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Ashley Goodwin:

Celebrating 50 Years of
Well-Earned Success

Privacy

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Cover: Paul Sands, Rheem Solar Manager and Rheem General Manager, Mark McCutcheon

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From My Perspective

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



Inspiration

As we close out another year and prepare to launch into the fresh possibilities of 2024, I wanted to share with you an inspirational story.

Early this month, we had the pleasure of celebrating JUMP Trampoline Park's 10th anniversary at Five Knots in Mission Bay. JUMP Avondale opened in Rosebank in 2016 and quickly became a Rosebank Business Association Member, participating in many RBA events over those years.

After looking for something to do in Las Vegas at a family wedding, David Mu and his wife Sandra started promoting "health recreation for everyone" in 2014, when they put everything on the line and began their beloved JUMP trampoline parks in

New Zealand. Sports and exercise were some of David's lifelong passions, and Sandra and David were a great team. Their trampoline park concept took off.

They have built the business into a team of 100 over three Auckland sites, attracting over 100,000 clients annually.

Then, in July 2020, David suddenly passed from a medical incident while driving. His death has had a major impact on Sandra and their children, Nico and Tylah-Grace. As such, the celebration of JUMP's 10th anniversary was also a celebration of David.

David was a devoted family man, and he will be remembered as someone inspirational who made a lasting impression on every person he met.

Since David's death, Sandra has picked up the pieces of her life. With support from family and many others, she has kept the business together. JUMP is set to grow, with exciting new changes taking place over the Christmas break.

Well done, Sandra, for continuing to uphold your shared passion with David, even when it would have been the hardest thing in the world to do, and for



keeping David's memory alive. I'm sure he is missed by all who met him.

From myself and all of us here at the Rosebank Business Association, may these holidays with family and friends leave you refreshed and ready to continue to pursue your own passions and challenges in business. Wishing you and yours a fun and safe summer.

Regards,
Phil Clode,
Business Development Manager

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Dr Grant Hewison

Public transport and bikes now exempt from fringe benefits tax

Public transport, bikes, scooters, and micro-mobility share services (such as bikes and scooters) used mainly for commuting to and from work have been made exempt from the fringe benefit tax (FBT).

These FBT exemptions will give employers in Rosebank more options when they are considering sustainable and climate-friendly efforts in their workplaces. Reducing emissions from transport is a key priority in Auckland's Climate Plan: Te Tāruke-ā-Tāwhiri.

The legislation making these changes took effect on 1st April 2023.

Many employers already subsidise the commuting costs of their staff - for instance, employers who provide employees with car parks - so this change could be an opportunity to reconsider the range of employee vehicle and travel options. However, there are a few details to be aware of.

Overall, the benefit to employees must not be cash; it must be in-kind. Cash benefits are subject to PAYE, whereas in-kind benefits are usually subject to FBT.

In terms of public transport fares, the new FBT exemption covers a fare for buses, trains, and ferries for employees commuting to and from work. These can be in the form of a voucher or a loaded electronic ticketing card paid for by an employer. The exemption does not, however, cover transport options such as airfares, taxis, and shuttles.

For the FBT exemption to apply, if one of the above applicable public transport options is used by an employee, the employer must purchase the card directly from the transport provider (such as Auckland Transport) and then give the card to the employee.

This should give the employer a tax deduction, with no FBT or PAYE payable. Another example may be a public transport provider offering an arrangement whereby an employer could pay a portion (e.g. 100%, 50% or 25%) of the fare and be billed by the public transport provider for an aggregated amount for all employees using their travel cards over the month.

For Rosebank, the public transport fringe benefits exemption would be widely available in practical terms, with sufficient public transport being an option for employees commuting to and from work.

It is also likely that any administrative complexities or compliance costs for employers providing vouchers or topping up electronic ticketing cards will be reduced as services become available to streamline this. In particular, public transport providers will need to have some type of simple approach that employers can use.

Also covered under the exemption are employer-provided bicycles, electric bicycles, scooters, electric scooters, and other low-powered vehicles that Waka Kotahi has declared are mobility devices or not motor vehicles. This exemption also applies if the employer helps pay for certain vehicle share services for any of these modes of transport.

When looking at the bike exemption, there could be options for employers to purchase the bike and immediately transfer ownership to an employee, or to loan the bike to the employee rather than immediately transferring ownership, or to have the cost repaid over time by the employee.

Accessories such as locks, helmets, and lights are not covered by the exemption, so FBT could apply (subject to the FBT minimum rule).

For all exemptions, the main requirement is that the benefit must be mainly for commuting to and from work. However, "mainly" means that some private use is allowed.

The above, of course, is not accounting advice. For more information on how this exemption from fringe benefits tax works, please refer to your accountant for advice on your company's own tax situation.



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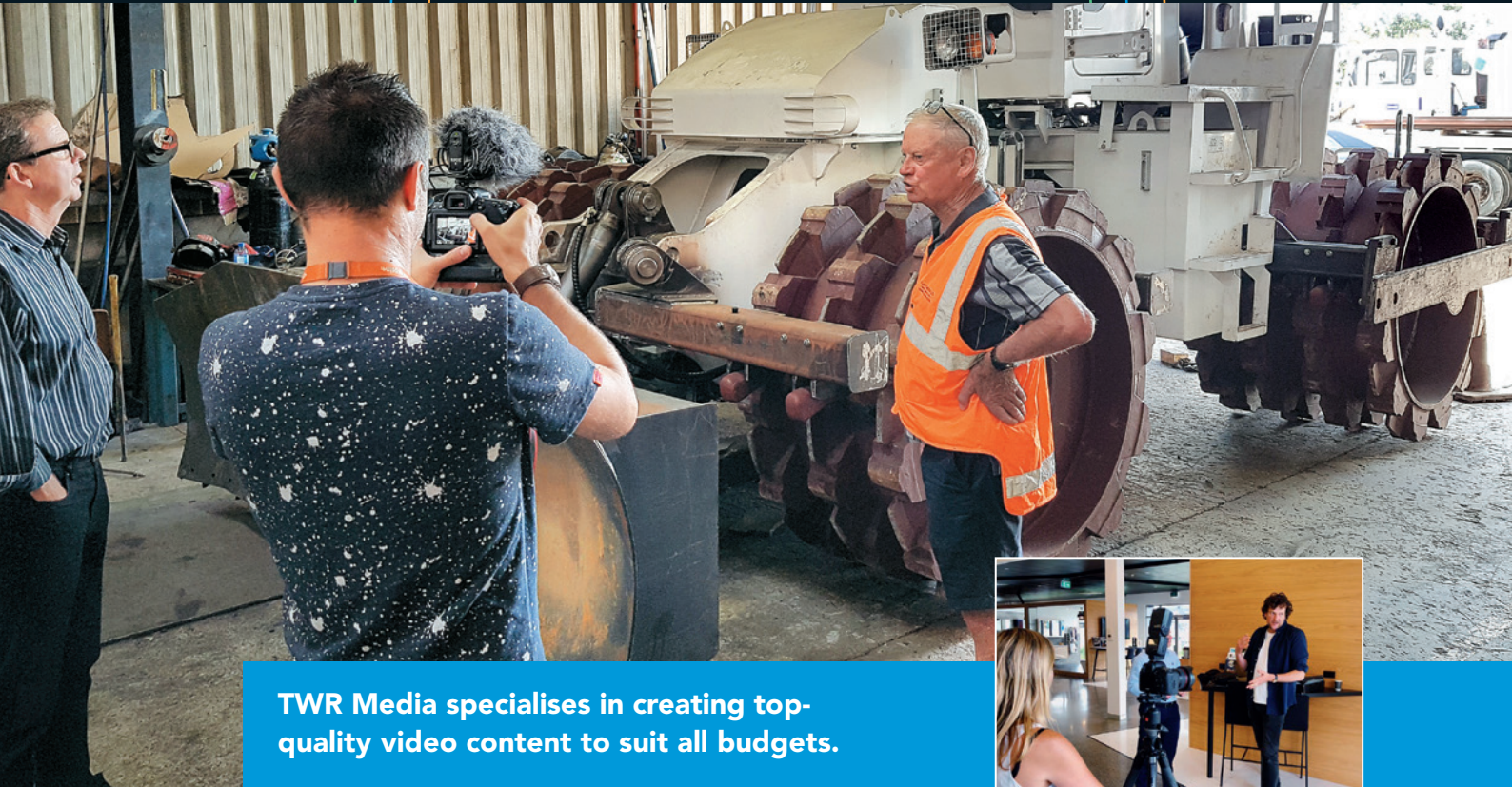
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It's raining gumboots!

There were no cats and dogs on November 3, just enthusiasm from individuals eager to be part of a like-minded group on our walk along Rosebank Road in support of Gumbboot Friday.

Gumbboot Friday is a charitable initiative that encourages people to don their gumboots and support mental health awareness and services.

On Friday, 3 November, despite the rain, dedicated employees from our Rosebank businesses and the I Am Hope Foundation staff braved the weather to show their support for this worthy cause.

Founded in New Zealand by comedian and mental health advocate Mike King, the campaign has gained traction as a creative and light-hearted way to address the serious issue of mental health. The symbolic act of wearing gumboots not only raises funds but also sparks conversations about mental wellbeing, helping to reduce stigma and promote a supportive community.

The I Am Hope Foundation is passionately committed to delivering immediate, free counselling services for any young person in New Zealand aged 25 or under.

The RBA was approached by Autex Industries to do a joint venture to advocate for Gumbboot Friday. The majority of businesses in our Rosebank business community have young employees in this very vulnerable space, making it a real-world problem. There can be a variety of reasons why people find it hard to reach out for help or know where to start.

To encourage participation, the RBA initiated spot prize giveaways, along with a Gumbboot Friday photo competition for those businesses unable to attend the walk. A variety of Gumbboot Friday paraphernalia was given away on the day,

including the major prize of a home-office printer, courtesy of RBA Associate Member FujiFilm.

We extend our gratitude to Fair Food for providing the ingredients to make Gumbboot Friday cookies, which were given away during the walk. Special thanks also to Autex Industries for generously supplying the BBQ food for our very hungry gumbboot walkers.

And finally, kudos to all those who turned up to walk. Gumbboot Friday has become a global movement, emphasising the importance of mental health and the power of unity in fostering positive change.



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FOR SALE

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Max McCarthy



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Nick Wilson, Max McCarthy



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Meir Alfassi



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Meir Alfassi



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Rosebank News & Events

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

PLN Group Hosting

PLN GROUP

PLN Group is a Rosebank-based designer and manufacturer of furnishings and lighting for both commercial and residential spaces. Its research-lead design process starts with a 'purpose'. The company's driving ethos is around the wellbeing of its products' users and improving built spaces through implementation of concepts such as acoustics and biophilic design.

PLN's products are in demand around the world and can be seen in workplaces on several continents as well as in offices, homes and hospitality venues across New Zealand.

Come and listen to Blair McKolskey, PLN Group's MD, talk about new ways of working. How lessons learnt by large corporates such as Google and Apple can now be translated for use by smaller business in getting employees back to the office and keeping them there.



PLN Group Hosting

Where: 21 Honan Place, Avondale
When: Thursday, 8th February, 2024
Time: 5.00pm - 7.30pm
RSVP: maureen@rosebankbusiness.co.nz

The Rosebank Business Challenge 2024



We are excited to announce that the Rosebank Business Challenge is back for 2024.

Put together a team and come along for a fun-filled, low-impact activity afternoon with loads of spot prizes.

Make your way around a series of easy Pit Stops to complete the tasks, then enjoy sharing some food and beverages with your teammates afterward.

So who's up for the challenge?

2024 Rosebank Business Challenge

Where: Riversdale Reserve
Riversdale Road, Avondale
When: Tuesday 20th February 2024
Time: 4:00pm - 6:30 pm
For more details contact:
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Rheem Hosting

Thursday, November 23rd marked the culmination of the RBA's hosting events for the year, hosted at Rheem. During this final gathering, General Manager Mark McCutcheon shared insights into the company's journey and its steadfast commitment to sustainability.

RBA members were very eager to hear from Rheem's Solar Manager, Paul Sands, as he delved into the captivating realm of Solar PV technology. The subsequent Q&A session sparked a plethora of pertinent questions spanning both business and residential contexts. Overall, the consensus among attendees was unanimous - this hosting event stood out as the pinnacle of the year.



Rheem Solar presentation went down a treat



Kevin Graham, Martin Bottomley, Alen Dosen and Tracey Gwiazdzinski



Paul Sands and Mark McCutcheon



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Paul Sands, Christine Ryan and Kevin Graham



RBA Members were engrossed in the presentation



Dave Papworth, Bex Harris and Sophia Bistow



David Speedy and Greg Dow



Paul Watson and Alistair Robertson

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Can I Tell My Team to Return to the Office?

Most articles about the post-Covid return to the office are written from the perspective of corporates with large floorplates, large budgets, and hundreds of employees.

But what of the 97% of New Zealand companies with 50 employees or fewer?

It may be easy and within budget for a corporate to reconfigure their offices with game rooms, a laundry, or a gym.

But if you are the owner of a small-to-medium-sized business (SME) with, say, 20 employees, how do you compete for or retain the best talent around? And once you have them, how do you ensure they attend the office more often than not?

Magnet, not mandate

In terms of employee motivations, research from Total Workplace Group shows that flexibility and choice are key, finding:

- 80% of employees want to choose where they work and 97% when they work
- 70% feel connection to the company culture when given choice, versus only 36% where attendance is mandated
- 75% of workers who were able to choose to be in the office felt positive wellbeing, which came with 29% higher productivity rates

- Just 33% of fully remote workers reported the same feelings of wellbeing.

In a study by XSF, millennials (the largest working population) cite better collaboration, socialisation and a delineation of home and work life as key reasons to be in the workplace. They want to be engaged at work, they need personal connections, and top of their list is to be inspired within their work environment.

Create the magnet

Knowing this, the SME owner needs to look at their current workplace and consider if it's delivering the inspiring, collaborative, or task-focused space this cohort is looking for.

The word 'flexibility' comes into play here. If your office space is made up of just desks and chairs, there isn't much opportunity to find a place conducive to collaboration or creativity, or a quieter spot when people need to concentrate. If you have a very functional yet non-flexible space, it is not likely to be attractive to workers now used to the variety of home-working, café-working or co-working spaces.

If, on the other hand, you have invested in a workplace that offers zoned working, no matter how limited, research shows that your business will benefit. Purpose-designed, collaboration-focused flexible architecture and furniture helps deliver value that

is undisputed. Collaboration can be either ad-hoc or planned, too, so space for each is good. Provision of quiet spaces using acoustic furniture or lighting can enhance concentration - and, once again, boost productivity and creativity.

If your team works in a hybrid pattern, you may find you have extra space on a daily basis. It makes sense to use that space in a creative way by taking out a desk or two and adding in pieces of furniture your employees choose to use. Choice is key, remember.

Three rules to guide your SME fitout choices

1. Consider tasks and personalities

Think about what your team needs to achieve, how individuals work, and the personalities required to get that work done. Is your business task focused? Is it creative? Does it require a lot of collaboration and thinking within the team, or have you become successful through intense concentration? Good commercial furniture is specifically designed to suit a need. Great furniture can be flexible, too. Exceptional furniture does all this and delivers on innate, human-centric needs that the user may not even understand, but which deliver the wellbeing benefits that also benefit your business.

2. Think flexibility

As a smaller business, you may not have the space or budgets to provide every person or working style their own separate areas. SMEs need to be nimble and adaptable, so when it comes to furnishings and fitout, invest in pieces that offer flexibility, whether that's in terms of mobility, modularity, or scalability. It will pay off to ensure your fitout offers futureproofing and is as flexible a workspace as you can engineer.

3. Think holistically

Finally, don't think of furnishings, lighting, or even architecture in isolation; consider the whole workspace and the needs of the whole team. Zone your space according to the tasks and personalities you need to satisfy. Think about the acoustics of your space: is it difficult to have a conversation without everyone else overhearing, or does your background music seem either too loud or too soft? Also, think biophilically (the innate human connection to nature). Biophilic design has been proven to improve productivity and creativity and reduce absenteeism. Planting is a good start, but investing in pieces that have been designed with biophilic principles in mind is going to provide dividends. PLN Group (plngroup.co.nz) has a free online resource about biophilic design and its benefits.



Did you know..



Gumboot Friday

Despite the rain, dedicated employees of Rosebank braved the weather, donning their gumboots to show support for Gumboot Friday.



Hynds turns 50

Hynds marked their 50th anniversary by hosting a celebration with customers, suppliers, and local businesses. The event featured a diverse range of food trucks and street food.



The AI Show

Powered by the EMA - Five Rosebank businesses attended an evening of inspiration, insights, strategies, expertise, and connections to take businesses into the AI-powered future.



Rheem Hosting

Our final hosting for the year was held at Rheem with attendees learning about the companies dedication to sustainability and headway into renewable energy sources like solar.

Pictured: Rheems Paul Sands and General Manager, Mark McCutcheon



5

Business Apprenticeship Award

Shalom Timu from Allegion receives The Business Apprenticeship Award.



7

EMA workshop

Alan McDonald from the EMA presented at our Rosebank Plus Workshop enlightening attendees on Navigating the Post-Election Landscape for Business and Economy.



8

Plastics NZ - Operation Clean Sweep

Local business employees got together with Plastics NZ to help clean up the Kurt Brehmer Walkway. Approximately 1 tonne of rubbish was collected in two hours!



6

Rosebank's Most Wanted

It's fantastic to see local businesses like Fair Food and Autex supporting our wider community during Gumbout Friday. Fair Food made the gumbout cookies, while Autex supplied the BBQ for our hungry walkers.



9

AGM

The RBA management team delivered our first full year Annual General Meeting (AGM) on 26 October.



Ashley Goodwin:

Celebrating 50 Years of Well-Earned Success

The Rosebank Business Association is thrilled to congratulate Ashley Goodwin, founder of renowned realtor Goodwins, on achieving a 50-year career in the real estate industry. The longevity of Ashley's success is highlighted by his being awarded Life Membership to the Real Estate Institute of New Zealand (REINZ) on the 28th of November this year. Ashley and his daughter, Goodwins Managing Director and CEO Catherine Goodwin, couldn't be prouder of everything that Ashley has led their family-owned business to achieve.

"We've been in the business a long time, and we're still very successful," says Ashley. Long-established as specialists in sales and property management, the Goodwins team has worked hard following Ashley's example to define their success in a field of major players. "It's a very competitive industry - you've got all the big franchises and they have immense resources - but we're still here, and we're competing with them."

Not only has Goodwins stood the tests of time, market conditions, and big-budget competitors, says Catherine, but she is proud to have helped to ensure their legacy by welcoming more family members into the fold. "We're continuing to build a business that will thrive well after me and Dad," she says. "We have successfully transitioned Goodwins to the next generation - that being myself, my brother Brendan, my sister, Sophia, my sister-in-law, Aleina, and my husband, Dave. That's pretty exciting. It allows Dad much greater flexibility and time to enjoy an array of other life pursuits."

Goodwins operates a tight-knit team of 25 across two Auckland locations: their head office is in Parnell, and their longstanding flagship office sits at the busy corner of Mount Albert and New North Roads. They're one of the founding members of the Rosebank Business Association, having joined the RBA when it first assembled back in 2002. (At that time, Goodwins

had a real estate office in Avondale.) Ashley has always been passionate about connecting with others in his local business community, and in particular supporting the real estate industry. He has proudly served REINZ within their sector groups and took seriously his role on the REINZ Investigation Sub-Committee/ Disciplinary Panels of the Auckland District. Simply put, he says, it's an industry he enjoys working in.

"Right from day one, I've enjoyed the one-on-one business association with vendors and purchasers," he says. "I enjoy working with people, and I enjoy everything about running a business."

Catherine adds that the impact they have on people's everyday lives as realtors cannot be underestimated. The privilege of being an intimate part of people's lives, she says, is what drives her and her family to be successful at what they do.

"In terms of property management, when you are literally meeting someone's need of safe housing, it is an incredible responsibility," she explains. "And from a sales perspective, we quite literally can support the entire life journey of home ownership. Those stories, and the diversity of those people, is exhilarating."

Ashley's first-ever job in banking gave no hints as to the highly successful real estate career in his future, but perhaps his family lineage did. Grandson of Miles J. Cassidy, an Irish immigrant to New Zealand who became a real estate entrepreneur in the 1920s, Ashley grew up watching his uncle and grandfather work hard to make their mark on the industry (his Uncle Horace played a key role in developing the education offering at REINZ). Always one to do things his own way, Ashley tried his hand at a few professions before ultimately approaching his uncle about working in real estate.

"When I left school at 16, I worked for the BNZ in Taranaki. I

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then worked for the government, in the education department,” he recounts. “Following on from that, I did various other things before heading offshore for a year in Australia.”

“One of those jobs was as the foreman of a freezing works!” puts in Catherine. “Then, all of a sudden, he was in a corporate suit. Dad can relate beautifully to any group of people; one of the things he does really well is being so relatable and genuine in such different environments.”

It was 1973 when Ashley’s uncle helped connect him to his first real estate mentors, Merv Neill and Dick Gladding of Gladding, Keys and Neill. From there, he never looked back. Ashley went on to work in sales and management roles at Belton’s Real Estate, which was later sold and came under the umbrella of United Realty World, then Ray White (the latter of which Ashley is a founding member; he contributed highly to establishing the brand here in New Zealand).

“It was my mother who suggested I talk to her brother, my uncle Horace Cassidy,” he recalls, “to see if I would like real estate, which of course I did. I ‘found my feet’ quickly, not just listing properties, but being able to close the sale, which is pretty important. It was just a business I liked, and it liked me, and I did extremely well by selling, and later managing offices.”

In 1983, Ashley took up the management of Belton’s office at 910 New North Road, and later incorporated Goodwin Realty when the opportunity arose to purchase a franchise in 1991. His style of doing business somewhat pushed the accepted boundaries of the day; he encouraged his team to be highly professional - as much so as a lawyer or accountant - which was decidedly against the more widely held “casual” approach. Ashley also went the extra mile to recruit, train and upskill his staff, drawing in new salespeople from outside the industry (he recalls a former butcher being the best salesperson he ever had) and going as far as buying a staff member’s first suit or funding their training.

Above all, he became known for his positive attitude, ambition, and commitment to honesty with the vendor. “Honesty is a huge thing in real estate,” he says. “And it’s important to form a team where there’s loyalty and respect, going right down from myself to everybody in the team.”

In 2011, Ashley and Catherine rebranded as independently owned Goodwins. This year marks 40 years since Ashley first moved to Goodwins’ Mount Albert location.

“Our Mount Albert building is now over 100 years old,” says Catherine. “We completed a large-scale refurbishment here over the past two years, and it’s now fitted out to service the needs of a growing team. We’d like to see it last another 100 years.”

Staying on the cutting edge of technology is a key part of what sets Goodwins apart from other realtors. “We were one of the first to adopt virtual reality marketing as standard,” says Catherine, “as well as virtual floor plans and digital welcome packs for our tenants. We’re always striving to continuously improve.”

She credits her team’s hard work in securing the accommodation project for the 2021 America’s Cup with giving Goodwins the platform to transform their business. The technology they invested in for that event has now given Goodwins a stronghold in the Auckland executive rental market, as well as with Kiwi ex-pats needing property management services from overseas (through a recent sponsorship with ex-pat support specialists Kea).

“Through that virtual reality technology, we can now service incoming tenants or purchasers from all over the world as if they were standing inside the property with us,” she says. “It is something that sets Goodwins apart - the ability for us to service anyone, whether a landlord or a vendor, tenant or purchaser, wherever in the world you are.”

In the “increasingly litigious” world of real estate, she adds, ongoing professional development is equally as important to ensure Goodwins delivers the best possible service to their clients. “Delivering quality advice to our clients means that their entire investment journey is more certain,” she says. “We focus heavily on the available NZQA certifications, and we are internally running very strong training programmes. Attendance at industry conferences and seminars is really important to us, for everyone from frontline to office administration and through to my role as CEO.”

Goodwins’ success continues to grow, despite having quite a pared-down team compared to years past. At one stage, Ashley recounts, there were nearly 100

people working for the company; the decision to cut down to just 25 was part of a deliberate strategy that focuses on the quality of their service versus “bums in seats.” In July of 2022, Catherine, Brendan and Aleina (who both previously worked in property businesses in Australia) spearheaded Goodwins’ move back into real estate sales.

“We’re running the Navy SEALs of selling, is how we’ve rebuilt that team,” says Catherine, with Ashley adding that his son and the small team have done “extremely well.”

“Even though it’s only a small team of three at the moment,” he says, “that team will continue to grow over the years, and that’s another string to the bow for Goodwins.”

Regardless of whether a staff member shares a surname with Ashley and Catherine, both father and daughter are firm in regarding each person who works at Goodwins as family. Doing their best by their team and seeing employees succeed, they say, is a major motivator.

“Dad and I get up every day and we’re responsible for the 23 other people who we employ,” says Catherine. “If we get that wrong, that is significant. You end up being boosted by wanting to be successful for your team; the better we are in leadership, the better our team will perform.”

It’s clear that the Goodwins approach to business and leadership has paid off, evident in what Ashley and his team have achieved in his 50-year career.

“In my earlier years of sales management and franchise membership, we won No.1 Real Estate Office in New Zealand 13 times - little Mount Albert competing against all of New Zealand,” he recalls proudly. “Another time, we ended up featuring 5th in Australasia. I’ve been in the business 50 years, and there are lots of people I’ve known over the years who are no longer in the business, but we’re still recognised - not just in Mount Albert, but across Auckland.”

Congratulations to Ashley on an incredible career so far, and all the best to Ashley, Catherine and the Goodwins team in continuing the legacy they have worked so hard to build.

For more information or to speak to a member of the Goodwins team about your real estate or property management needs, visit goodwins.co.nz.

Written by Beth Caunter

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Pictured from left: Chris Carbert, Kate de Lautour, Susan Tapper, Lisa Seto, Kim Hill, Kim Watts, Rob Knowles, Janine Roberts, and Simon Bennett.



The Icehouse "Pathways to the Future Trust" Leadership Graduation

It was incredibly rewarding for us to celebrate the success of three young leaders from Rosebank businesses who graduated from the Icehouse Leadership Programme last month: Rob Knowles from Marine Deals, Chris Carbert from Celebrations Group, and Lisa Seto from Haven Accounting.

The programme, which includes both collaborative and individual sessions, is made possible with co-funding from the Pathways to the Future Trust and is facilitated by leading Icehouse facilitator and coach Kim Hill (pictured, centre back).

Nominations were open to any Rosebank Business Association member who had identified young leaders in their organisations who might benefit from Icehouse training. Nominees must be under 35 years of age and new to management and supervisory roles. A large number of applications were received, with the successful candidates starting the programme in September.

The programme included online one-on-one sessions with Kim Hill. This gave each of the attendees the opportunity to share where they were at with their roles: the challenges they were facing and the opportunities they could see ahead.

The attendees went on to complete intensive fortnightly group sessions, where they were given a strong feel for different leadership styles and learned new skills, frameworks, and tools to become more effective leaders and communicators in their roles.

Working together in a small group meant they could share ideas about how they could better lead in their individual businesses and deal with stressful situations, and they developed heightened clarity and strong focus.

Speaking after the last session, facilitator Kim Hill said she was impressed with all three graduates.

"They really committed to going away from each of the sessions and taking every bit of learning back into their organisations. Their

courageous conversations are to be congratulated, and I have loved the way the reflections were shared by everyone in the group when they came into a new workshop.

"The key thing for us at The Icehouse is that the learning is only as good as the way you plug it back into your roles in the business, and the growth we have seen here from this group is remarkable. They have now got three or four key 'work-ons' for the future that they can focus on putting into and improving their own systems."

Lisa from Haven Accounting said she really enjoyed seeing how the others dealt with different challenging situations and how she could implement similar changes back in her office. All three graduates agreed they would enjoy the chance to reconnect for a coffee in 2024 to check in.

This is the second time the Leadership Programme has been run, following positive feedback to the RBA management from the attendees last year.

"We received excellent feedback from recipients," said Kim Watts, RBA Executive Engagement Manager. "They all emphasized what a great course it was and how beneficial it proved to be for them. They highlighted the positive impacts they could carry back into their individual businesses.

"For us at the Pathways to the Future Trust, our focus revolves around finding ways to increasingly assist the young people actively contributing to our business community each year. The accolades from the successful Rosebank awardees reverberate, with a commendation for both the instructional prowess of course facilitator Kim Hill and the calibre of its content.

We look forward to working with The Icehouse again next year."

By Kate de Lautour
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Business Nuts & Bolts

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



Aaron Martin
NZ Immigration Law

Accredited Employers, Take Note: The System Has Changed

On the back of the scandal involving holders of accredited-employer work visas arriving in New Zealand to no jobs and dismissal under 90-day trial provisions, the accredited-employer work visa system has changed.

Job Checks

Job Checks, the application made by accredited employers to get permission to hire an overseas worker, are now thoroughly scrutinised to ensure vacancies are genuine. This has resulted in a massive blowout and processing times ranging from 10 working days to six to eight weeks. This has downstream impact on hiring times and processes because the work visa application cannot be prepared until the Job Check is approved.

One helpful solution would be to amend the online application system so that the preparation of the work visa application could be commenced in anticipation of the Job Check being approved.

Ninety-day trials

The ability for accredited employers to use a 90-day trial in the employment agreements for overseas workers was removed. This applies regardless of the size of the business.

Infringement offences

What has not been discussed widely is a legislative change instigated mid-year that amends the Immigration Act's offences by employers. The Worker Protection (Migrant and Other Employees) Act commences 6 January 2024 and allows immigration officers to compel employers to supply documents to determine whether the supporting employer is employing the work visa holder in accordance with the conditions on the visa. They can also examine whether an employer is meeting their obligations as a supporting employer.

Documents must be provided within 10 working days, or else the employer will be fined \$1000. An employer cannot avoid supplying the documents because they might be incriminated or exposed to penalty.

Section 350 of the Immigration Act is amended. Previously, if an employer exercised reasonable cautions and due diligence to ascertain whether a person was entitled to do the work and did not know that person was not entitled to do the work, they had a defence to prosecution. The new Act removes that defence.

It creates a new offence (employment infringement offences) of simply allowing a person to work when they are not entitled to do so or to work in breach of the conditions of a worker's visa.

Additionally, with the creation of infringement offences, Immigration New Zealand now no longer needs to proceed by way of prosecution to fine employers.

An employment infringement offence allows Immigration NZ to issue infringement fees of between \$1000 and \$3000 per employee without the need for prosecution in a court. However, they do have the choice to proceed with a formal prosecution, in which case the fines can be double the total infringement fee that is payable.

The work visa application could be commenced in anticipation of the Job Check being approved



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Jennifer Wyatt Sargent
Human Resources Consultant

Privacy Versus Confidentiality

I recently provided an organisation with a privacy policy. While the policy covered all their concerns, as well as a few things they hadn't thought of, they then requested a confidentiality policy.

The difference between privacy and confidentiality

Privacy is governed by the Privacy Act 2020. The Act defines privacy, how information can be collected, how it should be stored, and who can have access to it. It also generally covers the standards to which organisations are held when dealing with people's personal information and provides for fines in the event of wrongdoing.

Confidentiality, on the other hand, is really only governed by a person's moral compass. It may seem, therefore, to be of little importance. But as a human resources consultant, believe me when I say that I have seen teams and departments brought to their knees because the staff involved had no understanding of the part trust plays in any relationship, nor did they have respect for their employer, and importantly, for their colleagues.

Definitions of confidentiality

1. Confidentiality is an ethical duty that prevents certain people from sharing information with third parties.
2. Confidentiality pertains to the treatment of information that an individual has disclosed in a relationship of trust and with the expectation that it will not be divulged to others without permission in ways that are inconsistent with the understanding of the original disclosure.
3. Confidentiality isn't covered by a specific law; rather, it comes from common law.
4. Confidentiality doesn't have to be covered by a contract or a confidentiality clause. However, the information must not already be in the public domain, and its confidential nature must have been communicated to relevant parties.

Put simply, confidentiality is about trust - doing the right thing and treating people with respect. If we say we will do something, we actually do it, and equally as important, if we say we won't do something, we don't.

Confidentiality in everyday life

Nearly everybody has a piece of their life that they keep close and try never to share with other people, but occasionally the need to confide that information to someone else takes precedence. Women are particularly skilled at building supportive relationships, both in their private lives and at work. These relationships help them deal with situations like the breakup of a marriage, a child who has gone off the rails and is in trouble with the police, or the illness and death of someone close. Most of the time, these relationships work brilliantly: a woman confides a personal issue to one or two close friends because she's a bit weepy and short-tempered, and she assures them it's not directed at them — but please don't tell anyone else. With their friendly support, she works through her personal drama and comes out the other side with her privacy and pride intact.

Confidentiality falls down when the "friends" find the information too tempting to keep to themselves. It also falls down when the culture of the team, department, or even the organisation encourages gossip.

Confidentiality isn't covered by a specific law; rather, it comes from common law.

Gossip is not solely a female problem. I have worked with several male-dominated organisations where gossip has been rife; the fallout for men can be equally as hurtful and humiliating and can even lead to physical violence.

In one organisation, a team of 30 – predominantly women – had a manager who actively encouraged gossiping, rewarded those who told her information, and then used it to coerce staff to change shifts and do work that wasn't in their position descriptions. Eventually, they were screaming at each other in the corridors and staff turnover soared.

I arranged some training, and as English was not the first language for most of them, I used role play. I used various scenarios and got them to tell another person a "secret" which they were asked not to pass on. Next, the person who had been told the secret was told to tell it to other people and to make fun of the person when doing so. Suddenly they started to realise that this was how they were behaving in real life.

There were tears and hugs, and we talked through what they had learned. Someone asked, "What do I do when someone wants to tell me a secret?" My answer: "Well, you don't want to be rude, because remember, you are all having to learn not to gossip. I suggest you give her a big smile, hold out your hand, and say, 'Talk to the hand, cos' I'm too busy to listen,' and then walk off." They all practiced this with a lot of laughter, and the meeting broke up.

The result? Gossiping stopped, they became a closely knit team again, and the manager lost her power over them. But that manager should never have allowed the situation to arise in the first place.



Kate de Lautour
The Icehouse

Kiwi Business Story: Rewa Willis at Sherson Willis

Rewa Willis is the Co-Founder and Director of Sherson Willis and an Icehouse Owner Manager Programme alumnus.

Tell us about your career journey.

I left school after seventh form. I didn't go on to do any kind of tertiary study and went straight to Pacific Magazines. At 18, I became the New Zealand Fashion Editor for Girlfriend magazine. I then moved to Raynish and Partners, a boutique advertising agency.

I was doing an AUT night course on communications, and that's where I met Trish [Sherson], who was also at Raynish and Partners. After each having our second child, we were literally sitting around feeding our babies, saying, "What are we going to do?" We talked about doing our own thing, and that's how it came about. That was 17 years ago, and we're still business partners today. When we started off, for the first five years it was just Trish and I, working from home, and now there are 13 of us.

What do you offer as a company?

We specialise in communications support for executive teams, boards of directors, and their senior advisors around transactional reputation and reputational or issues management campaigns.

As an example, if a client wants to list on the NZX, we will work with them ahead of time to make sure that they are in good shape, because obviously with that comes a lot of public scrutiny.

How was your experience of The Icehouse Owner Manager Programme?

I really enjoyed it. We had a great cohort on OMP 58. I had a little bit of impostor syndrome, as in, "Is my business big enough? Am I smart enough?"

There were also a number of us who just needed to be more passionate about our business, asking questions like, "How do I be passionate about the business again?" and "How do I navigate succession?"

Succession planning, recruitment, and staffing were always major issues for everybody that sat around the table. You realise quickly that, despite being from different backgrounds and businesses, we're all facing similar problems.

How did you balance work through the new learning?

I had to learn to slow down. We did TMI profiles as part of OMP, and I'm a completer, a finisher, so I like things to be done. There were definitely frustrations there, where things were not moving at the pace I wanted them to be moving at, but again, it's good for reflection to look at yourself, take a step back, tick things off, and stick to the strategy.

You also joined The Icehouse's Financial Skills Workshop. How did you benefit from that?

When you start a business, you're on the tools, because it's what you know. We have an amazing finance manager, but knowing your numbers is critical to business success. You need to know what margins you're making, and there was definitely a point when Trish and I first started the business where we had all this revenue coming in, but what was dropping out the bottom was pretty minimal. So it's good to understand how your numbers can fund growth.



What excites you about the future of your business?

The sky's the limit, isn't it? Once you look at things slightly differently, there are so many ways you can go, and that was one part of OMP - asking how Trish and I, as business owners, start stepping back. How do we grow our team and the leadership in our team so our team members can step up? I think that at some stage in the future we can start stepping back, but that's a work in progress!

The Icehouse has scholarships available for female business owners. For more information, contact k.delautour@theicehouse.co.nz, www.theicehouse.co.nz



Scott Carter
Matrix Security

Matrix Security Guarding: Monitoring and Patrols You Can Trust

This holiday season, please take the time to ensure that you are protected, both at work and at home.

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- Consultancy and integrated security design services
- Smart security technology solutions, including installation and servicing
- Alarm monitoring and response 24/7 from our Auckland-based team

Holiday Security Tips

Most burglaries are opportunist and happen when owners are away. Unfortunately, it is necessary to be especially careful at Christmastime, as homes and businesses are more often empty with many people out shopping, socialising, or on holiday.

Here are a few simple precautions that could help to deter all but the most determined burglar:

- Update your alarm monitoring instructions so we know who, if anyone, should be on site and who to call if something happens (especially if you are overseas or uncontactable). Matrix alarm monitoring software can be configured to individual requirements, including giving you

remote access via an app (including CCTV footage).

- If you have an onsite mailbox, ensure this is kept clear at all times so thieves can't tell if you are away. Matrix offers this service, so please contact us if you would like this carried out.
- Schedule extra security patrols on your business to ensure doors and windows are locked and that any sign of attempted break-ins are reported, so that these can be rectified or extra protection measures put in place until you return.
- If possible, don't advertise the fact that you are closed by putting a sign on the door, etc. Keep thieves guessing!
- If you are a Matrix Security client, we can supply and install extra signage and window stickers to deter thieves - please ask us, as these are free of charge for RBA members.
- Get together with your neighbours and contribute funds to provide random patrol 'drive-bys' in your street by our experienced security officers. The more times our marked vehicles are seen, the greater chance thieves will find 'softer' targets.

As a special offer to RBA members, we have worked with Kim to provide these packages for both your home and business security:

1. Commercial alarm monitoring: Free connection to our Auckland-based alarm monitoring centre, plus two months' free monitoring (36-month contract), free daily reports, and a free app to allow for remote access, valued at \$580.
2. Residential alarm monitoring: A 50% discount on a cellular connection device, a 20% discount on our standard monitoring fee (36-month contract), free reports, and a free app to allow for remote access.
3. Commercial patrols: Sign up to a 24-month contract before Christmas and receive double the number of checks between 24 December and 6 January at no extra charge.

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Can I force a minority shareholder to sell their shares?

In any business, large or small, shareholder relationships play a pivotal role in shaping the direction of a company. Understanding the legal framework that governs whether and how majority shareholders can compel minority shareholders to sell their shares is crucial. This article delves into the cornerstone elements of company constitution and shareholder agreements, shedding light on the rights and obligations of both majority and minority stakeholders.

Company shares: a property right

Shares in a company are a form of personal property and, as with most other forms of property, there is no statutory provision enabling one party to compel another party to sell their property - or in other words, for a majority shareholder to force the sale of another shareholder's shares.

As a general rule, any shareholder can only be compelled to transfer their shares if they breach a contract (e.g. a shareholder agreement) or the law (e.g. Insolvency Act 2006).

The Cornerstone: Company Constitution and Shareholder Agreements

Before exploring whether you have legal avenues for compulsory share sales, it is essential to recognize the foundation of any company's internal governance: the company constitution and shareholder agreements. These documents set the rules and regulations that guide the behaviour of shareholders and determine the procedures for various corporate actions.

In New Zealand, these agreements often address matters such as decision-making processes, dividend distributions, and crucially, mechanisms for resolving disputes among shareholders. If a company has a well-drafted constitution and shareholder agreement, these can serve as powerful tools in facilitating a smooth resolution to conflicts, including scenarios where a majority shareholder seeks to compel a minority shareholder to sell their shares.

As noted above, compulsory share sale would normally only result from a breach of, or default under, the constitution or the shareholders agreement.

Fair Value Determination: Balancing the Scales

Compulsory share sales often involve determining a fair value for the shares being sold. In New Zealand, the Companies Act provides guidance on the process of valuation. The Act stipulates that the court may determine the fair value by considering all relevant factors, including the value of the shares as a proportion of the company's overall value.

This provision ensures that minority shareholders are not coerced into selling their shares at an unfairly low price. The court's role in determining fair value adds a layer of protection for minority stakeholders, promoting equity in the resolution of disputes.

Most day-to-day share valuations are determined outside the court environment on commercial terms negotiated at the time or as prescribed in the constitution or shareholder agreement - with the backstop protection of recourse to the courts where necessary.

Legal Recourse for Minority Shareholders

If a minority shareholder finds themselves subject to a compulsory share sale they deem unfair, New Zealand law provides avenues for legal recourse. Minority shareholders can seek redress through the courts, challenging the action on grounds such as oppression, unfair prejudice, or improper conduct. The court will carefully assess the circumstances and determine whether the majority shareholder's actions are in violation of the Companies Act.

Conclusion

Understanding the mechanisms through which a shareholder can compel another shareholder to sell their shares is crucial for maintaining a balance of power and promoting fair business practices. Having a solid foundation in the company constitution and a well drafted shareholder agreement, coupled with the oversight of the Companies Act, should provide you with a legal framework and a robust process for resolving disputes and ensuring equitable outcomes for all stakeholders.

If you need assistance in drafting or enforcing constitution and shareholder agreements for your company talk with Commercial Director at Smith and Partners Lawyers, Bret Gower on 09 837 6893 or email him at bret.gower@smithpartners.co.nz.



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