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Cover: Margot Lewis from Junk2Go in Rosebank won the 2024 Tamaki Makaurau Zero Waste Award for Community Contribution.



With thanks to our partners ...



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From My Perspective

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



Congratulations and Thank You

I want to congratulate our marine industry here in Rosebank on their success with the recent America's Cup. C-Tech and Southern Spars are both heavily involved with the America's Cup: Southern Spars manufactures all the masts for the AC75 boats (AC75 masts must all be built to the same specifications) and C-Tech supplies carbon sail battens to the teams, as well as many tubular composites.

These businesses are both successful in the marine industries they specialise in, and they lead the world in their technology and research and development. To take advantage of the European market now available with the America's Cup having been held in Barcelona, C-Tech recently opened a manufacturing plant in Spain. They



Composites manufacturer C-Tech's Alex Vallings and Lyn Holland with Kitchen Mania's CEO, Carl Arnold.

have also expanded their manufacturing here in Rosebank, with expansion into properties adjoining their Rosebank site.

As a side project away from sailing, Southern Spars helped our NZ track cyclists win gold this year at the Paris Olympics with their carbon wheels, which were used on the track cycling program. There is nothing better than seeing New Zealanders punching way above their weight.

With the AGM held last month, I want to congratulate our RBA team and our Board for a stable year in which the RBA hit our budgets during a very trying time for all businesses in Rosebank and New Zealand. We have seen our business friends struggle with a very flat market, and some have gone into liquidation. This has been brutal. I congratulate those business owners who have put

everything they own on the line over the last year and stayed in the game. Let's hope that in 2025 the economy picks up and we get some decent economic growth.

I want to also thank our RBA Partners for their ongoing support of the Rosebank Business Association, as well as the contributors to this publication, both advertisers and our writers. Without you, we wouldn't be able to produce this wonderful magazine.

This month, we will have our annual Business Directory published this month that will be delivered to all businesses in Rosebank. Let us know if you want a copy.

Regards,
Phil Clode,
Business Development Manager

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Dr Grant Hewison

Auckland Transport: Improving Network Productivity

For many years, the RBA has been advocating for Auckland Transport to improve network productivity (for example, through the use of dynamic lanes). As Auckland continues to grow, Auckland Transport is seeking to make better, smarter use of existing roads, rail, footpaths, cycleways, and ferries to accommodate the increase in travel.

This will be achieved through investment in network optimisation initiatives that deliver significant improvements through small-scale interventions, technology upgrades, and the development of demand-based solutions to manage congestion and improve travel times.

There are six workstreams:

Workstream 1: Operational Planning is about maximising the productivity and operation of the existing road network, identifying areas for investment, and providing expertise on consenting and project design. This involves having an Auckland Network Operating Plan; understanding current network performance through data and insights; and integrating this knowledge with an understanding of upcoming changes to the network in the short-to-medium-term.

Workstream 2: Network Optimisation aims to optimise flow through the existing network by implementing a combination of infrastructure and Intelligent Transport System solutions, such as smarter intersections, dynamic lanes, and corridor improvements. This second workstream also focusses on designing and implementing cost-effective solutions for parts of the network identified as “deficient” by the workstream. Initiatives include:

- smarter intersections (bus booster, detection)
- dynamic streets (dynamic timings/lanes/zones)
- special vehicle lanes for freight and high-occupancy vehicles
- corridor/intersection improvements, and
- behaviour change linked to projects.

Workstream 3: Network Disruptions Management is to minimise the impact of disruptions on customers’ journeys within Auckland’s transport network through faster detection

and response, integrated management, and improved communication. Every day, customers’ journeys face disruptions due to planned activities such as roadworks, concerts, and community events, which are essential for the growth of our city and communities. Unexpected events like weather conditions, accidents, and protests also cause disruptions. Initiatives include:

- the Temporary Traffic Management Transformation Programme
- operational systems and technologies integration
- a real-time situational awareness solution, and
- enhanced disruption communication.

Workstream 4: Room to Move/Parking aims to increase movement on our key roads and increase access to key destinations through effective allocation and management of kerbside space in Tāmaki Makaurau. It also seeks to increase user pays contributions. Initiatives include:

- a region-wide rollout of the parking strategy “Room to Move”
- a public-facing kerbside/parking map
- Car Share framework review
- compliance management initiatives
- comprehensive parking management plans, and
- a Park and Ride framework.

Workstream 5: Safety on the Network aims to create a network free of death and serious injury. Initiatives include:

- a tool to evaluate the effectiveness of safety interventions on the network
- a review of raised crossings on arterials
- research on the impact of serious crashes on the network, and
- a road safety engineering programme targeting the highest-risk areas.

Workstream 6: Time-of-Use Charging aims to utilise travel demand management to reduce congestion and optimise road corridor productivity on the most congested parts of the network through demand-based pricing. The current approach is to implement a phased system to charge for road use during peak congestion times, with variable pricing based on time of day, location, and vehicle type. Early engagement is underway for partners and key stakeholders, with formal feedback to be sought in late 2024. Public consultation will be deferred until legislation is enacted and a detailed design is near completion.

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Kim Watts RBA Executive Engagement Manager
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Free Health Checks Turns 4

This year marks the 4th consecutive year that the RBA has partnered with Unitec student nurses to offer free health checks for our Rosebank business employees. Held on October 22 and 23, the health checks took place at Apex Valves (367

Rosebank Road), which has generously hosted the event every

year. The event was fully booked, with feedback reaffirming how much businesses value this initiative.

Speaking with Kate Barry, Unitec Bachelor of Nursing Programme Manager, she said: "This is about students applying the knowledge they've accumulated over the last 18 months to two years. Having worked in medical-surgical areas, they now experience the unique aspects of a community setting, which boosts their confidence in sharing health information to promote individual wellness. Additionally, the opportunity to communicate effectively with some wonderful, healthy individuals allows

students to appreciate the openness with which people receive and engage with the health information shared."

The students were outstanding over the two days, creating a win-win situation for the student nurses and our local business employees. A big thank you to Unitec for providing this opportunity each year, and to Apex Valves for consistently offering us a venue for this valuable event.



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Rosebank News & Events

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

Pathways Celebration & Awards Night



Celebrate the achievements of our talented 2024 graduates from the Pathways to the Future Trust as they are recognized for their hard work and dedication.



This celebratory evening will honor the next generation of leaders and innovators who have excelled in their chosen fields.

Join us for an inspiring night filled with recognition, celebration, and community support.

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Pathways Celebration

Where: RBA Office
527a Rosebank Road, Avondale

When: Thursday, 21st November, 2024

Time: 5.00pm - 7.30pm

RSVP: maureen@rosebankbusiness.co.nz

Bayleys Working B'

In the wake of the pandemic, local businesses and not-for-profits have faced unprecedented challenges. Recognizing the need for community support, Bayleys launched the 'Bayleys Working B' activations, an initiative designed to uplift and assist these vital sectors. This year's effort exemplified the spirit of community engagement, showing how collective action can lead to meaningful change.

Bayleys Working B brought together teams across its Auckland Commercial, Residential, Property Services, and BRG sectors. This collaboration resulted in over 300 team members participating in 19 events across five different locations, all within just four days. The initiative collectively contributed over 1,000 hours of volunteer work, demonstrating Bayleys' commitment to making a positive difference in local communities.

A special highlight of this year's initiative was the emphasis on local causes. In a display of community spirit, Bayleys



Real Estate Ltd, West Auckland, supported Paws-Restart Animal Shelter through dedicated volunteer efforts. By contributing time and skills, Bayleys helped with various tasks around the shelter, from cleaning and maintenance to assisting with the care of the dogs. These efforts not only supported the day-to-day operations of Paws-Restart but also uplifted the spirits of the animals, providing them with much-needed attention and love.

Paws-Restart Animal Rescue, based in Kumeu was established in 2020 and focuses on rescuing older dogs often overlooked in shelters. With a mission to rehabilitate and find loving forever homes for these deserving animals, the shelter provides medical care, nourishment, and training to ensure each dog can thrive in



a new environment.

Employees reported a renewed sense of purpose and camaraderie, reinforcing the idea that coming together for a common cause can create lasting connections and positivity within the community.

The Bayleys Working B initiative stands as a testament to the power of community and the impact of collective action. By dedicating over 1,000 hours of volunteer work, Bayleys is not just supporting local businesses and not-for-profits; they are fostering resilience and hope in the communities they serve. As they continue to engage with local organizations, the spirit of giving back will undoubtedly inspire others to follow suit, creating a ripple effect of kindness and support across New Zealand.

Christmas From The Heart 2024

Another HUGE thanks from Visionwest Community Trust to the Rosebank businesses who supported last year's Christmas From The Heart by collecting gifts for children. Your generosity meant 2,210 children, who might have otherwise missed out, had a toy to open on Christmas Day.

The event also provided 878 households with Christmas food and other essential food items to ensure they had food for the Christmas break and were able to sit down to a special dinner on Christmas Day.

Here's what some of those who attended Christmas From The Heart said when they received the gifts for their children that you'd helped provide:

Honestly, my last six months have been horrible. Christmas From The Heart has made my kids' Christmas. This would not have happened otherwise. You brought a smile on my children's face. We got such beautiful presents from Visionwest today. Thank you so much.

"You've made my whole Christmas. I've been in a women's refuge for the past three weeks and didn't have a clue how

Christmas was going to be for us. I received food for my children and gifts I wouldn't have been able to provide. It's great to be able to bring back some traditions from my childhood. Thank you so much I couldn't believe the help. It was overwhelming. You guys are amazing. Merry Christmas".

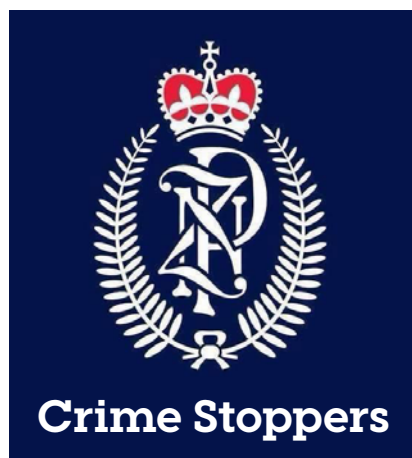
"Today was the first time in my life that I've felt special, I have no family in this world but now I feel there are people around me".



This year, with your help, we want to provide Christmas for even more families. Continual rises in the cost of living means that it's been a tough year for many and the reality is thousands of families are struggling. That means some children will miss out on receiving even the simplest gift this Christmas. Thank you for agreeing to do something about that.

For those who are collecting toys for Christmas From The Heart, please remember, every single gift given will bring joy to a child who will otherwise miss out this Christmas.

Christmas From The Heart 2024 is running from 12 December to 18 December (excluding the weekend). A big thanks in advance from Visionwest – we'll let you know all about Christmas From The Heart 2024 when it's over, or you can follow Visionwest Community Trust on Facebook or Instagram.



Police are aware that boy racers are causing annoyance in Avondale, particularly along Rosebank Road, and that businesses and residents have voiced concern regarding the risks. Now we need help from you to hold these offenders to account.

The Land Transport Act 1998 states: "A person must not operate a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road unless the operation of the vehicle in that manner is authorized by law." Being mainly industrial and having a number of no-exit roads, cul-de-sacs, and no-through roads, the Rosebank Road area is unfortunately attractive for boy racers. As businesses are closed

during the evening hours, these boy racers sometimes go unnoticed until their aftermath is discovered on our streets the following morning. Police would very much like to increase our visibility and night patrols here, but to do this we need reports to be made at the time of the event – not after the fact.

If you are in the area when boy racers are congregating, I encourage you to phone the police and report them before they create an issue. Include as much detail as possible: license plate numbers, number of vehicles congregating and descriptions, and any marks on the road seen later. Video footage and still photos are very helpful. There are different infringements for a vehicle that is located driving unsafely, and with the necessary information in hand, the police can also conduct follow-ups and speak with identified drivers and registered owners of vehicles about their vehicle(s) being seen used unsafely.

There are several ways to report:

Call 111 if the incident is urgent, such as a crash with serious injuries, aggressive behaviour leading to an altercation, or if anyone's safety is at risk.

Call *555 from a mobile phone (it will not work from a landline) to report road incidents that are urgent but not life-

threatening. These include the presence of boy racers, non-urgent injury crashes, traffic congestion, breakdowns, and obstructions on a motorway.

Whether you are reporting via 111 or *555, it is always best to complete a 105 report as well, either online or by phone. This is a non-emergency report that, if done online, can be updated with comprehensive information, including video and photo footage. This is also an excellent way to report boy racers if the event happened overnight and minimal information is known.

Call Auckland Council on (09) 301 0101 for other issues, such as debris left from tyres or road damage.

The more reports the police receive, the more resources can be invested into this area.

Our priority is to reassure and make our community feel safer by being highly visible and focusing on issues of public concern. Whether it be via *555, 111, or 105, please report this antisocial behaviour and work with us towards a community where everyone can be safe and feel safe.

Ngā mihi,
Jessie Stewart
Constable, Avondale Police Station



Iconic Avondale Spider Statue Makes Way for Redevelopment

For over 20 years, the towering statue of an Avondale spider has been a distinct and memorable landmark for the suburb. Known locally as “Dale,” the eight-metre-high, five-metre-wide statue is being temporarily removed as part of Eke Panuku’s redevelopment of Avondale’s town square. The space will soon be transformed into a new library and community hub, marking an important phase in the area’s regeneration.

Dale, a reconstruction of the Australian huntsman spider, has been a key feature in Avondale since 2002; however, the statue’s journey began long before that. Originally positioned atop a Mobil petrol station, it was placed in storage before making its way to its current, now iconic location.

The huntsman spider, introduced to New Zealand in the 1920s, found a thriving habitat in Avondale, eventually earning the name “Avondale spider.” The statue not only symbolises a unique part of the suburb’s natural history, but also earned cultural significance when 300 of the spiders were used in the 1990 Hollywood movie *Arachnophobia*.

Today, while actual sightings of the spiders are rare, Dale continues to represent the distinctive history of the area. The statue is owned by the Avondale Business Association (ABA), which has managed its maintenance and visibility over the years.

In a statement, the ABA emphasised that the removal of the statue is temporary, and plans are already in motion to find Dale a new, permanent home. “The statue has served as a unique symbol for Avondale’s evolving and diverse community and has been a distinctive landmark of significance to the area’s local identity,” they said.

Dale will now be placed in storage, where it will undergo an assessment to determine the extent of any restoration work required. In its statement, the ABA noted that funding will be necessary for both the restoration and relocation of the statue, but assured the community that Dale’s return is a priority: “We are actively working with members of the community to identify a suitable new location for the statue.” Discussions are ongoing, and while there is no confirmed timeline for Dale’s reinstallation, we remain committed to ensuring Dale’s future presence in Avondale.

Last month marked the start of the statue’s removal process. While its future location is still to be determined, Dale’s contribution to the local business community and its role in symbolizing Avondale’s identity are secure. Locals are invited to stay engaged with the project as efforts continue to bring Dale back to the community in a new, prominent setting.

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Babich Wines Expands Sauvignon Blanc Production with New Marlborough Vineyard

Babich Wines, one of New Zealand's oldest family-owned wineries, is increasing its Sauvignon Blanc production by partnering with Craigmores Sustainables on the development of a new vineyard in Marlborough.

Known as Cat Creek, the property covers 418 hectares, with nearly 200 hectares to be dedicated to cultivating Sauvignon Blanc vines when fully developed. Craigmores will invest more than NZD \$40 million in the development over the next two years, with Babich Wines responsible for the management and development of the vineyard.

Once mature, the vineyard site will produce an additional 3,000 tonnes of grapes for the winery with an export value of more than NZD \$20 million, helping meet the growing demand for Babich's portfolio of premium New Zealand wines across domestic and international markets.

Babich Wines CEO David Babich says developments of this size are rare in Marlborough considering the increasingly limited amount of high quality and viable vineyard land remaining.

"Securing more growing capacity for Sauvignon Blanc is strategically critical for Babich Wines as Marlborough approaches its capacity limits. This partnership with Craigmores provides a timely increase in production capacity and stability of supply, and allows us to retain a high level of control over the entire

production process. This is critical in helping us to increase supply to meet growing global demand, while maintaining the high quality our customers expect."

The joint venture with Craigmores Sustainables, a New Zealand-owned and operated food and fibre investment company, is the first viticulture venture in the Marlborough region for Craigmores.

Craigmores's General Manager Horticulture Con Williams says the move to Marlborough provides diversification for the business and an initial footprint into the region that can be expanded in coming years.



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Copies, Coffee, and a Career: What's In An Internship?

Ah, the humble, unpaid internship: a well-thought-of way to “get your foot in the door” at the start of one’s professional career. For those at the helm of an SME, the term might bring to mind memories of a summer spent filing papers, or the promise of free labour at your own business, aka offloading admin work on a starry-eyed uni student.

But is offering an internship at your business more than just an opportunity to sort menial tasks for zero cost? On the Employment New Zealand website (employment.govt.nz), there are a number of basic rules to adhere to for unpaid internships; among these are the stipulation that unpaid interns do not “do work that is integral to the business, such as work that an employee would ordinarily do.” With that in mind, what deeper value can interns provide?

The answer depends on your approach, says culture and capability specialist Leslie Taylor. Leslie is a seasoned intern mentor, having directly managed around 70 paid and unpaid & paid interns throughout her career. “Intern Manager” has never been part of her role description, mind you; rather, Leslie believes so strongly in the value of internships that she has made the case to introduce them at nearly every company she has worked for.

“This is a real opportunity to bring in a new generation to your workplace with diversity of thinking, fresh perspectives, and of course, the latest technology knowledge. Then, in turn, you’re giving them an opportunity to gain the practical experience they need to start their careers.”

Leslie sources her interns through two university programmes: one at AUT and one at Massey, although she more commonly uses AUT for its consecutive nine-week structure. She says she understands why businesses think “admin” when they take on an intern – but

she encourages business leaders to think beyond that to their role in an intern’s professional development.

“I see being an internship mentor, which I would say more than ‘manager,’ is supporting someone and helping to enable them to get a job within their chosen field,” she says. “Therefore, your responsibility is to give them that experience so when they go to an interview, they can cite that and demonstrate how they’ve put theory into practice.”

The benefits for the business, she says, are well worth the effort.

“In the long run, these people are going to leave your business with a positive experience about interning at your company, and hopefully be a representative for your services and products you sell. And although the intern needs an experienced manager to support them on this journey, it can also be a great opportunity for someone in your business who has expressed interest in growing into a leadership role for them to coach and mentor or buddy up with this person to test out those leadership skills.”

The key to ensuring both your business and your intern get the most out of the experience, she says, is changing your perspective on the relationship.

“It’s not an employee-employer relationship and you mustn’t look at it like that -- I think that’s the biggest hurdle to overcome in a leader or manager’s mindset. I see it more as a community service.”

Why so? In Leslie’s experience, the reality of working with interns is that the first few weeks of their placement will involve significant guidance as they settle into workplace life, including overt and specific direction on dress code, mobile phone/Internet use, email etiquette, and tone or how to speak to people formally versus



Leslie Taylor

informally.

“A large portion of these students have never worked in a business before, aside from maybe hospo or retail,” she notes. “There is responsibility at a very basic level to make sure you go over your employee handbook in a bit more detail, because it would be the first time they have ever had to conform to those sorts of rules within a job.

“Weekly one-on-ones are a must,” she adds, “and a one-on-one should be different to what you have with your normal employees. You’re mentoring, guiding, and coaching these interns, and you’re giving more direction than you would have to give a senior member of your team. The more feedback you give them each week, then support them in making those changes during the week and circle back the next week, the further they’ll come.”

It’s once you’ve laid a solid foundation in the first few weeks of an intern placement, says Leslie, that the benefits to your business begin to show through. Having guided so many interns on their journeys, some in cohorts of four or five, Leslie has developed a roadmap for leading interns from listening and learning to providing real

value to their host business.

“The first thing for me is getting to know them as a person: their values, their interests, and what they were thinking when they chose this career. By getting to know them as a person, you can adapt the experience, their interactions, the role, and their responsibility.”

With that tailored experience in mind, Leslie then sends the intern off on an “assessment of current state.” This introductory project sees them immerse themselves in one area of the business to learn, explore, and listen, with the ultimate goal of putting together a review, making recommendations, and presenting those recommendations to the business (for example, the intern might do a review of social media channels or a deep dive into your business’s inventory or purchasing systems). From there, whatever recommendations are prioritised and backed by the business become the intern’s personal project to complete by the end of their placement.

Not only does this type of project often yield valuable insights and potentially offer solutions for issues in your business, Leslie says, but it builds the intern’s confidence and real-world experience. “That is really

empowering for an intern to do within their first couple of weeks. They learn to learn for themselves, to seek out and be curious and find information.

“And of course that is done amongst the boring analytics work or doing administrative work. But what you’ve taught these people is to go into a business, find a problem that needs to be solved, and solve it. That’s what every organisation wants.”

For more details about the requirements for internships and your basic obligations as a host business, visit the Employment New Zealand website (employment.govt.nz), or consult with an employment lawyer to be sure of your obligations and how to properly set up the internship. Leslie encourages businesses of all sizes to think about how introducing an internship could help both their business and the community around them.

“I would encourage people to be part of supporting the next generation to step into their careers by giving them a great first experience. You can leave such a positive legacy in New Zealand by helping the next generation -- they’ll remember this first opportunity, and their first leader, for the rest of their lives.” *By Beth Caunter*



STEVE ALESECH BUSINESS BROKER

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Major infrastructure upgrades at Henderson Station

Work began over Labour Weekend on the development of a third platform and additional tracks at Henderson Station, a significant step in Auckland's City Rail Link (CRL) programme. The Auckland Transport (AT) and KiwiRail project is scheduled for completion in early 2026, promising more frequent and reliable train services for the city.

Bevan Assink, KiwiRail's City Rail Link Programme Director, emphasized the importance of these upgrades as part of Auckland's broader rail infrastructure overhaul. "This project, in conjunction with the City Rail Link and the Rail Network Rebuild, will transform both passenger and freight rail networks across Auckland," he said. "We've been condensing a decade's worth of work into just three to four years to prepare the network for faster, more frequent trains that CRL will bring in 2026."

Stacey van der Putten, AT's Director of Public Transport and Active Modes, reassured passengers that weekday train services would largely continue unaffected during the station's upgrade. "Major construction will occur during the

Christmas period and long weekends in 2025 when the rail network will be closed," she noted. "During these times, replacement buses will be available to ensure Aucklanders still have access to reliable public transport."

Ms. van der Putten acknowledged the temporary disruption to services and the importance of keeping passengers informed. "We understand that service disruptions can be frustrating. However, these upgrades are crucial to delivering a frequent and dependable rail service by 2026, something we know Aucklanders want and deserve."

For those commuting on the Western Line, the new platform and track infrastructure at Henderson Station will allow for more frequent trains and improved connectivity across the city. The project also includes the construction of a new emergency exit bridge, track layout enhancements, upgrades to overhead lines and signalling equipment, improved track drainage, and a new staff facility. This on-site facility will allow for quicker responses to any issues on the Western

Line.

An important feature of the new platform is its ability to turn around trains at the end of their service, which will improve operational efficiency while keeping two tracks open for trains continuing to Swanson.

Additionally, Henderson Station's lifts and escalators, which have reached the end of their serviceable life, will be replaced starting in mid-November 2024. This portion of the project is expected to be completed by June 2025. The replacements are carefully planned to minimise disruption, with no additional timetable changes or station closures required. Alternate transport will be provided for those who rely on the station's passenger lifts during the upgrade.

As part of Auckland's larger commitment to transforming its public transport network, the improvements at Henderson Station are a crucial component in ensuring a modern, efficient, and reliable rail system for the city's future.

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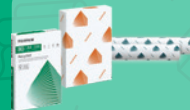
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Records Broken at West Auckland Citizenship Ceremony

In a historic milestone for West Auckland, the Trusts Arena recently hosted its largest citizenship ceremony to date, with around 900 attendees. Of these, 600 of Auckland's newest residents were formally granted New Zealand citizenship in a memorable event attended by their friends and whānau.

This ceremony was the first of its kind at the Trusts Arena and exceeded the capacity of previous venues like Auckland Town Hall, which had hosted 540 candidates. Another record was achieved with the representation of 63 different countries of origin, showcasing the growing diversity of the West Auckland community.

The event was supported by the three West Auckland local boards - Waitākere Ranges, Whau, and Henderson-Massey- as part of their efforts to serve the region's expanding and increasingly multicultural population. Kaumatua Papa Fred opened and closed the event with a karakia, while Henderson-Massey Local Board member Ingrid Papau delivered the keynote address.

Waitākere Ranges Local Board Chair Greg Presland expressed pride in the area's continued appeal as a place to live, saying, "The west is a great place to live, and as a Board, we are proud to welcome new citizens to our area as they begin a new chapter in their lives."

The event also featured a captivating



kapa haka performance by Te Kotuku from Rutherford College in Te Atatū, led by Matua Jeff Ruha, further enriching the cultural atmosphere of the day.

Henderson-Massey Local Board Chair Chris Carter emphasised the significance of the ceremony: "It's wonderful to witness the diversity of all nationalities coming together to become one family as Aotearoa New Zealand citizens. The new home for these ceremonies at Trusts Arena gives us the potential to keep growing as more people choose the west as their home."

Whau Local Board Chair Kay Thomas echoed the sentiment, highlighting the area's inclusive spirit: "The merging of cultural histories and ideas is central to

West Auckland's identity. We are excited to welcome new citizens from many lands, and we are all stronger for the opportunity to forge new friendships and gain a deeper understanding of one another."

The ceremony followed the traditional format of citizenship ceremonies, including a group oath or affirmation of allegiance (in both English and te reo Māori), the presentation of citizenship certificates, and a rousing rendition of the national anthem.

With West Auckland continuing to grow as a cultural melting pot, the Trusts Arena promises to be a fitting venue for even larger celebrations of citizenship in the years to come.

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Auckland Transport's pothole promise to Aucklanders

Auckland Transport (AT) is making a pothole promise to keep the city moving and reaffirm its commitment to fixing one of the most troublesome and talked about problems on Auckland's roads.

The promise, which includes a new 24 hour response time, has been welcomed by Auckland Mayor Wayne Brown.

"This is an excellent initiative. I am totally behind the 'pothole promise' and I hope AT can deliver it.

"I encourage Aucklanders to be proactive about reporting potholes and also reporting any cases where it has taken longer to get them fixed than promised," he says.

Auckland Transport's Group Manager for Road Asset Maintenance and Renewals, Alan Wallace says we are committed to repairing potholes on Auckland's road network.

"This year, so far our contractors have repaired more than 3,600 potholes across the Auckland region on behalf of AT.

"The pothole promise is to repair 95% of potholes within 24 hours of notification on our busiest roads, which is the same target the NZ Transport Agency recently committed to meet on state highways," he says.

The 24 hour response time applies to AT's arterial and regional road network – the main traffic routes – which comprise 1,400 km of sealed roads across the Auckland region, most of which carry more than 10,000 vehicles per day.

On all other sealed roads potholes will be repaired within five working days. It is not possible to have a 24-hour response time on all sealed roads due to the sheer size of the Auckland road network which has more than 7,000 km of sealed roads.

Potholes occur when water penetrates the underlying road pavement through cracks in the road surface. The finer materials are then pumped to the surface under traffic loading and the pavement loses its strength, resulting in a hole forming.

"New Zealand roads are mainly constructed of granular pavements with a thin layer of bitumen on top to keep the water out. Our relatively high rainfall means they are vulnerable to potholing if the road surface is not kept waterproof. That is why we periodically resurface roads, with the best time to do this before they start to show distress," Mr Wallace says.

Constrained investment on road maintenance and an increase in traffic loading over the last 10 years has taken its toll on our roads.

"Potholes are a symptom of more complex challenges which are an aging network and a backlog of resurfacing due to funding constraints, making our roads vulnerable to the effects of weather. We can temporarily fix a pothole and make the road safe but if the underlying problem of the loss of waterproofing is not addressed they are likely to recur and grow into bigger problems."

"We have received an increased level of funding for road maintenance from the NZ Transport Agency and Auckland Council which is a great start. It will mean we can halt the deterioration in the road network and improve levels of service for everyone who uses our roads," Mr Wallace says.

Last year AT resealed 400 kms of road in its Summer Road Reno campaign and over the next three years this will increase to over 500 km per annum.

From the time the location of a pothole is reported and received by Auckland Transport, potholes on high-volume regional and arterial roads will be fixed within 24 hours. Other sealed roads will be repaired within five working days.

"We're encouraging everyone to report the exact location of potholes so we can get our crews there to repair them.

"Help us keep our roads safe by reporting potholes when you see them," Mr Wallace says.

To report a pothole, please visit at.govt.nz/potholepromise

Member Profiles

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



Mode Fabrics: A Proud Legacy

In 1988, visionary entrepreneur D.K. Patel embarked on a journey to build a better life for his family in New Zealand, leaving behind the sun-kissed shores of Fiji and bringing with him a suitcase full of dreams and a heart full of determination.

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Kate de Lautour
The Icehouse

What is Emotional Intelligence (EQ)? And why is it vital for business success?

EQ is rapidly becoming a leadership 'must-have' with old-world views such as 'management by hierarchy' gives way to inspiring leadership through cooperation, collaboration and service.

Communications specialist and Icehouse programme facilitator Amanda Fleming says growing your EQ is not flaky or soft.

"It is pragmatic, competence building so that you can stay present to the emotional content of life, grow resilience, master life turbulence, and help others do the same. Leaders grow more leaders."

Amanda adds emotional intelligence can continue growing throughout life, but we can accelerate the process by deliberately paying attention to personal motivation and people/social skills.

"This is personal growth, and it is now a 21st Century professional issue."

What is your EQ? Take Amanda's test:

How would you rate yourself (on the 1 – 10 scale) against the following emotional competencies found in truly effective leaders (ie: leaders other people choose to follow and co-operate with, of their own free volition):

Self-awareness: Do you know yourself well? (including knowing your personal 'strengths and stretches'?). Do you know what drives you? Is your ego aware of itself and its' patterns?

Self-expression: Can you communicate effectively? Do you say what you mean and mean what you say? Can you safely express your emotions in mature adult ways?

Stress Management: Do you have the capacity to handle pressure? Are you aware of your own causes, symptoms and healthy strategies? Can you regulate your emotional states? Do you understand your default and how to manage it?

Objectivity: Are you capable of maintaining perspective? Do you take things personally that are not really personal?

Self-reliance: Do you back yourself? Backing yourself as a learner and as a leader is enabling, as is an 'I am coachable' attitude. Self-belief is powerful indeed, when tempered with awareness.

Empathy: Can you expand your view and walk in someone else's shoes? Can you imagine experiencing life from someone else's perspective? Do you find yourself justifying your world views to support decisions without really listening to those around you?

Emotional Intelligence (EQ) is critical in business for several reasons:

Improved Leadership - Leaders with high EQ are better at inspiring and motivating their teams. They can empathize with employees, understand their needs, and address concerns, leading to higher employee engagement and productivity.

Better Communication - High EQ enables individuals to communicate more effectively. It helps in understanding, not only what people are saying, but also the emotions behind their words. This leads to clearer, more meaningful interactions and fewer misunderstandings. Effective communication saves money, time, energy, frustration and resources. It also impacts team culture.

Stronger Relationships - EQ helps in building and maintaining healthy relationships with colleagues, clients, and other stakeholders. It fosters trust and cooperation, which are essential for teamwork and success, particularly when it comes to sales.

Conflict Resolution - In business, conflicts are inevitable. Those with high emotional intelligence are better equipped to handle disagreements constructively, managing emotions and finding mutually beneficial solutions.

Increased Adaptability - EQ allows individuals to handle stress, setbacks, and changes in the business environment more effectively. People with high EQ can stay calm and focused under pressure.

Enhanced Decision-Making - Emotions often play a role in decision-making, whether consciously or subconsciously. People with high EQ are better at balancing emotional and rational aspects, leading to more balanced decisions.

Employee Satisfaction and Retention - Managers with high EQ are more attuned to their employees' well-being and can provide better support. This leads to a positive work environment, which increases job satisfaction and reduces turnover.

Elevate Customer Relations - Understanding and managing emotions are key to dealing with clients and customers. EQ allows businesses to better meet customer needs, resolve issues calmly, and build long-lasting relationships - all vital for customer loyalty and more sales!

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Pierre Wong, Senior Solicitor
Henderson Reeves

A Boost for Housing: New Zealand Government's New Residential Development Underwrite Scheme

In a significant move to address the housing crisis in New Zealand, the government has introduced a new Residential Development Underwrite Scheme aimed at accelerating the construction of homes across the nation. As demand for housing continues the supply of housing is struggling to keep pace. This initiative seeks to bridge the gap and provide much-needed support to developers.

Lenders typically require developers to achieve a certain level of pre-sales before providing financing. Recently, many developers have struggled to meet this requirement, leading to a decline in new housing developments at a time when New Zealand urgently needs more residential homes.

The Residential Development Underwrite Scheme offers a safety net for developers by guaranteeing a certain level of income or covering potential shortfalls during the development phase. In the event a developer is unable to reach a certain level of sales, the government will commit to buying enough houses to help a developer meet the bank's presale requirement to begin construction. The government will only go through with the purchase if the developer was unable to find another buyer in

the future.

Eligibility Criteria

An application can be made by a developer, provided that the developer:

- is an established residential developer with a proven track record of successfully building and selling houses of a similar size and scale;
- has ownership or use of the land (or an option to do so) and have all required resource consents for residential housing;
- provides satisfactory evidence underwrites are needed for the development to proceed within 6 - 12 months (for example, evidence that reasonable attempts have been made to market the development, finance approval is conditional on securing presales, and there are workers subcontractors available); and
- agrees to provide a recent market valuation from a registered valuer.

The development must also have a minimum of 30 houses.

The scheme is targeted to densely populated areas such as Auckland, Hamilton, Tauranga, Wellington and Christchurch, but will be available everywhere.

Applications can be made by developers through Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development's (HUD) website.

Once submitted, an application will be assessed by the Ministry of Housing Development. A detailed assessment framework can be viewed here.

The New Zealand government's Residential Development Underwrite Scheme represents a proactive approach to tackling the housing crisis. As the scheme unfolds, it holds the potential to reshape the landscape of residential housing in New Zealand.

If you require any further information, or assistance with preparing an application, please contact the dedicated property team at Henderson Reeves.



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Alan McDonald
EMA Head of Advocacy
and Strategy

Holidays Act Reform: Let's Get It Done Once and Done Right

It's hard to think of a piece of legislation that has needed reform for as long as the Holidays Act 2003.

Successive governments have been aware of longstanding concerns over the Act among workers, employers, and payroll providers alike and have promised to fix the issues – but they have also largely failed to deliver any meaningful change. Businesses have long been calling for the Holidays Act to be scrapped and rewritten, saying it's too complicated and costs businesses time and money.

The coalition government is attempting to reform the legislation, and an exposure draft on the Holidays Act Bill was released for targeted consultation in September.

The EMA was one of the organisations tapped to review the exposure draft and provide feedback. We've worked with select members of the EMA to make sure we canvassed a range of opinions across the business community.

We also recently tested out thinking with around 500 members on a webinar, and they largely agreed with the direction of our approach, as it provides something efficient and simple for employers to operate. We have been under a non-disclosure agreement as we reviewed the draft, but we can reveal the broad direction of travel that the government plans to take.

The main issue for many employers has been how the Act calculates annual leave, public holidays, sick days, and bereavement leave. With the rise of different styles of work, it was challenging to accurately figure out how much workers were owed.

The exposure draft has suggested an hours-based accrual system from day one for annual leave. The EMA strongly supports this approach to annual leave, possibly also using IRD earnings to calculate the total value of the leave.

Under the draft, the current proposals then approach sick leave allocation on a days-based entitlement, with a system for pro-rating part-time work. This change is also welcome; the EMA and many of our members have always opposed the blanket entitlement of 10 days' sick leave to all staff, as it has never made sense that someone working one shift a week gets 10 days' sick leave, while someone working five days a week gets the same. However, taking the above approach means we still have two different ways of calculating different leave entitlements, and the EMA and the members we worked with

all preferred an hours-based accrual system across all types of leave, to avoid having different approaches. That could mean sick leave being accrued on an hours basis from day one, with a 10-day maximum for full-time staff. We would also want to see a more disciplined approach around the uses and granting of medical certificates for sick leave and how the return-to-work process is managed.

Bereavement leave has been a difficult area for many employers to navigate, particularly due to the changing nature of the workforce and cultural needs. The exposure draft has suggested a broader definition of what constitutes a "close family member."

We prefer a different approach, where the law does not try to define what constitutes a close family member. Instead, we think there should be a cap on days of bereavement leave, with some employer discretion in granting leave in difficult circumstances. Once that cap is reached, it's down to family and friends if they need to take further unpaid leave, at the discretion of the employer. That is also an approach we will need to refine further in the next round of consultation on the new legislative draft.

We believe the hourly accrual system should help to iron out many issues that have come up regarding the accrual of leave while on paid parental leave, ACC, or jury service. Under this simplified system, you accrue leave based on hours worked.

Unfortunately for those already struggling with the current Holidays Act, the impact of the EMA's approach may be to slow down introduction of a new Act. Considering how long we have put up with this current problematic legislation, let's get a new Holidays Act done once and done right.

We understand that the Ministry of Business, Innovation and Employment officials are already working on how to implement what is outlined in the exposure draft. But, in our view, this only solves half the issues. We've recommended moving to hours-based accruals for all forms of leave; essentially, this would be a fresh start to the complete Act, rather than a 50% fix.

Submissions on the exposure draft ended in early October, and the EMA has presented its feedback. The next step will be the introduction of the new legislation for its first reading to the House by the end of the year or early 2025. Once this first public draft has passed through the House, it will go out for submissions, and employers will also have an opportunity to appear before the select committee on the changes.

We anticipate the final legislation will be passed by mid-2025 with a 12-to-18-month delay before implementation, as new software will need to be written by payroll system suppliers and employers will need to upgrade their payroll systems.

We also want a grace period of 12-to-18 months against prosecution while employers bed in their new systems, and smaller employers become fully aware of their new obligations and familiarise themselves with those new, much simpler, systems.



Bret Gower
Smith & Partners

Understanding the Value of Intellectual Property in Your Business

When you start a new business you may not think that your business name or logo has any great value.

But, if you take a long term view, when it comes time for you to sell the business and retire the brand value that you have built up over the years – the value of your reputation, customer service ethos and recognition factor – contributes to the value of the intangible part of the business, that part of the business listed as intangible assets and which is often called 'goodwill'.

Unlike in the past, intangible assets commonly contribute up to 80% of a business' valuation at the time of sale.

By protecting the value in your brand from the outset, you can mitigate the risk of a competitor taking commercial advantage of the goodwill and reputation that you have built up.

The bottom line is that protecting the intellectual property (IP) rights in your brand can significantly increase the market value of your business.

Why does IP need protecting?

When properly managed as part of an IP strategy, your IP rights reinforce and protect your marketing efforts – they prevent your competitors from riding on the coat-tails of your marketing.

An IP strategy helps you: distinguish your product from your competitors – it strengthens and develops your brand; gain and retain customers; protects you against claims from your competitors that you are breaching their IP rights.

Intellectual property rights are a valuable business asset which can be:

(a) sold; (b) assigned; (c) licensed; and (d) when properly structured will increase the actual value of your business.

Doesn't your business or trading name and domain name automatically give you protection?

Choosing a name, and setting up a company and a website only provides you with very limited IP protection under the common law and the Fair Trading Act 1986. That means that if somebody uses various aspects of your name to set up their own business and trade off your goodwill you will need to sue them in order to protect your brand value.

You must take active steps to protect your IP. This can include formal registration such as registering your brands as trade marks, patenting the particular processes you use in your business, or applying for design registration for your product designs. It can also mean ensuring your IP rights are clearly spelled out and protected in your contracts with customers, suppliers, and sub-contractors and employees.

Do you automatically own IP in everything you create?

No, there is automatic protection for certain limited types of IP (such as copyright) but not in most. Depending on the circumstances, copyright is not necessarily owned by the person who creates the work, so it is the determination of ownership and the enforcement of the rights associated with ownership that is crucial.

It is important you have a clear picture of the various type of IP protection available, as part of your business' overall IP strategy.

Where Do I Start?

This can be the most confusing part in terms of considering what it is that you have that needs protecting and how can you protect it.

Start by considering what existing IP you have that might be better protected by formal registration?

Is there any other IP within the business that you need to secure?

There may be more than one type of legal protection available for the various forms of IP you own.

Smith and Partner are experts in assessing the intellectual property that exists in your business and to help you to develop a strategy to protect it. In the first instance please call commercial director, Bret Gower on 09 837 6893 or email bret.gower@smithpartners.co.nz



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The Mainzeal Case - Managing Distressed Companies



By Joanne CF Long,
lecturer at Unitec

The recent Supreme Court decision in *Yan v Mainzeal Property and Construction Ltd* [2023] NZSC 113 (“Mainzeal case”) has sent shockwaves to the business community, with the directors made personally liable for \$39.8 million with interest arising from breaches of directors’ duties. The case provided guidance to directors managing financially distressed companies to ensure compliance with directors’ duties in the Companies Act 1993.

Mainzeal Property and Construction Ltd (“Mainzeal”) was a large commercial construction company in New Zealand. Starting end of December 2004, substantial advances were made by the company to a member of its offshore group, resulting in balance-sheet insolvent in the event the advances were not recoverable. The directors allowed the company to continue trading, relying on the executive director’s assurances and letters of assurance from its related companies that financial support would be provided when needed. Subsequently, it was found that the assurances were not legally binding. The company could continue to trade by using the cash flow advantage enjoyed by construction companies — payments made by the principals are received in

advance of payment to sub-contractors - effectively using this money as its working capital. In January 2011, Ernst & Young raised their concerns to the board of directors, highlighting the lack of transparency on related-party transactions and its balance sheet, the effect on Mainzeal of intra-group cash transfers, and the absence of an audit committee. Recommendations were made by Ernst & Young, but none of them were implemented. The company faced acute cash flow in 2012 and started selling its assets. On 6 February 2013, the company was placed in receivership and liquidation on 28 February 2013. The amount owing to unsecured creditors was around \$110 million. The liquidators commenced legal proceedings against the directors under section 301 for breach of sections 135 and 136 duties.

The High Court and Court of Appeal decisions were cross-appealed to the Supreme Court, which found the directors breached sections 135 and 136 as of 31 January 2011 when the company continued trading.

Section 135 Duty - Reckless Trading

A director of a company must not -

- (a) agree to the business of the company being carried on in a manner likely to create a substantial risk of serious loss to the company’s creditors; or*
- (b) cause or allow the business of the company to be carried on in a manner likely to create a substantial risk of serious loss to the company’s creditors.*

Section 136 Duty - Duty in relation to obligations

A director of a company must not agree to the company incurring an obligation unless the director believes at that time on reasonable grounds that the company will be able to perform the obligation when it is required to do so.

The purpose of sections 135 and 136 is creditor protection.

In assessing the liability of the directors, the Court ordered that the directors contribute \$39.8 million together with interest, with two of the directors' liability limited to \$6.6 million and interest each, and the executive director, found to be more culpable, was liable for the remaining amount.

Below is a summary of the Court's decision on factors determining breach of sections 135 and 136 duties and assessment of liabilities.

The solvency of the company was the main focus when determining section 135 duty. When the company is in a state of near or actual insolvency, and the directors wish the company to trade on, irrespective of the benefits trading on may confer on existing creditors, the directors are required to assess the situation to ensure that it does not create a substantial risk of serious loss to all creditors, and it would be prudent to seek advice on whether continued trading would result in a breach of section 135 duty. The advice provided must be legally binding and enforceable. Taking professional or expert advice from sources independent of the company may provide a defense to section 135 breach.

The Court assessed the director's liability for breach of section 135 duty based on net deterioration, i.e., the extent, if any, that the company's financial position deteriorated between the breach and liquidation dates. This is assessed by comparing the assumed financial position of the company if liquidated at the breach date and the actual position on liquidation. Since there was no net deterioration in Mainzeal between 31 January 2011 and 28 February 2013, no compensation was awarded by the Court for breach of section 135 duty.

Section 136 is construed on the future state of affairs of the company, and the word 'believes' in the Section requires the directors not to commit a company to obligations unless confident on reasonable grounds that they will be honoured. The directors are required to hold a belief with some "degree of certainty" that the company will be able to perform the obligation when required to do so. The assessment of the director's liability for breach of section 136 duty is based on the new debts incurred in breach of section 136 and remained unpaid at the date of liquidation. The directors were ordered to compensate Mainzeal \$39.8 million for the obligations incurred after January 2011 from four major projects committed by Mainzeal without reasonable grounds to believe that the obligations would be honoured.

Sections 135 and 136 duties were designed to be complementary; when a company faces uncertain solvency, actual insolvency, or inevitable liquidation and the directors allow the company to continue trading with the likelihood of creating a substantial risk of serious loss to the company's creditors in breach of section 135, undertaking new obligations will result in a breach of section 136.

A significant issue raised in the Mainzeal case was whether the creditors could directly claim against the directors who were in breach. It was decided that section 301 allows for a direct claim by creditors for breaches of ss 135 and 136 for losses that they have suffered as a result of those breaches. This bears significant implications, i.e., it gives rise to personal responsibility and liability towards the creditors.

Lastly, below is some guidance extracted from the Court's decision for directors managing financially distressed companies in their decision on whether to continue trading and undertake new obligations:

- Monitor closely the performance of the company against cash flow projections, assessing,
 - o solvency of the company – apply the solvency test (section 4), ie the company's ability to pay its debts as they become due in the normal course of business (liquidity test), and the value of the company's assets is greater than the value of its liabilities, including contingent liabilities (balance-sheet test)
 - o the company's ability to trade out of difficult business circumstances with realistic cash flow forecast
 - o whether continuation of trading is prudent, consider the risk to the creditors

The purpose of this assessment is to identify whether there is a path forward for the company so that the directors can be satisfied that trading on is not likely to create a substantial risk of serious loss to creditors in breach of section 135 duty. The duration for directors to assess will be what is reasonable in the particular circumstances, depending on the complexity of the company's affairs and the urgency of the presenting situation. Trading during this period while insolvent may well be legitimate and not breach section 135, however, any new obligations taken on are subject to section 136 duty.

- Prior to undertaking new obligations, be confident on reasonable grounds or hold a belief with some "degree of certainty" that the obligations will be honoured.
- Take professional or expert advice from sources independent of the company on whether continued trading would result in a breach of section 135 duty.
- Exercise reasonable care, skill, and diligence in their decision-making.
- Consider Part 14 (compromises with creditors), 15 (court-approved arrangements, amalgamations and compromises), and 15A (voluntary administration), and as a last recourse Part 16 (liquidation by shareholders or directors) of Companies Act 1993.

**References to Section in this article are references to the sections in the Companies Act 1993*

**The views expressed in this article are those of the author and do not necessarily reflect those of Unitec Institute of Technology*

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