

SECTION 5: HOW DO I GET THIS SORTED?
ACTIVITY 2: SEEKING REDRESS: FIXING A PROBLEM WITH FAULTY GOODS



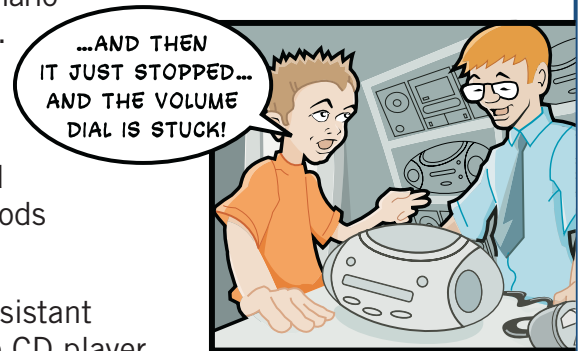
Seeking redress: fixing a problem with faulty goods

Preparation checklist

- Make sure students have their copy of the **Fair play?** scenario illustrated sheet used previously in Sections 1 and 2.

Activity

- Ask the students to revisit the **Fair play?** scenario and look at the illustration of Sam returning the faulty goods to the shop assistant or manager.
- Ask the students what Sam could expect the shop assistant or manager to do to fix the problem with the portable CD player.
- Compare their responses with this information.



Sam's right to have the problem with the faulty CD player resolved

Under the Consumer Guarantees Act (the guarantee of acceptable quality), Sam has the right to have the problem with the CD player put right. The seller of the goods can choose to repair the goods, replace the goods, or give Sam a refund. If the seller chooses to repair the goods, they must agree to complete the repair in a reasonable time. Often a retailer/store will choose to replace the goods because the cost of repair would be more than the goods are worth. If the CD player had damaged Sam's new CD, he could ask the retailer to pay for a new CD.

- You may wish to review with the students why Sam is entitled to have the CD player fixed. (He is entitled to have the problem put right because, under the Consumer Guarantees Act, the CD player was not fit for purpose as it would not play CDs. It was also not of acceptable quality because the volume dial was stuck. Sam had not done anything to damage the goods.)
- Divide the class by getting them to stand in two lines and have one line representing the shop assistant or manager, and one line representing Sam.
- Select the line representing the shop assistant or manager and go down the line asking each student (or students who want to speak) what they think the **shop assistant/manager may be thinking** when Sam says he is returning his faulty CD player.
- Ask the students in the other line what **Sam might be thinking** as he says the CD player is faulty.
- Conduct a class discussion where you:
 - group the things the students said as the shop assistant or manager
 - decide if the point of view expressed is valid, truthful or legally accurate
 - group the thoughts Sam had and consider ways he can feel more confident about making a complaint about the faulty CD player.

Strategies to assist Sam are provided in the **Making a complaint about faulty goods** information sheet and a background sheet is provided for your information.



Background information

The shop assistant or manager will know that under the Consumer Guarantees Act they must put the problem right. The shop assistant or manager should be polite and courteous, and not require the consumer to answer lots of questions that are not relevant to the situation. They may ask about the use of the product to ensure it has not been misused. They may request proof (such as a shop receipt) that the item was purchased from the shop.

It is in the interest of the shop assistant or manager to treat the customer with courtesy so that they return, and the shop gains a good customer service reputation.

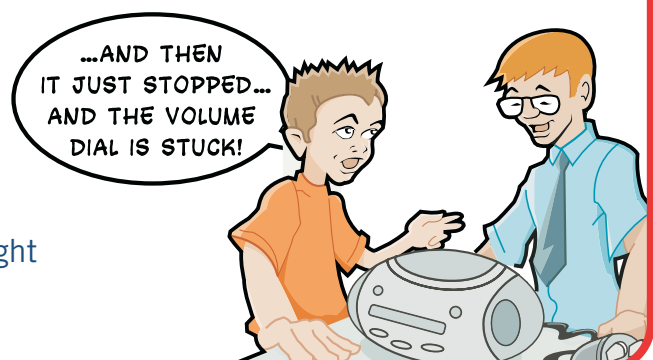
Under human rights legislation the shop assistant and manager should treat all customers the same regardless of age, gender, race etc. However, your students may give you examples of shops and shop managers where they feel they are not treated well because of their age or ethnicity.

Sam, the consumer, goes into the shop knowing the facts of the situation and his rights – that he purchased the goods from the shop, that he has not damaged the goods and that the problem must be put right. It is Sam's responsibility to provide proof of purchase and proof of the fault. He should be courteous and clear about the facts. He should expect to be treated with courtesy if he can explain the problem without getting angry or using abusive language.

Sam may want to take someone for support, an adult or a responsible friend, but it is usually better if one person talks with the shop assistant and the support person acts as silent support.

Consumers are often not confident when they take back faulty goods, so the shop should not make it difficult for the consumer to explain their problem. Many shops recognise that they can have an advantage over their competitors if they develop a reputation for dealing with problems easily and effectively, and may use this in advertising and promotion about themselves.

Stores do not have to give refunds if a person decides to change their mind about a purchase. They do have to give the consumer a refund if there is a substantial fault with goods and the consumer wants their money back. Stores that feature blanket 'No Refund' signs might be breaking the law.



- i) Ask the students if they or their families have returned faulty goods and have students who have returned faulty goods describe their experiences.