

Fair Trading Act

Te hoko mai me te hoko atu tuihono



I hangaia tēnei pepa meka ki te tuku māramatanga ki te hunga hoko atu, hoko mai rānei i runga ipurangi he pēhea te whai pānga o te Fair Trading Act me te Consumer Guarantees Act.

Kua huria e te ipurangi te āhua o te hoko a ngā kiritaki i ngā rawa me ngā ratonga, e āhei ana rātau ki te hoko i ngā momo mea katoa mai i ngā kai ki tētahi rererangi ki Whenuatū mā te pāwhiri pātene noa iho. Nā te ipurangi kua whiwhi whai wāhitanga hou ngā kaihoko ki te whakawhānui i te awhe o tā rātau toro atu mā te whai i tētahi toa tuihono hei tautoko i te toa wāhi, hei whakakore atu rānei i te toa wāhi hokohoko.

Engari ehara te ipurangi i te mea 'tuwhera mō ngā mea katoa', arā kāore he tikanga. E hāngai ana te Fair Trading Act ki ngā kaihoko katoa e tuku pānui ana, hoko atu rānei ki ngā kiritaki o Aotearoa, ahakoa kei waho te kaihoko i Aotearoa.

Ehara te ipurangi i te mea
'tuwhera mō ngā mea katoa',
arā kāore he tikanga

Me mārama te whakamōhio atu a ngā kaihoko katoa e hoko tuihono ana kei te tauhokohoko rātau, kia mōhio ai ngā kiritaki e tiakina ana rātau i raro i te Fair Trading Act me te Consumers Guarantees Act.

Ngā momo hokohoko tuihono

He maha ngā momo tikanga rerekē o te hokohoko tuihono, tae atu ki ngā:

- paetukutuku, ngā taupānga waea atamai
- īmēra
- karere patowaea
- pāpāho pāpori
- hokohoko mākete tuihono pērā i a Trade Me me eBay
- paetukutuku utu pai ā-rā me te hoko tōpū.

Ka mana te Fair Trading Act me te Consumer Guarantees Act ki ngā whakawhiwhi me ngā hokohoko ka oti mā ēnei ara katoa, me te maha atu. Kāore he aha mō te āhuatanga whakatairanga ka tohua e te kaihoko.

Mō āhea hāngai ai te Fair Trading Act?

Ka hāngai te Fair Trading Act ki ngā hokohoko tuihono ina **tauhokohoko** tētahi kaihoko.

Ko wai kei te tauhokohoko?

He whānui te whakamāramatanga a te Fair Trading Act mō te "tauhokohoko". Ko te whakamāramatanga mō te tauhokohoko ko tētahi hokohoko, ahumahi, mahi ngaio, umanga, mahi ōhanga, mahinga rānei e pā ana ki te whakarato, whiwhi rānei o ngā rawa, ratonga rānei.

Mēnā e tauhokohoko ana te tangata, kāore rānei, kei te āhuatanga ake o te kaihoko me ngā mea e tukuna ana. He maha ngā āhuatanga e hāngai ana mēnā kei te tauhokohoko he tangata, ka mutu mēnā ia kei te:

- rite tonu tana tuku rawa tuihono, ratonga rānei
- mahi, hoko, whiwhi rānei i ngā rawa hei hokohoko
- rēhita GST
- whai kaimahi, kaiāwhina rānei ia ki te āwhina i a ia ki te whakahaere i ana hokohoko
- whiwhi i tētahi kamupene manatōpū, te whakatū rānei i tētahi atu momo mahinga hokohoko.

Kei reira anō ētahi atu āhuatanga e kī ana kei te hokohoko te tangata, kāore rānei. Ko ngā kaihoko kāore i te tino mōhio mēnā kei te hokohoko rātau me tiki tohutohu ture.

Kāore e taea e ngā kaihoko ō rātau herenga te karo i raro i te Fair Trading Act, te Consumer Guarantees Act rānei mā te whiwhi tangata kē hei whakatakoto tukunga, hoko rānei mā rātau. I ēnei āhuatanga ka noho tauhokohoko tonu te kaihoko matua, ā, ka noho taunaha tonu te tangata e hokohoko ana māna (tana māngai kaihoko).

Ko te tangata e hokohoko ana i ana rawa i hokona kē mai e ia māna ake ehara i te tauhokohoko.

Whakapuakanga o te tūnga tauhokohoko

I raro i te Fair Trading Act e whakaritea ana te hunga tauhokohoko kia mārama ngā kiritaki ki tēnei ina hokohoko rawa, ratonga rānei i runga ipurangi. Ka whakamōhio tēnei i ngā kiritaki kei raro rātau i te Fair Trading Act me te Consumer Guarantees Act.

Me mātua whakapuaki, āta whakaatu hoki ngā kaihoko i tō rātau tūnga kaihoko i ngā wāhi tuihono katoa e taea ai e te kiritaki te whakatutuki hokotanga. Ko te mea pai me mārama te whakaatu a ngā kaihoko i tō rātau tūnga kaihoko mai i te tīmatanga, i runga hoki i ia paetukutuku, pūhara rānei e whakamahia ana e te kaihoko. Ka taea e te Komihana ngā pānui takahitanga te tuku me ngā whaina atu ki te \$1,000 ki tētahi kaihoko kāore e whakapuaki i tōna tūnga kaihoko.

Ko tētahi takawaenga e whakarato ana i tētahi pūhara mō te hokohoko tuihono (pērā i tētahi māketē tuihono, paetukutuku utu pai ā-rā rānei) me mātua whai i ngā upane whaitake ki te whakarite ko ngā kaihoko kei te whakamahi i tā rātau pūhara kei te whakapuaki i tōna tūnga kaihoko.

🔗 Ka taea e koe te pānui kōrero anō mō te *Fair Trading Act* i roto i ā mātau pepa meka i www.comcom.govt.nz/fair-trading-act-fact-sheets



I raro i te Fair Trading Act e whakaritea ana te hunga tauhokohoko kia mārama ngā kiritaki ki tēnei ina hokohoko rawa, ratonga rānei i runga ipurangi. Ka whakamōhio tēnei i ngā kiritaki kei raro rātau i te Fair Trading Act me te Consumer Guarantees Act.

TAUIRA

Ka haere a Ben ki tawāhi ki te hararei. I a ia e haere ana ka hokona mai e ia he hū mōna anō me ētahi pea hū e iwa hei hoko tuihono i tōna hokinga atu ki te kāinga. Kei te tauhokohoko a Ben ina hokona e ia ana pea hū e iwa, i te mea ko te kaupapa o tana hoko mai hei hoko atu. Me mātua mārama te whakarārangi tuihono a Ben mō ngā hū kei te tauhokohoko ia. Me mātua ū a Ben ki te Fair Trading Act me te Consumer Guarantees Act.

He tama nohinohi tā Kate. Ka hokona tuihono e ia ngā kākahu kua pakupaku rawa mōna. Ahakoa he nui ngā kākahu o tana tama i hokona tuihonotia e ia, kāore a Kate i te tauhokohoko i te mea ko ngā kākahu e hokona ana e ia i hokona kētia mai hei mau.



He ōrite te hoko pukapuka a Paula, ā, ka pānui me te hoko tuihono atu. Ina hokohoko pukapuka pēnei, kāore a Paula i te tauhokohoko i te mea i hokona mai e ia ngā pukapuka māna anō. Ka mahi rei a Paula mai i te kāinga ka hokona atu e ia mā ana māketē tuihono. Ina hoko ana ia i ana rei, kei te tauhokohoko a Paula i te mea i mahia e ia ngā taonga rei hei hoko atu. Me mātua ū a Paula ki te Fair Trading Act me te Consumer Guarantees Act ina hokohoko rei ia.

He hokohoko waka a Liam hei kaihoko waka rēhita. Ka hohoko tētahi o ana kiritaki i tōna waka tawhito hei hoko mai i tētahi mea hou. Ka pātai a Liam ki tōna matua kēkē kia hokona atu e ia te waka hohoko mōna hei karo i ngā ture kiritaki.

Kei te tauhokohoko a Liam ina hokona atu e tōna matua kēkē te waka, i te mea kua noho ko tōna matua kēkē tana māngai i raro i te Fair Trading Act, ā, ka whai kawenga tonu a Liam mō te hokonga. Kei te takahi anō pea te matua kēkē o Liam mō te takahi i te Consumer Guarantee Act i a ia e noho māngai ana mō Liam me te Fair Trading Act mā te āwhina i a Liam ki te takahi i te Ture.



He aha ngā herenga o te hunga hokohoko tuihono?

Me mātua whakarite ngā kaihoko kei te ū rātau ki te Fair Trading Act me te Consumer Guarantees Act.

Fair Trading Act

I raro i te Fair Trading Act ko ngā kaihoko e hokohoko tuihono ana i ngā rawa me mātua:

- mārama te whakaatu ki te hunga hoko mai kei te tauhokohoko rātau (tirohia a runga)
- whakarite ko ngā whakaaturanga ka puta i a rātau mō ngā rawa, ratonga rānei me tika, ā, kia kaua e whakakotiti, tinihanga rānei i ki ngā kiritaki
- whakarite kia kaua e whakakotiti i ngā kiritaki mō ō rātau motika, herenga hoki
- whakarite kia kaua e whakauru ki ngā tikanga huhunu, pērā i ngā pānui hokohoko tautau kāroti, te hokohoko rānei a te tokoiti ki te marea (pyramid selling)
- whai kaupapa tōtika mō ngā kerēme ka puta i a rātau mō ā rātau hua, ratonga rānei, ahakoa he kerēme mārama, i tohua rānei – ka taea e koe te pānui haere anō i tā mātau pepa meka *Ngā whakaaturanga hurori* i www.comcom.govt.nz/unsubstantiated-representations
- ū ki te haumarua hua me ngā paerewa mōhiohio kiritaki ina hāngai ana, ā, kia kaua e hokona ngā rawa e rāhuitia ana e tētahi pānui rawa haumarua-kore.

Consumer Guarantees Act

E hāngai ana te Consumer Guarantees Act ki ngā rawa me ngā ratonga ka hokona noa mai i tētahi kaihoko mō te whakamahi noa a te tangata, te kāinga, whare rānei.

I raro i te Consumer Guarantees Act, me mātua ōrite ngā rawa ki ngā whakamāramatanga, kaua e whai hapa huna, ā, me tika mō te whakamahi noa, me haumarua, mauroa, kounga tōtika, ā, me pai te āhua me te kahu.

Kāore e whakaūtia ana e Te Komihana Tauhokohoko te Consumer Guarantees Act. Engari, ko ngā kaihoko ka whakaputa whakaaturanga whakakotiti mō ngā tika e whai ana ngā kiritaki i raro i te Consumers Guarantees Act (i raro rānei i tētahi atu ture) ka takahi pea i te Fair Trading Act, ā, e whakaūtia ana e te Komihana tēnei.

↪ Ka kitea e koe he kōrero anō mō ō motika i raro i te *Consumer Guarantees Act* i www.consumeraffairs.govt.nz/for-consumers/law/consumer-guarantees-act

Te haumarutanga hua me ngā paerewa kōrero ā-kiritaki



E ono ngā paerewa haumarua hua i tēnei wā. Anei te kaupapa:

- Ngā taputapu hikoi a ngā pēpi
- Ngā kākahu pō o ngā tamariki
- Ngā taonga tākaro a ngā tamariki
- Ngā pouraka ā-whare
- Ngā whakakā paipa
- Ngā pahikara pētara

E rima ngā paerewa mōhiohio kiritaki hua i tēnei wā. Anei te kaupapa:

- Tapanga manaaki
- Te whenua i ahu mai ngā kākahu, hū hoki
- Tapanga mō ngā papanga i roto
- Ngā waka kua whakamahia
- Te kaupapa tapa i te kakama o te wai

↪ Ka taea e koe te pānui anō mō ngā paerewa mōhiohio kiritaki me te haumarua hua i www.comcom.govt.nz/fair-trading

↪ Ka kitea anō e koe ngā pānui rawa i www.consumeraffairs.govt.nz/legislation-policy/acts-regulation/product-safetystandards/unsafe-goods-notices/current-bans

Kāore e whakaūtia ana e Te Komihana Tauhokohoko te Consumer Guarantees Act. Engari, ko ngā kaihoko ka whakaputa whakaaturanga whakakotiti mō ngā tika e whai ana ngā kiritaki i raro i te Consumers Guarantees Act (i raro rānei i tētahi atu ture) ka takahi pea i te Fair Trading Act, ā, e whakaūtia ana e te Komihana tēnei.



Ngā raruraru tuihono noa o te Fair Trading Act

He maha ngā raruraru rite noa e pā ana ki ngā hokohoko tuihono e kite ana te Komihana.

Ngā ture me ngā here

Me mātua whakarite ngā kaihoko he mārama ngā ture me ngā here o ngā hokonga tuihono, ā, he māmā ki te kimi. Arā, ko ngā mea pērā i te utu, te kounga me te āhua, te taenga atu, te whakahoki, me ngā pūtāhui, aua momo mea.

Me whakarite anō ngā kaihoko kei te tika ngā kōrero e whakaputaina ana i roto i tētahi tukunga.

Kaua rawa ngā kaihoko e huna i ngā whakaritenga, whakatepanga me ētahi ture hira ki roto i ngā tuhinga ririki, ki tētahi whārangi hono rānei. Ko tētahi ture ka hāngai pea ki tētahi kiritaki me mātua mārama te whakaatu i roto i te tukunga.

Te wāteatanga o ngā rawa me ngā ratonga

Kaua rawa ngā kaihoko e tuku i ngā rawa, ratonga rānei hei hoko atu mēnā e mōhio ana whakaritenga e kore pea e taea e rātau te whakarato i raro i ngā ture kua tukuna.

Me matua whakarato ngā kaihoko i ngā mōhiohia mārama me te tika ki ngā kiritaki mō te wāteatanga o ngā rawa me ngā ratonga, ā, mō āhea tae atu ai ki te kiritaki.

TAUIRA

I tukuna e tētahi kaihāpai haerenga he haerenga tereina mai i Ōtautahi ki Ōtepoti mō tētahi konohete. I te mōhio tonu te kaihāpai i te wā i tukuna e ia tēnei tērā pea kāore ngā kāreti tereina hei heri i ngā waka i te wātea. I whakaae tonu ia ki ngā tāpuitanga, ā, nō te toru rā i mua tonu o te konohete i whakamōhio atu ia i ngā kiritaki kei te whakakapīhia ngā pahī i ngā tereina mō te konohete. I whainahia te tumuaki o te kamupene, ka whakahauhia ia ki te tuku paremata ki ngā kiritaki whai pānga.

Ngā kaihoko kāore he putunga rawa

Kāore ngā kaihoko tuihono katoa e putu rawa “ki ngā tarenga”. Ka tiki rawa anake ētahi kaihoko hei whakarātonga ina whiwhi tonu rātau, i hokona tuihono rānei te taonga. Ko ngā kaihoko mahi pēnei me whakarite rātau ko ngā whakaaturanga ka puta i a rātau mō te wāteatanga me ngā wā taenga me tika, ā, kia kaua e whakatairanga i ngā rawa mō te hoko engari rawa mēnā e tino mōhio ana rātau ka taea e rātau te tono te whakatutuki ki tērā i whakatairangatia ai te tukunga.

Ngā utu pai ā-rā me ngā hokohoko takoha

Ko ngā kaihoko e whakarato ana i ngā rawa, ratonga rānei mā ngā paetukutuku utu pai ā-rā, hoko tōpū rānei me tino whai kaha ki te whakatutuki i ia hokonga.

Ina hokona he takoha (voucher), me mātua mārama te whakamōhio atu a te kaihoko ki ngā kiritaki i mua i te whakaaetanga mō te wā o te tukunga hei hoko i te takoha. Ko ngā kaihoko e hokohoko ana i ngā takoha me mātua whakarite kei te rawaka ā rātau rauemi (rawa, kaimahi, ngā tāpuitanga) hei whakatutuki i te takoha i roto i tētahi wā tika i te whakatakototanga o te takoha. Mēnā ka taea anake e te kaihoko ētahi hokotanga anake te whakatutuki, me whāiti te tukunga ki tētahi rahinga ka taea, me āta whakaatu i ngā rā e kore e taea te takoha te hoko, te whakarite rānei e wātea ana he whakahoki moni mēnā ka uua ki te kiritaki te hoko.

Kaua rawa ngā kaihoko e whai takoha kāore e taea e rātau te hoko i te mea kua “kī katoa” te kaihoko, tē taea rānei te whakamana i te takoha i roto i tētahi wā tika.

TAUIRA

Ka whakahaere a Mary i tētahi wharekai iti, ā, ka whakamātau ki te whakapiki i ngā hokonga mā te tuku i tētahi hekenga utu mō te kai. E mana ana te takoha kai mō te kotahi tau, ā, kāore i whakatepea e Mary te maha o ngā takoha ka hokona.

Ka hokona e Sebastian he takoha kai me ētahi atu tāngata 600. Ka waea atu a Sebastian ki te wharekai o Mary ka tono mō tētahi tāpuitanga ā te marama e tū mai. Ko te kī atu ki a ia kāore e wātea ana he tāpuitanga mō te ono marama.

Ko te tikanga he takahi tēnei i te Fair Trading Act i te mea mā te tuku i ngā kai mutungakore, kāore he kaupapa whaitake a Mary e whakapono ana ia ka taea e ia te tukunga te whakatutuki.

Ahakoia kāore pea a Mary i mōhio e hia ngā takoha kai ka hokona atu e ia, i te mōhio anō ia he whāiti te kaha o tana pakihi. Ka mahue te whakatepe a Mary i te maha o ngā takoha i hokona atu. Kāore i tika te wā i tonoa a Sebastian ki te tatari hei whakamahi i tana takoha.



Te taenga atu o ngā rawa

Pērā anō i ētahi atu pakihī kāore e whakaratoa ngā rawa i te wā o te hokotanga (pērā i te hokohoko ā-waea, tono mēra rānei), me mātua whakarite tetahi kaihokohoko tuihono he mārama ngā ture mō te taenga atu, ā, ka taea te whakatutuki. Kei roto i tēnei ko ngā utu utanga, tāke, utu ratonga me ngā wā taenga whakatau tata.

TAUIRA

Ka tukuna e te Komihana he whakamōhiotanga ki te iwi whānui e pā ana ki tētahi paetukutuku mā te whakamahi i tētahi kaupapa whiwhi ināiane, utu ā muri ake. Ko te tikanga a te paetukutuku he tuku rawa ki ngā kiritaki i roto i tā rātau kete tuihono me te kore tuku utunga. He maha ngā kiritaki kāore i mōhio ka tukuna atu ngā rawa ki a rātau me te kore tuku utunga. Ka tukuna e te paetukutuku he nama ki te kiritaki me ngā utu, ā, ka whakatumā i a rātau mā te kōrero mō te whakahau kaikohi nama ki te kore e utua e te kiritaki.

Te Tono Rūpahu

I raro i te Fair Trading Act e āhei anake tētahi kaihoko ki te tuku tono ki tāna ake māketē tuihono, te whakahau rānei i tētahi atu ki te tuku tono māna mēnā:

- he utu tāpui tō te māketē tuihono
- kei raro te tono a te kaihoko i te utu tāpui
- e mārama ana te tautuhi i te tono i te wā i tukuna hei tono kaihoko.

Ki te tuku tono tētahi kaihoko i tētahi atu āhuatanga he hē ā-ture i raro i te Fair Trading Act i te mea he whakakotiti tēnei i te hunga tuku tono tūturu mō te utu. He tikanga takahi ture tēnei, ā, e kīia tēnei he “tono rūpahu” (shill-bidding).

TAUIRA

I whakamahia e tētahi kaihoko waka o Tāmaki Makaurau ngā memātanga Trade Me 20 rerekē hei tuku tono ki ana māketē tuihono i tīmata mai i te \$1 te utu tāpui, hei whakapiki horihori i te utu o ngā waka i te hokona atu e ia. I whainahia te kaihoko waka, ā, kua tukuna kēhia e ia he paremata ki ngā kiritaki whai pānga.



Ngā whakatauritenga utu

Ka whakataurite ngā kaihoko i te utu o tētahi rawa, ratonga rānei me tētahi utu noa, utu tauhoko e tūtohua ana (RRP) hei whakaatu ki ngā kiritaki ka taea e rātau te whiwhi utu iti rawa mā te hoko ināiane mai i a rātau. He tikanga noa tēnei i ngā paetukutuku utu pai ā-rā, hoko tōpū rānei.

Kaua rawa ngā kaihoko e hoko ana i ngā rawa, ratonga rānei e whakamōmona i ngā hekenga utu.

↗ Ka taea e koe te pānui anō i roto i tā mātau pepa meka *Te Whakarite Utu* i www.comcom.govt.nz

Mātua ko te utu noa te utu e tino hokona ana tētahi rawa, ratonga rānei, te utu rānei o tētahi rawa, ratonga rānei i mua tonu i te whakahekenga o te utu.

TAUIRA

Whai muri i tētahi whakatewhatewha a te Komihana, he \$800,000 te whaina i whakatauhia e te Kōti ki runga i tētahi kamupene hoko pahikara mō te whakakotiti i ngā whakaaro mō ngā hekenga utu e wātea ana ki ngā pahikara me te roa o ngā hekenga utu. Ko te whakaaro i whakatōhia e te Kamupene i roto i ā rātau pānui hokohoko e hokona ana e rātau ngā pahikara mō ngā hekenga utu atu ki te 50%, ā, mō tētahi ‘wā whāiti noa’ te roa o ngā hokohoko. Engari, ehara tēnei i te tika. Ko ngā utu i whakahekea koinā tonu ngā utu noa a te kamupene, ā, e wātea noa mō ēnei utu i mua, ā, muri hoki i ngā hokohoko i pānuitia.



Te hoko tuihono - ngā āwhina tere mō te hoko tuihono

- **Kia atamai:** mēnā kei te māharahara koe, nā te tino pai rawa rānei ehara i te tūturu, kaua e whakatutukihia.
- **Me mōhio koe kei te whakariterite koe ki a wai:** rapua tuihonotia te kaihoko, tirohia ngā whakahokinga kōrero māketē tuihono mōna, tirohia ngā pae arotake, pāpāho pāpori, Scamwatch me ngā mea ōrite kia mōhio ai ki ngā wheako o ētahi atu kiritaki. Tirohia te wāhi kei reira te pakihī, ka mutu e tukuna ana te ingoa, wāhi tiriti, waea me te īmēra. Kei pōhēhē pea koe nā te mea he .co.nz te pito o tētahi paetukutuku he pakihī tērā nō Aotearoa.
- **Me mōhio koe ki ngā mea e hokona mai e koe:** āta pānuitia te whakamāramatanga o ngā rawa, ratonga rānei, otirā ngā tuinga ririki. Pānuitia ngā ture me ngā here, ā, me ngā whakamārama ka aha mēnā he raruraru.
- **Me kimi e hia te utu:** me whiriwhiri i te utanga, ngā moni whakawhiti, ngā utu rīanga, hāngai rānei, pērā i te utu tāke ki tāwāhi.
- **Me tiroiro haere:** rapu tuihono me te whakataurite utu, ture, here hoki.
- **Me tiaki i a koe anō:** me hoko anake mēnā e pai ana ki a koe te tikanga utunga me te pupuri i tētahi pūkete o ngā taipitopito tauwhitinga. Ko te tikanga ki te hoko koe mā tētahi kāri nama, pūnaha utunga haumarū rānei pērā i a PayPal ka nui ake te whakamaru i a koe i tētahi tauwhitinga moni.
- **Te hoko mai i ngā kaihoko i tāwāhi:** i tua atu i te tuku amuamu ki Te Komihana Tauhokohoko, ka taea e ngā kiritaki kei te raruraru me ngā tauwhitinga tuihono me ngā kaihoko i tāwāhi te tuku amuamu ki te kaiaroturuki ā-ao
www.econsumer.gov



He ārahi noa iho tēnei pepa meka. Ehara i te mea me whakaporo, ā, kaua e whirinaki atu hei tohutohu ā-ture. Kei a koe te kawenga mō te whai haere i ngā huringa ā-ture.

Ka taea e koe te rēhita mō ngā karere kōrero i www.comcom.govt.nz/subscribe

Whakapā mai me ngā whakamārama e pā ana ki ngā takahitanga pea o ngā ture e whakaūhia ana e mātau:

Waea: 0800 943 600 **Tuhi:** Enquiries Team, PO Box 2351, Wellington 6140 **Īmēra:** contact@comcom.govt.nz

Buying and selling online – Te Reo Māori

