

Te Credit Contracts and Consumer Finance Act

# Te tono moni, te nama rawa rānei: Me mōhio ki ō tika



Ki te tono moni, hoko rawa rānei koe mā te nama i te 6 o Pipiri, i muri mai rānei, me mōhio koe ki te Credit Contracts and Consumer Finance Act.

E whakarato ana tēnei mātārere i tētahi whakamāramatanga mō ngā ture me mātua whai tō kaituku mō ngā kirimana nama kiritaki ka whakaurua atu i te 6 o Pipiri 2015, i muri mai rānei. Mō ētahi atu kōrero mō ngā ture e pā ana ki ngā kirimana nama kiritaki i whakaurua atu i te 6 o Pipiri 2015, i muri mai rānei, me pānui i tā mātau pepa meka whakawhitinga mō ngā rerekētanga e pā ana ki te ture nama kiritaki ki ngā kirimana onāiane:

[www.comcom.govt.nz/consumer-credit/consumer-credit-fact-sheets/how-the-changes-to-consumer-credit-law-apply-to-existing-contracts/](http://www.comcom.govt.nz/consumer-credit/consumer-credit-fact-sheets/how-the-changes-to-consumer-credit-law-apply-to-existing-contracts/)

## He aha te Credit Contracts and Consumer Finance Act?

Ko te ture Credit Contracts and Consumer Finance Act 2003 (CCCF Act) he āwhina ki te tiaki i a koe ina tono moni koe. E whakatakoto ana te CCCF Act i ngā ture me ū tō kaituku ina tuku nama ki a koe. Ko te tikanga o ēnei ture ka whiwhi koe i ngā kōrero whaitake hei āwhina i a koe ki te tiroiro haere i te nama pai rawa, kia mārama koe he aha tāu e whakaae atu ana, ā, me te whai haere i ō nama.

Mēnā he mōkete tāu, he whakamahi kāri nama, kāri toa rānei, he nama whaiaro, moni rānei, he moni tuhene rānei, te āhua nei kua whakauru koe atu koe ki tētahi kirimana nama kiritaki. Ko te tikanga o tēnei he tika āu i raro i te CCCF Act.

## He aha tāu hei tūmanako mai i tō kaituku

Me rata tō kaituku ka:

- ū te nama ki ō hiahia me ō whāinga; ā
- taea e koe te utu i ngā utunga me te kore taka ki te uauatanga nui.

### He aha te tikanga o te “uauatanga nui”?

Me whakarite te kaituku ka taea e koe ngā utunga me te kore raruraru ki te utu i ngā mea taketake me ētahi atu here ā-pūtea. Me whakarite anō tō kaituku ka taea e koe tēnei me tō kore tahuri ki te hoko atu i ō rawa kāore koe i hiahia.

Ko ngā mea taketake pea ko te wāhi noho, kai, hiko, waea, waka me ngā whakapaunga hauora e hiahiatia ana. Ko ētahi atu o ngā utunga here pea ko nga nama onāiane, here rānei pēnei i ngā utunga tautoko tamariki.

Me āwhina tō kaituku i a koe kia tau i a koe he whakatau i runga i te mōhio ka mutu e mārama ana koe ki tāu e whakauru ana.

Me mātua whakarite anō te kaituku kei te tino mārama te whakapuaki i ngā whakaritenga o te kirimana, he popoto, ā, ka taea te whakamārama.

### He aha ngā mea me mōhio ahau?

I mua i tō tono moni, nama rawa rānei, me mārama koe ki tāu e whakauru atu ana. E hia te utu ki a koe? He aha ngā utunga māu? He aha te itarete, ngā utu rānei? Me hoatu katoa e te kaituku ēnei kōrero ki a koe i mua i tō whakaaetanga – e kīia ana tēnei he whakapuakanga. Pānuihia te kirimana, ā, ki te kore e mārama ki a koe tētahi mea, kaua e haina – me pātai atu ki te kaituku kia whakamāramahia mai, haere rānei ki tiki tohutohu motuhake.

Me hoatu anō e tō kaituku ngā kōrero hei āwhina i a koe ki te whai haere tonu i ō nama i a koe e utu haere ana i tō nama.

Ki te whakamahia e tētahi kaituku ngā whakaritenga arowhānui me ngā utu o te tono, me mārama, me taea ēnei te kite i runga i tā rātau paetukutuku. Mēnā e mahi ana ngā kaituku mai i tētahi wāhi pakihī ka taeatia e te iwi whānui, me mārama te pānui kia kitea hoki me te kī anō ka taea ēnei kōrero ina tonoa ana, mō te kore utu. Ka taea e koe te tono i tētahi tārua o ngā whakaritenga arowhānui me ngā utu o te tono hei heri māu. Ko te tikanga o tēnei kia taea e koe te whakataurite i ngā nama rerekē.



## He aha atu anō ngā utu hei utu māku?

Ko te tikanga ka tāpirihia e te kaituku he itarete me ngā utu ki te tapeke i tonoa e koe. Me mātua takoto ēnei ki roto i tō whakapuakanga.

Ko te itarete koina te utu a te kaituku hei utu māu mō te whakamahi i ana moni. He ture anō kei reira mō te āhua o te tuku utu itarete a te kaituku.

Ka tuku utu anō pea te kaituku mō te whakatū me te whakahaere i te kirimana. He ture anō mō ngā momo utu e āhei ana te kaituku ki te tuku.

Mēnā ki tōu whakaaro he teitei rawa te itarete me ngā utu, kua e haina te kirimana – me pātai koe kia heria atu te kirimana ka tiki tohutohu motuhake.

## Ka taea e au te whakaputa mai i tētahi kirimana?

I mua i tō haina, me āta whakaaroaro koe he aha tāu e whakaae atu ana ka mutu mēnā ka taea e koe te utu. Mā te haina, kei te whakaae koe ki ana whakaritenga me te ū ki te wāhi ki a koe o te whakaritenga.

Ki te takahuri ō whakaaro ka hiahia koe ki te whakakāhore i te kirimana, he wā poto noa iho ki a koe ki te whakakāhore.

Mēnā i hoatuna ā-tinana te tauākī whakapuakanga ki a koe, e rima ngā rā mahi ki a koe ki te whakakāhore i te kirimana. Mēnā kāore i hoatuna ā-tinana atu ki a koe, he paku roa atu pea te wā ki a koe. Nō reira, mēna te tauākī whakapuakanga i:

- Īmērahia atu, waea whakaahua rānei, he whitu ngā rā mahi ki a koe mai i te tukutanga atu ki te whakakāhore
- mērahia atu, he iwa ngā rā mahi ki a koe mai i te wā i mērahia atu ki a koe.

Mēnā ka whakakāhorehia e koe te kirimana i roto i tēnei wā, ka mate tonu pea koe ki te utu i ngā utu me ngā itarete.

Ka taea e koe te whakamutu i tētahi kirimana i te wā e hiahia ana koe mā te utu i tō nama, engari ka mate pea koe ki te utu i ngā utu mēnā i tōmua tō utu i te nama ki tērā i whakaaehia i te tuatahi.

## Me tiki rīanga ahau?

I te nuinga o te wā ka whakataunaki te kaituku me hoko rīanga koe hei kapi i tō āhei ki te utu i tētahi nama, ngā rawa rānei kei te hoko koe. I ētahi wā, ka taea e te kaituku te whakahau i a koe ki te tiki rīanga. Hei tauira, mēnā he tāhu tā te kaituku i runga i tētahi o āu rawa, ka taea e ia te whakahau i a koe kia rīangatia.

Me rata tō kaituku ko te tikanga ko āna whakaritenga rīanga-nama kei te ū ki ō hiahia me ō whāinga. Mēnā e hiahiatia ana e tētahi kaituku kia hokona mai e koe he rīanga-nama, me tōtika ngā whakaritenga e whakahautia ana e te kaituku ki a koe.

Me mātua whakarite anō tō kaituku ka taea e koe ngā utu rīanga me te kore taka ki te uauatanga.

## Ka aha mēnā ka mahue i ahau tētahi o ngā utunga?

Ki te wāhia e koe ngā whakaritenga o tō kirimana – hei tauira, ka mahue i a koe tētahi utunga, ka hipa rānei i tō tepe nama – tērā pea ka mate koe ki te utu i tētahi utu tōmuri, nama whakaea rānei.

Tērā pea ka utaina e te kaituku he tāhu ki runga i tētahi o ō rawa, ā, ko te tikanga o tēnei ka taea e te kaituku te muru ka hoko mēnā ka wāhia e koe ngā whakaritenga o tō kirimana. Hei tauira, mēnā he tāhu tā tō kaituku i runga i tō waka, ā, ki te mahue i a koe tētahi utunga nama, ka taea e tō kaituku te muru i tō waka ka hokona ki te kore e utua e koe te nama whakaea.

Me whai ngā kaituku me ngā kaimuru i ngā ture whāiti ina murua ana ō rawa. Pānuihia anō tā mātau pepa meka mō te muru [www.comcom.govt.nz/consumer-credit/consumer-credit-fact-sheets/overview-of-changes-to-consumer-credit-law/](http://www.comcom.govt.nz/consumer-credit/consumer-credit-fact-sheets/overview-of-changes-to-consumer-credit-law/)

Me whakapuaki ki a koe ngā utu tōmuri, itarete nama whakaea me ngā itarete tāhu, nō reira me tiro tiro i mua i tō haina.

## Ka aha mēnā kei te uaua ki ahau te utu i ngā utunga?

Mēnā kei te raruraru tō whakahaere i ō nama, me wawe tonu te kōrero atu ki tō kaituku, ki tētahi kaitohutohu penapena rānei (ka taea e rātau te kōrero ki tō kaituku mōu), ko te mea pai i mua i te tōmuritanga o ō utunga.

Mēnā kei te uaua ki a koe te whakahaere i ō nama, e rua ngā huarahi ki a koe. Ka taea e koe te pātai atu ki tō kaituku mēnā ka whakarerekēhia e ia tō kirimana hei āwhina i a koe ki te whakahaere pai ake i ō nama, ka āhei atu rānei koe ki tētahi tono uauatanga.

Ka taea e koe te tuku tono uauatanga mēnā ka pā mai he uauatanga ohore, arā, ka whakamutua koe i tō mahi, ka pāngia koe e te mate, ka mate tō hoa, ka mahue rānei kōrua ko tō hoa.

Kāore he here o tō kaituku ki te whakarerekē i tō kirimana i aua āhuatanga. Engari mōna anō te painga ki te āwhina i a koe kia tū pakari anō koe. Ka whakaae pea tō kaituku ki te whakaroa atu i te wā o tō nama, te whakarerekē i ō utunga, te whakaae rānei kia utu tōmuri i ō utunga.

Engari kia maumahara koe, ko te āhua nei ka whakapikihia pea te tapeke o te utu i tō nama. Engari, kāore e taea e ngā kaituku te whakapiki i ngā utunga itarete ina whakarerekēhia te kirimana nā te uauatanga.

Ka taea e koe te tuku tono uauatanga mēnā kei muri koe i ō utunga, engari kāore i te pai mēnā he rua marama, whā utunga whakaekeke rānei.

Ka taea anō e koe te tuku tono uauatanga atu ki te rua wiki i muri mai i tētahi pānui whakatūpatonga muru, te Property Law Act Notice rānei.

E herea ana te kaituku ki te kōhi i ngā kōrero e hiahia ana mō tō tono uauatanga me te tuku whakatau i roto i te wā e tika ana.

## Ka taea e ahau te whakawhiti kaituku?

Āe. Ka taea e koe te tiroiro haere i tētahi whakaaetanga pai ake ahakoa he kirimana tonu tāu, engari me whiriwhiri koe i te utu ki te whakawhiti kaituku. Ka tuku whakahau utu pea tō kaituku mēnā ka tōmua tō utu i tō kirimana, ā, he utu anō pea tā tō kaituku hou mō te whakarite i tō kirimana hou.

Me whakataurite anō e koe te katoa o te utu me ngā whakaritenga o tō nama ināianei me tētahi nama hou e whakaaro ana koe ki te whakawhiti atu.

## Kei te hiahia kōrero atu anō koe?

Tirohia ā mātau pepa meka mō te CCCF Act:

[www.comcom.govt.nz/consumer-credit-fact-sheets/](http://www.comcom.govt.nz/consumer-credit-fact-sheets/)

A range of fact sheets and guidelines for the new laws will be available on our website.

### He raruraru tāu?

Mēnā he raruraru tāu me tētahi kirimana nama kiritaki, he maha ngā mea ka taea e koe:

→ **Ko-rero ki tō kaituku**

Me whakapā atu koe ki tō kaituku i te tuatahi mēnā he raruraru āu mō tō kirimana nama kiritaki.

→ **Tiki tohutohu**

Ka taea e koe te whakapā atu ki tō Citizens Advice Bureau tūtata i [www.cab.org.nz](http://www.cab.org.nz) ki **0800 367 222** rānei, ki Community Law Centre [www.communitylaw.org.nz](http://www.communitylaw.org.nz), ki Budget Advice Services **0508 283 438**.

→ **Pūronghia atu ki Te Komihana Tauhokohoko**

Nō mātau te kawenga mō te ūruhi i te CCCF Act. Ka taea e koe te waea mai ki 0800 94 3600, whakamahia rānei tā mātau puka amuamu tuihono [www.comcom.govt.nz/online-complaint-form](http://www.comcom.govt.nz/online-complaint-form) He ratonga waea whakamāori reo tā mātau mā Language Line mēnā he tapepe tō reo Ingarihi, kāore rānei koe e kōrero Ingarihi.

→ **Pūronghia atu ki te kaupapa whakatautau amuamu a te kaituku**

Me uru katoa ngā kaituku hei mema ki tētahi kaupapa whakatau amuamu motuhake. Mō te rapu kei tēhea kaupapa tētahi kaituku, haere ki [www.fsp-register.companiesoffice.govt.nz](http://www.fsp-register.companiesoffice.govt.nz). Me mātua whakapā atu koe ki tō kaituku i mua i tō pūrongo atu i te raruraru ki te kaupapa whakatau raruraru.

→ **Heri ki te ture**

Ka taea e koe te heri i tētahi kaituku i raro i te CCCF Act ki te Taraipunara Amuamu. Haere ki [www.justice.govt.nz](http://www.justice.govt.nz) mō ētahi atu kōrero.

This fact sheet provides guidance only. It is not intended to be definitive and should not be used in place of legal advice. You are responsible for staying up to date with legislative changes.

You can subscribe for information updates at [www.comcom.govt.nz/subscribe](http://www.comcom.govt.nz/subscribe)

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