chief Economist Mike Jones

With thanks to our partners ...



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# From My Perspective

Phil Clode, Business Development Manager, phil@rosebankbusiness.co.nz



## The Twilight Zone

It was a great pleasure to have Mike Jones, BNZ's chief economist, visit Rosebank to update our businesses on what the economy looks like over the next year or so. It appears that we're at the bottom of the current economic cycle. Inflation seems to be receding; slowly, interest rates are likely peaking - the bill has arrived. Slow and low growth will stick around, with a population surge driving turning points in housing and labour markets. Recovery is a story for 2024, as interest rates fall.

There could be potential banana skins,

election uncertainty, cyclone rebuild timing and resourcing, the sustainability of migration upturn, NZ's twin deficits/funding constraints, a fragile global backdrop and sticky core inflation. As Mike explained, we have moved into the twilight zone.

I want to thank our partner, BNZ, for helping us arrange for Mike to speak. It's important that our RBA members get to hear from the best in the industry.

Make sure you read all about our RBA partners in this issue and the next. These businesses are very important to the RBA and to our delivery of quality events and seminars for our members. Their contributions to the RBA are not taken lightly, and their areas of partnership are very important to our consistent product.

What a fantastic tournament the FIFA Women's World Cup is. It has given the country a real lift and New Zealanders something positive to distract us from this bleak, wet winter - helped by the Football Ferns winning against Norway in the first game of the tournament before a record crowd at the home of rugby, Eden Park. I love watching world-class women's sport. The quality is as good as it gets, and while it might not be as fast as the men's game, it is as skilful. I coach young woman, and their attitude to their sport is as committed as any of the boys. It's a real pleasure to have an impact on those young woman and to help their ambition in the sport I coach.

Regards,

**Phil Clode,**  
Business Development Manager

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# Rosebank Advocates

With **Dr Grant Hewison**, specialising in local government consultancy and legal services



Dr Grant Hewison

## WHAU LOCAL BOARD PLAN 2023

In July, the Rosebank Business Association made a submission to the Whau Local Board Plan 2023.

While the RBA generally believed the Plan reflected the needs and aspirations of the RBA and the community, the RBA would have liked the Local Board to have placed more priority on resolving transport issues

in the Rosebank area and local economic development. In particular, the RBA asked that the Whau Local Board Plan 2023 include more emphasis on:

- Support for business growth
- Support for local skills alignment between workplaces and educators
- Advocacy for more promotion of 'buy local'
- Addressing street racers in Jomac and Timothy Places, and
- Addressing burglaries in the Rosebank area

The first Outcome of the Plan focuses on people. The RBA supported the Board's aspiration for a strong, resilient and inclusive community, but also emphasised business success and employment as key elements of making strong community connections and resilience. The RBA encouraged the Board to

include a business flavour in this outcome and to support place making in Rosebank and events involving businesses. The RBA also mentioned that supporting a stronger creative economy would provide a launch pad for the Whau's flourishing creative community and businesses.

On Outcome 2: Our environment, the RBA noted that the Whau Local Board has projects that support residents to



remove weeds and pests to improve the air, land, water and habitat for our native species. These projects are focussed on cleaning the harbours and waterways and reducing waste to landfill. The RBA asked the Board to include an action to carry out community pest and weed programmes along the Whau River and the Rosebank

Peninsula as well as build on the success of the Industrial Pollution Prevention Programme. The RBA also noted its concern about localised nuisance from dust and air pollution. It asked for the Board to focus on this.

The third Outcome is about the community. Here the RBA expressed its ongoing interest in Avondale and especially the connections to the Rosebank industrial area. The RBA also highlighted support for incentivising sustainable building initiatives and for climate action.

The RBA welcomed the focus on improving safety in Outcome 4 about Places. There was also a focus here on transport and encouraging the Whau Board to:

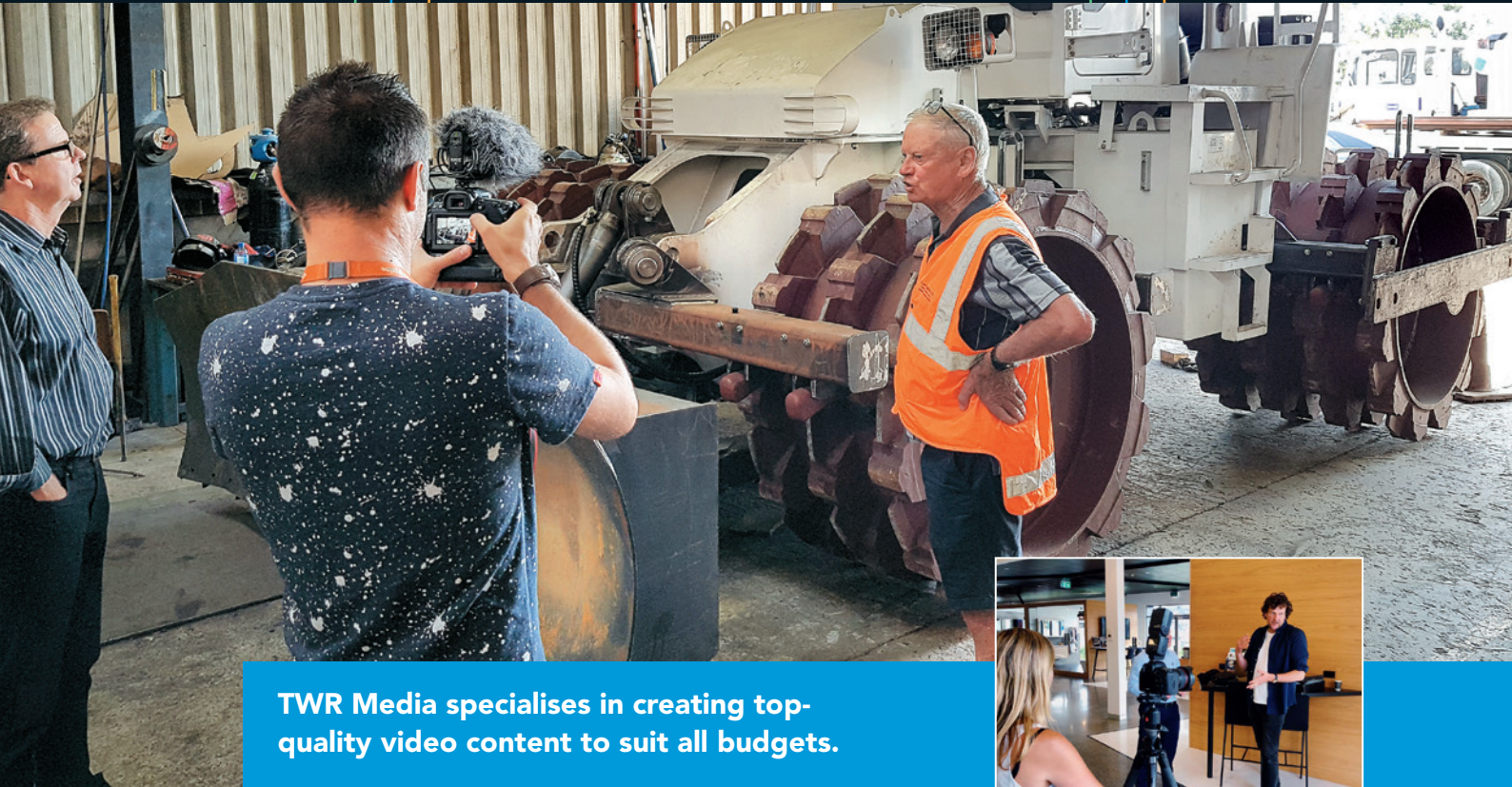
- Address the issue of street racers in Rosebank (sometimes up to 100 cars congregating on Jomac and Timothy Places);
- Investigate any potential low-cost improvements to safety and accessibility for people traveling to and from the Rosebank Peninsula using active modes;
- Advocate to Auckland Transport for a review of the current bus network and opportunity for increased provision of feeder bus services to New Lynn, and shuttle buses to the Rosebank Peninsula;
- Advocate for improvements to vehicular access to the Rosebank Peninsula, and for the implementation of the North-western Rapid Transit Network incorporating access at Rosebank, along with complementary public transport and active transport improvements on this key corridor;
- Investigate options for low-cost demand management tools and promote these across the Whau, including working with employers to promote flexible working.

The fifth Outcome is about our economy. Here the RBA supported actions to build a stronger economy, especially key initiatives to:

- Work closely with Business Associations to support local businesses to be successful.
- Support the promotion of business opportunities in the Whau.
- Work with other boards in the West to support the growth of new and more successful businesses.
- Build on our arts and cultural heritage and capacity to grow our creative economy.
- Facilitate our youth employment initiatives to work well together.
- Address burglaries in the area.
- Further support the Rosebank Wellbeing Collab.
- Support the proposal to investigate an economic broker role to progress economic development opportunities.



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**Meir Alfassi, Max McCarthy**



**FOR SALE**

**549 Rosebank Road,  
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490m<sup>2</sup> building on Freehold land comprising 1,011m<sup>2</sup>

**Max McCarthy, Murray Tomlinson**



**FOR SALE**

**196 Main Road, Kumeū**

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**Peter Jeromson**



**FOR SALE**

**150 Fred Taylor Drive,  
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**Scott Whitten**



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**Meir Alfassi, Max McCarthy**



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**Peter Jeromson**  
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**Scott Whitten**  
021 685 063

# Rosebank News & Events

News, views and any other tidbits from the Rosebank Business Community.



## Henderson Reeves Hosting - *with a twist*



**Henderson  
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We're excited to invite you to the Henderson Reeves hosting - *with a twist*.

Come along to meet and connect with your business neighbours in a casual setting over drinks and canapes.

**The Twist** - the event will feature a live recording of Henderson Reeves', very own podcast, "Divorce Café", where you will become the live audience!

Divorce Café is an entertaining chat show style podcast where the mission is to demystify, detangle and hopefully detox the legal processes that surround relationships - break ups and start ups!

The topic for the night will be Breaking up is hard to do (especially when you are also in business)

You'll also have the opportunity to ask your questions (anonymously in advance, or in person on the night)

Don't miss out on this one-of-a-kind event - Register today and get ready for a night to remember!

Drinks & Nibbles provided.

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### Henderson Reeves Hosting

**Where:** Level 1, 703 Rosebank Road  
**When:** Thursday, 17th August, 2023  
**Time:** 5.00pm - 7.00pm  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)

## Getting your business processes right and what can happen if you don't




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The EMA's Head of Legal and General Counsel, **Paul O'Neil** will speak about the importance of getting your business processes right and what can happen if you don't. He will cover a range of employment relations scenarios including personal grievances, business continuity plans all the way through to potential restructuring.

### EMA Event

**Where:** Browne St Eatery, 50 Rosebank Rd  
**When:** Thursday, 24th August, 2023  
**Time:** 7.45am - 9.30am  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)

## SUCCESSION AND EXIT PLANNING



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The Icehouse and Strategic Specialists Group are pleased to be offering a joint educational event to help you with future growth and potential exit succession.

Presented by Andrew Martin (Marty) from Strategic Specialists Group.

### Icehouse Event

**Where:** Browne St Eatery, 50 Rosebank Rd  
**When:** Tuesday 5th September, 2023  
**Time:** 7.45am - 9.30am  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)





# Imitation, the Sincerest Form of Theft

What to do when copycats threaten your business

\*Some names have been changed.

Imagine scrolling through your social media feed and spotting an ad for your business. The style, the product, and even the wording is perfectly in line with the brand you've worked hard to create. Only - the post isn't yours. It's a competitor's, and they've clearly and blatantly copied your work. For small business owners who have put years of effort into building their brand, the stress, anxiety and lost sales that result from fighting copycats can be disastrous.

Dana\*, who owns an automotive service with her husband, was taken aback when a competitor with an axe to grind began copying their social media posts and using their own content against them.

"We'd post something about our staff having a BBQ break on a Friday," she recalls, "and [the competitor] would do the same. I would post a 'did you know' or a fun fact or something like that, and you can guarantee he'd post the same. Our logo has little pictures of our machinery and sports cars because we're really into our classics, and here comes his logo with little pictures of vehicles as well. He was blatantly copying everything, right down to the stickers he uses."

Dana and her husband had spent 20 years building a solid reputation in their industry before launching their own business. Now, she says, any photo she posts to display their work is used by the competitor to poach customers. "It's frustrating," she says. "I'd post about a job well done, and he'd go and visit that customer to try to take them. We can no longer post on Facebook - I got sick of it. It's caused me a lot of stress and anxiety."

"It constantly happens," says Nicole Linnell, owner of floral design and event specialist Rosé & White. "There's never a new idea in design - I have a fashion design background, and I know how hard it can be - but when it's blatant copying, it's ridiculous."

Nicole began creating and selling dried floral mirrors during the Covid lockdowns, and they were an immediate hit on Facebook. But as more people began following her on social media, copycats began to pop up. "There were people literally trying to replicate mine exactly - the same flowers in the same position. I've had florists contact me to ask how I attach the flowers to the mirrors, no please, no thank you. They weren't being quiet about it."

Worse, she says, is when someone local copied her work and devalued the market by undercharging customers. Nicole was alerted to the situation by followers who had seen the competitor's products advertised on social media; although made "cheap and easy," they looked so similar to Nicole's that her followers had initially mistaken them for hers. "These people will often Photoshop products to look better than they are, as well as undercut the prices. It drives the market down and gives it a bad name, and that's what really annoys me."

According to Nicole, new, low-priced copycats emerge regularly, forcing her to compete to sell her own designs. "I don't really like posting on social media because of all this and the anxiety around it," she says, admitting that the stress of dealing with copycats has at times drained her enthusiasm for her business. "I'm doing everything by the book and I struggle to see how these other businesses are."

It's not only competitors who piggyback on the success of another business to make a buck. Scammers also use copycat tactics to fleece a brand's loyal followers. Mel\* was excited to post a giveaway competition for her salon on Facebook - until scammers moved in on her customers.

"Someone had gone through and created a new profile which looks like our business and copied our logo and profile picture," she says. The copycat then replied directly to comments under Mel's competition post, telling commenters that they had won the giveaway and providing a link they should follow to "complete their registration." A few people clicked on the link and were ultimately asked to enter their credit card details; one did so and was defrauded, although the bank refunded their money. Mel fears the scam may have a lasting impact on her social media presence.

"I'm worried that it will affect people's willingness to interact with us on our pages," she says. "Going forward, people won't want to comment on the things we're trying to do."

Lawyer and intellectual property specialist Rachel Triplow is all too familiar with the struggles small businesses face to defend themselves against copycats. She has specialised in copyright and trademark law for more than 20 years and founded her law firm (aRc Legal) to help people protect what she believes is their most important asset: their ideas.

"I see a lot of infringements," she says. "You've got the honest people who are ignorant, you've got the opportunistic people who can't be bothered to double check, and then you've got the small minority of people who are just dodgy."

In New Zealand, intellectual property (IP) rights are overseen by the New

Zealand Intellectual Property Office (IPONZ). Their website ([www.iponz.govt.nz](http://www.iponz.govt.nz)) provides information on all manner of protection for your ideas, including copyright, trademarks, company names and other intellectual property. But the majority of business owners who spoke to Roundabout believed they were powerless to stop copycats because the behaviour, in their view, wouldn't constitute an infringement on their legal rights (or, in Mel's case, that platforms like Facebook would never take action). Not necessarily so, says Rachel.

"Platforms like Facebook will take down posts where a user is infringing on someone's IP," she says. "Trademarks for names and logos are just one form of protection. There are other, more non-traditional trademarks which people and consumers see and identify with one business that can become that business's brand."

Copyright protection may also be available. As in many countries, copyright in New Zealand is automatic; it doesn't require any official registration. In other words, if you produce an original work, you own the copyright to that work. This includes original designs, photography, art, text and more, like the exact wording of your social media posts (although not the general topic of those posts).

Rachel is also eager to dispel a common myth that may prevent creators from fighting to protect their work. "Often people think that they can change content, images or designs by a certain percentage to avoid infringement, but that's not correct. If you take somebody else's work and change some of it, you're infringing because the owner of the copyright has the exclusive right to use or amend their work."

And your rights may not end there. If a

copycat is luring away your customers by duping them into thinking that their products or services are yours, it may be wise to seek legal advice. "In New Zealand and in most countries," says Rachel, "you can claim rights to what's called 'the get up' for the look and feel of a website or a social media post. You'd have to show that you've got sufficient reputation and that consumers have come to identify the look and feel of your posts and your website with your business, and that people are likely to be confused or deceived if someone else uses the same style."

Rachel recommends creating layers of protection by taking time to capture and identify all the different intellectual property in your business. She also suggests registering your original designs before you begin selling products, which makes it easier to enforce your copyright should you run into issues down the line. Another top tip is to watermark your images, making them harder to copy, as well as adding a 1 to 2-line copyright notice on your website and social media posts to warn off potential infringers.

And if you do find yourself going to head-to-head with a copycat? Don't be afraid to assert your rights, says Rachel. She points out that speaking up against copycat tactics is not defamatory if what you're saying is true. "I would be contacting the other business, showing them that you've got clear rights which they must have known about given your IP notices and watermarks, and demanding they take it down. If you have no luck, I'd be going to the relevant platform and telling them what's going on in breach of their standards, and potentially going to the media as well."

For more information about your intellectual property rights, visit the IPONZ website ([iponz.govt.nz](http://iponz.govt.nz)).

# TradeZone

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# Sourced with Care - Naturally

Pure Nature and Pure Ingredients

**It sounds like a wellness joke, but the answer is more likely to induce a single tear: How many rose petals does it take to make a single litre of top-quality essential rose oil - and how much does it cost?**

"It takes 60,000 roses to make about 30ml," laughs Emmett Bowker, General Manager of Pure Nature on Rosebank Road. "The oil has to be made from fresh petals and handled very carefully. The most valuable oil is extracted only with water, and certain rose oil is well over \$20,000 for a kilo. So if you see essential rose oil that's 20 bucks for 30ml, you know it's not the real deal."

Emmett and the team at Pure Nature and its parent company, Pure Ingredients, are proud to be experts in the intricacies of essential oils, as well as butters, waxes, ingredients, product packaging and equipment, soap molds, and more. Pure Nature and Pure Ingredients are both certified organic suppliers of natural ingredients used in personal care, household care, and natural health products. Whereas Pure Ingredients sells directly to large-scale manufacturers (including some very well-known brands), Pure Nature is an online store that deals with small businesses and everyday natural product enthusiasts.

"We sell to small businesses, big businesses, and thousands of people online who make candles, soap and their own skin

products," says Emmett. "Coming up to gifting season, that might be people who want to make homemade gifts and save money, or they might have a small business selling their own products."

Pure Ingredients was founded first, over a decade ago, as an expansion of the original owner's career in the chemical trade. When Emmett came on board soon after, he helped to make the most of the company's growing success - and to solve the unique puzzle it presented.

"We were getting approached by a lot of people wanting little bottles of stuff," he recalls. "There were only 2 or 3 of us at the time and we buy things in bulk, so we didn't really have a way to do that."

Soon, however, Emmett and the team realised that by repackaging product on site and selling online, they could use their economies of scale to offer their extensive range to the everyday consumer.

"We saw that we could cut out the middleman and sell small bottles to the public, and customers could take advantage of our great pricing and the range we're able to offer. Things took off from there, really."

Emmett led the development of Pure Nature as its own ecommerce business at a time when online shopping was



starting to take off in New Zealand. Ten years on, they offers thousands of specialised products direct to customers in a variety of sizes (down to 1ml for the most expensive of those essential oils). The wider business sources product from almost every continent around the world, as well as locally when possible. (“Unfortunately,” notes Emmett, “a lot of ingredients we supply just don’t grow here, or not on a large enough scale. We continue to supply more from New Zealand every year, and we are always looking to expand our local sourcing.”) Pure Nature and Pure Ingredients were recently acquired by multinational chemical company Ixon, who was “impressed with our business and snapped us up.”

If Pure Nature and Pure Ingredients’ culture and values are any indication, there is much more to impress than just their extensive product offering. Emmett describes his small team in glowing terms; most have been with the business for several years. “We started as a family business,” he says, “and although we’re a bit bigger now, we’ll always try to have the same approach.” The business ensures they’re doing what they can to reduce their environmental impact with onsite recycling for all their soft plastics and packaging, and they’re keen to keep an eye on newer options.

“We’re constantly looking at what we can do in the packaging space,” says Emmett. “Unfortunately, we can’t get away from the plastic bottles - the technology isn’t there yet to offer suitable alternatives - but we use bottles made from recycled plastic.”

A significant part of the company’s ethos is giving back, as evidenced by their support of organisations Forest & Bird and Look Good, Feel Better, which supports cancer patients in reclaiming their confidence through personal care. “I had a relative who underwent chemo, and I know that the appearance side of that is quite upsetting,” says Emmett. “Look Good, Feel Better

gives classes teaching people how to look good and feel better. It’s a great thing.”

Providing personal support inspires Emmett in his work, too. “We really feel like we’re part of our customers’ businesses,” he says. “We’re obviously supplying products and services, but I like to think that we’re part of their business, helping them to do what they need to do. I really like that aspect of our work.”

The industry itself, he adds, is a great place to be. “The personal care industry in New Zealand is a small but exciting one. I like the fact that there’s a big movement towards sustainability in our sector and there’s lots of innovation - there are always new and exciting ingredients being discovered or reinvented.”

Pure Nature offers a click and collect option for customers from their Rosebank Road location, as well as ideas and information online for those keen to create homemade products. Visit their website ([www.purenature.co.nz](http://www.purenature.co.nz)) and sign up for their newsletter, or follow @nzpurenature to find out more.





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## Lunch with Mike Jones hosted by the BNZ

In partnership with the BNZ, we had the pleasure of hosting Mike Jones, BNZ's chief economist, at a special business leaders and RBA members lunch on July 25th at Rosebank. During the event, Mike discussed the various economic challenges confronting New Zealanders and businesses at present, along with future predictions for the country amidst an upcoming election and high inflation. While the outlook may have seemed uncertain, Mike also highlighted that the low point of the current cycle is nearing its turning point.

The 120 attendees enjoyed a delectable lunch, accompanied by Babich wine, which complemented the occasion.









# RBA Partners Profiled - Part One

The RBA is proud to partner with a number of businesses who are passionate about helping you and your team to succeed. From local knowledge with a personal approach to renowned programmes harnessing decades of expertise, our partners offer a wealth of specialised services and support to our RBA members.



## MyHR

MyHR provides HR consultancy services via their easy-to-use software, developed and supported by experts in the industry. Specialist HR advice from consultants and lawyers can be expensive, and other HR software providers aren't backed by on-the-ground HR expertise to support employers with their HR issues. The

team at MyHR understands the needs of every client and their business and are always looking for ways to make their platform even better.

"There's nothing we love more than rolling our sleeves up and supporting businesses with their HR needs," says Head of Marketing Ruby Torrance-Lovegrove. "Whether it's admin, compliance, or complex HR issues, our mission is to get employers to a place

where they can focus on building the business rather than worrying about people management."

MyHR's team of passionate people includes HR advisors, sales specialists, and software developers. And they know West Auckland businesses: MyHR has been proudly based in Rosebank Road for over 10 years. On top of their local knowledge, MyHR's national client base of over 1,200 organisations, SME businesses, gives them comprehensive insight into how they can empower businesses by simplifying their people management and HR processes.

"We're all about making HR easy," says Ruby. "By combining easy-to-use software with on-call access to HR experts, we're delivering an unequalled HR solution to our clients."

To find out more, visit [www.myhr.works](http://www.myhr.works)



## Matrix Security

Since 2021, Matrix Security has been supporting RBA members to safeguard their premises, their employees and their customers. Matrix specialises in simple, user-friendly security support that is unique to your business, whether you're operating a retail space or commercial offices.

The Matrix Team begins by assessing the particular risks that surround your business, and then create tailored solutions from a combination of proven risk protection techniques and leading security technology. To keep things running smoothly, each client's system receives regular checks as part of a scheduled servicing plan.

Operations Manager Tipazo Luamanu is at the helm of Matrix Security's Waitemata operations base on Rosebank Road, which houses three patrol vehicles (one of which services the Rosebank area exclusively) as well as their extensive guarding operation for the film sector. The team there provides security services for more than 30 clients in the Rosebank area, and they're proud to have unrivalled response times to incidents and requests for assistance.



Tipazo says he enjoys partnering with the RBA because of "the amount of information sharing. Everyone goes to the RBA if they have an issue, and they air it out for everyone to hear, giving it one centralised voice." He welcomes you to get in touch anytime to discuss your security needs.





# Spark Business Hub Waitakere

The Spark Business Hub on Rosebank Road is a local business IT and telecommunications specialist. After all, says franchise owner Mike Hannan, they're a local business themselves.

"I've owned the business for over six years," says Mike, noting that the hub has stood on Rosebank Road for a decade. "My team will jump in their cars and go see customers at their place of business so we can understand what they do and how they do it."

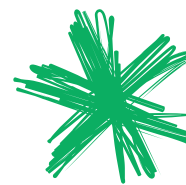
The Spark team is proud to be a one-stop shop for local businesses, ready to dedicate the full power of their expertise to helping you succeed. The services on offer aren't limited to telecommunications; on top of mobile, broadband and fibre solutions, Mike and his team provide a full suite of IT services, including IT Health Checks, diagnostics, deploying people to do IT work, training sessions with your team, and advisory work, such as taking on the role a chief technical officer would provide.

"Where a client might have limited in-house capability for their IT," Mike explains, "we can provide an experienced IT advisor who can sit with them, look at their entire IT ecosystem, and make recommendations from an infrastructure and a software perspective. We look to understand why you are where you are



with your IT so we know what decisions you need to make to achieve your long-term objectives."

For more information, get in touch on 0800 824924 or via email at [HubWaitakere@spark.co.nz](mailto:HubWaitakere@spark.co.nz).



**Spark  
Business**  
Waitakere



# TWR Media

TWR Media is a local business that prides itself on producing video content economically and without too much fuss. In today's digital landscape, where information is consumed rapidly online, TWR specialises in creating quick, cost-effective videos that allow you to feed your audience regular content. Whether on location, in the studio, in front of a

green screen or using a drone, TWR has options to meet your needs. The impact of video production on your business operations is minimal, too; on filming day, the team is in and out in an hour or so.

"Video content will only get eyeballs for a very short period of time on someone's newsfeed, either watched or scrolled past," says owner Randolph

Covich. It "makes him cringe" to see small businesses spend big bucks on expensive video production, only to see the final product languish on YouTube. "Something slick, but not over the top will suffice," he says. "Which is where we specialise."

TWR proudly produces content for the Race4Life and Gut Cancer Foundation charities, and they're pleased to help local businesses make their mark. "One of the most rewarding things for me personally," says Randolph, "is that we capture a part of a business's historical footprint, which can be used by future generations to find out what their ancestor was doing at a specific point in history. It's nice knowing that we were part of creating that."

For more information, visit their website: [twrmedia.co.nz](http://twrmedia.co.nz).



## The Icehouse

Keen to grow your business, but struggling to do so when you're up to your eyeballs doing everything yourself? As a business owner, investing in your own development is a powerful way to grow. For over twenty years, The Icehouse has specialised in developing and empowering Kiwi business owners and leaders with business-focused programmes, workshops and one-to-one advisory services.

"We have programmes across all facets to help you run your business better," says Kate de Lautour, Customer Growth Partner. The Icehouse team includes the largest suite of coaches in the country, with a number of specialists across all industries. "Whether that's helping you to develop skills in sales, finances, business management, ownership or leadership, we cover all aspects of business across the board, and it's all at your fingertips."

The team at The Icehouse is passionate about the transformative powers of grit and community support. Not only are they proud to give back to the community through their leadership programme (which works in combination with RBA's Pathways to the Future Trust), but Kate says that forming relationships with business owners is one of the greatest rewards of the work they do.

"Business can be really lonely. When an owner hasn't found support and then they come to us and find that connection,



their life becomes so much easier. I love to see business owners becoming more confident."

For more information on The Icehouse and how they can help, visit their website: [theicehouse.co.nz](http://theicehouse.co.nz).

# THE Icehouse



## Babich Wines

Family-owned Babich Wines has been crafting world-renowned wine from its family base in Henderson Valley since 1916, and they're proud to serve the Rosebank and greater West Auckland area.

"We are proud of our long winemaking association with West Auckland," says CEO David Babich, whose grandfather

Josip founded the critically acclaimed winery. With over 100 years and three generations of family winemaking tradition, Babich wines are exported to over 50 countries around the world - and the family still runs their business from the heart of West Auckland. RBA members can enjoy the purchase of any Babich wines at trade prices, and with 14

varietals to choose from and specialised types that include single vineyard, organic and vegan wines, there's a bottle of Babich sure to delight any palate.

A seasonal business, Babich Wines operates around the annual vintage cycle. "It's enjoyable seeing each new vintage unfold into what we will be selling over the next 12 months" says David, "reflecting the terror (weather and land conditions) over the past 12 months." Also rewarding is the business's support of a range of local community organisations and initiatives, including Cure Kids, Sustainable Coastlines, and more.

"Babich Wines is proudly one of West Auckland's original businesses," says David, "and we look forward to continuing to support the region for the next 100 years and beyond."

For more information, visit their website: [babichwines.com](http://babichwines.com).





# Member Profiles

We profile **Members** of the Rosebank Business Association



vaping, which is a much safer alternative. By providing a wide selection of solutions, tailored advice, and ongoing support, the team aims to empower customers to make informed choices and embark on a healthier lifestyle.

At The Vaping Kiwi, quality is of the utmost importance. The store maintains a strict adherence to industry standards and regulations, ensuring that customers have access to safe, reliable and authentic products.

Whether they're assisting someone new or helping an experienced vaper explore new flavours, the staff at The Vaping Kiwi thrives on the opportunity to engage with individuals from various backgrounds and ensure that every customer feels valued and supported.

The Vaping Kiwi  
Phone: 09 217 2584  
Email: [support@thevapingkiwi.co.nz](mailto:support@thevapingkiwi.co.nz)  
<https://thevapingkiwi.co.nz/>

## The Vaping Kiwi

The Vaping Kiwi is a thriving retail vape store that has been serving the Rosebank community for the past 2 years. With a passion for providing high-quality vaping products and exceptional customer service, The Vaping Kiwi has become a go-to destination for vaping enthusiasts in the area.

Owner Gopal Harlow and Manager Hamish McCrae know the significant health risks associated with tobacco smoking, and they're committed to promoting wellbeing within the Rosebank community. Their knowledgeable team is well-versed in the benefits of vaping, and they take great pride in educating and guiding individuals who are looking to transition from tobacco smoking to

“Empty chairs are not empty in reality; memories always sit there”



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# Business Nuts & Bolts

Business to Business advice from **RBA Members & Partners**



Jason Ennor  
MyHR Co-founder  
and CEO

## Workplace trials in New Zealand

MyHR often receives queries about the use of workplace trials or tests during the hiring process. Should they be paid or unpaid? Involve real tasks or simulations? Last one hour, one day, or a month?

Unfortunately, some of what people believe about workplace trials isn't accurate and presents risks for employers. Workplace trials are a great recruitment tool for assessing potential employees, but it's important to approach them carefully to ensure fairness and compliance with employment legislation.

### The business can't benefit financially from the trial

During a workplace trial, it's vital to remember that the business shouldn't gain financially from the tasks the candidate undertakes, so don't get a person to assist with your regular operations or do work that one of your paid employees would normally do or.

For example, if you're trialling candidates for a role as a barista, you can ask them to make a coffee for themselves or for the hiring manager, but not for your paying customers. This helps ensure that the trial focuses on the skills you're assessing and makes it clear that the candidate isn't an employee on a 'try before you buy' approach.

### No payment during trials

Workplace trials should never involve payment of any kind, whether that's money, company products, or vouchers. If candidates receive payment during the trial, it may establish an employment relationship, which creates very specific legal obligations for the employer, including payment for hours worked and following fair process for terminating employment.

### Keep it short

The duration of a workplace trial should be fair and proportional to the role being evaluated. There are no specific legal guidelines, but it's important to strike a balance between allowing enough time to evaluate the candidate's skills and fit for the role, while respecting their time and effort.

Be aware, too, that the longer a trial goes on, the more it could appear like actual employment. Less is more: we recommend work trials last a few hours, at the most.

### Clearly define the trial terms in writing

Before engaging a candidate on a workplace trial, make sure you

write down the terms and conditions of the trial to ensure both parties understand what is expected.

When creating the document, clearly state that the trial is a recruitment tool to ensure the candidate has the skills for the role, before you proceed any further with the hiring process.

It should also set out:

- details of the trial and what tasks the person will perform - these should be specific to the role
- its duration.
- that completion of the trial doesn't guarantee a job offer.
- that participation in the trial is voluntary and the person won't be paid for their time.

Having everything in writing and signed by both parties minimises risk that an actual employment relationship is established by default, and prevents misunderstandings that could lead to disputes and expensive legal issues.

### MyHR's advice

Done correctly, workplace trials allow employers to make informed hiring decisions while giving candidates a fair chance to showcase their skills and suitability for the role.

But like all employment matters, planning and process is key. If you use workplace trials to assess potential employees, approach them fairly and carefully, design the trial, and be transparent about terms and conditions, durations, and their voluntary nature.

If you need longer periods of time to assess a person, we recommend employing them using a valid 90-day trial (if you are a business with fewer than 20 employees) or a probationary period (if you have 20 or more staff).

If you need any advice or assistance in setting up effective, lawful workplace trials, MyHR can help. Call us on 0800 MyHR NZ, or visit [www.myhr.works/nz/](http://www.myhr.works/nz/) for more information and helpful resources.



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Aaron Martin  
NZ Immigration Law

## The disconnect between knowledge and reality

The recent reshuffle of immigration ministers has shed light on a concerning disconnect between their knowledge and the realities of their departments. The spotlight fell on the newly appointed Minister of Immigration Hon Andrew Little when he made inaccurate statements during an interview about immigration policies. Little claimed that accreditation status helped combat migrant exploitation and was wanted by employers, and additionally that it was an initiative introduced by the Labour Government, which has been proven untrue. These dubious claims have raised questions about whether the Minister was poorly briefed or if this was merely a PR tactic designed for re-election opportunities.

Recent data has shown an increase in reports of migrant exploitation, which puts into question the efficacy of the accreditation status in addressing this issue. Exploitation often occurs after a work visa is obtained, rendering the pre-employment accreditation process ineffective in preventing it. The focus on bureaucratic rules for employers in hiring international workers does not address the core of the problem. However, it does generate substantial

revenue for the government through mandatory accreditation and the automated processing of applications. This has led to the creation of additional income streams, as employers are now forced to apply separately for accreditation and a job check before their international workers can commence the work visa process.

Immigration New Zealand has proposed expanding the employer accreditation requirement beyond Accredited Employer Work Visas. The new proposal aims to extend this requirement to every employer hiring a non-New Zealander, including individuals on working holiday scheme visas or open work visas, such as partners of New Zealand citizens. Even students working 20 hours per week under their visa conditions may soon be subject to this requirement.

When examining these incremental expansions of the accreditation system alongside its failure to curb migrant exploitation, it becomes evident that the true objective of the accreditation status regime was never about eradicating exploitation. Instead, the changes appear to grant the government more control over business recruitment practices, thus undermining the principles of a free labour market and giving excessive control to the government over private businesses. With the power to limit a business's ability to hire the workers it needs, the accreditation status poses a threat to economic activity and opportunities, contrary to the principles of a free market.

It is essential for parties vying for control of the Treasury benches in the upcoming election to be transparent about their commitment to market principles, particularly concerning the labour market. Those genuinely invested in fostering the country's economic development should focus on removing restrictions and impediments to businesses recruiting the skills they require from the international labour pool. Furthermore, reining in the ever-expanding government regulation of the labour market should be a priority to maintain a thriving and free economic environment.

The spotlight fell on the newly appointed Minister of Immigration Hon Andrew Little

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Taina Henderson  
Henderson Reeves

## Why do we pretend children don't exist when we divide relationship property?

In an adult relationship breakup, the adults aren't the only ones to get hurt. But in the context of a relationship property dispute, it is the adults who have all the rights. Only the adults have a right to appear in court and be heard, the right to lodge claims, and in most cases, it is only the adults who have lawyers.

How well, then, is our relationship property law serving children, our most vulnerable members of society?

In the latest episode of our *Divorce Café* podcast, we asked much-loved university lecturer, family law academic and critic Professor Mark Henaghan to discuss the problem (and the solutions). Watch on YouTube or listen wherever you get your podcasts.

Professor Henaghan was part of a survey of people who had been through a relationship property dispute and which noted poor outcomes, where children had to move out of their family home in order to divide up the parents' assets. When children have to move out of the family home, Professor Henaghan says, they can blame themselves and struggle to adjust to new areas and make new friendships.

Keeping the children stable in the home can have many benefits, although it is not always achievable. Where the relationship pool is not huge, there are creative options, such as one party leaving money in the family home (to be repaid in stages or after an interval of time), potentially withdrawing KiwiSaver as part of the settlement or, sometimes more palatable than paying more to your ex, putting funds in a trust for the children that then owns a share of the home.

### Parents who are encouraged to focus on their children's needs first in a property division don't use the children as weapons

Professor Henaghan sees good communication as a huge marker of how well children cope with a separation.

"Children do well if parents communicate in a civilised way, the environment doesn't change too much, and they are able to see both parents together doing things and co-operating for them. All those things make a difference for them."

Communication is something all parents can work on. The Parenting Through Separation course - a 3-hour session with other parents in similar circumstances - gets great reviews from clients.

Simple things like parents coming to the door at drop-off can make a difference.

"The saddest thing I ever saw (was an advert)... it was a real little boy and he came on and he said, 'When Dad drops me off from contact, he drops me off at the end of the street and I have to walk up because he won't drop me off at Mum's' and he just started crying. And I cry every time I think about it. It's such a small gesture - if (the father) had just come up to the door and handed his bag

[and said] 'How are you, is everything alright?' it would make all the difference to this boy."

### What law currently exists to protect and prioritise children in a relationship property context?

Our law does contain provisions that require judges to consider the interests and needs of minor and dependent children - in particular, sections 26 and 28A of the PRA. New Zealand has also signed up to international conventions on the rights of children, under which we commit to ensure children's needs and voices are heard in any court proceedings. The law is there to be used, and lawyers (and parties) need to be arguing for the proper application of those sections.

Professor Henaghan says Aotearoa should be a leader in this, but we are still not doing what we say we should be doing.

"I think a lot of it's to do with an entrenched way that the profession/judiciary see it, that it's done a certain way, because you hear from adults that when it's about money, 'It's an adult issue - it's nothing to do with children'."

In recent years, judges have been more willing to make orders that put children's needs at the forefront, including occupation orders (under s28A) that allow the primary caregiver to stay in the home and defer the obligation to buy the other party out where that is what is best for the children.

No-fault divorce and the so-called 'right' to get a clean break after a relationship ends are often used to justify orders that force children to move out of the community they have grown up in (because their parent cannot afford to live there once the family capital has been halved). Professor Henaghan points out that the 'clean break principle' doesn't exist anywhere in the law and certainly does not prioritise children, from whom you "never get a clean break!"

Professor Henaghan thinks the way these laws are applied would change if lawyers for the child were appointed in relationship property cases, as recommended by the Law Commission in its 2020 report on the Property (Relationships) Act 1976.

### What can be done?

To improve outcomes for children who are caught up in disputes between their parents, Professor Henaghan advocates:

- lawyers and parties keeping the children's interests at the forefront at all times
- dealing respectfully and constructively with the other parent
- exploring creative solutions to resolve impasses - find outcomes that are good for these particular children and property solutions that meet the children's key needs for security.

If you have questions, or you need advice on a prenup or assistance with a separation, please contact our family law team, led by Directors Taina Henderson, Stuart Henderson and Nicole Dore, on 09 281 3723. You can watch *Divorce Café* on YouTube or listen on Spotify, Apple Podcasts or Google Podcasts.

If you're a member of the RBA, you can come along in August to a live recording of *Divorce Café* on "Breaking Up When You are in Business Together." Keep an eye out for the invite!





Kate de Lautour  
The Icehouse

## Why one-to-one business coaching is in demand

One of the current trends we're seeing at The Icehouse is increased demand for more one-to-one business coaching. Extensive, intensive and transformative, one-to-one coaching can fulfil many needs.

So why exactly is one-to-one coaching important? We're all familiar with group coaching, which helps with team building and establishing processes and systems, goals, roles and priorities, and more. While one-to-one coaching works here, too, its real value comes in its intimacy and its reciprocity, taking place in an environment where no conversation goes to waste and where an owner, for example, can give 100% focus and get 100% focus back.

Business owners tell us that one-to-one coaching and advisory has helped them to clear professional and personal roadblocks around ownership and leadership self-doubt, imposter syndrome, and resilience, as well as offered clarity around a specific business challenge or, just as crucially, provided them with a safe space to vent frustrations.

The majority of The Icehouse coaches own, or have owned, successful businesses in their own right, so they are in tune with the many trials and tribulations that come from being an owner at every stage of the growth lifecycle.

"Our coaches take all of their experience and learning from years

of working with other businesses and help you apply it to improve your business," explains Darilyn Kane, Coaching and Advisory Lead at The Icehouse.

To be most effective, one-to-one coaching success begins before the first meeting, and it is all about mindset. As Ken Leeming, one of the most experienced coaches at The Icehouse, explains, "One of the critical things, then, and why it's always important to meet somebody before you've formally signed with them, is discovering if there's enough chemistry there that you'll actually get on. And, critical to that, of course, is that the person being coached wants to be coached."

Jono Henry, Managing Director of Intense Sound & Vision, works with coach Michaela Vodanovich. "Michaela understands what we're trying to achieve, she doesn't just give me a cookie-cutter plan, and she's always coming up with new options for us in all areas of the business. It's almost as if she has shares in the company. She invests so much in us simply because she wants to see me and my staff do well. We all love her!"

"Think about coaching because it doesn't just address one avenue or one challenge; it's across the board. I feel like we have a whole team behind us with The Icehouse."

Sometimes, a client just needs a sounding board or wants advice on something very specific such as brand strategy, export or digital transformation. However, our one-to-one clients often report back that something unforeseen occurs. During an engagement, a relationship builds - one built on trust, authenticity and integrity - which can take a client in an entirely new direction.

"After some introductions, interviews and vetting, I decided that Derek Young [Icehouse coach] was the best fit for me and my current business situation. Within four months, Derek was on board, and the business settled into a rhythm," says Carl Saywell, Managing Director and founder of MS Civil Construction.

"Derek's on my advisory board and very involved in my business. I can also work one-on-one with Derek for a day or so each month, and he's incredible. He knows what buttons need to be pressed, is really invested in my success and has great intuition. He's been amazing.

"One day, Derek asked me, 'What does success look like to you, bud? How far can you take this?' It was a real eye-opener because it got me questioning whether I was thinking too small.

That one comment changed everything."



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Scott Carter  
Matrix Security

## The alarm is sounding, the phone is ringing, the clock is ticking

The critical role of efficient patrol response times and fit-for-purpose response instructions

If your alarm goes off at home or work, do you know what the next step is? The dispatching of a security patrol to an activation, before or after the keyholders of the property have been contacted, can be the difference in reducing response times, minimising loss and damage, and improving outcomes. Highlighting the necessity of efficient response times and ensuring clients' alarm response instructions are fit-for-purpose and reflective of their needs, are key areas Matrix Security want to create more awareness around.

### Time is of the essence

Burglaries and break ins aren't created equal. Time is everything in an emergency - something Matrix Security knows all too well. They have a median response time of just under 10 minutes. In comparison police have recently reset their response time goal to 45 minutes to emergency events in urban areas, and 60 minutes in rural areas.

"We have one client we acquired, a chemical company, who is a number one priority for fire service. When we approached them about their current response times, they indicated that if we could beat 7 minutes they'd come to us. We had a median response time of 6.1 minutes in that area, we presented them with the data and the contract was ours," says David Tombs, CCO of Matrix Security. Matrix Security has the largest fleet on road at any one time across the day, responding to both residential and



commercial alarm activations or requests for assistance - so the chances of us being mere minutes away from a customer in need is high."

"Recently we attended an alarm activation in central Auckland for a client who has a high profile and is a supplier of valuable goods. In this instance the burglars only got through the first layer of security doors and were stopped by the second," explains David. "If we'd had the permission to dispatch our patrol officers to the scene before contacting keyholders, we may have caught them, or seen the car speeding off and caught the rego, called police and it could have been an apprehension."

### Know where you sit

Having confidence in the skills and capabilities of your security company and your own security instructions, are both necessary for peace-of-mind. Question if you want to be contacted first when your alarm goes off, or have a patrol dispatched first and then be contacted. What do you feel comfortable with?

Contact our customer service team today at [service@matrixsecurity.co.nz](mailto:service@matrixsecurity.co.nz) to check and update your instructions and ask us how we can provide you with tools to access your own account to make changes - yes we do have an app for that!



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[sales@matrixsecurity.co.nz](mailto:sales@matrixsecurity.co.nz)







Bret Gower  
Smith & Partners Lawyers

## Your Responsibilities as a Director or Shareholder

As a director or shareholder of a small to medium-sized business (SMB) in New Zealand, you play a crucial role in its operations and success. However, it's important to be aware that your roles also come with legal responsibilities and potential risks. To protect yourself and ensure compliance with New Zealand law, it is essential to understand the legal framework and potential liabilities. In this article, we will explore the key legal risks you may encounter as a director or shareholder in an SMB and provide insights on how to mitigate them effectively.

### Director Risks

**Fiduciary Duties:** As a director, you have fiduciary duties to the company, which means you must act in its best interests and avoid conflicts of interest. Breaching these duties can result in personal liability. Therefore, it is crucial that you exercise due care, skill, and diligence in your decision-making processes.

**Financial Reporting:** While financial reporting requirements for SMBs are less stringent compared to publicly listed companies, you still have a responsibility to maintain accurate and up-to-date financial records. You should engage qualified professionals to assist you with financial reporting and record-keeping to ensure compliance.

**Health and Safety Obligations:** You must prioritize the health and safety of employees and stakeholders in the workplace. Non-compliance with the Health and Safety at Work Act 2015 can result in criminal and personal liability for you as a director. Implementing robust health and safety policies, conducting regular risk assessments, and providing adequate training are essential measures to mitigate these risks effectively.

**Employment Law:** Complying with employment law is critical to avoiding legal disputes and liabilities. You should familiarize yourself with relevant employment legislation, such as the

Employment Relations Act 2000 and the Holidays Act 2003. Ensure fair employment practices, including proper contracts, appropriate remuneration, and adherence to minimum employment standards.

**Regulatory Compliance:** Meeting regulatory requirements specific to your industry is essential. You should stay updated on relevant regulations, licences, permits, and certifications - and establish robust internal processes, training programs, and ongoing monitoring - to ensure regulatory compliance.

**Insolvency:** In the event that the company becomes insolvent or experiences financial distress, you have a duty to act in the best interests of creditors. Breaching these duties can expose you to personal liability for the company's debts. To navigate insolvency risks and protect your interests, it is important to monitor the financial health of the business, seek professional advice, and take prompt action if necessary.

### Shareholder Risks

**Minority Shareholder Rights:** As a shareholder, even in an SMB, you have legal rights that protect your interests.

Majority shareholders must not unfairly prejudice your rights or engage in oppressive conduct. If your rights are violated, you have the ability to seek legal remedies such as court orders or compensation. Take the time to understand the company's constitution and shareholders' agreements to assert and protect these rights.

**Shareholder Disputes:** Disagreements among shareholders can and do arise in SMBs, and resolving these disputes can be challenging. It is important to understand the company's constitution and shareholders' agreements. Seeking legal advice early can help mitigate risks and resolve conflicts more effectively. Consider alternative dispute resolution methods, such as mediation or arbitration, to find amicable solutions.

**Shareholder Liability:** While shareholders' liability in SMBs is generally limited to their investments, certain circumstances may expose you to personal liability. Regularly assess the company's financial health and be aware of potential risks. This will help you to avoid situations where personal liability may arise.

As a director or shareholder in a small to medium-sized business, it is crucial to be aware of the legal risks associated with your role. By understanding your legal responsibilities and proactively managing potential liabilities, in combination with your personal circumstances, you can make informed decisions and protect your interests. **If you wish to undertake a simple, no-obligation Business Risk Warrant of Fitness, call Bret Gower, commercial director at Smith and Partners Lawyers, on 09 837 6893, email him at [bret.gower@smithpartners.co.nz](mailto:bret.gower@smithpartners.co.nz) or register for a Business Risk WOF at [www.smithpartners.co.nz/wof](http://www.smithpartners.co.nz/wof).**

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