

Oct 2010 – Volume 2

Quote of the month:

"The glass is neither half full, nor half empty..
It is twice the size it needs to be"



A huge THANK YOU to everyone who nominated us in August for this years Law Awards.

Voting has now closed. We will keep you all informed as to our progress!

Franchising

We would like to take this opportunity to let you know that Justina Knox is our specialist in the areas of Franchising and Licensing work (in conjunction with her general commercial work).

Justina has set up basic Franchising kits which can help you with relevant questions you may be faced with and have suggested reading materials, especially for those of you in the early stages of the process.

Justina has been working in this area for about 10 years and she has excellent knowledge and experience which she is always happy to share.

If you or anyone you know is interested in starting a Franchise, or buying into a Franchise then please give her a call for a chat.

New Limitation Act

The law relating to time limits on when you may sue a party is being overhauled by a new Limitation Act which it is hoped will be clearer and easier to understand. Time limits on your right to sue are intended to balance the rights of claimants to enforce their legal remedies, against the rights of potential defendants to have claims against them pursued quickly and to have 'closure.'

The relevant time limit in the existing law can be difficult to work out, and only apply to certain types of claim. The current limitation periods are (confusingly) subject to extension in a range of circumstances.

The new law:

- Retains a 6 year limit for a wider range of claims for monetary relief. It also gives claimants at least 3 years to file a claim from when they discover key facts that form part of the basis for a claim. However, this is subject to a 15 year 'longstop' limit.
- Allows courts discretion to allow an otherwise out of time claim to proceed in exceptional cases.
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The existing Limitations Act will apply for claims that arise before the new act comes into force.

If you have a claim you would like to pursue but do not know you are out of time please contact us for advice.

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Employment Law Changes

The government has announced a number of changes they intend making to the Employment Relations Act 2000 and the Holidays Act 2003. The key features are:

- ◆ Extending the 90 day trial period to all employees;
- ◆ Amending the rules on union access to workplaces;
- ◆ Tweaking the rules for fair process and dismissal;
- ◆ Promoting mediation and allowing mediators to make recommendations;
- ◆ Removing re-instatement as the primary remedy for unfair dismissal;
- ◆ Empowering the Employment Relations Authority to dismiss vexatious claimants;
- ◆ Allowing employees to 'cash up' one weeks annual holiday;
- ◆ Simplifying the calculation of holiday pay for employees who work 'irregular hours' eg casual employees;
- ◆ Allowing employers the right to request sickness or injury at any time.

It is likely the changes to the Employment Relations Act 2000 and the Holidays Act 2003 will come into force next year.

If you would like any further information please contact us.

OFFICE NEWS

Welcomes & Farewells

Allie is back on board after a year off on Maternity Leave and Jordyn has left us to go onto further her career in Childhood Education.

