

## What if the trader doesn't agree

The law gives you the general principles but in the real world things are often not as clear cut. There are lots of reasons why a trader may not give you what you are asking for.

The trader might not accept that there is a fault, or might think that you caused the fault by mistreating the goods. Or the trader might disagree with how the law applies to the particular situation.

Sometimes, the key to resolving disputes can be by negotiation. Think about what the trader is offering you and ask yourself if this is a reasonable compromise.

## Taking your claim to the Disputes Tribunal

The Disputes Tribunal may help you and the trader reach an agreement or may make a decision about what is fair. See our factsheet "The Disputes Tribunal" for more information.

## Involving the media

If you think other people could learn from your experience and you have tried everything else, you can try talking to the media. The media may not be interested in your story though, and going to the media could make things more complicated. So try the other options first.

## For more information

For more information about your consumer rights visit [www.consumeraffairs.govt.nz](http://www.consumeraffairs.govt.nz) or your local Citizens Advice Bureau.

Contact details of your local Citizen's Advice Bureau are in the White Pages or online at [www.cab.org.nz](http://www.cab.org.nz). You can call 0800 FOR CAB (0800 367 222).

You can get free legal advice from a community law centre. Contact details of your local community law centre are in the White Pages or online at [www.communitylaw.org.nz](http://www.communitylaw.org.nz).

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*This factsheet should not be used as a substitute for specialist legal advice.*

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MINISTRY OF CONSUMER AFFAIRS  
MANATŪ KAIHOKOHOKO

# MAKING A CUSTOMER COMPLAINT

CONSUMER FACTS



MINISTRY OF CONSUMER AFFAIRS  
MANATŪ KAIHOKOHOKO

New Zealand Government

*When a deal goes bad, find out your rights, prepare your evidence and go back to the trader to make a complaint and get the problem solved.*

### **Find out your rights**

Your consumer rights may be covered by the Consumer Guarantees Act, the Fair Trading Act, the Door to Door Sales Act, the Credit Contracts and Consumer Finance Act or the Lay-by Sales Act.

Check out our factsheets or visit [www.consumeraffairs.govt.nz](http://www.consumeraffairs.govt.nz) to find out what your rights are. You can take a print-out or factsheet along to show the trader or shop assistant.

### **Collect evidence**

Collect anything that will help you prove your case. This might be the faulty goods, an advertisement that misled you, or the quote the trader gave you.

Remember to take the receipt to prove that you bought it from that trader. Make a note of the date, time, and what the trader or shop assistant said about the goods or service.

### **No receipt?**

If you don't have the receipt, you can still prove that you bought the goods or services from them if:

- › that trader is the only one that sells that product
- › you bought it using eftpos or a credit card and can show the purchase on your statement
- › you have other evidence that shows that you bought the product from that trader.

### **Feeling prepared**

Rehearse what you are going to say and ask a friend to come with you for support.

### **Going back to the trader**

Go to the shop or trader with all your evidence. Calmly explain the problem. Some shops will sort the problem out straight away.

Show them the evidence. Tell the trader what you want them to do about it. Be firm but stay calm. Try not to get into an argument.

### **Ask for the manager**

If the shop assistant isn't being very helpful, ask to see the manager or supervisor. Be firm and insist on seeing the supervisor even if the assistant doesn't want you to. Explain the problem again to the supervisor.

### **The trader is responsible**

The trader might tell you to go to the manufacturer to get the problem fixed. But in most cases it is the trader's responsibility to get the problem fixed.

### **Listen to the trader's explanation**

Listen to what the trader tells you and compare it to what our factsheet says. It might be that you have misunderstood the situation or the trader might be telling you something that isn't true.

### **Writing a complaint letter**

If you don't have any luck when you go to the shop take all your evidence home with you and write a complaint letter to the trader.

Explain the problem again including:

- › what product or service you bought
- › how much it cost
- › where and when you purchased it
- › what the problem is
- › what you want done to fix the problem
- › when you want a reply by.

Keep a copy of your letter and only send a photocopy of your evidence to the trader or to the manager of the shop. Keep the originals so they don't get lost.