

AMCHAM NEWS

American Chamber of Commerce in New Zealand

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December 2014

Ambassador Mark Gilbert confirmed by Senate

Late Friday afternoon, the US Senate confirmed Mark Gilbert to be the U.S. Ambassador to New Zealand and Samoa by voice vote. President Barack Obama nominated Gilbert in October 2013. Ambassador David Huebner had departed his post last January.

Mark Gilbert served as a Director at Barclays Wealth in West Palm Beach, Florida and was the Democratic National Committee's Deputy National Finance Chair from 2009 to 2013. He served on the Obama for America National Finance Committee from 2007 to 2008 and 2011 to 2012, and was a member of the Presidential Inaugural Finance Committee in 2009. Before beginning his business career, Mr. Gilbert was a professional baseball player for several years and played in the major leagues with the Chicago White Sox in 1985. Mr. Gilbert received a B.S. in Finance from Florida State University.

Ambassador Gilbert's initial hearings took place back in February so it has taken a while. The US Embassy have advised they don't have an ETA for the Ambassador but it will be "as soon as possible".

We are working with the Embassy to hold events to introduce Ambassador Gilbert to the business community in the New Year.

US Business expecting positive sales growth and increased investment in New Zealand in 2015

In our first survey of US companies operating in New Zealand since the GFC, the results reflect New Zealand is still a strong market with good opportunities for trade and investment.

The survey covered a cross section of US businesses with half of those surveyed looking at new investment which is back to the 2008 level and only 8% looking at downsizing.

On sales growth, 82% of respondents were expecting growth, the highest amount since 2005, with 34% expecting growth of 0-5%, 30% expecting growth of 6-10%, 8% expecting growth of 11-15% and 10% over 20% growth.

Asked about the key issues facing their business, the key issue, as it was back in 2008, was skills shortage. Others issues included compliance & regulation; the value of the dollar and the size of the market. It was also disappointing to see that some companies continue to face delays in receiving OIO approvals.

President Obama Pushes Trade Agenda with Export Council

from the US Chamber

On December 11, the President's Export Council (PEC) convened in Washington. President Obama presented an overview of the administration's trade agenda and his recent trip to Asia. On Trade Promotion Authority (TPA), the president said: "We're going to work with Congress to try to renew Trade Promotion Authority and secure approval for a very ambitious Trans-Pacific Partnership agreement, which would create a higher standard for trade in the fastest-growing most populous region of the world, the Asia-Pacific region."

Also speaking to the group were Commerce Secretary Penny Pritzker, U.S. Trade Representative Michael Froman and Director of the White House National Economic Council Jeffrey Zients. Zients is coordinating inter-agency efforts to win approval of TPA and told the PEC that "We're all in." The President held a meeting with Cabinet-level trade officials later in the day to discuss his trade agenda.

THE HILL: Obama 'More Optimistic' About Pacific Trade Deal

By: Justin Sink <http://thehill.com/homenews/administration/226801-obama-more-optimistic-about-securing-trade-deal>

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TPP Countries Plan January Round, Later Ministerial As Part of Final Push

from World Trade Online

Trans-Pacific Partnership (TPP) countries are planning to hold an informal round in late January in the United States followed by a ministerial meeting in February or March, as part of a strong push to conclude the negotiations as soon as possible next year, according to informed sources.

Froman Sees TPP Deal in 2015; Kind Says White House Linking TPA, TAA

from World Trade Online

U.S. Trade Representative Michael Froman this week told a group of House Democrats generally supportive of trade deals that he expects the Trans-Pacific Partnership (TPP) negotiations to be concluded next year and wants Congress to pass a completed deal by the end of 2015, according to congressional aides.

[10 Reasons Why America Needs Trade Promotion Authority](#)

Change of leadership at NZUS Council

The NZUS Council is pleased to announce the appointment of the Hon. Simon Power, QSO to the position of Chair.

This follows the retirement of the Rt. Hon. James Bolger, ONZ who steps down from the role following over a decade at the helm. During that time Mr. Bolger oversaw the successful delivery of five USNZ Partnership Forums. These events played a key role in the normalization of relations between New Zealand and the United States.

Simon Power joins the Council from his role at Westpac Bank where he is General Manager of Business Bank and Wealth. Mr. Power is a former Member of Parliament and senior Minister during the first term of the current National Government.

"I am very much looking forward to carrying on the wonderful work of my predecessor," said Mr. Power.

Mr. Power said he intends to apply a commercial lens to Council priorities, and that under his watch the Council will promote the NZ-US relationship as part of a balanced portfolio of national interests delivering maximum returns for both economies.

"We would also like to see more travel and relationship building at the individual and corporate level between New Zealand and the USA. This would help to underpin progress in business and trade and other important areas of the bilateral relationship such as education and the environment," he said.

Mr. Bolger paid tribute to the role played by former Executive Director Stephen Jacobi.

"Stephen was tireless in his efforts to raise the profile of the bilateral relationship, and did tremendous work to build connections and understanding," he said.

Mr. Bolger also welcomed the appointment of Fiona Cooper Clarke to the position of Executive Director, taking over from Stephen Jacobi, who stepped down earlier in the year, and Acting Executive Director Suse Reynolds. Ms Cooper Clarke is a former member of the Council's Executive Committee and Advisory Board. Her previous career included roles at Fonterra, New Zealand Dairy Board, Bank of New Zealand and the Ministry of Foreign Affairs and Trade, including a trade policy posting to Washington DC from 1992-1996.

Kiwi Youth Leaders on State Department tour of United States

A group of high school pupils from the Auckland region are travelling to the United States on a US Government Youth Leadership Program sponsored by the US Embassy.

The nine 16-to-18 year olds, with a similar group from Australia, this week started the tour in Lake Tahoe, Nevada, and will wind up in Washington DC.

The programme will primarily focus on climate change and the environment, community service, and the development of youth leadership. The pupils will meet with community groups, high schools, and civil society leaders.

The participants are from Avondale College, Mt Albert Grammar School, St Kentigern College, Manurewa High School, Diocesan School For Girls, Papakura High School, Te Kura Kaupapa Maori o Hoani Waititi, Kristin School, and Dilworth School. They will return to New Zealand on December 23.

Wharf42 is announce details of Meteoroid, its 2015 Silicon Valley Acceleration Program

Peter Wren-Hilton will be launching the programme in January. The Program comes in two parts. The first is the Meteoroid Program itself which will be hosted at the Plug and Play Tech Center in Sunnyvale from next summer (PST). A number of additional Silicon Valley partners will be engaged in different aspects of the Program – mentoring, investment and partnering.

(Continued on page 3)



Supporting AmCham

Wharf42 (Continued from page 2)

The second part is the launch of the Meteoroid Growth Fund. This will be a separate independently-managed fund that will look to potentially invest in some of the early stage businesses participating in the Program. It will establish a desk presence in the Valley. It will act as a distinct entity, developing relationships with local Valley (and wider US where possible) angel, corporate venture and VC networks with a view to potential co-funding and syndicated funding opportunities.

The programme will be formally launched on 23 January but for more into see www.meteoroid.co.nz

SUCCESS STORIES WITH USA

[VMob joins exclusive USA Technovation Solutions Centre](#)

[US contracts boost tech company's profits](#)

[US fund manager Fidelity Investments takes Xero shareholding](#)

[Drury targets US expansion as Xero reports "exceptional growth"](#)

[Chevron, Indian state oil company enter NZ oil search](#)

[Disney's Pete's dragon lands in Wellington](#)

[JWT acquires indie digital shop Heyday](#)

[Netflix to launch in Australia and New Zealand in March 2015](#)

[HP leads the way as NZ PC market approaches "best ever year" in history](#)

[Kiwi tech start-up revs up the US rental car industry](#)

[Microsoft NZ thumbs up as Kiwi teachers become global tech education leaders](#)

[Fuel50 raises second investment round to take on US market](#)

[Unisys NZ wins Govt contract as landlords go online](#)

[ERoad 1H loss in line with forecast, sees upside in Oregon](#)

[Big US managed services win for Tait Communications](#)

[Pacific Edge launches second bladder test in NZ, flags US launch next year](#)

[Branson/Wozniak recognise NZ talent as Kiwis take home double honours](#)

[Kiwi innovation flying high as Serko CEO receives New York endorsement](#)

[ikeGPS Master Purchase Agreement with Stanley Black & Decker](#)

[Martin Jetpack partners with Airborne First Responder, Avwatch](#)

[Four in a row as NZ Oracle software firm continues to grow](#)

[A2 Milk to seek ASX listing, push into US market](#)

[Big move for retail as NZ tech firm shines in Big Apple](#)

[Super Fund backs US investment](#)

[Land of Kiwi ... NZ software provider dominates 20% of US market](#)

[Reading International announces Auckland Cinema project](#)

TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

Commercial News USA

The January/February 2015 issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://exusa.thinkglobal.us/012015/>

Trade-Leads for Importing and Exporting

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

International Buyer Program – Trade Show Schedule 1 Jan to 31 Dec 2015

for details and support contact Janet Coulthart: janet.coulthart@mail.doc.gov

Kea's network has reached 500,000 this month

Kea's online community has reached 500,000, an increase of 1000% in the last two years. We're getting closer than ever towards connecting the one million Kiwis living overseas and many more million 'friends' of New Zealand. So

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

From ExportX

[Solomons Gold Cacao Nibs Bound for the USA](#)

Solomons Gold premium single-origin cacao nibs are bound for the USA with ExportX. "I see the USA as the key for Solomons Gold, [Read on](#)

(Continued on page 4)

pullman
HOTELS AND RESORTS

AUCKLAND

Supporting
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From ExportX (Continued from page 3)

[Same-Day Delivery in the USA](#)

Competing successfully for the dollar of the American online shopper requires very high levels of service. The bar was already high, with the need to ... [Read on](#)

[Cyber Monday a Hit for NZ Products in the USA](#)

New Zealand products have made the most of Cyber Monday, famously the biggest online shopping day of the year in the USA. [Read on >](#) ExportX sales grew 67% year-on-year over the holiday sales period, the strongest growth ExportX has seen in the USA for some time. It caps the 45% compound annual growth in holiday period sales achieved over the past four years.

United States Connect Membership FREE

We have been overwhelmed by the response since United States Connect launched in September and are excited to announce that we have just reached **300 subscribers!** Even better, thanks to the generosity of our Founding Partners – Corporate Traveller, IBISWorld and NZForex – membership is now FREE for companies. We have attached a one page Fact Sheet which you can circulate to your clients and colleagues as appropriate.

The real value of the platform is the knowledge sharing between members, service providers and US specialists. There are a number of ways that members can join the discussion as below:

Follow us on [Facebook](#), [Twitter](#) or [LinkedIn](#) to keep up-to-date with all of the latest industry trends and updates;

Participate in our members-only Exporter Forum and share their experiences/questions with other companies that are doing business in the States; and

Have their market/topic specific questions answered by one of our resident US specialists through the Ask an Expert function.

You and your clients can also keep up-to-date with the latest market intelligence, trends and updates from the US with our Monthly Newsletter - *United States Connection*. The November 2014 edition can be viewed at the following link: [United States Connection](#)

HOLIDAY NOTICE

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

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



TRAVEL

Air New Zealand commits to two more Boeing 787-9 Dreamliners

Air New Zealand has today announced plans to take delivery of two additional Boeing 787-9 Dreamliner aircraft.

The airline already has three of these revolutionary new aircraft in its fleet with a further seven on firm order.

These two additional aircraft are expected to be delivered in late 2017 and the latter half of 2018 respectively and will take the total number of Dreamliners in the fleet to 12. The airline has another six 787-9 purchase options still available.

Air New Zealand Chief Executive Officer Christopher Luxon announced the fleet investment at an event in Sydney today.

“This investment is possible as a result of our strong commercial results. As the airline’s commercial performance continues to improve, we are focussed on reinvesting our profits directly back into the business on products, services and fleet to further enhance the customer experience and to ensure the business remains strong and competitive.

“Air New Zealand is very committed to the Boeing 787-9. The aircraft is a key component in our growth strategy. These new aircraft will provide us with additional flexibility as we move forward with our growth plans,” says Mr Luxon.

Earlier this year Air New Zealand became the first airline in the world to take delivery of the Boeing 787-9. The airline first operated the aircraft to Sydney followed by scheduled services to Perth, Shanghai and most recently Tokyo.

“The entry into service programme has gone very smoothly and we’ve been incredibly pleased with the aircraft’s performance. Feedback from customers has also been very positive with many commenting on the cabin fit out, our new inflight product and entertainment system,” says Mr Luxon.

BUSINESS TRAVEL & TRAVEL NEWS

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

Business World Travel is a member of GlobalStar Travel Management

Business World Travel is the sponsor of the **Business World Travel Exhibition Red Wine** at the recent **Air NZ Wine Awards** held in the Hawkes Bay by NZ Winegrowers. Over 600 winemakers and grape growers from throughout New Zealand gather for the country's leading wine event.

Our BWT trophy winner was the **Matua Single Vineyard Syrah 2013** and this is what the Chair of Judges Michael Brajkovich MW said in his citation:

Ripe red and black berryfruit characters with spicy, smoky oak char. Robust palate with concentrated, succulent fruit flavour and an abundance of fine tannins.

Congratulations to Matua! The overall Champion Wine of the Show was the Vidal Legacy Hawkes Bay Chardonnay 2013. If you would like a copy of the results booklet contact us at BWT and we'll send one out to you.

Air New Zealand is now operating to and from the **Tom Bradley International Terminal** (known as TBIT or Terminal B) at Los Angeles (LAX). This provides more convenient same terminal connections with Lufthansa or Swiss onto Europe as these Star Alliance Airlines also use this upgraded terminal.

United has re-timed its daily departures from **Sydney to San Francisco** and **Los Angeles** to allow a greater range of connections beyond the hubs and more convenient arrival times for customers travelling on connecting flights to New York and other East Coast destinations. For example, you can now arrive in New York before 5pm. Boeing 777 aircraft operating from Sydney to both Los Angeles and San Francisco have 8 flat-beds in Global First, 40 flat-beds in BusinessFirst, 113 extra-legroom Economy Plus seats and 108 Economy seats.

Over the next 18 months, **United** is transforming the **New York/Newark** hub (EWR) with a \$120 million investment. Customers will be able to use free iPad tablets to track flights, order from the terminal's restaurants, and purchase travel amenities for delivery directly to their seat in the terminal.

HILTON Worldwide has opened its first **DoubleTree by Hilton** branded hotel in New Zealand. The 98-room **DoubleTree by Hilton Queenstown** formerly operated under Hilton Hotels & Resorts Management as the Kawarau Hotel. The hotel is next door to the Queenstown Hilton Hotel on Lake Whakatipu.

Alaska Airlines' new routes from LAX, San Diego, San Francisco and San Jose to Salt Lake City, Utah are proving popular. Flights are once daily with the exception of San Diego which is double daily. Alaska Airlines (AS) has some very good fares on these new routes and we have them starting at **NZ\$42 one way (plus taxes)**.

Disney has expanded its popular '**Glow With the Show**' technology, which sees guests become part of the show by wearing a hat that lights up in time with the shows at Disneyland and other parks. As well as the hats, Disneyland and Disney World are now selling Made With Magic items including a Minnie Mouse headband, Mickey Mouse glove and a magic wand that can alter the light patterns of the other items. They can be used at any park, regardless of where they're bought, and cost US\$25

Travelling to the US in 2015? Watch out for the **New Year Airfare** sales – seats sell very quickly. Both Air New Zealand and Qantas have the best seat sales and Hawaiian Airlines might also tag along around the same time with some sharp pricing. Our team is ready and waiting to book you!

Our wish list for 2015? Flights from New Zealand to **Denver** – not only a great starting point for skiing in the winter and active holidays in the Summer but it's a very user friendly hub for United Airlines and connections to everywhere in the US.

From all the Team at BWT, thank you AmCham members for your business in 2014!

MEMBER NEWS

Congratulations to:

Stewart Germann on being inducted into Life Membership of Franchise Association on NZ - principal of the well-known Stewart Germann Law Office and was one of the first lawyers in New Zealand to recognise franchising as a specialist area of legal work. Stewart's interests in franchising, however, went beyond legal knowledge. He was a member of the previous Franchise Association of Australasia and then from 1996 when the Franchise Association of New Zealand was formed. Stewart served on the Board for many years and was Chairman from 1997 to 1999. In that time he made an enormous contribution to the Association.

Baldwins named best in patents and trademarks at the 2014 Acquisition International Legal Awards

Baldwins Intellectual Property, has won both the "Best in Patent Law – New Zealand" and the "Trademark Law Firm of the Year in New Zealand" Awards at the *2014 Acquisition International Legal Awards*. [Read more](#)

(Continued on page 6)

Check out our website at www.bwt.co.nz

Reviewing your Corporate Travel? Call our Team:

Jane Higgie Business World Travel Wellington 04-470 6044 jhiggie@bwt.co.nz



MEMBER NEWS (Continued from page 5)

Baldwins wins multiple awards at the 2014 Asia IP Awards

Baldwins is delighted to have been named both the New Zealand Trademark Firm of the Year and the New Zealand Copyright Firm of the Year at the 2014 Asia IP Awards. [Read more](#)

New Members

HR Profiling Solutions, Auckland – **Ludy Colenbrander**, Business Development Manager - a small, but perfectly formed team based in Auckland who are the official distributor of Extended DISC and FinxS products for Australia and NZ, and are the only authorised providers of Extended DISC Master training in Australasia. Behaviour analytical software. <http://www.hrprofiling.com/>

Toll Global Forwarding, Auckland – **Nick Larsen**, Business Development Manager - TGF provides a comprehensive suite of international freight forwarding and advanced supply chain management services. Our service offering ranges from complex supply chain solutions through port-to-door freight forwarding movements. Headquartered in Hong Kong, we have a worldwide network of more than 120 offices in 30 countries throughout Asia, Europe, North America, Africa, Australia, New Zealand and the Middle East. www.tollgroup.com/tollglobalforwarding

People on the move:

Tony Eaton has resigned as Executive Director of the **MPA/NZ Screen Association** and is moving to Australia in the New Year. Tony has been on the AmCham board since 2011 and the board acknowledges the significant contribution made by Tony during this time. **Matthew Cheetham** is moving from Hong Kong to take over from Tony.

Lockheed Martin has announced that retired Royal New Zealand Air Force (RNZAF) **Air Vice-Marshal Graham Lintott** was selected to serve as Managing Director of Strategy and Business Development for Lockheed Martin's New Zealand operation, effective immediately. In this role, Lintott will lead the growth of Lockheed Martin's New Zealand business both domestically and for international export. Prior to assuming his new role with Lockheed Martin New Zealand, Lintott served as New Zealand's Defence Attaché to the United States of America.

Bell Gully has elected **Chris Gordon** as its new Chairman.

Deloitte has announced **Ross Milne** as its new Chairman.

Dr. Roger Wakelin has been appointed as CEO of **Simcro Ltd**

Hawaiian Airlines has appointed **Gai Tyrrell** as Regional Director Australia & New Zealand based in Sydney.

Graeme Muller is the new CEO of the **New Zealand Technology Industry Association**. **Candace Kinser** has moved to become 'leverage lead' for New Zealand for analytics company **Palantir Technologies**.

Fulbright New Zealand is delighted to announce the appointment of **Penelope Borland** as the next Executive Director of Fulbright New Zealand

FOR YOUR DIARY

20th February 2015 **Hawaiian Airlines - AmCham Auckland Ambrose Golf Tournament**

5th March 2015 **Annual Wellington reception**

Serious Golfers AmCham Auckland Golf Tournament

The fourth Serious Golfers AmCham Auckland Golf Tournament was held at Manukau Golf Club on 25th Nov. The winners were:

US Embassy Trophy – Senior Grade – Mike Gibson

AIG Trophy – Intermediate Grade – Kevin McEntee

3M Trophy – Junior Grade – Patrick Merrick

Best Score by a Non Handicap – Pat Cannon

Best Team Score – Bowden Williams & Associates

Nearest the Pin – Ian Clark

Longest Drive – Mark Douglas

Our thanks to hole sponsors:

Eagle Technology Group Ltd – Gary Langford

Martin Personnel Ltd – Mark Douglas

Rosebank Business Association – Mike Gibson

Also our thanks to **Todd** and the team at Manukau Golf Club for making us so welcome.



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GENERAL

Seeking work

Laura E Szalay - My career path has been exciting and varied. I have been fortunate to have been self employed, employed in the business sector, worked for the US Government at the US Consulate in Auckland in both the Department of Commerce, (specializing in Business and International Trade with New Zealanders and Americans), and Department of State (involving customer service to Americans). I have also worked in the Health and Wellness Industries for many years. Contact: 022-311-2769, leszalay@gmail.com

**2015 APCAC Summit
Hosted by AmCham Singapore**

Dates: March 11-13, 2015 Venue: Marina Bay Sands Expo & Convention Centre

Program:

Wednesday: 50th Anniversary Reception hosted by the U.S. Ambassador to Singapore
Thursday: Conference (Day One) and Pacific Century Celebration
Friday: Conference (Day Two)

- | | |
|--|---|
| Keynote – Singapore’s 50 th Anniversary | Competition for Capital: Asia as the Financial Hub of the Future |
| How to Make the Rebalance Real | Building Tomorrow’s Workforce |
| The AEC and Beyond | The South China Sea |
| The Global and Regional Economic Outlook | Political Change and the Business Outlook |
| The View from Washington, D.C. | Innovation and Technological Disruption |
| The Business of Integrated Resorts | U.S. Foreign Commercial Service and U.S. Foreign Agricultural Service briefings |
| A New World for SMEs | |

Photo’s from New Member Event.



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LEGAL ISSUES

Norris Legal Consulting – American Law Specialists

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

US Workplace Safety Standards

Imagine that a New Zealand business's US subsidiary has been sued in the United States. One of its customer's employees was injured by its operations on the job site. The CEO of the subsidiary has been placed on the witness stand and is being grilled by the plaintiff's attorney as to why business had substandard safety protocols in place to prevent injuries to third-parties. When the CEO answers honestly that the subsidiary does not have any safety programs in place for its US operation, the jury begins to consider placing a punitive award against it for this failure. It's a nightmare scenario, and one that is faced all the time by US businesses that have been sued when a personal injury occurs.

As is well understood by most Kiwis, the United States allows lawsuits for personal injury and does not have an ACC system. This means that one is exposed to this sort of litigation while doing business in the United States. While insurance policies may cover most personal injury claims made against one's business in the US, it is best to avoid a finding of negligence against the business in a US court because the business has not taken any steps to mitigate the risk of personal injury from its operations. In order to do this, one must operate one's business in the US under strict risk mitigation guidelines and standards which includes a US safety program. Further, as indicated above, the lack of a safety program is often used by plaintiff's attorneys and juries as a basis for finding punitive damages.

It is important to remember that safety standards in the US and in New Zealand are different to a degree, as in the US the safety standards are thoroughly fleshed out, litigated, and legislated. The general work place safety guidelines are established by the federal Occupational Safety and Health Administration ("OSHA"). However, in US negligence law, these guidelines only serve as a minimum standard. There are countless cases where a business has been found negligent in causing a personal injury even when the OSHA standard has been strictly followed. This has led to the implementation of industry wide safety standards which exceed the minimum standards set by OSHA regulations.

Thus, it is important to remember that one must conduct one's operations in the United States under US standards. A key defensive action a company can take in this regard is setting up an internal safety program which (1) ensures compliance with OSHA standards; (2) trains employees on the state of the art industry safety standards; (3) ensures that all of the company's business equipment is up to date; and (4) ensures that there is a qualified employee in charge of inspecting all work sites for safety standard violations. These sorts of safety programs can be designed through professional third-party safety consultants and can be implemented through strict safety policies drafted by US counsel.

After reading this, one may be thinking that your operations in the US only involve work in an office and so this scenario cannot apply. Yet, there are any numbers of scenarios where non-industrial operations might lead to a personal injury which either deeply injures your reputation in the United States or exposes you to a punitive damages award which is not covered by your insurance policy. Further, there are OSHA standards which apply to general office work places as well as in the industrial setting. It is important to familiarize yourself with these standards by looking through the OSHA regulations at www.osha.gov.

In the end, it is a matter of genuinely analyzing the safety issues faced by your US workers and third-parties or customers on your business premises. By taking these steps and issuing written safety policies which address any safety issues that can be reasonably identified, a Kiwi business will have taken a major step in avoiding potential injuries and have insulated the business against a punitive damage award should there be an injury down the line.

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

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

Marketing Opportunities for Members

For more details - phone 09 309 9140

Members have the opportunity of:

- ◆ Platforming your visiting CEOs by having them speak to AmCham
- ◆ Sponsoring an events including the Annual Success & Innovation Awards Dinner
- ◆ Sponsoring a professional speaker / Launching products/service through AmCham
- ◆ Hosting of Forums / Sustaining Member Events or Committee meetings
- ◆ Use us for your Event management / Advertising in our monthly newsletter
- ◆ Direct mail or fax marketing to members

Also don't forget your Membership gives you access to:

- ◆ Key advisors on tax, immigration, setting up a company and doing business in the USA
- ◆ Possible sources of equity.
- ◆ A network of several thousand companies who are trading with the USA
- ◆ The U.S. Chamber of Commerce which is the world's largest business federation representing 3 million businesses with over 8,000 Chambers of Commerce throughout the USA.
- ◆ 112 AmChams in 99 countries including 27 in the Asia-Pacific region.
- ◆ Free global membership to Regus Plc's 1,000+ serviced offices worldwide, including over 400 in the USA.
- ◆ Discounted costs & special rates for remitting foreign exchange through AFEX - Associated Foreign Exchange Pty Ltd