

# AMCHAM NEWS

## American Chamber of Commerce in New Zealand

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### Annual AmCham survey finds no TPPA opposition from US companies operating in NZ

The American Chamber of Commerce in New Zealand has been conducting an annual survey of US companies operating in NZ since 2006. As part of their 2016 survey, US companies were asked if they supported TPPA, with not one expressing their opposition.

Drilling into the survey, AmCham Executive Director, Mike Hearn points out that preliminary results show 80% of those responding expressly note their support for the agreement, that 20% skipped the question but that not one respondent expressed opposition to the agreement.

“Clearly these are internationally savvy enterprises and so this result comes as no real surprise,” said Mr Hearn.

Drawing from AmCham’s submission to the Foreign Affairs, Defence and Trade Select Committee, Mr Hearn, said there were real wins for NZ exporters to the US in the dairy, timber, beef, horticulture, agricultural goods and wine industries.

“Over \$826m of New Zealand’s protein products will be duty free into the US on the TPPA’s entry into force, with other duties for New Zealand dairy exports within WTO tariff quotas also being eliminated.”

AmCham’s submission also points out that the advent of Closer Economic Relations (CER) with Australia saw firms on both sides of the Tasman take up trading opportunities far more quickly than anticipated.

Mr Hearn said he was sure TPPA would also deliver results more quickly than anticipated as New Zealand firms were not only already internationally very competitive but, from what he’d seen of our companies operating in the US, nimble and quick to capitalise on commercial opportunities.

“TPPA also opens up very lucrative markets in Asia such as Japan, Malaysia and Vietnam,” he said.

[Click here for copy of AmCham submission to Foreign Affairs, Defence and Trade Committee](#)

### Updated US Free Trade Agreement Tariff Tool

Today, the Department of Commerce released an updated Free Trade Agreement Tariff Tool (FTA Tariff Tool) to provide the latest information on tariffs on U.S. products exported to Trans-Pacific Partnership (TPP) partner markets. When fully entered into force, the TPP Agreement will eliminate more than 18,000 foreign taxes, or tariffs, that various countries place on Made-In-America exports.

The Department of Commerce’s International Trade Administration (ITA) invites you and your membership to participate in a webinar to learn more about the FTA Tariff Tool – a user-friendly online tool that instantly displays tariff information and is searchable by keyword or tariff code for 25 markets, including TPP partners.

Researching tariff treatment for products in specific FTA markets can be a costly and time consuming process. The FTA Tariff Tool reduces uncertainty and increases clarity regarding tariff lines, helping businesses lower their costs. And, the tool connects your business to the information necessary to plan your medium and long-term business strategy.

Advantages of the FTA Tariff Tool include:

- Simplifies the process to identify the Harmonized System Code (HS Code) for a specific product.
- Includes tariff rate information for TPP markets, so that exporters can determine how specific products will benefit from lower tariffs under the TPP Agreement when it enters into force.
- Identifies both current tariff rates and future tariff rate reductions under existing FTAs, enabling exporters to plan in advance and make cost-effective business decisions.

More information can be found on the [FTA Tariff Tool website](#), instruction video, and the Tradeology blog.

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## TPP ratification update

Sound bites from Inside US Trade. <http://insidetrade.com/>

Froman Signals Openness to Fixing TPP Problems Without Reopening Text

U.S. Trade Representative Michael Froman on Friday (March 18) said publicly for the first time that the Obama administration is open to exploring potential fixes for objections raised about the Trans-Pacific Partnership by U.S. companies and their congressional supporters, including on the monopoly protections for biologics, but without reopening the text of the deal.

Earnest: Obama Close To Asking For TPP Vote Despite Campaign Rhetoric

White House Press Secretary Josh Earnest on March 9 signaled President Obama is determined to push forward with his plan to seek a congressional vote this year on the Trans-Pacific Partnership (TPP) despite presidential candidates from both political parties lambasting the deal on the campaign trail.

Administration, Hatch Hold High-Level Talks On TPP Biologics

The Obama administration has stepped up its talks with Senate Finance Committee Chairman Orrin Hatch (R-UT) on addressing his objections to the monopoly period for biologics in the Trans-Pacific Partnership, entering a new phase that involves high-level White House engagement.

Farm Bureau Vows Steady Lobbying Push Even If TPP Vote Is Delayed

The new head of the American Farm Bureau Federation on Tuesday (Feb. 23) acknowledged that a vote on the Trans-Pacific Partnership (TPP) may not take place until the lame duck session of Congress, but said the group will continue to lobby intensively in favor of the deal in the near term.

Congressional Staffers Discuss TPP in Japan, Malaysia, Singapore, NZ

During the House recess last week, congressional aides including Republican staff from the House Ways & Means Committee fanned out to Trans-Pacific Partnership (TPP) countries to discuss that trade deal on at least two separate trips. AmCham met with the US staffers and Phil Houlding, Counsellor, NZ Embassy, Washington during their NZ visit:

Chad Obermiller, Chief of Staff, Rep Ami Bera (D – CA)  
Jonathan Smith, Chief of Staff, Rep Derek Kilmer (D – WA)  
Peter Freeman, Deputy Chief of Staff, Rep Ed Royce (R – CA)  
Marty Reiser, Legislative Counsel, House Majority Whip Steve Scalise (R – LA)  
Natalie Kamphaus, Senior Policy Advisor, Rep Dave Reichert (R – WA)  
Rebecca Mark, Senior Advisor, House Republican Conference Chair Cathy McMorris Rodgers (R – WA)

Other TPP items

[Processed timber a big winner under TPP](#)

[NMPF Board Endorses Trans-Pacific Partnership Agreement](#)

[Opportunity and protection for Māori under TPP](#)

[Services and investment boosted under TPP](#)

## USTR Releases 2016 Trade Policy Agenda

The Office of the U.S. Trade Representative released President Obama's [2016 Trade Policy Agenda](#) on March 2. As required by statute, this year's annual report highlights U.S. bilateral and multilateral trade and investment priorities, with a strong emphasis on making the case for the Trans Pacific Partnership (TPP). It also details the administration's efforts on the Transatlantic Trade and Investment Partnership (TTIP), the Trade in Services Agreement (TISA), and the WTO Environmental Goods Agreement (EGA).

"The President's trade agenda is focused on supporting U.S. jobs and raising wages," said U.S. Trade Representative Michael Froman. "Over the past seven years, the Administration has fought hard to open the largest and fastest-growing markets to U.S. exports, most notably in the Asia-Pacific. Our efforts have helped position more Americans to compete-and win-in tomorrow's global economy."

The US Chamber has been arranging meetings with members of the House Ways and Means Committee and other House offices to talk about the international trade and investment priorities of Chamber members.

## FBI Statement on Director Comey's visit to New Zealand

FBI Director James B. Comey met this week with our partners in New Zealand to discuss a host of important issues regarding the safety and security of the citizens of both countries.

The U.S.-New Zealand law enforcement partnership remains steadfast, and we welcome the opportunity to work together to share critical information that will safeguard our Americans and New Zealanders from global threats.



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## Head of National Intelligence visit to New Zealand

James R. Clapper, U.S. Director of National Intelligence, is on a routine visit to meet with senior officials to discuss a wide range of issues important to both countries.

The relationship between the United States and New Zealand has never been stronger, and we welcome the opportunity to work closely to safeguard our mutual national security interests. As a matter of long standing policy, we do not discuss the specifics of intelligence matters.

## New Zealand All Blacks to meet Ireland in Chicago

The Rugby World Cup champion New Zealand All Blacks will play Six Nations champion Ireland at Chicago's Soldier Field on Nov. 5. The game at the lakefront stadium is the centerpiece of a "Rugby Weekend" intended to promote the sport in the United States. The match between the USA Eagles, the American national team, and New Zealand's Maori All Blacks will take place Nov. 4 in suburban Bridgeview, Illinois. [Read More:](#)

## Harnessing the power of Tigers

Tourism New Zealand and Auckland Tourism, Events and Economic Development (ATEED) came face to face with some of North America's top investors when they joined forces to promote investment and premium travel experiences at the elite annual Tiger 21 meeting. [Read story](#)

## TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

### Commercial News USA

The **March/April 2016** issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://exusa.think.global/032016/032016.php>

### International Buyer Program – Trade Show Schedule 1 Jan to 31 Dec 2016

For details and support contact **Janet Coulthart**: [janet.coulthart@trade.gov](mailto:janet.coulthart@trade.gov)

### U.S. Remains No. 1 Choice for Foreign Investment – New Stats Released

This is a guest blog by Vinai Thummalapally, Executive Director of SelectUSA.

On Monday, the Bureau of Economic Analysis (BEA) released highly-anticipated data highlighting new foreign direct investment (FDI) expenditures in the United States.

These statistics capture the story of new FDI into the United States in 2014 and introduce a perspective on FDI never before seen in official BEA statistics. Highlighting data like this is not only part of SelectUSA's mission to facilitate and promote FDI into the United States but it also gives our business and policy leaders a quantitative look at how the United States maintains its title as the number one destination for FDI.

In the new set of data, BEA produced statistics that specify two types of new FDI: acquisitions and greenfield investments. Greenfield investments capture how much foreign investors are spending to establish and/or expand U.S. businesses. Last year, new FDI expenditures made by foreign investors acquiring, establishing, and expanding U.S. businesses totaled \$241.3 billion while greenfield investments accounted for seven percent of that total, exceeding \$16.5 billion. Acquisitions accounted for the majority of new investment expenditure, totaling \$224.7 billion in 2014.

The new data helps build a narrative around specific industries and geographies of interest. For example, greenfield FDI in manufacturing was very strong, with expenditures totaling over \$2.8 billion. These expenditures were second only to greenfield FDI in the real estate industry in 2014.

<http://www.bea.gov/newsreleases/international/fdi/2015/fdi1115.htm>

### Eco Global Sales Group, Inc visits New Zealand

Kevin Linn and John O'Malley (joint Managing Partners) of Eco Global Sales Group, Inc from Plantation, FL, were in New Zealand to promote their products. Eco-tabs™ is a revolutionary product that answers the need for a safe, environmentally friendly, easy-to-use solution for the mitigation of fats, oil and grease in residential, commercial and industrial facilities. In addition, eco-tabs™ helps to increase overall system efficiency, reduce costly maintenance and eliminates the need for toxic chemicals and special handling procedures. [www.ecotabs.co.nz](http://www.ecotabs.co.nz)

### Revionics visits New Zealand looking for partners

Rip Greenfield (SVP Global Alliances) and Joe McCorkle (Global Partner Enablement Director) of Austin, TX based Revionics were recently in Auckland and Wellington looking for Partner(s) who can provide business consulting, data gurus, and consult primarily to Retail. Revionics is a leading profit optimization software company, enabling performance-driven retailers to leverage predictive analytics and demand-based science in building shopper-centric, responsive merchandising strategies that create a sustainable competitive advantage. [www.revionics.com](http://www.revionics.com)

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## From NZTE

### Get your brag on

New Zealand companies wanting to succeed in the United States need to be less humble and more arrogant, a New Zealand Trade and Enterprise (NZTE) business advisor says.

North American Beachhead Kelly Hoey says there is a misconception amongst New Zealand companies was that there was an abundance of investor equity available in the US.

"Most companies are under the naive assumption that, particularly in the US, there's money growing on trees and investors are just writing cheques. Wrong."

## JUCY combats US growing pains with smart Government-backed solution

If the vibrant family-owned Kiwi company could buy more campervans, it could continue its expansion into the US market. But JUCY was coming across some roadblocks from the US banks.

This innovative company needed an innovative solution - and fast. The solution came courtesy of some classic NZ Inc networking.

## Results are in! How the US sees us

New Zealand Story is doing global image testing to gain a better understanding of our key offshore markets. They asked what consumers would like to see more of, what they'd like to see less of, what our businesses can do to impress them and which images increase their appetite for NZ goods and services.

The United States results are in. For summaries of Los Angeles, Houston and New York, plus a full pack that includes a broader overview of the US and industry insights, [click here](#).

## New Zealand Export Credit Office new website

We are pleased to highlight our new website: [www.nzeco@treasury.govt.nz](mailto:www.nzeco@treasury.govt.nz)

We have redesigned it to focus on NZECO's 3 solutions for exporters, namely helping firms:

- Secure Export Sales;
- Mitigate Repayment risk; and/or
- Access Trade Finance.

We welcome your feedback.

One example of helping an exporter access trade finance is the car and campervan rental company, JUCY. [Read here](#) how we have supported their growth into the US market.

## From ExportX

### Bon Tampons international rollout with ExportX

Many of the exporters we meet have created their product from a personal experience or need. Bon Tampons is a great example, and is ... [Read on »](#)

### Nursery Must-Haves on Amazon Exclusives

Amazon Exclusives Collections this week includes a Nursery Must-Haves section, which features products by Merino Kids, Jellystone, Safe T Sleep, uh-oh! and Real Nappies. ... [Read on »](#)

### Fernwood Terrarium Panels Available in the USA

Fernwood tree fern panels are now available in the USA through Amazon.com. Fernwood Soft Tree Fern Panels are an ecologically friendly, non-toxic background ... [Read on »](#)

## 2016 White Paper on the Business Environment in China and 2016 Special Report on the State of Business in South China

The American Chamber of Commerce in South China has launched the 2016 White Paper on the Business Environment in China and 2016 Special Report on the State of Business in South China on March 1, 2016.

Both are available for download free of charge at <http://amcham-southchina.org/amcham/static/publications/whitepaper.jsp>

<http://www.amcham-southchina.org/amcham/static/publications/specialreport.jsp>

### Tara Iti beachfront properties now available

Legacy Partners are pleased to announce that beachfront property is now available for the first time at Te Arai, the home of Tara Iti Golf Club. Beachfront home sites start from 2.4 acres (1 hectare) and are priced from \$2.4 million NZD (\$1.5 million USD)\*.

Te Arai is a 75 minute drive north of Auckland and will consist of just 46 home sites spread over 1,500 acres (607 hectares). Each site enjoys access to more than 8.5 km (5.2 miles) of pristine, white-sand beach. Clear ocean waters stretch from Te Arai Point in the south to the Mangawhai sand dunes in the north.

Conceptual house plans are available by leading New Zealand architects.

Please call Jim or Michael on 09 309 3838 to arrange an appointment to view these sites.

### SUCCESS STORIES WITH USA

- Alsbridge expands into Australia/New Zealand market
- Endace spins off from Emulex in management-led buyout
- Synlait may need new investment for formula production
- NZ Super Fund signs Ramius LLC for US\$200m merger arbitrage
- Three new helicopter companies select Spidertracks
- NZX dairy derivatives widen reach with US-based ADMIS
- ISN opens office in Auckland
- Kiwi app excites language learners worldwide
- Pac Edge shares jump to 2-month high on US vet supply deal
- Orion Health partners with Cognizant, the largest US health insurance software vendor
- Boost for Christchurch as Microsoft returns to CBD
- Foley Family Wines profit up on export jump to US
- BNZ gives \$50,000 support to Kiwi startups targeting US
- Blackstone steps up stake in NZ
- NZ company disrupting tourism photography business in the US
- Seafood exports reach \$1.63 billion
- Diligent takeover confirmed
- US company opens new cattle plasma plant in Fielding
- Axenic becomes SEI partner NZ patent issued for Columbia Power's innovative generator air-gap control system

### EVENTS FOR YOUR DIARY

- 8<sup>th</sup> April** CEO lunch, Auckland (invitation only)
- 13<sup>th</sup> April** Cyber Symposium with OSAC NZ in Auckland – speakers Simon Howard, ZX Security, FBI Cyber expert (TBC), US Cyber company
- 17<sup>th</sup> May** Breakfast with Arun M. Kumar, Director General of the U.S. and Foreign Commercial Service and Assistant Secretary for Global Markets U.S. Dept of Commerce, Int'l Trade Administration, in Auckland
- 25<sup>th</sup> May** CEO lunch, Auckland (invitation only)
- 25<sup>th</sup> May** AGM & Reception hosted by AUT University Business School
- 18<sup>th</sup> Aug** 2016 AmCham-DHL Express Success & innovation award dinner in Auckland (TBC)

#### MONTHLY FOREIGN EXCHANGE RATES

As at 9am	18/02	18/03	
<b>USD</b>	0.6625	0.6855	↑
<b>AUD</b>	0.9239	0.8955	↓
<b>EUR</b>	0.5940	0.6056	↑
<b>GBP</b>	0.4635	0.4733	↑
<b>CAD</b>	0.9080	0.8909	↓

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Contact: doug.warren@hifx.co.nz

### TRAVEL NEWS

#### First joint megafam for Air NZ and Brand USA

Brand USA and Air New Zealand will run their first joint MegaFam from 19 – 29 May 2016. Sixty agents from New Zealand and Australia, 30 from each, will qualify to participate on the MegaFam via an incentive, running until 11 April 2016. The MegaFam will see agents experience one of six itineraries across California, Tennessee, Texas, Florida, Louisiana and Maine and Massachusetts.

Six teams of 10 agents, accompanied by their Brand USA and Air New Zealand hosts, will fly from Auckland to Houston and San Francisco, then onto their allocated destination for six nights. Here the '#tasteUSA' theme will come to life, and the participants will be exposed to the culinary experiences and diverse activities that each MegaFam destination has to offer. The entire group will then reconvene in Houston, Texas for a two night finale event, where agents will hear and learn about each of the itineraries and all that the destinations have to offer. The trip will also feature the first ever Brand USA MegaFam social media competition – each participant will receive a US SIM card to capture and share their experiences with friends and followers on social media. Source: ProMag Publishing



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## 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

### Airlines

**Air New Zealand** is offering reductions on return adult fares to the US. Save \$500 in Economy, \$1000 in Premium Economy and Business Class. Contact your BWT Travel Consultant before 29 March 2016. Travel dates are from 24 April to 30 June, 11 July to 30 November 2016.

Whilst on **Air New Zealand**, the airline will switch its Honolulu route to a Boeing 787-9 operation replacing the older 767s. The newer aircraft offers Business, Premium Economy and Economy cabins.

**American Airlines** has filed for proposed flights **between Los Angeles, Dallas, Miami and Havana, Cuba**. With the prospect of allowing direct flights from the US, expect a flood of tourism. If **Cuba** was on your bucket list you may have missed your chance unless you get their immediately.

### Hotels & Holidays

This month we have two Amcham Member Specials from our Virtuoso Hotel Programme, this time private residences in LA and New York as well as at The Carlyle in New York. Virtuoso is the pre-eminent US-based Luxury Travel Network and Business World Travel is an elected member for New Zealand. Both our Business and Private Leisure Clients love the value BWT and Virtuoso deliver!

Serviced apartments and homes are now available in Los Angeles and New York. This is not a random online service with very suspect houses and glowing reviews from the owner's cousin! These are upscale properties, vetted and suited to the corporate/family market and we provide an 'on location' host to make sure you're happy. The minimum night stay is 3, but ordinarily it's over one week. You'll be staying in well vetted apartments and houses. Think Santa Monica – a house with pool that sleeps 6 from US\$450 per night. All of our BWT guests will receive two pairs of luxury house slippers valued at US\$200. Our very special supplier is based in London and they offer a huge range of options there as well. They have just opened in Paris and Rome.

**New York's The Carlyle** is a timeless classic sitting in its commanding position over Madison Avenue at 76<sup>th</sup> Street. Central Park is right there, as are museums and galleries. Our BWT offer 20<sup>th</sup> June through 31<sup>st</sup> August 2016 is that you pay us for two nights and we have arranged for The Carlyle to provide a 3<sup>rd</sup> night free. This rate is around US\$450 per night. Or try a Deluxe Suite for a special occasion with rate from US\$1050 and you'll receive the second night with the compliments of **The Carlyle**. In addition to these great offers you'll also receive the **BWT/Virtuoso** amenities – room or suite upgrade at check-in if available, full breakfast for two, a US\$125 Spa Credit and a welcome amenity in your room. Those **Amcham Members** who are die-hard Amcham Travel Trivia groupies will know that **The Carlyle** was a meeting spot between Marilyn Monroe and a friend of hers.

Our leisure travel alliance **Virtuoso** announces that the **Virtuoso Travel Dreams Contest** is now open. You could win \$2500 by sharing your inspiring travel tale! Enter in either the Story, Photo or Video categories and then pick your theme:

- My Travel WOW Moment
- My Happiest Travel Place
- My Favourite Travel Companion(s)
- My Best Cruise Ship Experience
- My Most Memorable Hotel Stay

Visit [www.virtuoso.com/traveldreams](http://www.virtuoso.com/traveldreams) to enter.

Our BWT Travel Consultants have the details about our **Virtuoso** amenities programme at hotels across the US. Take a look at our options for hotels, cruises, US sporting events and tours at [www.virtuoso.com](http://www.virtuoso.com).

The **Disney Resorts** has announced a price increase for entry to California and Orlando Resorts. The increase ranges from between US\$9 and \$75 per person depending on the type of entry.

Check out our website at [www.bwt.co.nz](http://www.bwt.co.nz)

Reviewing your Corporate Travel? Call our Team:

Business World Travel Wellington 04-470 6044

Grant Bevin Business World Travel Auckland 09-529 3700 [gbevin@bwt.co.nz](mailto:gbevin@bwt.co.nz)



## MEMBER NEWS

### New look AmCham website – [www.amcham.co.nz](http://www.amcham.co.nz)

The AmCham website has undergone a transformation to the digital and mobile age. The site now include our Twitter and RSS feeds on TPP.

**We ask all members to spend a minute or two checking that their online profiles are update. To log in use your email address and if you have forgotten your password hit forgotten password and a new one will be sent.**

### New Member

**Noel Group Inc, Houston TX, - Hamish Clark, Senior Vice President - [www.noel-group.com](http://www.noel-group.com)** a private equity firm investing in proven entrepreneurs, scalable technology-enabled businesses, cloud services, and clean technology. Companies include ASENZ (TX) [www.ASENZ360.com](http://www.ASENZ360.com); Stillwater Group (TX), iMC2 <http://www.imc2.biz/> and Nuevo Technology (NZ) <http://www.nuevotechnology.com/>

### Congratulations to:

#### Baldwins ranked in World Trademark Review 1000 2016

Baldwins Intellectual Property has been named as a recommended firm in the WTR 1000 2016 - The World's Leading Trademark Professionals. In addition to this, partners [Sue Ironside](#) & [Penny Catley](#) have received individual recognition in this year's edition. [Read more](#)

#### James & Wells gain international acclaim as New Zealand's leading IP firm.

James & Wells has scooped a host of international awards, recognising the expertise of their litigation, patent and trade mark practices, including a spot in the prestigious World Trade Mark Review annual edition. [Read more.](#)

### People on the move:

Beca Ltd has appointed Mark Fleming as CFO. Chye Heng moves to head of legal.

The New Zealand Meat Industry Association has announced that its chairman Bill Falconer is retiring with John Loughlin taking over.

Mark Foy has been appointed Country Manager at DHL Express.

ANZ Bank has appointed Maile Carnegie to the role of Group Executive Digital Banking.

Nic Kennedy is leaving Vend to join PWC to head up new Innovation and Ventures hub.

Sean Brogan has joined Baldwins team of IP specialists as Head of Commercial.

James & Wells has appointed Richard Clement as a Senior Associate in the Auckland-based patents team, and Marc van den Heuvel as an Associate in the Commercial Law Team.

Xero has announced the new appointments of Rachael Powell as Chief People Officer and Kirsty Godfrey-Billy as Chief Accounting Officer

Chris Murphy is the new Country Manager - New Zealand for Euler Hermes

## EDUCATION AND INTERNSHIPS

### Help Travis get to NZ

Travis is a HTY member and Senior at Connections Public Charter School in Hilo, Hawaii. There is a great learning experience that has been offered to him. Travis is invited to go to Pasifika Festival in Auckland, New Zealand with Mr. Henkel one of his teachers in the Makery Project a Computer Aided Design class where Travis does 3D printing and uses a Universal Laser to make custom koa earrings, a "WOBOT" a wooden robot, glasses and jewelry and designer boxes. [Click here to donate to his fundraising page](#)



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## EMPLOYMENT OPPORTUNITY

### Consular Clerk

The United States of America Consulate General invites applications from U.S. Citizens eligible to work in New Zealand for a one year fixed-term position located in our Consular Section in Auckland.

The Consular Clerk will be required to perform fingerprinting tasks and process non-immigrant visa applications in accordance with mandated rules and regulations. To be successful in this role you will have completed secondary school and have a minimum of one year's experience in office administration and customer service. You will also have strong computer skills, be competent in MS Office and able to type a minimum of 40 words per minute. You must be able to deal with applicants and colleagues with courtesy and tact and work under pressure with accuracy towards deadlines. You must be able to obtain a "secret" level security clearance.

You will also have to work independently, manage your time well and be organized. Working as a part of a close knit team, you must also demonstrate an ability to work as part of a team, be capable of handling sensitive documents and information and adhere to office policies and procedures.

The starting salary for this position is NZD\$51,043 per annum (pro-rated), NZD\$24.54 per hour with some special benefits e.g. both U.S. and New Zealand Holidays - a total of 20 days; and 8.7% contribution by the employer to an employee's retirement.

***If you are not resident in New Zealand, you must have a current valid work permit for New Zealand and be a U.S. Citizen to be eligible to apply for this position. All employees of the U.S. Government are required to complete full medical and security background checks.***

A copy of the full job description and the "Application for Employment" (DS-174 form) are available at <https://nz.usembassy.gov/jobs/u-s-consulate-auckland/>

If you meet all the eligibility criteria for this role, please complete and submit your application form, covering letter and CV to [Wellington.HR@state.gov](mailto:Wellington.HR@state.gov)

**Applications close on Monday, 4 April 2016**

***Note: Only short listed applicants will be contacted regarding the next phase of the selection process. To those applicants not short listed, we extend our appreciation for considering the US Government as a potential employer. Tax Extenders Affecting 2015***

## TAXATION ISSUES

### U.S. Tax Returns

By Gina Wallace, Director, NZ US Tax Specialists Limited

The tax extenders were passed in the Protecting Americans From Tax Hikes Act (Act) early in 2016, and consisted of permanent, five-year, and two-year extenders. These provisions are estimated to cost U.S. \$629 billion over ten years, and came as a welcome relief after months of uncertainty leading up to the enactment of the Act.

Insofar as impacts on 2015 U.S. income tax returns go, the following is a summary of the extenders which affect those returns.

The permanent extenders mainly affect U.S.-situs depreciable assets, including the method for depreciating qualified leasehold improvements, qualified restaurant buildings and improvements and qualified retail improvements, section 179 depreciation, charitable contributions, the exclusion of gain on certain small business stock, and built-in-gains tax on S-corporation conversion.

Other provisions made permanent include the deduction for educator expenses, which will be indexed for inflation for years beginning in 2016, alignment of the exclusion for employer-provided mass transit and parking benefits, and a permanent extension allowing taxpayers the choice of taking a deduction for either state and local general sales tax or state and local income taxes.

Tax credits permanently extended include the child tax credit, the earned income tax credit and the American Opportunity tax credit.

The refundable amount of the child tax credit has been permanently set at U.S. \$3,000 in the aggregate, previously U.S. \$10,000. No retroactive claims are allowed. If an income tax return is filed without the credit, the IRS will not allow a credit on any amended return which is filed to claim the credit if this is done due to not having had a taxpayer identification number for the child at the time of filing the original return.

Business credits including the R & D credit for qualified research expenses, and the employer wage credit for certain qualifying

(Continued on page 9)

**TAXATION ISSUES** (Continued from page 8)

employers were also permanently extended.

Only two tax attributes were extended for five years; the work opportunity credit for employers with eligible employees, and a certain type of depreciation called bonus depreciation, through which a taxpayer can claim 50% of the basis of qualifying property in the first year the property is placed in service.

Two-year extenders included the exclusion of discharge from qualified principal residence indebtedness income from gross income, treatment of mortgage insurance premiums as qualified residence interest, and the above the line deduction for qualified tuition and related expenses.

Also under the two-year extenders were energy-efficiency related credits and deductions for qualifying new homes, commercial buildings and energy efficient vehicles,

For U.S. citizens residing outside the United States with no U.S.-situs property or businesses, there is little in the tax extenders' legislation to affect their 2015 returns.

*This article provides general information, current at the time of publication. The information contained in this article does not constitute advice and should not be relied upon as such. Professional advice should be sought prior to actions being taken based on the information contained in this article.*

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## LEGAL ISSUES

### US visa information – B1 Business visa or ESTA.

Recently I have had several people asking me when or if they should apply for a B1 business visa as opposed to using the ESTA visa waiver when travelling to the US on business.

Basically the ESTA visa waiver permits all the same business activities as the B2 business visa, except the maximum period allowed in the US under the ESTA visa waiver is 90 days whereas the B2 visa will allow trips of up to 6 months at a time. Furthermore, you can apply to extend the B2 visa from within the US should your business needs require it, whereas you can not extend the ESTA visa waiver and must leave the US before the 90 day period is complete (the actual permitted time period is dictated by the Border Control Officer on entry so you will need to check the date stamped in your passport to ensure there is no risk of overstaying).

Business activities that are permitted under either a B1 visa or the ESTA visa waiver include performing commercial or industrial services, servicing or repairing foreign sold machinery, setting up a new company etc, as long as you are not receiving compensation from a US source, your intention is to visit the US temporarily and you have a residence in a foreign country which you have no intention of abandoning.

Commercial services can include negotiating contracts, consulting with business associates, attending Board of Directors meetings of a US corporation, attending a court hearing either as a witness or otherwise, attending or participating in conferences or seminars, or undertaking independent research.

If your company sells equipment or machines to clients in the US, then you can travel to the US to either install, service or repair the equipment/ machinery that your company has sold if such services are included in the contract of sale. Similarly you can train US workers to perform these services if required, as long as it is stated in the sales contract. It is important to note though that the machinery/ equipment must be manufactured outside the US, and that you do not receive any compensation from a US source for providing these services, but must be providing them pursuant to the terms of the sales contract.

Many of the activities required to set up a US company or affiliate of your NZ company can be done pursuant to either the ESTA visa waiver or B1 visa as long as none of the activities you perform could be regarded as "productive work". You can attend meetings, take orders, rent office space, retain legal/ professional services, conduct market research, attend conferences and seminars etc. Once the company is operational however you will need to take care to ensure that either the company is being effectively managed long distance from the foreign company, or else US based staff (with the appropriate visas if needed) are managing its operations.

So, if you are certain that your trip is going to be for 90 days or less, and you are not otherwise ineligible to use ESTA, then save your self some time and money and use the ESTA visa waiver, which costs a mere \$14 and takes about 10 minutes to complete online. Otherwise, you will need to apply for a B1 visa which will involve completing the long and involved DS-160 form online, paying approx NZ\$285 for the visa application fee, and, if aged between 14-79 years of age, attending an interview at the US consulate in Auckland.

If you have any questions about whether you need to apply for a B1 visa, please feel free to contact me for more information.

Caroline Stone. [www.carostonelaw.co.nz](http://www.carostonelaw.co.nz) [carostone@mac.com](mailto:carostone@mac.com) Norris Legal Consulting – American Law Specialists

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

## YOUR WEBSITE TERMS AND CONDITIONS OF USE

Most businesses own websites due to the ubiquitous and ever-growing need for internet presence and internet commerce ("E-commerce"). In fact, many Kiwi businesses trading in the United States do so through their own E-commerce platform(s). Whether a business' website is created solely for advertising purposes (i.e., mere presence on the internet through a registered domain name and website), or whether the website is the business' primary gateway for selling its goods to customers, it is a good idea to have a strong terms and conditions which govern a customer's or the general public's use of the business' website.

For many websites and in particular those with users in the US, some form of terms and conditions of use are legally required. For example, in the US if a website collects any information from a user of its website, the website's owner is legally required to have a privacy policy which discloses what it is collecting and how it will be used. This legal standard was established by the California Online Privacy Protection Act of 2003 and was enacted to provide protection to California's website users. Interestingly enough, this law applies to any website which is used by a California resident, regardless of whether or not the business that owns the website is in California or the website is saved on servers in California. If a business has a presence in the United States, has a website which collect data from individuals in California, and does not comply with the California law, this could trigger legal liability either through an action brought by the California government or by a private person, especially where the information collected is used for commercial purposes. This legal action can be brought using the long-arm jurisdiction of the California courts over "foreign" defendants.

If a business's website makes any sort of representation which it intends a user to rely upon, then that user can assert a claim against the business based on that representation. For instance, a recent class-action lawsuit was filed against AMD, the world's largest microchip manufacturer, for a mistaken description of one of its products on its website. The class-action alleged that AMD advertised that its Bulldozer CPU had 8 core-processors, when in fact it only really had 4. Thus, the statement lured consumers into purchasing a product for attributes that product did not actually have (i.e., this was deemed to be false advertising). A central issue in this lawsuit will be the terms and conditions on AMD's website, and the court will assess the application of those terms to the alleged misrepresentation. Most websites terms and conditions of use often include a statement which disclaims any warranties or guarantees over representations made on the website. Accordingly, it is highly-likely that AMD's terms and conditions of usage for their website contains such a statement. Thus, if the court finds that the misrepresentation by AMD regarding the number of processing cores in its Bulldozer CPU was a genuine mistake (as opposed to an intentional fraud) or was a form of allowable "puffery" the court will likely find that the terms and conditions limitation will effectively limit AMD's liability.

There is a no uniformly-accepted terms and conditions of usage template that can be relied upon by website owners and/or businesses with US users or E-commerce customers. The terms and conditions of usage for a website with US users and customers must be tailored to each website and to each business-owner of the website. A business which merely copies another website's terms and conditions risks leaving out a number of key provisions. For example, if a business website provides any sort of actual service, or is selling products on the website, then the terms and conditions of usage for the website must include language that also covers the terms of sale. Thus, in a case such as the aforementioned, a generic template terms and conditions of use will not suffice. Further, special statements regarding the protection of intellectual property need to be included in a website's terms and conditions in order to protect the business from piracy. New Zealand businesses with a presence in the US would be wise to invest in a quick legal review of their website terms and conditions to make sure their business is covered.

- 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/>.

## GENERAL

### Announcing: The April 2016 Sales and Marketing Jam #NZSMJ

Kiwi Landing Pad is back to launch our second Sales and Marketing Jam across the country in 4 locations (Auckland, Wellington, Christchurch, Queenstown), with five international speakers.

The Sales and Marketing Jam is an event series that the **Kiwi Landing Pad** brings together every six months in New Zealand. These events showcase insights and knowledge from industry leaders with real-world experience in the core areas of Sales, Marketing and Product Management.

We are returning bigger and better after piloting in [October](#) last year, we've collated all your feedback and are looking forward to round two in a few weeks time.

[RSVP Now](#) to a location near you and check out our new online resource dedicated to the Jams.

This is a free event, tickets are limited and first come first serve so be sure to reserve your spot today.

For more information on the Sales & Marketing Jams visit: [salesandmarketingjam.com](http://salesandmarketingjam.com)

For more information on the Kiwi Landing pad visit: [kiwilandingpad.com](http://kiwilandingpad.com)

project.  
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**DESIGNING YOUR  
BUSINESS SUCCESS**

**This year's Project Connect series kicks off with a very special one-time only interview with Silicon Valley entrepreneur/investor Jeremy Wenokur, moderated by USA Ambassador Mark Gilbert.**

**Jeremy will discuss how NZ companies can creatively position for offshore investment as well as cultivate potential USA buyers, especially within the high-tech sector.**

### **Jeremy Wenokur**

Jeremy Wenokur is partner and co-founder of Lightbox Ventures, an early stage venture fund focused on consumer internet companies operating in India. Additionally, Jeremy is an active angel investor and for the past ten years he has been a business advisor and startup mentor in the consumer technology space in the United States.

From 2000-2005, Jeremy was the Director of Corporate Development for Google. Jeremy joined Google as its first Corporate Development person and participated in every acquisition, investment, and corporate development initiative during his tenure. Most recently Jeremy had been active in developing Google's international presence, including leading Google's investment in Baidu, China's leading search engine.

Prior to Google, Jeremy co-founded Newhoo/ ODP, which he sold to Netscape/AOL. Newhoo/ODP has become the largest directory of websites in the world and fundamentally changed Internet media business model.

Jeremy is a graduate of the NYU School of Law with a L.L.M. in Taxation, the University of Michigan School of Law, and the University of Utah.

### **Ambassador Mark Gilbert**

President Barack Obama nominated Mark Gilbert as United States Ambassador to New Zealand and Samoa on January 6, 2014. The U.S. Senate confirmed Ambassador Gilbert's appointment on December 12, 2014 and he was sworn in by Vice President Joe Biden on January , 2015.

Ambassador Gilbert formerly served as a Managing Director of UBS, the culmination of a distinguished career in finance, which included positions at Barclays and Goldman Sachs. From 2009 to 2013 he served as the Deputy National Finance Chair for the Democratic National Committee.

Prior to his banking career, Ambassador Gilbert played professional baseball for eight seasons, reaching the major leagues with the Chicago White Sox in 1985. Ambassador Gilbert is the first former major league player to become a United States Ambassador.

Ambassador Gilbert is a graduate of Florida State University. He and his wife Nancy have two daughters.

**For more info and tickets go to  
[www.the-project.co.nz/project-connect](http://www.the-project.co.nz/project-connect)**

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**Hawaiian Airlines-AmCham Ambrose Auckland Golf Tournament**

The Hawaiian Airlines-AmCham Auckland Ambrose Golf Tournament was held on 19<sup>th</sup> February at The Grange. It was great to see some old friends returning as well as some new ones including overseas visitors Junghan (JH) Lee and Tony Eaton.

The winning team was the Milmeq No 2 team Adan Baker, Tere Oka, Matt Cormack, & Mike Farndale

Second was the Eagle Technology team

Third was the Baldwins team

Nearest the pin on 8<sup>th</sup> – Ross Valentine

Nearest the pin on 15<sup>th</sup> – Tony Eaton

Longest drive on 18<sup>th</sup> – Ross Valentine



**Our thanks to our lead sponsors:**

Hawaiian Airlines – Russell Williss

Fine Wine Delivery Company – Jeff & Richard Poole

**Hole sponsors:**

Fine Wine Delivery Company – Jeff & Richard Poole

Eagle Technology Ltd – Gary Langford & Duane Eagle

Rosebank Business Association – Mike Gibson



**Prize sponsors:**

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HIFX – Doug Warren donate new a signed NZ Warriors jersey which was won by David Ross of Kotahi Logistics.



**MONTHLY FOREIGN EXCHANGE RATES**

As at 9am	18/02	18/03
USD	0.6625	0.6855
AUD	0.9239	0.8955
EUR	0.5940	0.6056
GBP	0.4635	0.4733
CAD	0.9080	0.8909

**HIFX**

Stay informed, speak to the experts  
Contact: doug.warren@hifx.co.nz

**A very special thanks to:**

Hawaiian Airlines – Russell Williss who put up 100,000 Hawaiian Miles for the first person to achieve a hole in one on 15<sup>th</sup>. This is not achieved so a business card draw was made. The winner was Ron Parry from Burnard International.

Our thanks to Ray, Judith, Lisa, Jason, Jesse, Nick and caterers at Grange Golf Club at the Grange for again making us so welcome.