# AMCHAM NEWS

## American Chamber of Commerce in New Zealand

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July/August 2016

Index

## Douglas Pharmaceuticals wins Supreme Award at 2016 American Chamber of Commerce DHL Express Success & Innovation Awards

The 17th annual AmCham DHL Express Success & Innovation Awards were held at the Pullman Auckland Hotel on 18th Aug, with Douglas Pharmaceuticals winning the Supreme Award for trade with the United States.

Award judging panel member, Alex Broughton said "Douglas demonstrates a very high standard of business strategy, operation and performance. The establishment of Douglas Pharmaceuticals America in 2003 to sell generics into the US pharmaceutical market has delivered standout growth with Douglas Pharmaceuticals on track to grow their global sales to \$244m by 2020. The Judges also noted that Douglas Pharmaceuticals are committed to continuous Innovative R&D investment".



Mark Foy, Country Manager for DHL Express New Zealand, who announced the supreme winner, said: "Douglas Pharmaceuticals epitomises the Kiwi success story and reflects the entrepreneurial and innovative businesses that are experiencing on-going growth trading with the U.S. As a rapidly-expanding pharmaceutical company with a reputation for high manufacturing standards, Douglas Pharmaceuticals has grown their export business into the U.S. in a relatively short timeframe and we congratulate them on their success."

The Supreme Award is chosen from the winners of each of the categories presented on the night. The complete list of winners is as follows:

- Importer of the Year from the USA: Ford Motor Company of New Zealand Ltd
- Investor of the Year to or from the USA: Baxter Healthcare Ltd
- Exporter of the Year under NZ\$1 million: Heilala Vanilla Ltd
- Exporter of the Year NZ\$1 million \$10 million: Aranz Medical Ltd
- Exporter of the Year over NZ\$10 million: Douglas Pharmaceuticals Ltd
- Trevor Eagle Memorial Award AmCham Supporter of the Year: Everedge Global (NZ) Ltd
- Eric & Kathy Hertz Award for Citizen Diplomacy: Bodeker Scientific Ltd
- Supreme Award Winner: Douglas Pharmaceuticals Ltd

This year's award finalists were some of the strongest AmCham has seen in the last seventeen years and the judges decided to award a number of Highly Commended certificates. These were presented to Autogrow Systems Ltd; Howick Ltd; ExportX Ltd; Constellation Brands New Zealand and WhereScape Software Ltd

The AmCham DHL Express Success & Innovation Awards celebrate success and innovation in the export, import and investment sectors between New Zealand and its third-largest trading partner, the USA. Winners of the importer, exporter and the Eric & Kathy Hertz award categories receive 100,000 airline miles from Hawaiian Airlines.

In addition to AmCham, DHL-Express and Hawaiian Airlines, the Awards are also supported by 3M New Zealand, Baldwins, Fonterra, Prescient Marketing & Communications, The Pullman Auckland Hotel, media partner The Business, and wine sponsor Fine Wine Delivery Company.

US Vice President Visit & ship visit announcement	2
TPP Update	2
6th US - NZ Strategic Dialogue	3
Trade Policy Strategy	3
Tripartite Summit delivers	3
CompTIA's plan to lure women into IT	3
High Tec Youth's goal	3
TOURISM	
Tourism NZ update	3
Calling the Great Outdoors	3
America Wild - National Parks Adventure	4
Real America AU/NZ Facebook page	4
TRADE BUSINESS INVESTMENT	4
Top 10 Trade Stats with USA to June 2016	4
Commercial News USA	5
Int'l Buyer Programme	5
Successful Hawaii Trade Mission	5
SUCCESS STORIES	5
EVENTS FOR YOUR DIARY	6
Visit by Houston Airport Systems	6
Roundtable	6
Meat & Software do mix	6
BUSINESS TRAVEL	7
MEMBER NEWS	8
Newlook AmCham website	8
Future AmCham committee	8
New Members	8
People on the Move	8
50th Anniversary American Club	9
AFS Celebrates 70 years	9
Buckley Systems expanding	9
AmCham partners with Singularity Summit	9
AWARDS PHOTOS	10
LEGAL ISSUES	11
Choice of Law Provisions	11

## **US Vice President visit and ship visit announcement**

from the U.S./N.Z. Council

This has been a historic time with Vice President Biden's announcement that the U.S. Navy will return to New Zealand. The formation of the U.S. | New Zealand Council was a product of the events that began 30 years ago because it was clear how important the United States and New Zealand were to each other in the international community, The Council has worked tirelessly through the intervening years to aid in the repair of the relationship. The U.S. – New Zealand relationship is truly stronger today than it has ever been and we are very excited as we move to a new chapter.

According to USNI News the U.S. Plans to send an Arleigh Burke-class destroyer (DDG-51) to participate in the November 2016 Royal New Zealand Navy's 75th anniversary highlighting New Zealand's contributions to global security.



#### Remarks by Vice President Joe Biden and New Zealand Prime Minister John Key



Prime Minister John Key says the United States has accepted an invitation to send a ship to attend the Royal New Zealand Navy's 75th anniversary later this year.

"Vice-President Joe Biden confirmed in our discussions today that the US has accepted the invitation and intends to have a ship represent the US Navy at this event," Mr Key says.

"We are naturally pleased the US is taking up the invitation. It is a further demonstration of the strength of our close relationship, our friendship and our shared values.

"There is a long-standing process for considering ship visits under our nuclear free legislation. I will receive advice in due course to assist me in making a decision.

"There is no specific time frame for this process but it is likely to be a number of weeks before the advice is prepared and the Government is in a position to make any further announcement."

## **TPP Update**

#### from Inside US Trade

The Office of the U.S. Trade Representative on Aug. 12 sent to Congress the draft Statement of Administration Action for the Trans-Pacific Partnership, a procedural step necessary before a draft implementing bill is sent to Congress.

USTR's chief agriculture negotiator Darci Vetter said here Aug. 2 that the Trans-Pacific Partnership implementing bill will largely consist of language to implement tariff cuts, and that Congress could pass it in as few as 10 days in a lame-duck session if there is sufficient support for the trade agreement.

Administration officials told business representatives they are doing all they can to ensure the Trans-Pacific Partnership is passed as soon as possible this year, citing the ongoing "educational campaign" in which cabinet officials are making the foreign policy and economic case for passing the deal, according to a U.S. government official. The White House is intent on a Lame-Duck TPP push despite Senator Clinton's Opposition.

Singapore's Prime Minister was recently in Washington and his message to congress was that the U.S needs to pass TPP and remain engaged in the region.

Commerce Secretary Penny Pritzker is reported as saying that the Obama administration will mount an all-out effort over the next several months to win approval of the TPP before President Barack Obama leaves office in January.

However Senate Majority Leader Mitch McConnell (R-KY) on Aug. 25 said the current Trans-Pacific Partnership agreement will not be taken up by the Senate this year, noting that the deal has serious flaws that can be fixed by the next administration.

AmCham understands that the Senate Finance Committee is working on issues with USTR in the key areas in which it does not believe the TPP currently meets TPA standards. They are doing in order to get votes to get the TPP passed; in order not to set precedents that will hurt the US in future trade deals and to guarantee that enforcement will be vigorous.

The Asia Pacific America Chambers of Commerce are gearing up their lobbying. This will be done through TPP country specific op-ed pieces around the importance of TPP in country. The articles aim to show examples of the impact on U.S. interests economically if TPP is not passed as well as testimonials from US business in the region. Discussions are taking place about a possible Washington Doorknock in late November/early December.

Continued on Page 3



Volume 15 Issue 5

## Sixth U.S.-New Zealand Strategic Dialogue

Assistant Secretary for East Asian and Pacific Affairs Daniel Russel was in New Zealand on August 14 to participate in the sixth U.S.-New Zealand Strategic Dialogue. He met with New Zealand government officials and discuss bilateral cooperation and developments in global affairs.



## Trade Policy Strategy Refresh Public Meetings

New Zealand is refreshing its Trade Policy Strategy and we would like to hear your views on how it should be shaped.

Our existing Trade Policy Strategy is more than 20 years old. It has delivered significant benefits for New Zealand and New Zealanders, but the way business is done today and the global environment that we operate in have changed. This means that we need to adapt to continue getting the best deal from international trade.

Trade Minister Todd McClay will be hosting a series of public meetings in September. This is an opportunity to hear from the Minister and officials on the thinking behind intended shifts in New Zealand's approach to international trade and the support it is intended to give New Zealand exporters, and for us to hear your views.

The first two meetings are as follows; we are working on arrangements for an additional meeting in the South Island.

Date: Monday, 5 September 2016, Time: 9.00am-12.00pm, Location: Intercontinental Hotel, 2 Grey Street, Wellington

Date: Tuesday, 6 September 2016, Time: 2.30pm-5.30pm, Location: Crowne Plaza, 128 Albert St, Auckland

Date: TBA, Time: TBA, Location: South Island, TBA

Please click here for more information about the public meetings and how to register: https://mfat.govt.nz/meetings

## **Tripartite summit delivers for Auckland** From ATEED

The numbers tell the Tripartite Economic Summit Auckland 2016's success story: the number of delegates (nearly 700) exceeded the expected attendance of 300, and the international delegations (90 from China and 60 from the US) exceeded our targets of 50 from each.

The 300 formal business matched meetings held at the BNZ Business Activation Lounge was also a great result in terms of one of the key summit aims and its theme – making connections. There were many more informal connections made between businesses.

The direct foreign investment generated by the summit at this point stands at \$30 million, with more forecast to come.

ATEED has a programme in place to help Auckland companies convert the business opportunities created by the summit into actual deals and partnerships, and maintain momentum towards the third summit in Guangzhou 2017.

#### CompTIA's plan to lure Kiwi women & girls into IT

The local arm of CompTIA, a US based global advocacy organisation for IT, has brought to New Zealand its global initiative designed to persuade women and girls to take up careers in IT. Read more.

## High Tech Youth's highly ambitious goal: 60k IT pros

Program to hold an Indigenous Innovation Hui bringing together over 70 schools, community groups and leaders from New Zealand technology companies. Read more.

#### **TOURISM**

## Tourism NZ update

From mid-July our team will be taking the best of New Zealand on an epic road-trip through the US with 38 New Zealand operators, visiting 15 cities between July and November.

Last year we took New Zealand to Texas, the *Lone Star State*, undertaking the biggest sales mission to the US in over a decade in support of Air New Zealand's new Houston route.

This year we are once again supporting new air-routes, with the launch of the American Airlines and United Airlines connections. Alongside Air New Zealand's existing services, the additional capacity and extensive cross-America networks the airlines offer are critical to unlocking the potential we see to grow this important visitor market. Read more about the roadshows.

#### Calling all our Great Outdoors, Pinot Noir, Craft Beer, and/or Nature enthusiasts.....

Travel Portland & Travel Oregon and their partners were recently in town promoting what's hip in Oregon. World class pinots, delicious local food, craft beer, epic cycling, golfing and more. A special American themed lunch was held showing off BridgePort and HUB (Hopworks Urban Brewery) beers. Read more.



Supporting AmCham

#### America Wild - National Parks adventure

From TRAVELinc Memo – www.travelinc.co.nz

Brand USA in conjunction with the US Ambassador, Mark Gilbert, celebrated the 100th anniversary of the US National Park Service with a VIP screening of the documentary America Wild: National Parks Adventure at Auckland's IMAX theatre.

America Wild, filmed in more than 30 national parks across the USA with IMAX 3D cameras, follows three adventurers as they hike, climb and explore their way across a few of the USA's national parks.

In town for the launch, Anne Madison chief strategy and communication officer for Brand USA, says it was appropriate to screen the movie here as New Zealanders have a shared interest in preserving their parks.

## Visit by President & CEO of Brand USA

By Wayne Mitcham, Brand USA

Christopher L. Thompson is president and CEO of Brand USA, the nation's public-private partnership dedicated to increasing international visitation to the United States through marketing and promotional efforts. In this role, Chris is responsible for accelerating the organization's efforts to build and execute effective marketing strategies to increase U.S. travel exports, create jobs, strengthen the economy, and help enhance the image of the United States with people all over the world.

On a recent visit to New Zealand for the first time, Chris was more than impressed with the visitation growth from New Zealand to the U.S. Back



in 2005 we had just on 140'000 Kiwis visiting the U.S., in 2015 we reach just on 300'000 visitations, says Thompson. With the investment in U.S. legacy carriers in the New Zealand market this adds an extra 165'000 seats a year to the U.S. which is extremely encouraging and great news for the New Zealand Travel Trade and kiwi travellers. <a href="https://www.thebrandusa.com">www.thebrandusa.com</a>

## Real America AU/NZ launches Facebook page

Real America AU/ NZ has now activated its very own Facebook page, which will have regular updates on the four states and the Real America region (Wyoming, Montana, North & South Dakota). Please like, comment & share us <a href="https://example.co.nz">here</a> or see website <a href="https://example.co.nz">www.realamerica.co.nz</a>

## TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

## Top 10 trade stats with USA for year to 30 June 2016

From Statistics New Zealand

ANNUAL TOP 10 IMPORTS FROM USA TO JUNE 2016			
HS2 Items & Descriptions	2016	2015	Variance
84 Nuclear reactors, boilers, machinery and mechanical appliances;	1,286,768,633	1,244,004,783	42,763,850
88 Aircraft, spacecraft and parts thereof	1,020,336,125	1,344,830,175	-324,494,050
87 Vehicles; other than railway or tramway rolling stock, and parts and accessories thereof	628,812,210	609,055,007	19,757,203
90 Optical, photographic, cinematographic, measuring, checking, medical or surgical instruments and apparatus; parts and accessories	507,093,526	453,664,637	53,428,889
85 Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	312,352,643	262,517,412	49,835,231
39 Plastics and articles thereof	208,636,644	197,811,049	10,825,595
30 Pharmaceutical products	144,442,396	145,321,838	-879,442
38 Chemical products n.e.s.	127,152,611	123,173,143	3,979,468
21 Miscellaneous edible preparations	124,328,593	106,452,966	17,875,627
08 Fruit and nuts, edible; peel of citrus fruit or melons	112,318,665	112,809,144	-490,479
33 Essential oils and resinoids; perfumery, cosmetic or toilet preparations	109,326,236	89,049,639	20,276,597
TOTAL	6,024,204,175	6,082,053,926	-57,849,751
			(Continued on page 5)



Top 10 Trade Stats: (Continued from page 4)

ANNUAL TOP 10 EXPORTS TO USA TO JUNE 2016			
HS2 Items & Descriptions	2016	2015	Variance
02 Meat and edible meat offal	1,740,873,527	1,862,139,507	-121,265,980
04 Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or	581,148,630	672,053,415	-90,904,785
22 Beverages, spirits and vinegar	479,915,594	386,439,727	93,475,867
35 Albuminoidal substances; modified starches; glues;	466,782,944	559,217,468	-92,434,524
84 Nuclear reactors, boilers, machinery and mechanical	334,557,451	302,605,949	31,951,502
90 Optical, photographic, cinematographic, measuring, checking, medical or surgical instruments and apparatus;	305,790,922	289,060,757	16,730,165
85 Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	250,275,433	181,885,518	68,389,915
44 Wood and articles of wood; wood charcoal	222,300,992	177,859,867	44,441,125
03 Fish and crustaceans, molluscs and other aquatic	191,582,197	168,052,599	23,529,598
08 Fruit and nuts, edible; peel of citrus fruit or melons	176,209,011	118,717,589	57,491,422
21 Miscellaneous edible preparations	96,027,354	41,689,035	54,338,319
Total	5,647,791,590	5,487,310,698	160,480,892

## **Commercial News USA**

The **Sept/Oct 2016** issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <a href="http://exusa.think.global/092016/">http://exusa.think.global/092016/</a>

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

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

## Successful Trade Mission to Hawaii during July 2016

The New Zealand Hawaii Business Connections were delighted to facilitate exhibiting opportunities for the Tasman Bay Food Group and

## **SUCCESS STORIES WITH USA**

New Zealand Fire service gets new Motorola Solutions radios

Oracle scores whole of government deal

Mobile payments company Pushpay maintains hyper growth

How T&G Global plans to triple its North American apple sales

Kiwi startup Little Island starts coconut milk exports to Australia and

the US

Kiwi entrepreneur aims to revolutionise rubbish collection

Eroad sees rising sales in NZ for 2017, says US will be a little slower

Small New Zealand fishing town makes big splash in the US marketplace

Parrot Analytics welcomes Hollywood executives to its board

Xero forges global partnership with time tracker TSheets

Kiwi scientists' electric dream closer to reality

Local companies to partner Boeing in Orion upgrade

Serko deal with Sabre to add \$1mln in annual revenue

Salesforce mapping provider, MapAnything, opens ANZ office

Eroad announced as American Trucking Associations corporate

partner

Invenco and NCR driving self-service EMV in the US

#### **EVENTS FOR YOUR DIARY**

22<sup>nd</sup> Sept Auckland CEO Lunch (by invitation only)

5<sup>th</sup> Oct Breakfast with Chicago FED President Charles Evans

12th Oct Auckland CEO Lunch (by invitation only)

12th Oct Virtual and Augmented Reality: interactive and engaging experiences for your

audience

20th Oct Reception for Board of AmCham Australia & delegation
21st Oct Briefings for Board of AmCham Australia & delegation

9th Nov US Election party

10th Nov Auckland CEO Lunch (by invitation only)

22<sup>nd</sup> Nov AmCham Stableford Golf Tournament at the Grange Golf Club

#### MONTHLY FOREIGN **EXCHANGE RATES** 29/07 29/08 As at 9am USD 0.7076 0.7227 AUD 0.9427 0.9551 **EUR** 0.6388 0.6462 **GBP** 0.5382 0.5505 CAD 0.9313 0.9381 Stay informed, speak to the experts Contact: doug.warren@hifx.co.nz

## Visit by Houston Airport Systems

Mario Diaz, Executive Director and Željka Momirović Director of International Relations of the Houston Airport System, City of Houston Department of Aviation were recently in Auckland and hosted a reception for group of AmCham members and travel specialists. The reception was to honour the Houston-Auckland relationship and direct air service connection.

Their three-airport system (IAH, HOU & EFD) served more than 55 million passengers in 2015, an increase of almost four percent over the 2014 record-setting mark. They are one of North America's largest public airport systems and position Houston as the international passenger and cargo gateway to the south central United States and a primary gateway to Latin America.

Houston Airport Systems are keen to work with and assist New Zealand companies that are looking to do business in the region. <a href="https://www.fly2houston.com">www.fly2houston.com</a>



Melanie Higgins (US Consul) Mario Diaz & Željka Momirović (Houston Airport Systems)

## Roundtable with former US Ambassador Derek Shearer, US political expert and the Stuart Chevalier Professor of Diplomacy and World Affairs at Occidental College.



AmCham and the NZ US Council recently hosted a roundtable event with former US Ambassador Derek Shearer, US political expert and the Stuart Chevalier Professor of Diplomacy and World Affairs at Occidental College. Ambassador Shearer spoke about the US political system and examined the implications of the impending Presidential race on issues central to New Zealand, including trade and security.

AmCham would like to thank Buddle Findlay for hosting this event.

BUDDLE FINDLAY

#### Meat and Software do mix

AmCham recently hosted an armchair interview with 2015 EY Entrepreneur of the Year Craig Hickson, CEO of Progressive Meats along with Michael Whitehead, CEO of WhereScape Software. While coming from different industry sectors there were many common synergies around leadership and being an entrepreneur.

AmCham would like to thank Craig, Michael and Susan Doughty of EY for being the armchair interviewer and EY for their support.

Craig Hickson, Susan Doughty (EY), Michael Whitehead



#### **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**

**American Airlines** will launch a new daily non-stop service from Los Angeles to Hong Kong on board their Boeing 777-300ER aircraft from September 7<sup>th</sup>. The aircraft offers a three class service, Flagship SM class suite (American's first class branding), Business and Economy cabins. Both front cabins offer fully lie-flat seats, direct aisle access and increased work space, along with international Wi-Fi, power outlets, USB ports and in-flight entertainment.

**Air New Zealand** is offering new **short life Premium Economy** fares to **Los Angeles** and **selected USA destinations** for sales effective immediately to 05 September, starting at \$4142 plus taxes **return** to Los Angeles. Capacity at these levels is limited so contact your BWT consultant for further details.

Several of our BWT consultants viewed the **United Dreamliner** this week and were very impressed. **Silver, Elite and Gold Elite** Air New Zealand travellers can use the **premier check in at the airport** when flying United. **A tip for travellers** – do not pack your "**power packs**" in your checked luggage as they scan all bags at check in and then ask the traveller to remove the power pack before departure. The Airline recommends carrying these in your hand luggage instead, to avoid "last minute repacking" at check in!

### **Hotels & Holidays**

Our Private Client advisor Tanya Warman has returned from **Virtuoso Travel week in Las Vegas** where 2500 luxury travel suppliers from around the world were on hand. Tanya made even more outstanding personal contacts for us to stay in touch with to ensure that our BWT clients receive better recognition and amenities than other travellers. **Our key operator based in New York** has access to seats to Theatre, Shows and Major Sporting events. However, they excel at going beyond the normal service to provide an experience to remember. For example they can arrange visits **behind the scenes at Broadway shows**, dinner in a private kitchen of a **celebrity chef** or something tailored to a specific client requirement such as Father and Son batting practice with **the NYC Yankees before a baseball game!** So whether you are travelling privately or planning a special incentive for your sales staff, let us know and we would be delighted to help.

## The annual Wharekauhau Country Estate Louis Roederer Champagne event is back!

Wharekauhau Country Estate is a 5,500 acre rural retreat on the southeast coast of New Zealand's North Island and owned by US investor William P. Foley (Bill). Ten minutes by helicopter from Wellington (90 minutes by road) Wharekauhau is recognised as one of the world's exclusive retreats and is a member of the prestigious Virtuoso network and Relais & Chateau.

In its third year, this event is always a sell out on the Wharekauhau calendar and due to its popularity, now held over two weekends:

#### 14-16 October and 21-23 October 2016.

The weekend begins with a unique dinner that partners specially selected Californian and New Zealand wines from the lodge owner's private cellar – *The California v New Zealand Wine War*. Saturday night's Marque Louis Roederer Champagne degustation dinner includes the legendary Cristal Champagne and is hosted by wine legend, Brett Newell, from EuroVintage, Roederer's exclusive importers. Wines are paired with a multi-course degustation menu.

#### Two night weekend Includes:

- Two-nights accommodation in a Cottage Suite double occupancy
- A bottle of Louis Roederer Champagne on arrival
- Evening –pre-dinner drinks and canapes
- Friday night degustation dinner: "The annual California V New Zealand Wine War".
- Saturday night degustation dinner: "Louis Roederer Champagne Dinner"
- Full Country breakfast each day.



Volume 15 Issue 5

#### **MEMBER NEWS**

## New look AmCham website - 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.

Don't forget to follow us on Twitter @Mike\_Amchamnz

#### Future AmCham Committee established

We have established the Future AmCham Committee whose role is to create and promote meaningful and successful ways to engage a younger and more diverse membership, and collaborate with more innovation centers and start-ups, thereby increasing and promoting the organization's membership, its visibility and prominence, its objectives, and also thereby ensuring that the organization remains relevant to in the years to come.

Ada Echetebu, partner of Norris Echetebu Law has been appointed as chair of the committee and chaired the inaugural. Several new initiatives were discussed and the group is to develop an ongoing strategy in the coming months. For more details on the committee see <a href="http://amcham.co.nz/Future-AmCham-Committee">http://amcham.co.nz/Future-AmCham-Committee</a>

If you have any suggestions that will assist the committee develop the strategy please email mike@amcham.co.nz

#### **New Members**

American Airlines, Auckland – Mario Santander, Country Manager New Zealand - the world's largest airline when measured by fleet size, revenue, and scheduled passenger-kilometers flown, and the second largest by number of destinations served. American together with its regional partners operates an extensive international and domestic network with an average of nearly 6,700 flights per day to nearly 350 destinations in more than 50 countries. Offers daily flights between Auckland and Los Angeles operating with joint venture partner Qantas. www.aa.com

**EBay**, Sydney – **Kristen Foster**, Director, Government Relations Australia, NZ & Japan - Acting Head, GR, South East Asia – Global ecommerce company with a turnover of US\$8.59 billion, providing consumer-to-consumer and business-to-consumer sales services via the Internet. www.ebay.com

Global Destination Forwarding, Auckland – Scott Mealings, General Manager - We're an innovative freight forwarder focused on personalised freight solutions that deliver. We pride ourselves on our well-established, collaborative international partnerships that give us global reach with intimate local knowledge. Our experienced freight specialists will find a solution to suit your needs, no matter how complex or unusual your shipment. We're focused on taking personal care, and our experience and connectedness give us the edge to offer you effective freight solutions to deliver your shipment cost effectively, to plan and on time, every time. www.globaldf.co.nz

Howick Ltd, Auckland - Bruce Coubray, Managing Director - internationally recognized as an innovative and trusted specialist roll forming manufacturer of quality machinery. Our reputation for ongoing service and support is second to none. For over 30 years we have designed and manufactured 100% New Zealand made quality equipment for steel frame construction worldwide. Our Steel Framing Machines place all punching and fixing holes through accurate computer control. This not only allows Frames or Trusses to be manufactured with extreme precision but enables the frame to be self-locating and jigging. <a href="https://www.howickltd.com">www.howickltd.com</a>

**Stockwell International NZ Ltd**, Auckland – **Nick Larsen**, Managing Director - Successful supply chain professionals understand that to be a leader you need international freight forwarders who understand your business as if it were their own. Freight forwarding, customs brokerage, wharf transport including third party logistics are no longer just cogs in a cycle of events along a supply chain. They can be real game changers when paired with over 40 years of expertise and knowledge, 24 hour personal service and innovative IT advances.

We have been servicing clients worldwide as their logistics partners since 1971 and offer bespoke solutions that complement individual businesses. <a href="https://www.stockwells.co.nz">www.stockwells.co.nz</a>

## People on the move:

In December IBM New Zealand's Managing Director, Rob Lee, is moving to a new role with Mike T. Smith taking over.

Craig Davidson has been appointed Managing Director for AECOM New Zealand.

Mark Averill has been elected as PwC's next Senior Partner and CEO.

Andrew Carpenter has joined Auckland Tourism, Events and Economic Development as Investment Specialist – Business Attraction & Investment.

Dellwyn Stuart has been appointed as CEO of Auckland Communities Foundation

Global Women appointed Miranda Burdon as CEO.

Rowena Hume has been appointed Senior Manager, Trade Policy and Advocacy for Beef + Lamb New Zealand.

Marija Gecan is the new General Manager of the Stamford Plaza Auckland

Hamish Bell is now Independent Director, Chair Audit & Risk Committee at Martin Aircraft Company Limited

David Howse is the new Managing Director of McDonald's Restaurants (NZ) Ltd

Norris Carter has been appointed CEO of North Queensland Airports.

Volume 15 Issue 5

## 50th Anniversary of the American Club

When: Sunday 18th September, 11.30am - 4.00pm Where: Tamaki Yacht Club, 30 Tamaki Drive

The American Club reaches an important milestone in September, and we will be inviting members to join us and celebrate this event. See how the day will unfold and register here.

## AFS is Celebrating 70 Years!

AFS New Zealand is celebrating 70 years! That's right, it's 70 years since our first students embarked on exchanges to the USA. Since then, we've sent thousands of Kiwi students on life changing experiences around the world and we now work with around 50 countries!

To celebrate this amazing milestone, we're holding a weekend long series of celebrations from May 12th to 14th 2017, in Auckland and we'd like to invite AFS Alumni, volunteers, host families, and all those with a connection to come and celebrate with us.

We will be hosting a Gala Dinner with world renowned guest speakers, including AFS NZ Patron Dame Anne Salmond, and other exciting events planned.

As one of the original AFS partners, New Zealand has a long and proud history with AFS and we're keen to share out AFS story on this celebratory weekend. The weekend will be in a modular format, so you can select which events you'd like to attend. You may just wish to attend the opening or the Gala Dinner, or the events on the Saturday, it's up to you!

We know that an AFS exchange was a game changer for many of you, sending your life in new and unexpected trajectories. So, get in touch with your year group, host families, AFS friends, volunteers and connections and prepare to enjoy a weekend together reminiscing, reconnecting and catching up with other AFSers!

For more information, please see our 70th website by <u>clicking here</u>. You can also register your interest and join our mailing list so that we can send more information over the next few months.

### **Buckley Systems expanding for the future**

Ion implantation technology leader Buckley Systems has expanded locally, building on earlier expansion in North America as demand for its precision electromagnets continues to grow.

Based in the Auckland suburb of Mt Wellington, the company has almost doubled its factory space to improve workflow and meet increased demand.

To aid its on-going work, Buckley Systems has also acquired a 50 per cent stake in the Canadian based ion technology company D-Pace. Buckley Systems and D-Pace have worked together for 20 years in the design, development and manufacture of beamline systems, beam diagnostics, and ion sources. The formalisation of the cooperation has resulted in the development of an ion source test facility, which both companies use and lease out for certification and verification of products.

"With D-Pace doing the design and ourselves the manufacturing, we have reduced the time to complete projects," said Mark Stolten, Buckley Systems' Chief Operating Officer.

PhD students from Universities in New Zealand and Canada carry out much of the development work, which is cutting-edge discovery science, in conjunction with Buckley Systems and D-Pace.

On a more practical front, Buckley Systems' expansion into a neighbouring building in Mt Wellington has allowed the heavy fabrication and large coil-forming operations of electromagnet manufacturing to be carried out more easily with time savings.

"The demand for larger-screen implantation machinery has seen some of the magnets exceeding 25 tons and stretching the resources of the existing building," said Mr. Stolten.

The space freed up in the existing plant allows greater throughput of smaller magnets, giving the business the agility to react to market demands, he said.

Buckley Systems has a 30 year history of manufacturing ion implantation and particle acceleration systems in New Zealand, and resisted approaches to move over \$85 million of production in 2015 offshore.

All the production is exported and is used in semiconductor manufacturing, oncology treatment facilities, medical and scientific diagnostic devices and physics research facilities.

## AmCham partners with The SingularityU NZ Summit 14-16 Nov in Christchurch



The SingularityU NZ Summit brings the world's top speakers and experts on exponentially accelerating technologies together with New Zealand's and Australia's leaders of today and tomorrow, giving us the knowledge and insight we need to compete — and win — in an exponentially changing world.

Within the next 20 years, 47-81% of jobs as we currently understand them will be under threat from technology. This includes jobs that have always been considered 'safe' from automation. But until we achieve a collective understanding of what exponential technological growth truly looks like — and how it affects us all — we will be at a disadvantage.

(Continued on page 10)

Member News (Continued from page 9)

But the ever-increasing pace of change doesn't just hold threat — it also holds opportunity. We are shifting from an economic model based on scarcity to one based on abundance. What are the strategic implications? What kinds of policies do we need? What is the impact on our economy? What are the ethical considerations? None of the old rules apply.

The SingularityU New Zealand Summit is a conference like no other. You'll learn about artificial intelligence – but it's not a computing conference. You'll learn about self-driving cars and networks – but it's not a tech conference. You'll learn about medicine and biotechnology – but it's not a health conference. You'll learn about the future of crime and the future of work – but it's not a public policy conference. We expect you to come away from the Summit with nothing less than a total paradigm shift about where we've come from, where we're going, and what's possible.

Your ticket to three extraordinary days. The SingularityU New Zealand Summit will be like no conference you've ever attended. Over three days in November, you'll hear from world experts in exponential technologies, from Silicon Valley and beyond, and learn what the implications are for you. You'll also discover the cutting edge of technological progress taking place right here in New Zealand.

As an event partner AmCham has secured 10 tickets at 50% off our Super Early Bird pricing, (which was \$2,495 + GST.) Access Code (AMCHAMSUNZ) for you to use to purchase 'Special Friend' tickets.

Click here for details of the speakers and to register

## AmCham DHL Express Success & Innovation Awards - 2016 - PHOTO'S



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Annabel Langbein



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Citizen Diplomacy Bodeker Scientific



Exporter of the Year \$1 - \$10m Aranz Medical Ltd with Fonterra



Exporter under \$1m Heilala Vanilla Ltd with Baldwins



Investor of the Year Baxter Healthcare Ltd with 3M

### **LEGAL ISSUES**

## Norris Echetebu Law - 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 <a href="mailto:info@nz-uslegal.co.nz">info@nz-uslegal.co.nz</a>.

#### **CHOICE OF LAW PROVISIONS**

Every contract is governed by the law of a jurisdiction. The law which governs the contract is used to decide issues such as the contract's formation, validity, interpretation, performance, and breach. If the parties do not agree to the governing law, then the court will decide what jurisdiction's law will govern the contract based on the *Conflicts of Law* principles of the presiding court's jurisdiction. Generally, the common law position finds that the governing law will be that of the jurisdiction in which both the parties are located, where the contract is performed, or where the breach occurred. The fact that a court may simply choose the applicable law brings about an untenable uncertainty that unnecessarily reduces the value of the contract in the first place. After all, a contract is written so that the parties may have certainty as to the transaction.

Contractual parties may avoid this uncertainty by agreeing to the governing law in their contracts. Many New Zealand companies by default want New Zealand law to apply to the contract, thinking that this would potentially offer them an advantage against a US company. However, choosing New Zealand law is not always the best choice. One should consider several issues before making a determination as to which jurisdiction's law should govern the interpretation of the contract.

Does New Zealand Law Provide an Adequate Remedy in Case of Breach?

Where the US business breaches the contract, the New Zealand company will want to recover damages which adequately compensates it for its injuries. When it comes to remedies, not all law is created equal. For example, if a New Zealand company is a product supplier to US purchasers, then a question of whether the US Uniform Commercial Code's measurement of damages or the law of damages in the particular US state in which the goods were delivered would exceed those allowed under New Zealand law. Another example would be in the measurement of lost profits as part of damages. Some US states can be dramatically more generous when it comes to determining what is included in that calculation what is not. On the other hand, some US state law does not allow lost profits as damages in certain scenarios, where New Zealand law may.

Length of the Statute of Limitations

Depending the type of agreement a NZ company is entering into, it may be advantageous to have a longer or shorter statute of limitations. The statute of limitations is the deadline set by law before which a party must bring a legal action for breach of contract. In New Zealand, the general statute of limitations for a breach of contract claim is six (6) years. In the US, the statute of limitations for a breach of contract is anywhere between four (4) years and fifteen (15) years depending on applicable state law.

Where is the Lawsuit Most Likely to Occur?

If the US company breaches, a New Zealand business may be forced to sue the US Company in the US, either because of choice of jurisdiction or forum non conveniens challenges. Further, if the US company breaches and is sued in New Zealand, the NZ company may then be forced to go to court in the US to enforce the judgment in any case, which will add significant costs and delays to the entire process. From a practical standpoint, if one must sue in the United States, it can add significant cost to the lawsuit if New Zealand law governs the contract. First, this would require fully briefing the court on New Zealand law, which in a worst case scenario may require hiring a New Zealand legal expert to come to the court in the US to present evidence on what the law is. Second, the court in the US will be unfamiliar with New Zealand law and may not produce the expected result that a New Zealand court would produce. Third, the additional briefing due to the court can add a significant delay to obtaining a decision from the court on the matter.

Careful consideration of the above-stated issues should be undertaken when deciding the choice of governing law in a contract. As we have stated time and time again, doing business in the United States exposes New Zealand businesses to a higher risk of litigation. It is important to write a contract's provisions with an eye towards this increased litigation risk exposure. If push comes to shove, you will be glad you did.

- Zachary D. Norris, JD, LL.M. and Ada Echetebu, 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 Echetebu Law or any of its affiliated lawyers. For specific analysis of your US legal issues, please contact the attorneys at Norris Echetebu Law at +64 (0)9-889-2602 or visit us on the web at http://nz-uslegal.co.nz/.



