

Issue 207. May 2024

# Round about.

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## Social Media

Getting It Right

## Theft by Legislation

## Spark Business Hub

Experts in Innovation



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Business Association

RBA

# BAYLEYS AND RBA GOVERNMENT Q&A

Bayleys Northwest welcomes the local Rosebank community to attend a Q&A hosted by Paula Bennett, Bayleys Director of Strategic Advisory and new local MP Paulo Garcia. Join the discussion on the latest policy changes and what it means for you, followed by refreshments.

**Thursday 23 May**

**5:00pm - 7:00pm**

558 Rosebank Road,  
Avondale

**Contact Maureen McDonell  
to register, feel free to bring  
a friend!**

[maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)



**Paula Bennett**

**Paulo Garcia**

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**Cover:** West Auckland Spark Business Hub Owner / Operator - Mike Hannan

With thanks to our partners ...



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# From My Perspective

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



## Welcome to our May edition of Roundabout

In this issue, we have a feature story by Kerrie Brebner Subritzky on the Avondale Jockey Club and the ongoing discussion about the future of the 35 hectare site. Like many people, I've had an interest in the outcome of all the plans that have been put forward over the years.

A long time ago, in another life, I raced for my harrier club in the annual Southland Centenary Relay held by Athletics Auckland. When I first moved to Auckland in late 1980s, the relay was held at Avondale Racecourse. Those were the days when John Walker, Dick Quax and John Campbell turned up for their clubs over the 3 km course. Because of the stature of the runners competing, it was super competitive, and the 3 km distance suited both middle and distance runners at the start of the cross-country season.

The event had been held at Avondale Racecourse for many years before I arrived and only moved in the mid-1990s, after the event clashed with

other activities. I have also been there as a spectator more than once on race days a few years back; the space has slowly aged to the point where it isn't in a condition to hold a race meet anymore. The cost of doing up the property is vast, and in reality, the grandstand and buildings have come to the end of their life.

The big question: What next?

There are many options with the amount of space available. I would love to see a portion of the 35 ha site placed into a public trust for sport and recreation and that can never be sold to anyone, ensuring all sports and recreation can be held in the space, whatever they are. I would also like to see the forever-promised pool built for Whau and the over 5000 children attending schools in the Avondale area. A decent athletics track is needed for this part of Auckland as well. Reading the response from Avondale Jockey Club President Tracey Berkahn on the rezoning of the racecourse, there will be green space put aside for community activities. Let's hope so!

This month we also have a feature profile on Spark Business Hub West Auckland and its owner, Mike Hannan. Mike has been a wonderful supporter of the RBA over the seven years he has owned the Hub. Spark has moved from a telco to a full-service technology provider, and Mike's business continues to grow and offer more products every year.

Our feature writer Beth Caunter has delved into the world of social media to give us an insight into how to use social media platforms for advertising and client connection.

I personally have a love/hate relationship with social media because of the keyboard warriors who take up the space, but it's a wonderful tool for connecting with your customers. The article is a great read and has tips about how to use the platforms (even for us negative people).

Regards,

**Phil Clode,**  
**Business Development Manager**

# SUPPORTING A NATION OF SMEs

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# Rosebank Advocates

With **Dr Grant Hewison**, specialising in local government consultancy and legal services



Dr Grant Hewison

## Whau Local Board Plan 2023: “Our Economy”

The Whau Local Board has adopted its Local Board Plan 2023, which includes a section titled, “Our Economy.”

Here the Plan says:

Our local economy is strengthened through partnership and by collaborating on initiatives that encourage our communities to shop and work locally.

We bolster economic prosperity through connecting with key local industry sectors.

Whau is a local board area with a diverse local economy driven by manufacturing, wholesale, and construction, with retail also providing many local employment opportunities. Creative artists; music and other sound recording; jewellery; and ceramic manufacturing also have a greater concentration in Whau. A number of non-profits are currently registered in the area, contributing to both paid and volunteer work. The local economy has several growing businesses, including those in professional services, and accommodation and food services. This provides a positive platform for future growth. Economic activities are focused in Avondale, New Lynn, Glendene, and Rosebank Peninsula.

However, the skills base of the workforce is low, as is the proportion of local jobs that are highly skilled or in knowledge-intensive industries, which results in lower household incomes. While many school leavers from Whau leave with NCEA Level 2 or NCEA Level 3, fewer progress from school to tertiary education than the regional average. This highlights a need for job/skill development opportunities in Whau to improve economic prosperity.

Most Whau residents commute outside the local board area to work (78%). While opportunities to both live and work in Avondale and New Lynn are available, only 12% of employees do so. Although Rosebank Peninsula is a key employment area, it is an industrial precinct with limited housing nearby. As such, even employees who live in Whau still need reliable transportation options to commute to work in Whau. This signals a need for strong transport connections throughout Whau and to surrounding areas in Central West and West Auckland, where the majority of the current Whau labour force resides.

The 2023 Plan identified a number of challenges:

- Lower household incomes than the regional average and limited local access to higher-paid, quality employment.
- Less skilled workforce and a lower proportion of youth enrolling in tertiary education compared to regional averages, especially Māori and Pacific peoples.
- Transport and access issues on Rosebank Peninsula, a key employment area.

- Housing shortages and delayed housing developments.

The Plan also identifies a number of opportunities:

- Avondale Unlock Programme and the significant economic development opportunities this brings.
- Potential for development in New Lynn (as noted in the New Lynn Urban Plan) and across Whau as a whole.
- Improved connectivity to Central Auckland on completion of the City Rail Link.
- Potential to build on creative sector development in Whau and West Auckland.
- Increased entrepreneurial growth and small enterprises in the local economy.

The Local Board Plan 2023 has also identified a number of actions:

### What we want to achieve (objectives)

Effective partnerships that leverage work to support economic development and sustainable local business

### What we will deliver in the next three years (key initiatives)

Partner with our business associations to realise shared aspirations around town centre improvement and other local economy matters and support those associations seeking to expand into Business Improvement Districts (BIDs)

Promote initiatives that encourage residents to shop and work locally, which also supports climate action goals (e.g. carbon emission reduction, food resilience, etc.)

Continue to support partners who offer employment/skill development opportunities for rangatahi, Māori and Pacific peoples, immigrants, and marginalised populations

Build on the creative capital of Whau

Investigate supporting an economic broker role, either individually or in partnership with neighbouring local boards or business associations, to progress economic development opportunities in Whau

### What success looks like (measure of success)

New connections and collaborations with BIDs (above and beyond BID compliance)

Increased economic activity (e.g. increased BID spends, increased employment opportunities, local business growth) across Whau

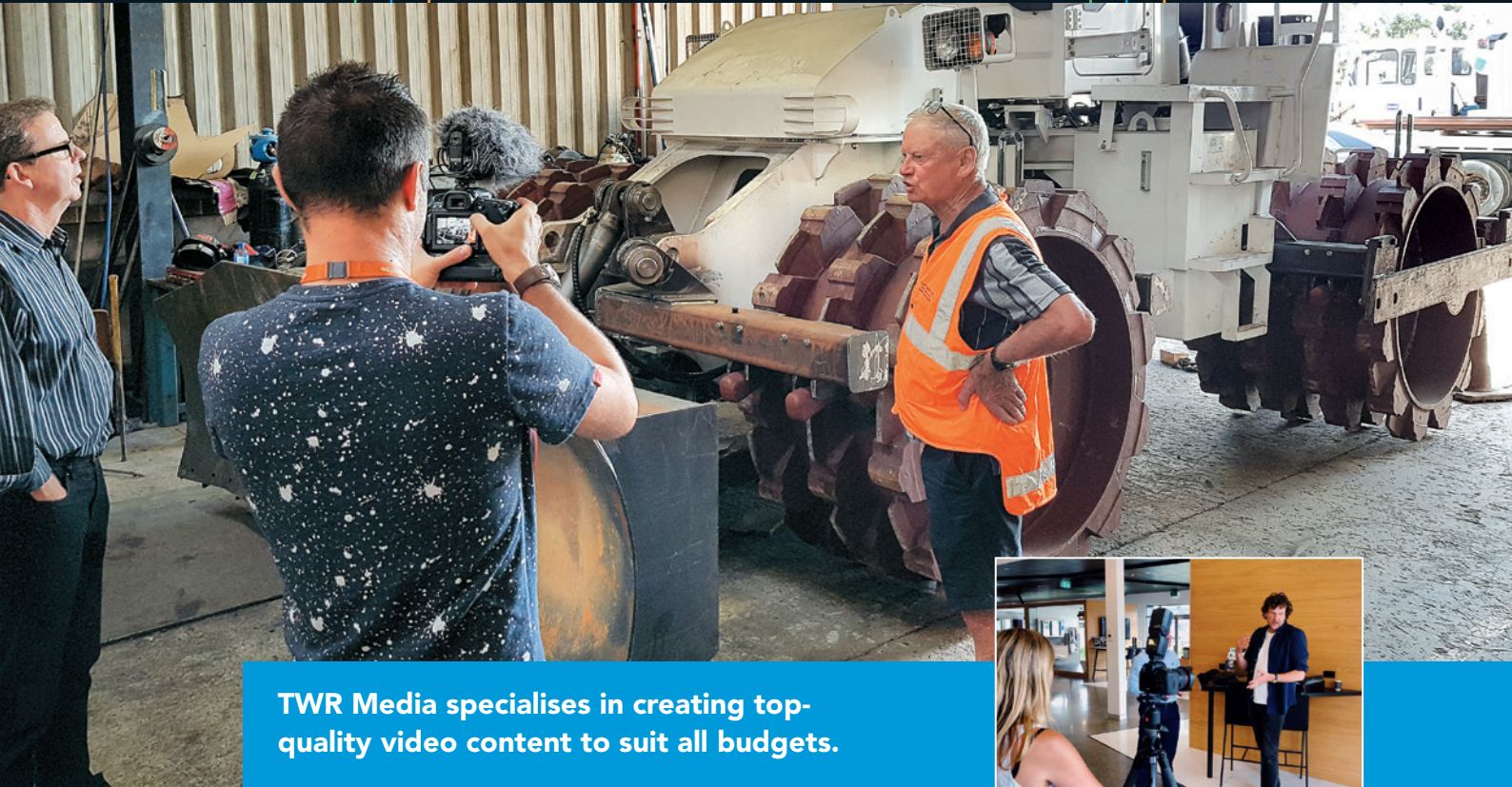
Successful delivery and participation from local business in Whau

Engagement with key industry representatives

Increased opportunities in creative industries

Investigation is completed

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# Kimmy's Korner

**Kim Watts** RBA Executive Engagement Manager  
Phone: 021 639 509, kim@rosebankbusiness.co.nz



## Handling Stress

Over recent years, the RBA has actively supported the growth of Rosebank business employees through various wellbeing courses, aiming for both business benefit and individual development. To experience one firsthand, myself and nine other people sponsored by the RBA attended the EMA Stress Management and Mental Resilience course on April 19. The course covered key topics like mental resilience, stress response, wellbeing under attack, managing thoughts, fostering a positive workplace culture, and the importance of quality rest and lifestyle.

Mental resilience enables us to cope with stress, bounce back from challenges, and maintain focus on our goals. It's a skill that can be developed, benefiting overall wellbeing and success. High resilience levels correlate with improved mental health and lower rates of depression and PTSD. Building resilience through healthy habits enhances life quality and achievement.

EMA course tutor Peter Simunovich engaged us immediately in interactive discussions about the warning signs of stress and mental illness, such as withdrawal, reduced functionality, apathy, disconnection, nervousness, and mood changes. Recognising these signs is crucial, given the potential harm of mental stress, as highlighted by the Health and Safety at Work Act 2015 (HSWA), which prioritises both physical and mental health protection.

Peter explained the brain's "use it or lose it" principle for managing stress and anxiety, in which it favours active connections over inactive ones. Unmanaged stress can narrow focus, reinforce negative patterns, and hinder adaptability. Occasional anxiety is normal, but factors like workloads, job insecurity, noise, and traffic can trigger stress.

In stressful situations, the brain's emotional system tends to dominate, while cognition may falter. To manage acute anxiety, techniques like deep and slow breathing; cold treatments on pulse points; cold showers; brief, vigorous exercise; and animal interaction can help refocus and alleviate anxiety.

The attendees conducted a life balance self-assessment exercise comparing our stress triggers with rewarding activities. Ideally,

these should be balanced, but as discovered, most of us found that our stressors outweighed the rewards.

The course also highlighted workplace wellness factors such as time pressure, work hours, roles, conflicts, organisational changes, job control, and support. A key takeaway was: "The goal of an organisation should be to grow employees and train them so they are able to leave and be successful. The trick to retaining them is to create an environment and treat them in such a way that they never want to."

Peter distinguished between mental fatigue, which stems from prolonged focus, and physical tiredness. Mental fatigue depends on sleep quality, workload, volume, and rest intervals. As workplace burnout rises, balancing work and lifestyle while improving sleep quality becomes essential.

The course enriched our understanding of stress management and mental resilience. After the course, a couple of attendees shared their thoughts.

"It was fantastic to be a part of the RBA team attending the Stress Management and Mental Resilience course. Focusing on



our mental health and wellbeing within the workplace is more important than ever, and this course was a good reminder of that. It was packed full of useful insights." – Jared (Advanced Parts)

"I found the course extremely engaging and informative. It gave me some great tools to assess my own stress as well as recognising it in my team and colleagues." – Ethan (Etel Transformers)

Thanks to Peter Simunovich from the EMA, we gained valuable insights that have enhanced our coping strategies and overall wellbeing. This knowledge will be invaluable in fostering a healthier, more resilient workplace culture, along with enriching both our personal and professional lives.



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### 60 Bruce McLaren Road, Henderson

Located in the bustling Henderson industrial area, a 1,021m<sup>2</sup> site zoned Business - Light Industry.

**Scott Whitten**



**FOR SALE**

### 8 Stock Street, New Lynn

Freehold, mid-west industrial property on a 607m<sup>2</sup> site with a 480m<sup>2</sup> building and zoned Business - Light Industry.

**Meir Alfassi**



**FOR SALE**

### 3 Cranwell Street, Henderson

Standalone 920m<sup>2</sup> warehouse on a 1,619m<sup>2</sup> Freehold site returning \$150,000 p.a.

**Meir Alfassi**



**FOR SALE**

### 1/9 Westward Ho, Glen Eden

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**Meir Alfassi**



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### 28B Portage Road, New Lynn

Versatile industrial unit with approximately 250m<sup>2</sup> of lettable area.

**Max McCarthy, Meir Alfassi**



**FOR LEASE**

### 460 Rosebank Road, Avondale

1,933m<sup>2</sup> total high stud warehouse area, 50m<sup>2</sup> amenities, 649m<sup>2</sup> drive-through canopy.

**Max McCarthy, Meir Alfassi**



**FOR LEASE**

### 2/26 Bancroft Crescent, Glendene

290m<sup>2</sup> warehouse, 180m<sup>2</sup> yard - a versatile property for industrial operations.

**Max McCarthy,  
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# Rosebank News & Events

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



## EMA Seminar with Ruthi Bommoju

### Are your restructuring processes in check?

Restructures are a risk. But with the right tools and processes, they can create a stronger, more effective business.

Join the EMA's Acting Head of Legal, Ruthi Bommoju, for an informative session on reshaping your business. Ruthi will cover processes, timelines, risks and pitfalls, workplace culture, and more, with time for questions.

Breakfast provided

### EMA Seminar

**Where:** Browne St Eatery, 50 Rosebank Rd  
**When:** Tuesday, 7th May, 2024  
**Time:** 7.45am - 9.30am  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)

## Immigration Law Update: Key Changes and Employer Responsibilities Webinar with Aaron Martin



A not to be missed webinar hosted by senior immigration lawyer, Aaron Martin. This event will cover the significant changes to the work visa system announced at the beginning of April, and the increased obligations and liabilities placed on employers because of those changes. This will include information about the amendments to the maximum period of study that may affect your international workers.

This will be of interest to HR managers and advisers and

business owners of existing accredited employers, and those businesses thinking of becoming accredited.

### NZ Immigration Law Webinar

**Where:** Online  
**When:** Thursday, 9th May, 2024  
**Time:** 11.00am - 12.00noon  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)

## BAYLEYS Hosting

Bayleys Northwest welcomes the local Rosebank community to attend a Q&A hosted by Paula Bennett, Bayleys Director of Strategic Advisory and new local MP Paulo Garcia. Join the discussion on the latest policy changes and what it means for you, followed by refreshments.

### BAYLEYS Hosting

**Where:** 558 Rosebank Road, Avondale  
**When:** Thursday, 23rd May, 2024  
**Time:** 5.00pm - 7.30pm  
**RSVP:** [maureen@rosebankbusiness.co.nz](mailto:maureen@rosebankbusiness.co.nz)

# Suburbs New Lynn Cricket Club Hosting

On Thursday 11th April, the RBA had an unforgettable night at the Suburbs New Lynn Cricket Club Hosting event.

From networking with local professionals to an exciting fastest bowler competition, it was an evening packed with fun and connection.

We also got a glimpse into the club's rich history and along with using the free indoor nets and awesome gear from Canterbury NZ prizes were the perfect giveaways!

Thanks to everyone who made it such a memorable night!



Bowling competition winner Richard Lambeth



Karl Phipps, Lynette Adams, Kate Hillier-Cook and Catherine Farmer



Hamiora Jackson, Roni Harakh, Richard Lambeth and David Alley



Charles Hohaia, Roni Harakh and Nitesh Chand



Kim Watts, Sarah Frayne, Awhina Tatana, and Maryann Manu



David Priestley and Bryan Teng



Doug Surman and Daniel Mead



# West Auckland Spark Business Hub:

## Experts in Innovation

When you think of Spark and the services they provide, what comes to mind? Is it locating a handheld drill? Or monitoring combustible gas? What about designing an IT roadmap for the future of your business? If all that sounds impossible for a telco, it might be time to stop by the Spark Business Hub on Rosebank Road for a friendly chat.

For over a decade, West Auckland's Spark Business Hub has been supporting customers with core telco services, and over the last several years, cutting-edge tech solutions. The Hub was the first of its kind in New Zealand, a prototype office designed to offer telco support by locals, to locals. In February this year, the Hub's décor was brought into 2024 with a modern refit, and owner Mike Hannan says that the services his team provide have come a long way since the days of copper lines and automatic iPhone upgrades for everyone in the office.

"When I first started," he says, recalling his purchase of the business seven years ago, "80% of people were on two-year contracts for their mobile phones. That meant every 22 months, there would be a cycle of clients getting excited to upgrade to their new iPhone 7s."

At that time, he explains, conversations with customers were surface-level and centred on their smartphones. Now, Mike and his team pride themselves on delving deeper. "Our conversations have broadened, and as a result we get a much better feel for the

issues our clients are experiencing with their technology. Often, if we understand a business's issues, we can find the solutions. If we understand a business's goals, we can deliver the required technology enablers."

As specialists in supporting small-to-medium-sized enterprise across a plethora of industries, the Hub's tech solutions aren't limited to supporting your basic IT setup; in fact, Mike's team strives to create efficiencies and streamline processes wherever it's needed within a business, including operations, health and safety, finance, human resources, and procurement. For example, sensor technology, broadly known as the "Internet of Things," can help a business monitor their workspace, tools, systems, and processes to find better ways of getting things done.

"We might do soil moisture monitoring in a winery," explains Mike, "to understand that when they turn on the sprinklers every morning at 8 am, they should only go on at 30% so water can be absorbed instead of sitting on hard soil and evaporating. For construction businesses, we can use environmental monitoring to measure tolerances on vibration, noise, and even dust to support their compliance requirements."

Other technology can help a business manage major hazards. "We work with a steel manufacturing business that uses combustible gas as part of their processes; we can put in sensors to monitor specific gasses to understand where people

would be at risk of an explosion. There are cameras with artificial intelligence that can be trained to understand what a human looks like and what a forklift looks like, and they can give a warning when a human being is in an area they shouldn't be."

Mike and his team can also save you time, money, and a lot of wandering around when it comes to tracking down the tools of your trade. He says that for many businesses, smaller assets can often go walkabout within the warehouse or get forgotten on site. At \$2000 to \$3000 a pop, the cost of replacements can easily add up.

"When a business goes to deploy their people to do a job, often someone's going, 'Oh hey, where's that diesel generator?' and people don't know, or 'It was here last time' or 'It's on that site.' Sometimes businesses will buy a replacement or hire one just to get moving and do that job, when the unit might be sitting in a storage shed 100 metres away. We provide asset tracking and fleet tracking so the customer knows where their key assets are at all times and they can easily find them and use them that day instead of buying another one."

But that's not all the team at your local Spark Business Hub can help you with - not by a long shot.

"When clients are in merger and acquisition mode, we look across their IT ecosystem to help them streamline everything," says Mike. "That's ensuring the best CRM/EAP and app integrations and the best physical infrastructure, like the setup for successful team meetings - cabling, screens, the whole nine yards. Increasingly, we also host our clients' Microsoft licensing on Sparks Cloud

Marketplace, giving them a better user experience and increased visibility on their Spark billing."

And if your business needs a hand with strategy and future planning, Mike and his team can help with that, too. "We provide Chief Technology Officer advisory services to some of our larger clients who are trying to figure out their roadmap for how IT can enable their business from a productivity and efficiency perspective. Often what they need is an independent third party with broad experience, which we can bring to the table."

The team at the Hub doesn't work in a vacuum; they have access to the larger Spark infrastructure and network of industry experts. The team regularly takes clients to the Spark Innovation Lab in the city to explore how tech can help their business drive, maintain, or validate wins. And although Mike himself has worked in a variety of industries, from beer and wine to tech startups, he says that it's the opportunity to understand and work closely with local businesses that gives his team the edge. "We're certainly not experts - the business owners are - but we have an excellent team with really deep understanding because our Account Managers get to see multiple examples of how people are doing things. What may be new for one client is something we've worked on countless times, so we can bring a lot of efficiency to what we're doing."

To find out how Mike and the team at the West Auckland Spark Business Hub can help you and your business innovate and thrive, get in touch on 0800 824924 or via email at [HubWaitakere@spark.co.nz](mailto:HubWaitakere@spark.co.nz).

"Empty chairs are not empty in reality; memories always sit there"



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# Theft by Legislation:

Racing Industry deems AJC “Surplus to Requirements”  
(But we’ll have your assets, thanks.)

By Kerrie Brebner Subritzky

*“There are three sides to every story:  
my side, your side, and the truth.  
And no one is lying. Memories shared  
serve each one differently.”*  
Robert Evans

What follows is a story worthy of narration by Sir David Attenborough. Indeed, it has all the hallmarks of the journey of an ailing beast relentlessly stalked by a pride of hungry lions on the Serengeti.

Our tale centres around Avondale Jockey Club (AJC), which had its inaugural race on 26 April 1890 and has for some years been in a life-or-death struggle for survival. Not once, but many times in its 134-year history, this club has fought to stave off those entities that would consume it and absorb its assets into their own. In her Timespanner blog, historian Lisa Truttman writes, “For a number of years in the 1920s, it seemed that the Avondale Jockey Club committee members had to constantly watch their backs, taking a group deep breath whenever opening the morning paper, in case something else had cropped up to try to end their endeavour.” The earliest attempt was in 1921, when a commission of inquiry recommended that AJC be shut down; in

the commission’s opinion, there were too many suburban racecourses in Auckland.

It’s worth noting that the threats have predominantly come from within its own industry.

From the get-go, the club established itself in a business-like manner. This was reflected in its 1923 annual report, which proclaimed in bold letters that “the Club has no liabilities whatever.” (Timespanner) Along the way, various business endeavours, both on course and off, created further income, enabling the club to purchase more land. AJC has long supported the co-use of its land with the community, particularly for sports, and eventually reached an agreement with the city council in 1952 for a 25-year lease of the infield area bound by the training tracks for 1/- per annum.

On Timespanner, Truttman tells us that in 1945, the city engineer wrote a report investigating the long-term recreational use of the racecourse and speculated that “acquiring the whole of the racecourse’s 124 acres would go a long way towards the calculated 210 acres required to provide for the expected future recreational needs of not only Avondale but the wider district, creating a regional reserve.”

“At the present time,” the city engineer he went on, in what would now appear to be a rather prophetic piece of report writing, “under the present conditions of Metropolitan Government, to acquire such a total area for regional purposes would be beyond reasonable expectation. It is possible that at some future time, the area might be considered for subdivision for urban development. In that event, a portion at least will no doubt be acquired for reserve, and in any case, the opportunity would present itself for acquiring the whole area. Circumstances may then be different.”

Hindsight is a wonderful thing.

Unfortunately, the future does not look bright for the once-dominant AJC, although for much of the 20th century, the club proved its value. During wartime, it served as a military training facility and a hospital, and it practically led New Zealand racing in innovative ideas through the 1970s and 80s. Over the decades, the club has made some good business decisions and some disastrous ones. In 1987, AJC introduced night racing to the country; alas, this resulted in a massive debt, which, to their credit, was eventually fully cleared. Current President Tracey Berkahn, writing in



March 2020 in her capacity as Secretary, said, “Ultimately the club’s financial woes were resolved with an industry bailout by an interest-free loan from the New Zealand Racing Board (NZRB). AJC repaid principal at the rate of \$150,000 per year and cleared the loan in October 2008.”

She added, “It’s interesting to note that other clubs got into financial difficulties in the 1990s and a number had industry debt forgiven by the late 1990s - Ellerslie, Riccarton, Alexandra Park and Addington to name some.”

One might wonder, perhaps, why that is. If it weren’t such a silly idea, it could almost seem there is another agenda at play.

But in fact, it’s not such a silly idea after all. In the background, the racing industry has long had its eye on the prize of AJC’s land. It has been a slow process, but over time, cases have been made that Avondale is a substandard venue without hope of righting itself. (We now circle back to the Serengeti analogy, with the wounded beast eyed hungrily by those higher up the food chain.)

Part of the strategy has been to starve the club into submission by reducing its racing calendar and giving only weekday industry dates (which are breakeven events). This meant the club had to find other sources of revenue to maintain its track and facilities, which in truth have been in dire need of upgrading for many years.

So AJC developed a plan of action. In 2015, they voted to implement a plan developed by UK-based firm Turnberry Consulting, which then-President Allan Boyle, in his 2019 letter to New Zealand Thoroughbred Racing (NZTR), said “provides for the rationalisation of built form and provision of enhanced, smaller-scale and fit-for-purpose racecourse facilities.”

Unfortunately, the plan was never going to work as a solution to save the club in its current form. The timing of its implementation was misaligned with what was already happening in the wider industry.

#### How did we get here?

The biggest issue facing Avondale Jockey Club has long been the state of the racing industry itself, which has been in serious decline for decades. As far back as 1965, reports were commissioned to solve the problems, but racing industry bosses have sat on their hands. Until, that is, the Messara Report was

commissioned in 2018 by then-Racing Minister the Rt Hon Winston Peters.

John Messara’s report confirmed the dire state of New Zealand’s racing industry, and he insisted that his 17 recommendations be followed to the letter if there was to be any hope of a turnaround. Among them were the construction of three new all-weather synthetic tracks at Cambridge, Awapuni, and Riccarton at a cost of around \$190 million, as well as the reduction of the number of thoroughbred racetracks from 48 to 28. For the 20 racing clubs around the country that were deemed “surplus to requirements,” this had dire consequences. Avondale Jockey Club was listed among them.



John Messara. Credit: TDNAusNZ

It was proposed that these clubs amalgamate with other clubs in their region and that their assets be sold, with the proceeds circling back to finance the new synthetic tracks and help shore up the racing industry’s leaking reserves. However, there are clubs, and then there is the AJC. Considered to be worth in the vicinity of \$300 million, and with appropriate rezoning to allow for intensive housing, AJC is sitting on a very tasty prize indeed, one that could essentially fund the Messara capital works plan on its own.

The appropriation of a club’s own property seems like a drastic and draconian approach that surely can have no place in our modern world. But the Messara Report made provision for this by recommending that the Racing Industry Act 2003 be changed to give governing body NZTR the power to force the closure of venues and subsequently vest property to themselves - theft by

legislation, if you will - stressing that this was imperative if the industry was to survive. The final version of the Racing Industry Act (2020) has incorporated these recommendations, meaning the vesting of club property is now legal.

In his report, Messara states, "Without the vesting in NZTR of the ownership of freehold racecourse land, the sale of the freehold land from closed venues, and the obtaining of loans secured by the freehold land to manage the funding of the proposed capital works in advance of freehold land sales, the proposed racecourse consolidation plan that we recommend cannot proceed. There is simply no other realistic way of funding



AJC President Tracey Berkahn

circa \$200 million for better racing and infrastructure facilities at the remaining racecourses."

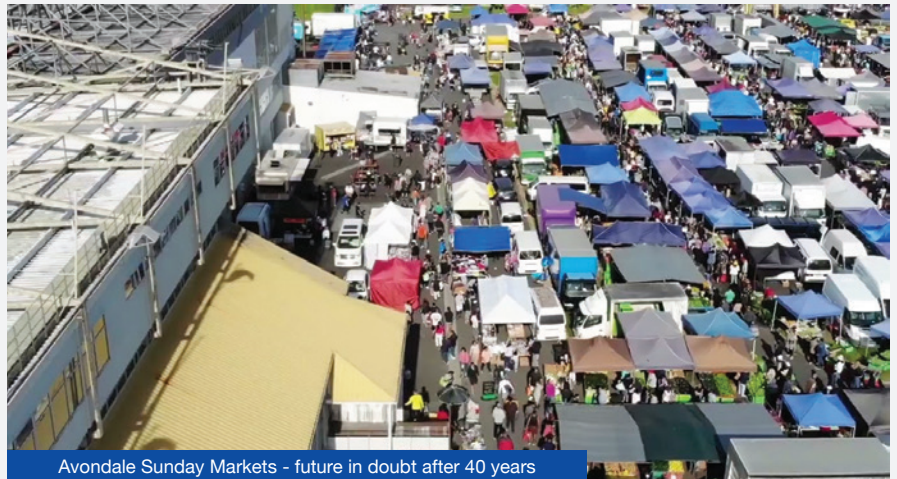
**An application for rezoning**

The catalyst for this article has been the application made by AJC to Auckland Council for the entire 35 hectares of the Avondale Racecourse to be rezoned to THAB (Terraced and Apartment Housing). News of the application spread like wildfire throughout the wider Avondale community.

The application was made under "PC 78: Intensification," a plan change proposed by Council in response to the government's National Policy Statement on Urban Development 2020 (amended in 2022) and requirements of the Resource Management Act (RMA).

Among other points, the policy statement and RMA require council to "enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops."

The notion that the entire site could be filled with intensive housing, potentially with no consideration given to preserving



Avondale Sunday Markets - future in doubt after 40 years

this vital green space, became the source of submissions to the Whau Local Board, heated conjecture on social media, and a lot of "filling in the blanks" in the absence of any reliable insider information. This is all completely understandable; there is a lot at stake for the community, who for decades have enjoyed the use of the club's grounds for sport, recreation, and of course, the iconic Avondale Sunday Markets.

A public meeting was organised on 28 March by the Avondale Business Association to allow an expert to speak to the public about the submission and to answer questions. Contrary to public fears that the land would be sold with no consideration of community customary use, it is now apparent that the club has accepted the inevitable loss of their assets and has been working towards a best-case scenario for all. When asked for clarification on why the club made this application and what their plans were for the club going forward, given that their assets were technically no longer their own to deal with as they saw fit, AJC President Tracey Berkahn gave this statement on behalf of the club:

*The Club is the owner of the land. There has been no change - AJC controls the site and operates its leases and so on, including the footprint used by the Sunday Markets and Auckland Council's use of and access to the infield area of the racecourse.*

*AJC does not have any specific plans for the future of the racecourse. As you know, the rights and interests of the Club are very much curtailed by the Racing Industry Act. Therefore, the Club has been forced to consider all options with a view to preserving members' interests as well as the local community's interests.*

*As at 2024, the Club's powers are*

*very limited and an issue, when racing activities are stopped, will be the optimisation of compensation for the West Auckland community in terms of lost open space and loss of amenity that will inevitably follow a drastic change of use, due to redevelopment.*

*Current zoning only provides for racing activities, so any alternative use of the racecourse will require that it be rezoned.*

*With the redevelopment of Avondale and intensification of housing we find ourselves surrounded by residential activities, close to the Avondale Town Centre and train station. It makes sense that in anticipation of the industry selling us up, our open space is given a residential zone. That is what the Club's submission to Plan Change 78 seeks. Despite this, AJC has always maintained that it should be retained as an inner-city racetrack but on a much smaller footprint that would serve the local community as well as the thoroughbred industry, given that Auckland hugely outstrips growth anywhere else in the country.*

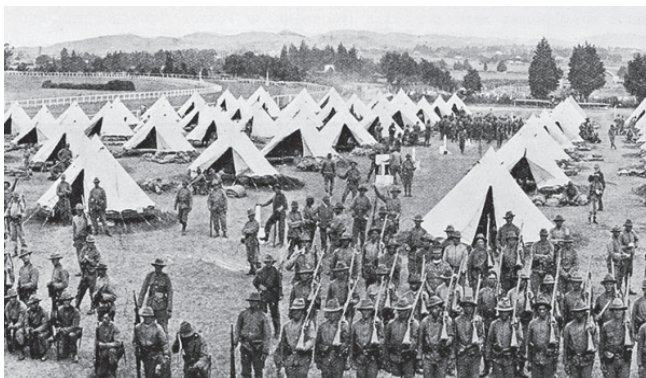
**What should happen to the land?**

If the request for rezoning is approved, it paves the way for the entire land holdings of the racecourse to be used for intensive housing. How that might look is the next chapter in this saga, and plenty of community groups and individuals are keen to have a say.

AJC are not unaware of, or indifferent to, the concerns of the community, which the absence 'til now of information may have implied. In response, Berkahn states on behalf of the AJC:

*There has been some concern locally that AJC is not mindful of its responsibilities as the owner of a massive inner city recreational area. That is not the case. While our submission to Plan*





"After inspection by the Governor General", December 1914. Sir George Grey Special Collections, Auckland Libraries, AWNS-19141210-36-2

*Change 78 seeks that the entirety of the racecourse is rezoned for residential purposes, the application of a residential zone does not require that all of the land is used for that purpose. Naturally if AJC had the power, it would retain ample playing fields and so on.*

*My committee and I hope to have a say in the master plan that eventuates regarding retention of open space for sports and recreation purposes as well as a portion of the land that the Club retains. AJC members have not yet made any decisions about "moving to Ellerslie" or what the Club might do about holding a few race meetings a year and so forth.*

As Whau Local Board member Ross Clow pointed out in his article in December's *Avondale Mainstreet Magazine*, there's no doubt that greenspace is sorely needed in the area, with the Whau ward among the least endowed in Auckland. If only a time machine could be used, and that forward-thinking 1945 city

engineer's speculations could have been implemented. We can only wonder what Avondale might have looked like if that were the case.

It is worth noting here that some years ago, AJC reached out to Auckland Council with an offer to donate to the city a piece of land adjacent to the new Avondale community centre for a sorely needed new swimming pool, in recognition of local community needs. That gift was rejected by the council.

#### **The bigger picture**

A significant takeaway point is the fact that in this day and age, privately owned property can be "legally stolen" by changing legislation. It has been argued that this is for the greater benefit of an industry as a whole, but at what cost in terms of ethics, values, and integrity?

And let's not lose sight of the fact that the core business of the industry is gambling, which has a very dark underbelly. Notwithstanding that the racing industry is founded on a love of horses and the sport of horse racing, it also has some serious animal rights issues to overcome.

But for now, after a long and relentless pursuit, the lions have made their kill and are preparing to gorge themselves on AJC's massive carcass. In my opinion, this has been a very dirty business and raises serious concerns about property laws in this country.

Let's hope that AJC has significant input in the eventual master plan developed for the site, which would see the retention of a recreational space and racing facilities. If that were to happen, we would all win.



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By Beth Caunter

# Social Media and Your Business:

## Getting It Right

It's 1pm on a Friday, and your team has just finished a shared lunch. You snap a quick photo and upload it to the Facebook page for your business. TGIF, everyone! The post gets 11 likes - oh, well.

Scrolling Instagram before bed, you realise your competitor is posting videos of their team on the job. Should you do the same?

What about sharing a funny meme? Or posting your price list again? Or doing something to go viral - but what?

It's an all-too-familiar predicament for business owners: knowing you should have a presence on social media, but not being sure exactly what to say or how often to say it. Marketing expert Rachel Moffitt says that the first step to take in your approach to social media is to stop thinking of it as a one-way broadcast channel - or a free billboard.

"I read a quote [by American author Amy Jo Martin] that said: 'Social media is more like a telephone than a television,'" she says. "Instead of social media being just an advertising platform, it needs to be a conversation that you're having with your clients or your customers."

Rachel specialises in local brands, which sees her work with a variety of small-to-medium-sized businesses. She says that simply posting news and updates to your Facebook page doesn't add the value that some might think. "You also need to have meaningful exchanges: starting conversations, going into the community groups and engaging with people, and answering questions that are relevant for your business. Think about your

audience as the people who are already interested in your business. To find new audiences, it does take an investment."

On social media, an "investment" means paying for ads on Instagram or Facebook (or wherever your social presence may be). Long gone are the days of posts sailing across the vast network of the platform from newsfeed to newsfeed, effortlessly netting new "likes." Julia Martino of Verve Social Media Management agrees that businesses who want to use social media to find new followers must pay to do so if they want their posts to amount to more than a shout into the void.

"It is harder now to grow a following organically - without any paid advertising - just because there are so many people and so many businesses on social media," she says. "But there's definitely a place for it. In terms of being cost effective and a relatively easy and straightforward way of advertising, I don't think you can beat it. You'll never get cheaper results with a billboard or a newspaper ad."

Does this mean that pumping money into your social media is a must for businesses? Not at all, says Julia. Rather, it's about understanding what your Facebook page can - and can't - do on its own. "I like to make sure people have realistic expectations of what social media is going to do for them. A lot of business owners come to me and they want results like a 50% increase in sales coming through social media. That's really hard to achieve without an advertising budget."

Paid ads aside, Julia and Rachel agree that social media's true power is in connecting with your customers - and not just for the

sake of being warm and fuzzy. “It can be a really great way to build the relationship with your audience and showcase your knowledge and what you’ve got, so when your audience is ready to buy, you’re top of mind,” says Julia. “Look, if you’re wanting to reach more people, then Facebook ads are a great way to get your product in front of people who are likely to purchase. But rather than thinking, ‘I’m just gonna chuck a whole lot of posts up on Facebook and hope that someone sees them,’ sit down and think, ‘Okay, who do we want to talk to on social media? And how are we going to talk to them?’”

If it sounds like we’ve circled back to the confounding question of what to say and how to say it, fear not; as the owner or leader of your business and an expert in your industry, you have all the qualifications required to discover and experiment with content that connects with your audience.

“Think about what kind of content is going to be useful to your customers,” says Julia. “If you were a beauty therapist, instead of just sharing, ‘Buy our facials’ or ‘Buy our nail service,’ you would be talking about skin care tips, sharing the behind-the-scenes of running the business, and client stories. You want people to feel like they can trust you and that you really are passionate and you care about what you do.”

If you’re used to presenting a perfect, glossy exterior to your customers, your next question might be whether people actually care about seeing the reality of everyday toil. Emphatically yes, says

Julia. “People tend to engage with social media posts for a few reasons: because it’s funny or interesting, or because they can relate to something. As humans, I think we’re naturally curious and drawn to other people; we want to engage and live in a community. If you’re buying online, you just buy the product - you don’t have that human touch point. So when you see the human side of a business [on social media], you don’t really get to see that any other time.”

Before you leap into filming daily vlogs or documenting every step of your production line, Julia cautions that your social media doesn’t have to be all or nothing - it just needs to be consistent and true to your business.

“I’m a huge fan of showing your face on social media,” says Julia, “but you don’t need to have the camera on you all day. What about just sharing to your story a couple of snaps of packing orders, or a time lapse of a team meeting? Every business is going to have a unique audience, so looking at what another business is doing and trying to do that is probably not going to resonate with your audience.”


Consistency is key, she emphasises. Think about it: if you discovered the Facebook pages of two plumbers, and one had an active presence while the other last posted in 2021, who would you contact? “Make sure that you commit to a posting plan that is realistic for you. Even if you can only post once a week, just do that consistently and make sure you have a plan for what that content is going to be.”

Rachel agrees that posting with your unique business and customers in mind is of paramount importance - especially when it comes to Internet trends. (Remember the Harlem Shake?) “If your clients are actively participating in and engaging with trends,” says Rachel, “and if it’s relevant for your business and your values, and it’s good for your target market, then go for it. But I don’t think it’s good advice to find out what the trends are and make a video. It should be more organic than that.”

As for the elusive goal of “going viral,” Rachel advises to give up the ghost. “The thing is, there is no formula for making a viral video. You can spend thousands of dollars creating content for it to be seen by two people.” Even if you were to go viral, she adds, there’s no guarantee it would deliver the right results. “Is it even going to get you the conversions that you want? What is it actually going to achieve?”

Above all, Rachel says, remember that social media is a great way to connect with your audience - but it’s not the only way. “When my clients come to me and say, ‘I need to do social media,’ my first question is, ‘Do you personally use social media? Do you actually enjoy it?’ And a lot of the time, they don’t. Listen, if it doesn’t align with your values, don’t do it. There are other ways you can market your business than hopping on social media and hoping it sticks.”

*Special thanks to Rachel Moffitt (<https://www.rmmarketing.nz/>) and Julia Martino (<https://www.vervesocialmedia.com/>) for contributing to this article.*



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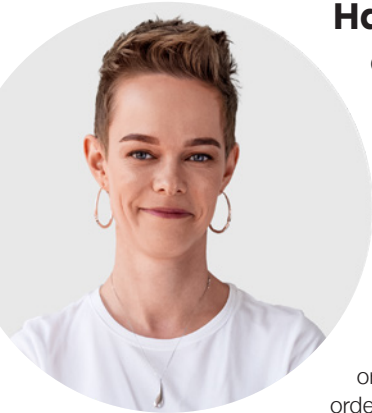
10

### EMA Stress Management Mental Resilience Course

10 Rosebank employees attended the EMA Stress Management Mental Resilience course.

# Business Nuts & Bolts

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



Sylvie Thrush Marsh  
Chief Evangelist  
at MyHR

## Having difficult conversations at work

In our working lives, we all have times when we're faced with difficult situations and conversations that we'd rather not have.

You might have to formally discipline a team member who isn't performing or tell an important customer that their order isn't going to be ready.

Regardless of the circumstances, these conversations can trigger all sorts of emotions and make us want to avoid having them at all.

But US research calculates that every failure in having a tough conversation costs an organisation US\$7,500 and more than 7 work days, as employees avoid the other person, ruminate about the problem, get angry, complain to others, or do extra, unnecessary work.

If the problem gets really bad, staff may quit.

### How to turn difficult conversations into courageous ones

Instead of putting off a difficult conversation, it's far better to be courageous and tackle it so you can resolve the issue and move on. It's better for your own wellbeing and performance, as well as the other person's and the wider team's.

The key is learning how to handle uncomfortable conversations in a way that produces productive dialogue and positive outcomes. Here are some tips:

- **Do it in person** - Talking face-to-face and in private is better for clear communication, and it shows more respect and a willingness to work out a solution.
- **Get in the right headspace** - be prepared with ideas about how you'd like things to go but be flexible enough to adapt. Also get enough sleep, food, and hydration to help you stay calm.
- **Take off the armour** - Reframe the conversation so you can approach it as a way to work with someone on a solution rather than defending your position.

- **Learn to be comfortable in discomfort** - Try to sit with those uneasy sensations and take a step back to reflect on what's going on.
- **Focus on the issue not the person** - Focus on the problem rather than the personality, share specific examples and facts rather than opinions, and propose constructive solutions.
- **Say your piece** - Use simple, neutral language and "I" statements. Apologise if you feel you've done something wrong but don't blame the other person or try to play the victim.
- **Be curious and compassionate** - Try to understand the situation from the other person's perspective, be curious about their ideas, and ask questions to make sure you understand.
- **Listen** - Give the other person plenty of space to explain their side of the story and keep the pace of the conversation slow.
- **Look for mutually-beneficial outcomes** - You want to both feel like you have had real input, which will mean you're more invested in actually making it happen.

### What if things blow up?

If things aren't going well, you feel you're getting wound up, or the other person isn't being constructive, take a break. Despite our best intentions, these conversations don't always go to plan or have a happy ending.

You might agree to come back and revisit the matter when things have cooled down. Inviting an impartial third party to join you can lower tensions and encourage both parties to try and reach a viable outcome.

### After the conversation

Allow yourself some time to "come down" and process what happened. Reflecting on what went well, what you might have said differently, and how you reacted will help you get better at handling these situations in the future.

Write down on any agreed actions or plans and share them with the other person. Then work on doing the things and book a check-in to revisit if you need to.

If you need more help on solutions to employment relationship issues, don't hesitate to contact MyHR.

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Rachael Chandra  
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## How to Protect your Property when you Separate

**Separating from your partner is a painful time, and there can be many things to think about. It is easy to overlook the legal steps you should take to protect you and your family.**

You may think that there is nothing "legal" to be done until it is time to divorce, but in order to protect your assets, you should consider the following immediately upon separation.

### Notices of Claim

All property, including residential and commercial property, bank accounts, shares and other business or personal assets should be checked to ensure that they cannot be disposed of, or debts against them increased, without your consent. For example, if your name is not on the title to your home, your ex-partner could sell the property before you agree on how to deal with it. In these circumstances, a lawyer can register a notice of claim, to prevent your ex-partner from doing anything with the property without your agreement.

### Update your Will

You should review your will and make any necessary changes to ensure your property will pass according to your wishes. Often your will leaves everything to your now ex-partner. If you do not amend your will, your ex-partner would still inherit in the event of your death. This can happen even if you have been separated for a long time.

If you have children, they may have to engage in costly and stressful estate litigation against your ex-partner to challenge the will.

If you change your will, you should be aware that until you formalise the division of your relationship property, your ex-partner will still be entitled to make a claim upon your death.

### Sever any Joint Tenancy

Often, the title of any residential or commercial property you own with your now ex-partner will be listed as a joint tenancy. This means that the property will automatically pass to your ex-partner upon your death, regardless of what your will says. A lawyer can amend the title to "tenants-in-common" without needing your ex-partner's consent. This ensures that your share of the property will be dealt with in accordance with your will.

### Determine Separation Date

It is best to confirm your separation date in writing (even an email or text exchange can be sufficient) as this can have significant legal consequences. This can be particularly important if you own a business, as your ex-partner may be entitled to a half share of its increase in value during the period of your relationship. If you cannot agree on the date, engaging a lawyer to help you understand the consequences of this on your relationship property division is vital.

### Formalise the Division of your Property

Your ex-partner will have rights to claim against your property and your estate until there is either a formal end of relationship agreement under Section 21 of the Property (Relationships) Act, or Court orders dividing your property. Whilst there are time limits on doing so, the Courts have the discretion to extend these, sometimes many years after separation. Steps to resolve the division of your relationship property should be progressed as soon as possible.

There are strict legal requirements that need to be met to make an end of relationship agreement binding. Engage a skilled family lawyer to ensure you and your family are protected from future claims during your lifetime, and after your death.

**How you respond to separation can have a lasting effect on your family's fortunes. When you need expert legal advice, speak to Smith and Partners' relationship property expert, Rachael Chandra, on 09 837 6887 or email rachael.chandra@smithpartners.co.nz.**

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Kate de Lautour  
The Icehouse

## Jason Snashall: Sharing The Icehouse Effect

**Jason Snashall was introduced to The Icehouse at a time when he needed help. Now he wants to share the same message with other business owners.**

Jason Snashall is a yacht broker and the owner of Orakei Marine in Auckland, a company specializing in both new and used boat sales and service. He also manages Orakei Marina. Chatting to the BNZ led to a conversation about how The Icehouse could help him grow his business, and a BNZ scholarship gave him the push he needed to join the Owner Manager Programme.

### What are you passionate about?

When it comes to my business, I'm certainly passionate about boating, which led me into the business I'm in today. I love everything to do with getting out on the water. I'm regularly scuba diving or out fishing.

I joined the Australian Navy as a clearance diver back in 1993. That's where I learned how to drive boats and maintain boats, and that's what really ignited my passion for boating.

### You founded your business Orakei Marine – how did that come about?

I worked on super yachts for eight years, and while on one in Bermuda, I met my Kiwi wife. Eventually we settled here in Auckland. and as I didn't know the New Zealand landscape, I didn't have a hell of a lot going for me, really. Who wanted to hire a captain, an engineer and scuba diver with a business degree? But I put it all together and started a business. And that's where we are today, doing everything marine and boating and putting all my years of knowledge in the marine industry to work for private clients.

### What led you to The Icehouse Owner Manager Programme (OMP) and what changes have you made since then?

Covid was incredibly tough, and I was making the sorts of decisions I had never had to make in my life, decisions that affected my staff, my business, and my family. I got through it, but then we had "the great resignation," which hit us hard. At that point, I was really looking for help.

I was scanning the Internet, listening to podcasts, and reading books, and then a contact from the BNZ introduced me to The Icehouse. I've been with the BNZ bank for a long time, and they have always been fantastic. They gave me a scholarship to help me get into the OMP, for which I am very thankful.

I was blown away in the first Icehouse session, and I spent the time really working on the business. I didn't realise there was so much help out there, and the help also came from the other colleagues in my group. They were having the same issues, and

we were all working out how to deal with them.

I realised that the business needed to be more professional, with organisational charts and good job descriptions. I had been shooting from the hip up until then, and now I'm running the business as a proper business. The new structure that I created opened doors for me to make the new hires I needed, including a general manager who has got my back. Now when I'm taking a break, I know that someone's there to support me, and I've got great management in place.



It wasn't rocket science, but I just couldn't see it in front of me. I really did feel like I was swimming in an ocean alone.

### What's a personal or professional goal that you're currently working towards?

I would like to see if there's a way of helping others who are facing the issues I've been through, because one of the things that really got me through the tough stuff was the camaraderie of the people in the OMP, getting behind me and telling me there's a light at the end of the tunnel. So a future goal for me will be to try to help others in that scenario as well.

[www.theicehouse.co.nz](http://www.theicehouse.co.nz)

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Ruthi Bommoju  
EMA Acting Head of Legal

## The common missteps of restructuring

There's a right way and a wrong way to restructure a business.

As New Zealand's largest employment law organisation, the EMA has received an increasing number of enquiries about restructuring this year. It's reflective of the economic conditions, with redundancies potentially following on from that process.

Restructuring is never pleasant; it can be complicated and time-consuming to manage. But if you fail to follow your obligations you can end up with a personal grievance, and worse – a visit to the Employment Relations Authority. While you're entitled to make changes to the business, these must be genuine, supported with evidence, and implemented through a formal consultation process. This is important, as employees can raise a personal grievance during the process or, more commonly, afterwards when their employment is terminated for redundancy.

According to Thomson Reuters Westlaw New Zealand, recent statistics showed that 65% of personal grievances, which includes personal grievances for unjustified dismissal determined by the Authority, were found in favour of employees. The best way to avoid being on the wrong side of these statistics is to not end up in front of the Authority at all.

To minimise that risk, it's important that restructure and redundancies are capable of being substantively and procedurally justified.

Substantive justification is the "why" - it means you can show that the redundancy is genuine, and that the role is surplus to the business's needs because of a reduction in work, or will save costs, or another efficiency-related reasons. However, you need to set out the areas of concern in detail in a proposal document with any and all relevant supporting information to the affected employee upfront.

The Authority typically will not second-guess your decision to restructure. Instead, it will look at whether there's good evidence for what you're doing. So, justifying the substantive reasons for your decision generally shouldn't be an issue. However, some common mistakes include:

- Pursuing an ulterior or hidden motive, such as a restructure instead of performance management.

- Hastily preparing the supporting business case and rationale.
- Not verifying the data you're relying on as the basis of your proposal, such as sales figures and revenue loss.
- Not ensuring an adequate selection process or selection criteria is consulted on and used to inform the decision-making process where multiple roles are being disestablished.

Procedural justification is the "how" - it means showing how you went about implementing the proposed change and the steps you followed. Once you've given staff the proposal and supporting information, you need to allow them a reasonable opportunity to consider and comment on it, let them know they can seek independent advice and have a support person during the process. Any feedback should be considered with an open mind, and any opportunities for redeployment should be identified, explored and considered before confirming the outcome.

Most issues tend to come up during the procedural aspect of restructures and redundancies because it's the most time-consuming and requires multiple steps, which can trip you up. Some common mistakes when dealing with procedural justification include:

- Predetermining the outcome, such as going through the motions of a 'sham' consultation process or wording the proposal that indicates predetermination.
- Not consulting on selection criteria and not explaining the weighting of the proposed criteria.
- Withholding or drip-feeding relevant information to support the business case.
- Being unprepared and not anticipating obvious and/or contentious questions.
- Not being responsive and communicative in respect of queries or even challenges from affected employees.
- Not genuinely considering redeployment opportunities.
- Rushing through the process, including leaving a very short timeframe between the proposal announcement, the feedback/consultation meetings, and the final outcome meetings.
- Not adequately assessing whether redeployment should be by way of offer or invitation to apply for an alternative position.

It's also worth noting that the average overall cost to an employer in relation to an employee's successful claim in the Authority is significant. Accordingly, it is important to ensure you are meeting your obligations.

Restructuring/redundancy processes can clearly become a contentious area of employment relations and should not be undertaken without careful planning and professional advice. This is particularly important for those who are not familiar with this area of employment law.

Accordingly, for reasons such as this, it's a very good idea for employers to seek independent legal advice before embarking on a restructure.



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NZ Immigration Law

## Work Visa System Overhaul: Employers Face Greater Scrutiny and Responsibility

Earlier in April, a seismic shift rattled New Zealand’s immigration landscape as authorities introduced sweeping changes to the nation’s work visa system. April 8 marked a pivotal moment with the overhaul of the Accredited Employer Work Visa (AEWV) system. These reforms,

aimed at bolstering the integrity of the system, now place a heavier burden on employers to navigate a complex web of regulations at all stages of the visa process.

The primary objective behind the revisions is to curb the practice of employers seeking approval to hire migrant workers who lack the requisite qualifications or experience for the role. This has been achieved through a series of amendments, including a revitalised labour market test and mandatory engagement with Work and Income New Zealand for lower-skilled positions, with added obligations on accredited employers.

One notable change is the extension of advertising requirements for lower-skilled roles from 14 to 21 days.

Employers are now mandated to elucidate why local applicants were deemed unqualified, untrainable, or unavailable for the advertised positions.

Documentation emerges as a linchpin in meeting the new standards set forth in the labour market test. Employers must meticulously gather evidence demonstrating compliance with both internal and immigration requirements, laying bare the rationale behind hiring decisions.

Moreover, stringent prerequisites have been established for work visa applicants. Except for those in Green List occupations or earning above a specified threshold, candidates must possess either three years of relevant experience or a qualification at Level 4 or above that aligns with the job. Additionally, applicants for skilled Level 4 roles must satisfy an English language proficiency threshold. These are termed the Minimum Skills Thresholds (MST). The correlating obligation now imposed on accredited employers is to “take reasonable steps” to ascertain whether the work visa applicant meets these thresholds before sending a job token.

Even if employers seek candidates with just one year of relevant experience, applicants must furnish evidence meeting the MST.

The clear implication is this: if the work visa application is declined because the worker cannot meet the MST, the employer’s accreditation status can be jeopardised. Employers will have to document the “reasonable steps,” and they cannot be simple reliance on a CV.

Additionally, the employer must ascertain whether the work visa

applicant is suitably qualified to perform the work according to their company’s requirements. Again, documents must be kept showing how this was established without reliance on a CV.

Finally, accredited employers now have a positive obligation to advise when an AEWV holder leaves their employment prior to the expiry of their work visa. This must occur no later than 10 days after the employment ends. Failure to do this will put the accreditation status at risk.

In a bid to fortify employer compliance, April 11 saw the introduction of infringement notices, imposing instant fines for employing individuals in breach of their work visa conditions or without a valid work visa. Employers are urged to acquaint themselves with visa conditions and to implement robust hiring systems to verify employees’ immigration status.

Non-compliance carries financial penalties. Moreover, a failure to respond to Immigration NZ requests for information within 10 working days could incur an instant fine.

To navigate these changes effectively, employers are advised to:

- Put simple standard processes in place to ensure compliance.
- Familiarise themselves with the intricacies of skill level assessments.
- Comprehend the full spectrum of obligations associated with accreditation.
- Document labour market test outcomes and the processes followed to ascertain visa applicants’ qualifications and experience.
- Implement systems to track employees’ immigration statuses and retain pertinent documents.
- Establish mechanisms to monitor visa expiration dates and prompt action accordingly.
- Ensure they understand how to decipher visa condition and have a system in place to receive guidance if they are unsure about the conditions that appear on a visa.

As the immigration landscape undergoes a tectonic shift, employers must adapt swiftly to mitigate risks and ensure compliance with the revamped work visa system.





Taina Henderson  
Henderson Reeves

## Business Breakups: What can go wrong and what you can do about it

What happens when you break up when you are also in business together? What can go wrong? What should you do? And if you're a couple and in business now, what could you do to prevent a War of the Roses in your future?

### What can go right?

There is cause for optimism if you break up when in business because you have a shared interest in its success. You are both in it to make money from the business. But you have to talk and listen to preserve the value and potential you have created.

There are many options for what to do with your business on a separation - you could agree to sell it and split the proceeds, you could buy your ex out or have them buy you out, or you could continue with joint-ownership post separation and run the company either together or with another person at the helm.

If you are going to keep running it, you need an agreed process for how this arrangement will work - decisions will be made, when funds can be used, how you will pay yourselves, and when co-ownership arrangements will be reviewed. It's a great idea to have a dispute resolution process pre-agreed.

### What can go wrong?

The short answer is everything can go wrong. Two broad areas of difficulty are where the directors end up unable to make decisions, and where the business ends up without a clear purpose so what used to be a way to make money becomes weaponised as an area to argue about.

### What can you do if it does go wrong?

Every case is different but the best outcomes come when parties keep communicating, deal with their emotions elsewhere (e.g. with a counsellor), and focus on the outcome e.g. getting value out of the business.

It is risky to take unilateral actions like withdrawing money from the company bank accounts. Pros: you're in control and you have a source of funds. Cons: it can start a domino effect of distrust and anger.

You could contact the bank and have limits put on overdrafts/limit spending to agreed payees, but you need to be careful of what you can trigger if you worry the bank. Your ability to make changes with the bank will depend on how things are set up. There are occasions when you might consider giving notice under personal guarantees - but again, that can trigger unintended consequences from the third parties who rely on the guarantee.

### What can you do in advance to prevent conflict?

An idea scenario is to have a shareholders agreement that includes a process for a break down in your personal relationship. Then each party knows their role within the business structure.

A contracting out agreement is another option for pre-empting arguments over the ownership and management of a company. That can deal with the transition of ownership, retirement of directors etc but a contracting out agreement isn't going to deal with the day-to-day operation of the business.

#### Top tips

- Get a bespoke shareholders agreement so there is a clear exit plan.
- Set out how business assets will be dealt with on a separation in a Contracting Out Agreement (a.k.a a pre-nup).
- Get advice early from an accountant on lawyer on your best options once you separate: don't let things spiral before asking for help.
- Think twice before taking unilateral action.
- Talk to your partner - and you have to listen too!

*Our commercial and family law experts Shelley Funnell, Taina Henderson and Pierre Wong can help if you have any questions or need advice on issues relating to a business break up or if you are thinking of starting a business with your partner 09 281 3723. Watch out for the live recorded podcast on Divorce Café on Business Break Ups available any day now wherever you get your podcasts (and on Youtube).*



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