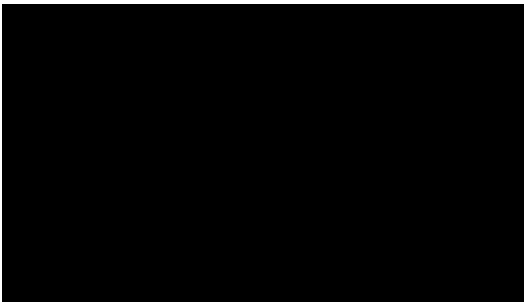


15 January 2024



Official Information Act #23.126 – Response

1. We refer to your request received on 29 November 2023 for information about Best Trade Tools NZ (Best Trade Tools). You would like to know if the Commerce Commission (the Commission) has received any complaints about this business.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. All complaints or enquiries received by the Commission are entered into our database by reference to the name of the trader complained about. Best Trade Tools appears to be an online business only and seems to be owned by a company called ExpressNet NZ Limited with a parallel web storefront (<https://www.expressnet.co.nz/Shop.aspx>).
4. We have specifically identified complaints and enquiries received about Best Trade Tools where consumers have made their purchase through the webpage <https://besttradetools.co.nz/> which are entered against the trader names “Best Trade Tools NZ”, “Best Trade Tools”, “ExpressNet NZ Limited” and “Roots of Rock Limited” in the Commission’s database. Roots of Rock Limited were registered on the Companies Register until 2019, with a previous registered name of “Best Trade Tools Limited”.
5. The Commission received nine complaints or enquiries about Best Trade Tools in the period 18 May 2019 to 29 November 2023, including your enquiry, ENQ0588184, received on 29 November 2023. Eight of the complaints were regarding the non-delivery of an item(s). One of them was regarding the wrong product being shipped.

6. Please note:
- 6.1 The Commission's current database was implemented in 2017. At the time of implementation, complaints records from 1 January 2012 onwards were transferred to our current database.
 - 6.2 Limited complaint records from before 2012 were transferred to the current database. These do not reflect a complete picture of the complaints received by the Commission before 2012.
 - 6.3 Other than the complaint records transferred to the current database, we are not able to access complaint records from our previous database(s).
7. The Commission decided not to take further action (NFA)¹ in relation to the nine complaints and enquiries received about Best Trade Tools. There are a number of reasons why the Commission may decide not to take further action in relation to a complaint or enquiry. These reasons include, but are not limited to, circumstances where we consider the complaint or enquiry is better suited to private action by the complainant, the complaint or enquiry is subject to the jurisdiction of another agency, or where there is no clear breach of the law.
8. Your enquiry ENQ0588184 has been assessed by the Screening and Analysis team and the recommendation made not to take further action on the basis that we consider the conduct is unlikely to be a breach of the legislation enforced by the Commission.
9. To provide context to how the other complaints or enquiries were assessed, we have outlined the Commission's screening process below.

Commerce Commission's complaint process

10. All complaints or enquires received by the Commission are logged in our database and assessed by our Screening and Analysis Team on a basis of the information available at that time. When conducting the initial assessment, the Screening and Analysis Team considers:
- 10.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);

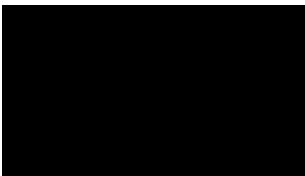
¹ The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

- 10.2 the Commission's Enforcement Response Guidelines,² and;
- 10.3 the Commission's strategic priorities and resourcing constraints.
11. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
12. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.³
13. This process enables us to identify complaints that best reflect our current enforcement priorities.⁴ The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Further information

14. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
15. Please do not hesitate to contact us at oa@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

² Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

³ Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

⁴ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>