



IN THE AUGUST 2010 ISSUE

Foreshore and Seabed >

When a gratuitous offer of assistance may prove to be costly >

Living in each other's pocket – providing employees with accommodation >

Hah – My PMSI Trumps Your GSA! >

Hah – My PMSI Trumps Your GSA!

What steps do you have to take to protect your position in terms of trade under the Personal Property Securities Act 1999 ('PPSA').

READ FULL ARTICLE >

[FORESHORE AND SEABED]

Foreshore and Seabed

The Foreshore and Seabed has been a contentious issue. It saw a march along the length of the country reminiscent of 1975 and the creation of a new political party – the Maori Party

What is the Seabed and Foreshore?

The current law (in the 2004 Act) defines 'Foreshore and Seabed' as being the marine area bounded on the landward side by the line of the mean high water springs, and on the seaward side, by the outer limits of the territorial sea. The territorial sea extends 12 miles from the shore. The air space and water space above is also included.

Why new law?

In 2003 the Court of Appeal found that iwi were entitled to bring a claim for customary ownership of the foreshore and sea beds in the Marlborough Sounds. This is commonly referred to as the 'Ngati Apa' decision.

Review

The Act was one of the main campaign issues for the Maori Party. As part of the relationship agreement with the National Party, the 2004 Act was reviewed. A ministerial panel was appointed to investigate.

What next?

The proposal is being worked into new legislation which will need to pass through Parliament. The new law will set out the tests and thresholds for establishing customary title. It is expected that the thresholds will be high.

READ FULL ARTICLE >

[WHEN A GRATUITOUS OFFER OF ASSISTANCE MAY PROVE TO BE COSTLY]



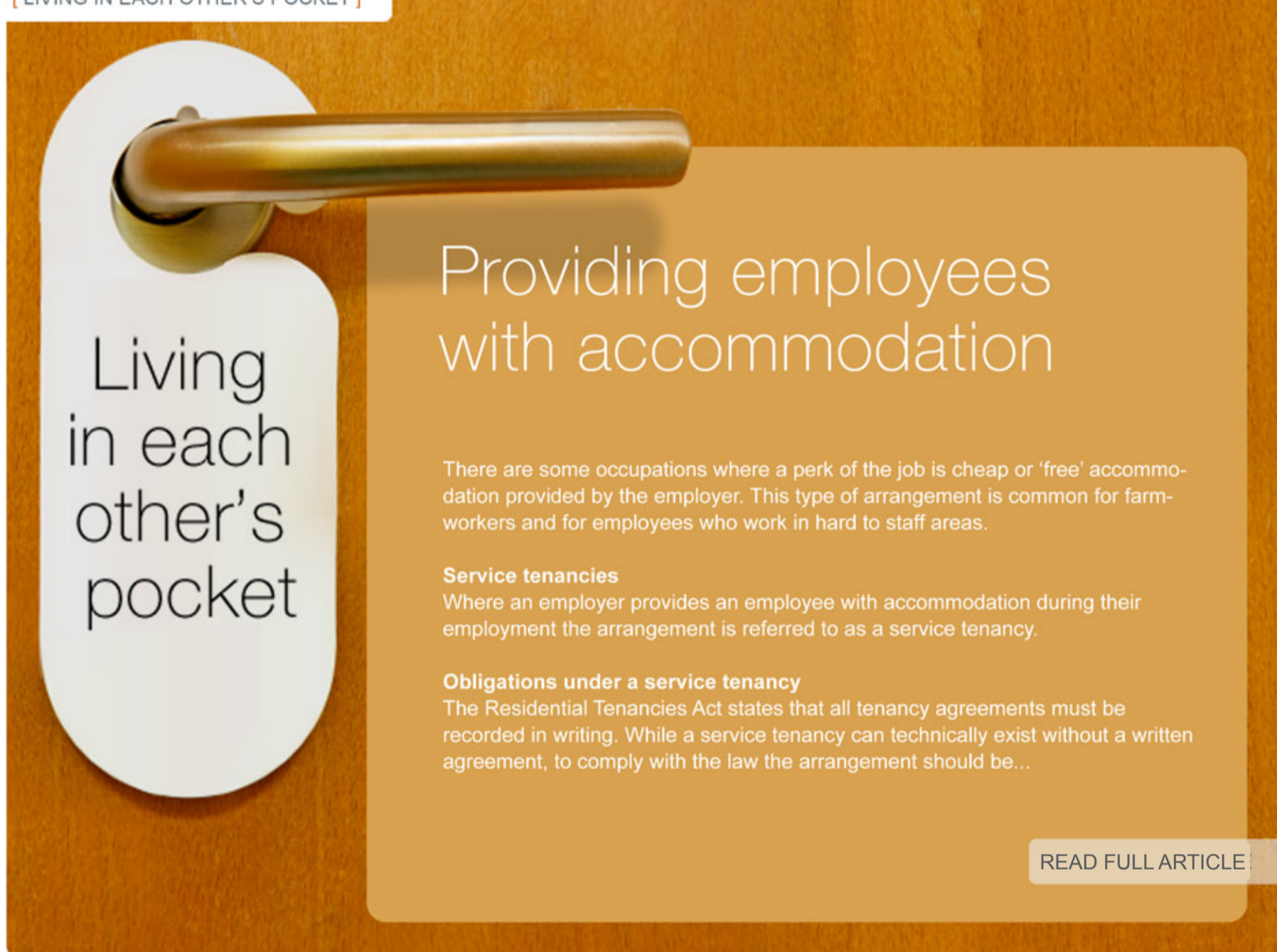
When a gratuitous offer of assistance may prove to be costly

Have you ever been in a situation where, out of the goodness of your heart, you have offered advice or a service to a friend or family member? Have you ever considered that under the law of agency you could be legally liable for any shortcomings in what you provide?

Well neither did Mr Prabhakar.

READ FULL ARTICLE >

[LIVING IN EACH OTHER'S POCKET]



Providing employees with accommodation

There are some occupations where a perk of the job is cheap or 'free' accommodation provided by the employer. This type of arrangement is common for farm-workers and for employees who work in hard to staff areas.

Service tenancies

Where an employer provides an employee with accommodation during their employment the arrangement is referred to as a service tenancy.

Obligations under a service tenancy

The Residential Tenancies Act states that all tenancy agreements must be recorded in writing. While a service tenancy can technically exist without a written agreement, to comply with the law the arrangement should be...

READ FULL ARTICLE >

[HAH – MY PMSI TRUMPS YOUR GSA!]

Hah – My PMSI Trumps Your GSA!

It is an all too familiar scenario – you are a supplier; you have been supplying equipment, goods or materials to a customer on your usual credit terms for quite some time; in the past it has been a good relationship but recently they have become tardy with payments; you have had to chase them and now there is a substantial amount outstanding; you start to hear rumours 'they have been put on a banking deadline' and then suddenly you read that the business is in receivership.

So, what can you do now? Will your equipment, goods or materials get sold off by the receiver? Can you retrieve your equipment or goods now before the receiver takes any action? What priority do you have in this situation?



READ FULL ARTICLE >