

Holiday Survival Tips - 10 Tips to Make it Through the Holiday Period

With the holiday season fast approaching, we should all make sure we are prepared for whatever it throws our way. Regular contributor and lawyer James Johnston gives us 10 tips to help us all get through the holiday season.

1. Gifts

Choose gifts carefully. Retailers do not have to accept returned goods just because the recipient doesn't like them. It is a good idea to ask for an exchange card, if available.

Where goods are faulty and they can be fixed, you can ask the retailer to fix them. The Consumer Guarantees Act 1993 gives people who receive goods as gifts the same rights as the buyer.

If the goods are not fixed in a reasonable time, you can have them fixed and recover the costs from the retailer. If the goods cannot be fixed or the fault is substantial, you can ask the retailer to take them back and claim a refund or replacement.

You will not be able to take the goods back if you have had them for some time or they were damaged after they were delivered. It is a good idea to keep Christmas gift receipts in a safe place.

2. Holidays

Employees are entitled to a minimum of three weeks paid leave after working for the same employer for a year. This will become four weeks from April next year when the new Holidays Act comes into force. Employees can ask to take annual leave in advance. Employees are required to negotiate when leave is taken with their employer. Although the employer has the final say, they are required to first consult with the employee.

In addition, employees are entitled to 11 paid public holidays a year where they fall on days they would otherwise have worked. Your employment agreement may state that these holidays will be taken on different days to the public holidays.

If you are planning a holiday, check your employment agreement and discuss your leave requirements with your employer in advance.

3. Vehicle Safety

The roadworthiness of your vehicle over the holiday period is very important. Make sure your vehicle's Warrant of Fitness and registration are up to date to avoid an instant \$200 fine. It is also important to have your vehicle serviced before setting out on long journeys. Most garages conduct a "holiday service" so get in early.

4. Family Issues – Access

Obtaining access to children over the holiday period can be a cause of considerable stress and anxiety. Separated couples often experience difficulty in deciding whom the children will spend Christmas with. This can be particularly distressing for the children as well as the parents when children are required to be taken out of town.

We recommend that an agreement be reached as soon as possible so that concrete plans can be made. By dealing with an agreement early you are also able to identify problems and have the time to sort them out rather than at the last minute. Where an agreement cannot be reached the options available to reach a resolution include negotiation, mediation and litigation. A guidance counsellor or lawyer will be able to help you.

5. Insurance

With all the travelling involved in the festive season, it is a good time to check your insurance policies. Make sure that premiums are up to date and that cover is adequate.

If you are going to be absent from your home for an extended period check your policy for any special requirements to ensure that your house and property are covered. Make sure you lock up and take reasonable precautions to avoid your insurance company declining your claim. Some policies also require notice to be given to the insurance company and/or the obtaining of additional cover.

Ensuring your car insurance is up to date is also essential. You don't want to have your car significantly damaged in an accident only to discover you are not up to date with your premiums and have no insurance!

6. Security

The last thing you want is to return to a burgled house.

Burglars know that many of us go away over the holiday period. An empty house which is not properly secured is an easy target for them.

If you don't have an alarm, ensure that all windows and doors are securely locked before you go away. Tell your neighbours when you are going away so they can keep an eye on the house. It is a good idea to arrange for a neighbour or family member to visit the house and open and close the curtains as appropriate and clear the letterbox. Having timers on certain lights in the house can also help the house appear occupied. You could also arrange for a family member or friend to house sit, or for someone to leave their car in the driveway.

7. Alcohol

The legal age for drinking in licensed premises is 18 and a person under 18 who purchases alcohol can face a fine of up to \$2,000. Managers, owners and staff who serve underage drinkers can be prosecuted and, if convicted, face fines up to \$10,000.00 and suspension of their liquor licence. Liquor establishments can refuse to sell or serve you alcohol if they think you are underage. You may be asked to supply a suitable verification of age document. A person under 18 may consume alcohol in licensed premises if a parent or legal guardian accompanies them.

The government is also cracking down on parents and other adults buying alcohol for their children or other young people. So be sensible and don't take the risk.

Some towns and cities impose alcohol bans. Be aware of these and respect them, otherwise you can face being fined.

8. Drink Driving

Don't drink and drive. It's not worth it.

The penalties and consequences for drinking alcohol and driving are severe. They include disqualification, substantial fines and, in some instances, imprisonment. You can also have your vehicle confiscated. If convicted, it is likely that your name will be published in the local newspaper.

An average size male will be over the limit if he drinks more than 1 jug of beer in the first hour and more than a half can of beer during each subsequent hour. An average size female who has more than one and a half medium size glasses of wine in the first hour and more than one third of a glass of wine during each subsequent hour will also be over the limit.

The limit for people under 20 or who have a learner or restricted licence is a very low. One drink can put you over the limit.

Consumption of alcohol, even if you do not exceed the legal limit, can result in insurance companies declining to pay on claims, regardless of who was at fault. Imagine the financial impact if your vehicle

is written off but you have to keep making the car payments as well as purchasing a replacement vehicle.

9. Speeding

Most of us take the opportunity to travel during our well deserved summer break. Unfortunately some people are just too keen to get to their destination quickly. Speeding on our roads is not only dangerous but can also have severe consequences. Speed cameras are everywhere and can lead to substantial fines and possible disqualification.

Demerit points can be imposed if you are caught speeding by a police officer, and increase with how fast you were caught travelling. If you accumulate 100 demerit points within 2 years you can be disqualified from driving for 3 months. As a guide, 3 such speeding offences will usually lead to 100 demerit points.

It is incredibly difficult to overturn a licence suspension based on accumulated points. If you believe there are good grounds for challenging allocation of demerit points against you, do so promptly. A good explanation, good references and a sympathetic court may see you acquitted instead of the proud owner of demerit points. A 6 month disqualification applies if you accumulate 100 demerit points within 1 year.

The simple solution? Slow down and keep to the speed limit.

10. Safety

Above all, keep yourselves, your children and friends safe this holiday season.

Always keep a close eye on your children, especially near water or in crowded places.

If you are drinking, ensure that you and your friends drink sensibly and don't allow each other to end up in situations which could be dangerous.

When swimming at the beach, swim between the flags and keep an eye on each other. No matter where you are, make sure you protect yourself from the sun.

I take this opportunity to wish all Nga Kohinga readers a safe, happy festive season and a prosperous 2007.



**James Johnston is
Chairman of Partners at
Rainey Collins, Lawyers.**

James invites comments and feedback on
jjohnston@raineycollins.co.nz
or PO Box 689, Wellington,
by telephone on 0800 RCW LAW
or visit the Rainey Collins website
www.raineycollins.co.nz.

**RAINEY COLLINS
LAWYERS**