



## MSI Aus-NZ Region

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*CowenSchwarzMarschke Lawyers is an Australian law firm best known for its roles in high profile domestic and cross border corporate and finance disputes, insolvencies and transactions, as well as for dealing with novel areas of law keeping ahead of shifting market trends.*

*Independent legal & accounting firms*



Bring the Australia New Zealand region to life they said...



# Bring the Australia New Zealand region to life they said...


[Article](#) [Talk](#)

From Wikipedia, the free encyclopedia

*Not to be confused with Albanese ministry or Government of Albania.*

The **Albanese government** is the [federal executive government of Australia](#), led by [Prime Minister Anthony Albanese](#) of the [Australian Labor Party](#). The Albanese Government commenced on 23 May 2022, when Albanese and an interim ministry of four other Labor MPs were sworn into their relevant ministerial portfolios by the [Governor-General](#) of Australia.<sup>[1]</sup> The government is composed of members of the Labor Party which governs with 77 seats on the floor of the [House of Representatives](#), enough for a two-seat majority. Albanese succeeded the [Scott Morrison-led Liberal/National Coalition government](#) (2018–2022), which became unable to continue in government following their defeat in the [2022 federal election](#). This is the first Labor government to be in office at the federal level since the [second Rudd government](#) was defeated by the Coalition at the [2013 election](#). Deputy Labor leader [Richard Marles](#) is serving as [Deputy Prime Minister of Australia](#).<sup>[2]</sup>

**Albanese government**



**In office**  
23 May 2022 – present

<b>Monarch</b>	Elizabeth II Charles III
<b>Governor-General</b>	David Hurley
<b>Prime Minister</b>	Anthony Albanese
<b>Deputy</b>	Richard Marles
<b>Party</b>	Australian Labor Party
<b>Status</b>	Majority
<b>Origin</b>	Labor wins 2022 federal election
<b>Predecessor</b>	Morrison Government

# Bring the Australia New Zealand region to life they said...

Article [Talk](#)

From Wikipedia, the free encyclopedia

*For a list of officeholders, see [List of prime ministers of New Zealand](#).*

The **prime minister of New Zealand** (Māori: *Te pirimia o Aotearoa*) is the [head of government](#) of [New Zealand](#). The incumbent prime minister, [Chris Hipkins](#), leader of the [New Zealand Labour Party](#), took office on 25 January 2023.<sup>[2]</sup>

The prime minister (informally abbreviated to PM) ranks as the most senior [government minister](#). They are responsible for chairing meetings of [Cabinet](#); allocating posts to ministers within the [government](#); acting as the spokesperson for the government; and providing [advice](#) to the [sovereign](#) or the sovereign's representative, the [governor-general](#). They also have ministerial responsibility for the [Department of the Prime Minister and Cabinet](#).

The office exists by a long-established [convention](#), which originated in New Zealand's former colonial power, the then [United Kingdom of Great Britain and Ireland](#). The convention stipulates that the governor-general must select as prime minister the person most likely to command the support, or confidence, of the [House of Representatives](#). This individual is typically the [parliamentary leader](#) of the [political party](#) that holds the largest number of seats in that house.<sup>[a]</sup> The prime minister and Cabinet are collectively [accountable](#) for their actions to the governor-general, to the House of Representatives, to their political party, and ultimately to the national electorate.

Originally the head of government was titled "[colonial secretary](#)" or "[first minister](#)". This was changed in 1869 to "[premier](#)". That title remained in use for more than 30 years, until [Richard Seddon](#) informally changed it to "[prime minister](#)" in 1901 during his tenure in the office.<sup>[3]</sup> Following the declaration of New Zealand as a [Dominion](#) in 1907, the term prime minister has been used exclusively in English. In Māori, the title *pirimia*, meaning "premier", continues to be used.<sup>[4]</sup> New Zealand prime ministers are styled as "[The Right Honourable](#)", a privilege they retain for life.<sup>[5]</sup>

## Prime Minister of New Zealand

*Te Pirimia o Aotearoa*



Coat of arms of New Zealand



Flag of New Zealand



**Incumbent**  
**Chris Hipkins**  
since 25 January 2023

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# What are the key market sectors that are attractive to international clients? Australian industries and foreign direct investment



## Which Australian industries attract foreign direct investment?

2021, A\$ billion

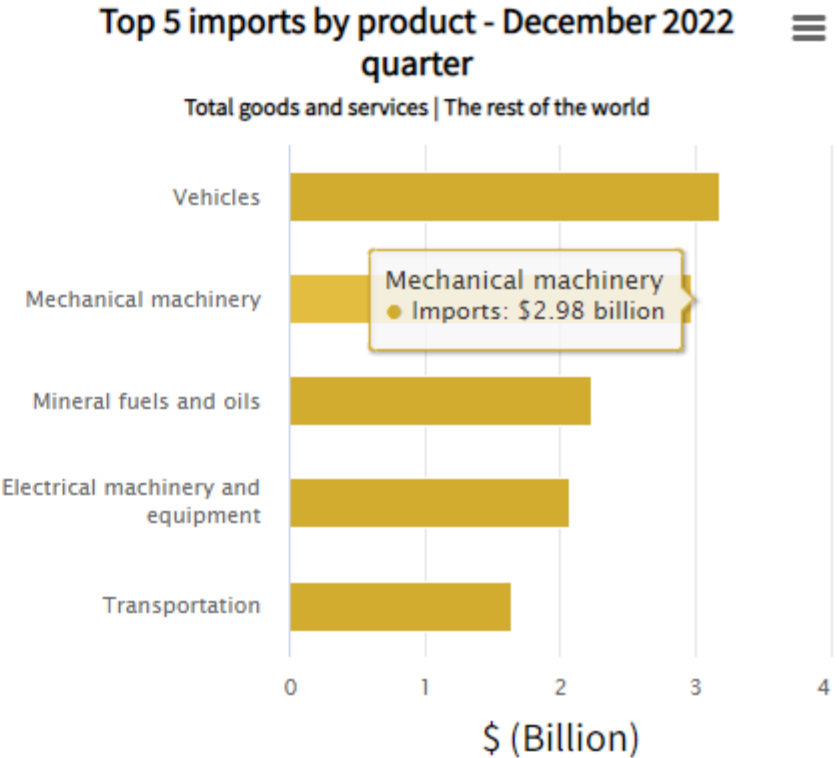
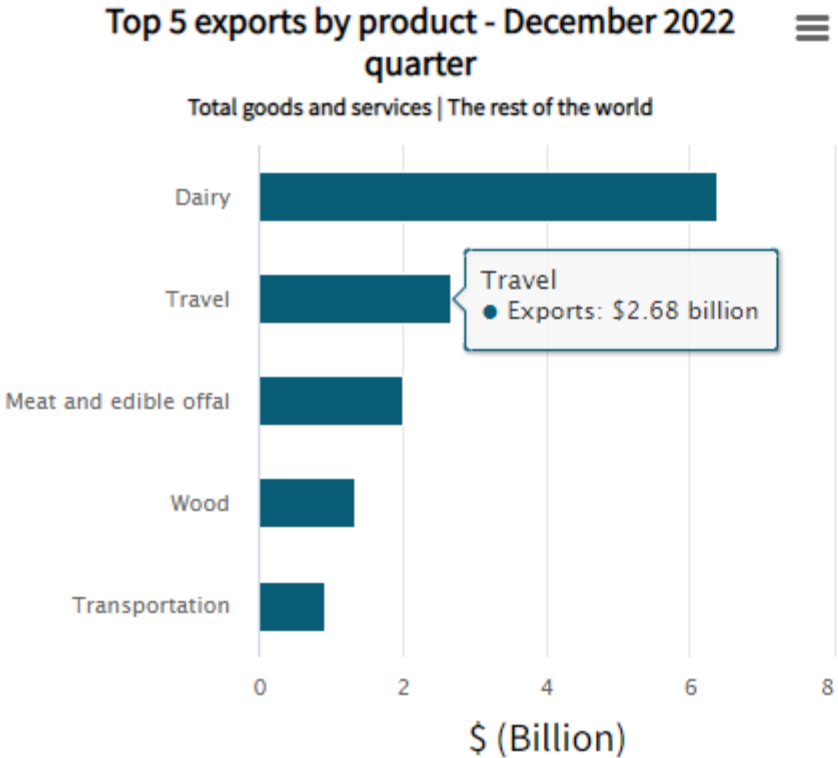
Rank in 2021	Industry	2019	2020	2021	% of total	% change 2020 to 2021	5-year trend % growth
1	Mining & quarrying	377.3	361.0	360.6	34.0	-0.1	1.2
2	Real estate activities	115.5	121.1	136.9	12.9	13.0	11.7
3	Financial & insurance activities	110.3	115.3	122.8	11.6	6.5	12.1
4	Manufacturing	128.2	124.8	116.6	11.0	-6.5	5.4
5	Wholesale & retail trade	59.2	59.8	60.8	5.7	1.7	2.3
6	Information & communication	31.0	31.9	34.1	3.2	6.7	6.8
7	Transport & storage	25.8	25.6	25.4	2.4	-0.8	1.1
8	Electricity, gas & water	22.7	24.2	24.4	2.3	1.1	7.9
9	Construction	21.4	18.7	17.6	1.7	-5.8	-3.3
10	Professional, scientific & technical activities	10.3	12.1	12.7	1.2	4.4	20.1
	Other/Unallocated	144.2	137.4	149.7	14.1	9.0	4.5
	<b>All industries</b>	<b>1,046.0</b>	<b>1,031.8</b>	<b>1,061.5</b>	<b>100.0</b>	<b>2.9</b>	<b>4.7</b>

Based on ABS catalogue 5352.0.

Last updated: May 2022.

<https://www.dfat.gov.au/trade/trade-and-investment-data-information-and-publications/foreign-investment-statistics/australian-industries-and-foreign-investment>

# What are the key market sectors that are attractive to international clients? New Zealand exports and imports by industry



[https://statisticsnz.shinyapps.io/trade\\_dashboard/](https://statisticsnz.shinyapps.io/trade_dashboard/)



# Where are the existing key international trading relationships across regions? Australia's trade in goods and services by top 15 partners



Australia's top two-way trading partners							
Rank	2019-20	2020-21	2021-22	% share of total	% growth		
					2020-21 to 2021-22	5 year trend	
1	China	251,043	266,966	284,754	27.0	6.7	10.4
2	Japan	79,068	66,935	117,156	11.1	75.0	6.3
3	United States	80,934	67,545	76,434	7.2	13.2	1.8
4	Republic of Korea	38,905	39,498	68,734	6.5	74.0	5.8
5	Singapore	31,242	28,302	46,819	4.4	65.4	9.6
6	India	26,162	27,051	46,305	4.4	71.2	7.6
7	Taiwan	18,851	17,175	33,817	3.2	96.9	13.2
8	Malaysia	21,622	21,139	26,778	2.5	26.7	3.9
9	Germany	22,113	22,161	26,535	2.5	19.7	3.1
10	New Zealand	28,624	23,610	25,517	2.4	8.1	-2.3
11	Thailand	21,633	20,889	24,577	2.3	17.7	-0.1
12	Vietnam	15,231	15,817	22,088	2.1	39.6	10.9
13	United Kingdom	36,825	28,594	22,014	2.1	-23.0	-2.7
14	Indonesia	16,129	14,129	18,347	1.7	29.9	-0.2
15	Hong Kong (SAR of China)	13,180	11,142	14,113	1.3	26.7	-9.2
<b>Total all countries</b>		<b>875,588</b>	<b>829,464</b>	<b>1,056,567</b>	<b>100.0</b>	<b>27.4</b>	<b>5.5</b>
<i>of which: APEC (c)</i>		645,200	617,700	790,025	74.8	27.9	6.3
<i>ASEAN</i>		113,838	108,794	150,921	14.3	38.7	5.5
<i>European Union (c)(d)</i>		115,955	106,382	96,971	9.2	-8.8	-0.6
<i>EU (excl UK) (c)</i>		79,130	77,789	96,971	9.2	24.7	3.9
<i>OECD (c)</i>		368,049	326,400	435,084	41.2	33.3	3.5

Australia's top export markets							
Rank	2019-20	2020-21	2021-22	% share of total	% growth		
					2020-21 to 2021-22	5 year trend	
1	China	167,511	178,260	180,938	30.4	1.5	11.1
2	Japan	56,130	45,920	92,758	15.6	102.0	9.8
3	Republic of Korea	27,671	28,484	48,754	8.2	71.2	13.3
4	India	18,538	19,141	33,086	5.6	72.9	6.5
5	United States	27,426	24,290	26,833	4.5	10.5	5.3
6	Taiwan	13,111	11,692	23,876	4.0	104.2	13.7
7	Singapore	16,964	16,078	21,129	3.5	31.4	11.6
8	New Zealand	15,663	14,216	15,709	2.6	10.5	1.9
9	Vietnam	8,018	9,046	13,687	2.3	51.3	17.2
10	Indonesia	7,887	8,876	12,400	2.1	39.7	6.2
11	Malaysia	10,450	8,593	11,705	2.0	36.2	4.2
12	Hong Kong (SAR of China)	9,614	7,744	9,225	1.5	19.1	-12.6
13	Thailand	5,325	5,820	8,436	1.4	44.9	5.1
14	United Kingdom	20,870	15,481	7,801	1.3	-49.6	-3.3
15	Netherlands	3,771	3,072	7,592	1.3	147.1	8.4
<b>Total all countries</b>		<b>475,237</b>	<b>459,256</b>	<b>595,909</b>	<b>100.0</b>	<b>29.8</b>	<b>8.1</b>
<i>of which: APEC</i>		377,278	370,066	479,680	80.5	29.6	9.2
<i>ASEAN</i>		52,825	53,343	73,907	12.4	38.6	9.3
<i>European Union (d)</i>		39,586	33,049	26,765	4.5	-19.0	-0.6
<i>EU (excl UK)</i>		18,716	17,568	26,765	4.5	52.4	5.3
<i>OECD</i>		175,143	154,145	229,234	38.5	48.7	7.7

Australia's top import sources							
Rank	2019-20	2020-21	2021-22	% share of total	% growth		
					2020-21 to 2021-22	5 year trend	
1	China	83,532	88,706	103,816	22.5	17.0	9.2
2	United States	53,508	43,255	49,602	10.8	14.7	0.2
3	Singapore	14,278	12,224	25,690	5.6	110.2	7.5
4	Japan	22,938	21,015	24,398	5.3	16.1	-2.1
5	Germany	17,009	17,513	20,841	4.5	19.0	2.6
6	Republic of Korea	11,234	11,014	19,980	4.3	81.4	-5.3
7	Thailand	16,307	15,069	16,141	3.5	7.1	-2.1
8	Malaysia	11,172	12,545	15,073	3.3	20.1	3.6
9	United Kingdom	15,956	13,113	14,213	3.1	8.4	-3.0
10	India	7,624	7,910	13,219	2.9	67.1	10.6
11	Taiwan	5,740	5,483	9,941	2.2	81.3	12.1
12	New Zealand	12,962	9,395	9,809	2.1	4.4	-7.3
13	Italy	8,394	7,554	8,637	1.9	14.3	-0.9
14	Vietnam	7,212	6,772	8,401	1.8	24.1	3.9
15	France	8,238	6,945	7,389	1.6	6.4	1.0
<b>Total all countries</b>		<b>400,351</b>	<b>370,208</b>	<b>460,658</b>	<b>100.0</b>	<b>24.4</b>	<b>2.6</b>
<i>of which: APEC (c)</i>		267,922	247,634	310,346	67.4	25.3	2.6
<i>ASEAN</i>		61,013	55,451	77,015	16.7	38.9	2.5
<i>European Union (c)(d)</i>		76,369	73,333	70,206	15.2	-4.3	-0.6
<i>EU (excl UK) (c)</i>		60,414	60,220	70,206	15.2	16.6	3.3
<i>OECD (c)</i>		192,907	172,255	205,850	44.7	19.5	-0.1

(a) All data is on a balance of payments basis, except for goods by economy which are on a recorded trade basis. (b) May exclude selected confidential export or import commodities from partner economy totals as well as for the economy groups. Refer to the DFAT website (<http://dfat.gov.au/about-us/publications/trade-investment/Pages/dfat-adjustments-to-abs-official-trade-data.aspx>) for more information and a list of the commodities excluded. (c) Includes DFAT estimates for some years. (d) EU28 from September 2013 to June 2021. EU (excl UK) from 2021-22 onwards.  
Based on DFAT STARS database, ABS catalogues 5368.0 (Sep-2022), 5302.0 (Jun qtr 2022), 5368.0 55.003/4 and unpublished ABS data.

<https://www.dfat.gov.au/sites/default/files/australias-goods-services-by-top-15-partners-2021-22.pdf>

# Where are the existing key international trading relationships across regions? New Zealand exports and imports by partner



[https://statisticsnz.shinyapps.io/trade\\_dashboard/](https://statisticsnz.shinyapps.io/trade_dashboard/)

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## Have there been any significant developments in the Australia New Zealand region over the last 12 months? What's up down under?

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*“Australia reported a fifth consecutive year of trade surpluses and opened 2023 with the enticing prospect of further bolstering overseas shipments as it reheats relations with the world’s second-largest economy. ([Read more here](#))*

*Australia and China’s top trade officials met Monday for the first time since 2019, in the latest sign of thawing diplomatic ties. Trade Minister **Don Farrell** and Commerce Minister **Wang Wentao** held virtual talks for over 90 minutes.”*

Bloomberg 7 February 2023

*“The EU and New Zealand have today concluded negotiations for a Trade Agreement, which is set to open significant economic opportunities for companies and consumers on both sides. The deal also includes unprecedented sustainability commitments, including respect of the Paris Climate Agreement and core labour rights, which are enforceable through trade sanctions as a last resort.*

*Bilateral trade is expected to grow by up to 30% thanks to this deal, with EU annual exports potentially growing by up to €4.5 billion. EU investment into New Zealand has a potential to grow by up to 80%. The deal can cut some €140 million a year in duties for EU companies from the first year of application.”*

European Commission 30 June 2022

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# Have there been any significant developments in the Australia New Zealand region over the last 12 months? What's up down under?

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[Article](#) [Talk](#)

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From Wikipedia, the free encyclopedia

This is a **list of international prime ministerial trips made by Anthony Albanese**, the 31st Prime Minister of Australia. As of December 2022, Albanese has made twelve international trips to ten sovereign states since assuming office on 23 May 2022.

## Summary [\[ edit \]](#)

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The number of visits per country where Albanese traveled are:

- **One:** [Spain](#), [UAE](#), [France](#), [UK](#), [Fiji](#), [Ukraine](#), [Cambodia](#), [Thailand](#), [Papua New Guinea](#)
- **Two:** [Japan](#), [Indonesia](#)

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## Have there been any significant developments in the Australia New Zealand region over the last 12 months? What's up down under?

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*The Albanese Government is actively facilitating trade and Australian legislators and regulators are keeping pace with change:*

- Green(er) energy – hydrogen projects, solar and battery projects and minerals (Australia Asia Powerlink/Suncap in administration); ESG risks are stalling coal mine projects (and finance) which are changing hands; price caps on LNG are curbing exports; and carbon trading is booming following indorsement of the Australian scheme by the Chubb report*
- ASIC is taking enforcement action for 'greenwashing' as are shareholders and there is talk of a climate reporting 'safe harbour' for directors*
- First Australian crypto-exchange rescue through voluntary administration; Commonwealth Bank of Australia mandated by World Bank as sole arranger for world's first block chain bond; block chain used to verify origin of goods for construction and improve supply chain; Reserve Bank of Australia considering issuing central bank digital currency;*
- Virtual board meetings, e-signatures and electronic conveyancing, cases in the metaverse, AI*
- Class actions for data breaches and tightening of privacy laws and considering ransomware taskforce and ACCC considers more effective regulation of digital platforms*
- ASIC has enforced anti-victimisation of whistleblower protections; improved Transparency International ranking, Australian Federal Police have restrained AUD150M in AML sting*

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## Have there been any significant developments in the Australia New Zealand region over the last 12 months? What's up down under?

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*Despite the economic uncertainty in this post COVID-19 economy with geo-political factors such as the end of economic stimulus, war and escalating tensions around the world, Australia has demonstrated a heightened conscience around environmental, social and governance issues and is dealing with escalating energy costs, supply chain issues and technological advances.*

*We continue to see foreign investment particularly from Asia in new real estate development which seems to suggest the fundamentals like the foreign investment regulatory framework (a register of foreign ownership is to be introduced) and the investment structures available in Australia remain satisfactory to global investors.*

*We continue to see Australian Government support for various industries including agriculture, healthcare (including pharmaceuticals and medical devices) and technology by offering grants and tax incentives, fast tracked clinical trials and strong IP protection (being upgraded to the digital age).*

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## Are there any services areas where demand has grown in Australian and New Zealand over the last 12 months?

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*In Australia, we are also now seeing more insolvencies where there is something of substantial value and international significance, in industries beyond those where we have seen the most activity to date - retail, travel, hospitality and professional services in particular builders and engineers. What that something is, is different to traditional real property or tangible assets. That presents new opportunities and challenges (although we are starting to see small scale businesses with such assets being tipped into insolvency processes by management and we expect to see more traditional insolvencies in the foreseeable future).*

*What we are seeing includes 'projects' in which potential buyers see value for which they are willing to pay, whether it be from potential exports or income streams, technology or access to infrastructure, from Governments and private enterprise, in Australia and overseas. They tend to include novel world-first technology and world-class infrastructure and are subject to changes in Government and Government policy, as well as market factors in the post COVID-19 economy. They also tend to need funding to continue trading to try to maintain any value in the eyes of a potential buyer. Given the complexity and international significance, these opportunities call for more sophisticated approaches than in traditional insolvencies as well as management of cross-border elements, from experienced advisers working with various stakeholders.*

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## Are there any services areas where demand has grown in Australian and New Zealand over the last 12 months?

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*In New Zealand, our colleagues are still seeing overseas investment particularly in their primary industry sector especially forestry (It ticks both the economic return box as well as being seen to be a socially good investment). New Zealand is still a politically and economically stable place to invest.*

*Natural disasters also present local opportunities – the recent cyclone events in the North Island of New Zealand are likely to lead to another construction boom. Post the Christchurch earthquake Mackay Bailey acted for a number of overseas construction clients moving into the local scene.*



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# What are the top 5 opportunities in the region that MSI firms can take to their clients?

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## 1. **Renewable energy and green energy storage**

- *in Australia, approvals are more readily available yet local finance and investment to progress such projects seems to be lagging*
- *Wind farms continue to be promoted, and McKinley Plowman is seeing a push into wind farms in Western Australia*

## 2. **Technology**

- *Australian organisations continue to create novel technologies including electronic payment services worth fighting over (see example at point 3 below)*
- *McKinley Plowman sees technology starting to find more of a base in Western Australia*

## 3. **Healthcare – pharmaceutical and medical devices**

- *Australian organisations continue to create novel healthcare products and services including diagnostic products worth fighting over and wanted by international markets (see example at point 4 below)*
- *MSI Taylor has a strong pharma practice with cross broader work (import and export) in America and in Asia (Philippines, Singapore and China)*

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# What are the top 5 opportunities in the region that MSI firms can take to their clients?

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## 4. *Mining, oil and gas*

- *Whilst moving to renewable energy, other resources will continue to be used and are changing hands and Government regulation is changing to approve mines where necessary*
- *Coal mines for steel production continue to be approved in Australia*
- *McKinley Plowman sees mining allied services as a strong industry in Western Australia and sees strong inbound and outbound relationships with Singapore and China*
- *Financing is becoming more difficult for certain projects due to ESG and other regulations and Morrows is familiar with grants and tax offsets which may be available*

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# What are the top 5 opportunities in the region that MSI firms can take to their clients?

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## 5. **Real estate and construction**

- *Brisbane (Queensland, Australia) won the 2032 Olympics (and the committee is looking at leasing premises in our building at present) and long term infrastructure projects are being planned and approved in parallel with sporting facilities, although the construction industry is seeing major long term construction companies collapsing and the costs of labour and supplies continue to spiral which tends to lead to opportunities to take over projects (see examples at point 4 below)*
- *Natural disasters create opportunities – bushfires and floods and earthquakes in Christchurch, New Zealand generate work such as in Mackay Bailey's experience acting for a number of overseas construction clients moving into the local scene*
- *Agriculture and farming – acquisition of water rights and pastoral land throughout Australia including by foreign investors has been a hot topic for many year; Mackay Bailey see a lot of overseas investment in New Zealand primary sector including forestry; McKinley Plowman is seeing a lot of interest in farmland in Western Australia and Johnston Withers has experience with imports and exports in this sector including wine*
- *Johnston Withers sees structuring investment having regard to taxes (state and federal) are issues for the Australia New Zealand region accounting and law firm members to work together*

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# What local support is available in the Australian New Zealand region to make this happen and next steps?

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*Here are some examples of the kind of support available to make this happen:*

- 1. strategic advice jostling for and gaining control of cutting edge electronic payment services technology company - involving dilution (convertible notes) and oppression issues (between shareholders) in Singaporean proceedings involving multiple parties in Australia, Singapore and Isle of Man;*
- 2. trade on finance for example re multinational with next generation diagnostic products for healthcare professionals in financial distress requiring court approval (somewhat novel and unsettled law) – with potential for involvement of MSI firms in US – with a view to sale of the assets including US subsidiary with contract with US DOD;*
- 3. strategic advice to restructure multinational post-COVID impacts to secure contracts (health and hygiene products) with brand name retailers around the world including US, China, UK, Europe and Australia, including resolving historic invoice financing and disputes in Guernsey and Switzerland;*
- 4. royalty finance for cutting edge battery storage project in Australia for Canadian client involving dealing with cross border issues planning for possible enforcement of security including delays in shipping and transfer of title to and access to components;*
- 5. strategic advice protecting founders and stakeholders from liability in bringing long term developers and construction companies to an orderly conclusion, in circumstances where there are complex regulatory issues and risks to navigate (with potential criminal consequences for directors) and others involving financial distress.*

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## What local support is available in the Australia New Zealand region to make this happen and next steps?

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*Each of your local Australian and New Zealand MSI accounting and legal firms has experience working with international clients on international transactions and can bring the local know-how needed to help take the next steps.*

*Let's discuss what's up down under!*



# Presentation on Aus-NZ by CowenSchwarzMarschke Lawyers



*Cowen Schwarz Marschke Lawyers is a commercial law firm best known for its roles in high profile domestic and cross border corporate and finance disputes, insolvencies and transactions, as well as for dealing with novel areas of law keeping ahead of shifting market trends.*

*Our firm has continued to grow and remain at the cutting edge for well over 20 years. The three name principals of Cowen Schwarz Marschke Lawyers and the firm itself are all consistently recognised by independent organisations as leaders in our best known fields of practice.*

*We remain one of the 'go to' firms for high-risk regulatory issues, high-stakes domestic and international disputes, insolvencies and transactions. Our high performing team of lawyers come from trusted sources such as referrals from Judges and with magic circle and other international experience and expertise. Our team and independence as a boutique give us the edge to keep ahead of shifting market trends and find solutions for clients in novel areas of law.*



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**Note:** This document contains only a general summary of the legal principles relevant to its subject matter and is not intended to be used or relied upon as legal advice. The application of the legal principles discussed may vary depending upon the particular circumstances. Cowen Schwarz Marschke Lawyers take no responsibility for any loss suffered as a result of a person relying on this paper.

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**Lawyers**

## Recognition



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