



World Consumer Protection Map

Contribution by
NEW ZEALAND

Page 2: Contact of respondent

Q1 Name of responding member State **New Zealand**

Q2 Name of responding authority/agency:

Ministry of Business, Innovation and Employment

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Q7 Does your country's Constitution contain a provision on consumer protection? **No**

Q8 If you do, please provide de following details: **Respondent skipped this question**

Q9 Does your country have have specific law(s) on consumer protection ? **Yes**

Q10 If you do, when was the main specific law first enacted? Date **17/08/1986**

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Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision?

Date

01/10/2018

Q12 Please provide the following details of the current specific law(s):

1- Name of law	Fair Trading Act 1986
1- URL link	http://www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html
2- Name of law	Consumer Guarantees Act 1993
2- URL link	http://www.legislation.govt.nz/act/public/1993/0091/latest/DLM311053.html
3- Name of law	Credit Contracts and Consumer Finance Act 2003
3- URL link	http://www.legislation.govt.nz/act/public/2003/0052/latest/DLM211512.html
4- Name of law	Commerce Act 1986
4- URL link	http://www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html
5- Name of law	Weights and Measures Act 1987
5- URL link	http://www.legislation.govt.nz/act/public/1987/0015/latest/DLM102242.html
6- Name of law	Privacy Act 1993
6- URL link	http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html

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Q13 Please check all the fields that your consumer protections law(s) cover.

Consumer rights/legitimate needs,
Protection of vulnerable and disadvantaged consumers
,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Tourism,
Data protection and privacy ,
Financial services,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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Q14 From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Access by consumers to essential goods and services	Human Rights Act 1993
Voluntary codes for businesses	N/A
Promotion of sustainable consumption	N/A

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Q15 Please indicate the URL Link of the relevant law(s) to each field:

Access by consumers to essential goods and services	http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html
Voluntary codes for businesses	N/A
Promotion of sustainable consumption	N/A

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Q16 Name of Ministry responsible for consumer protection:

Ministry of Business, Innovation and Employment

Q17 URL link of responsible Ministry for consumer protection:

<http://www.mbie.govt.nz/>

Q18 Year when consumer protection was assumed by the current responsible ministry:

2012

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Q19 Do you have a main consumer protection authority/agency? **Yes**

Q20 Name of main consumer protection authority/agency:

Commerce Commission

Q21 URL of main consumer protection authority/agency:

<http://www.comcom.govt.nz/>

Q22 Year of creation:

1986

Q23 Annual budget: (in USD)

9966569280

Q24 Total number of staff:

203

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Q25 Total number of staff directly affected to consumer protection: **Respondent skipped this question**

Q26 Do you have a law/decreed that governs the main consumer protection authority/agency? **Yes**

Q27 If you do, please provide the following details:

Reference of the law/decreed

Commerce Act 1986

URL to law/decreed

<http://www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html>

Q28 Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields? **Respondent skipped this question**

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Q29 From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Consumer rights/legitimate needs	Ministry of Business, Innovation and Employment
Access by consumers to essential goods and services	Ministry of Business, Innovation and Employment
Protection of vulnerable and disadvantaged consumers	Ministry of Business, Innovation and Employment
Physical safety	Ministry of Business, Innovation and Employment
Product quality	Ministry of Business, Innovation and Employment
Terms and conditions	Ministry of Business, Innovation and Employment
Promotional marketing and sales practices (including misleading advertisement)	Ministry of Business, Innovation and Employment
Voluntary codes for businesses	Ministry of Business, Innovation and Employment
Restrictive business practices(competition/antitrust)	Ministry of Business, Innovation and Employment
Electronic commerce	Ministry of Business, Innovation and Employment
Financial services	Ministry of Business, Innovation and Employment
Promotion of sustainable consumption	Ministry of Business, Innovation and Employment
Food distribution	Ministry of Business, Innovation and Employment
Water	Ministry of Business, Innovation and Employment
Pharmaceuticals	Ministry of Business, Innovation and Employment
Energy	Ministry of Business, Innovation and Employment
Public utilities	Ministry of Business, Innovation and Employment
Tourism	Ministry of Business, Innovation and Employment
Data protection and privacy	Ministry of Business, Innovation and Employment
Dispute resolution	Ministry of Business, Innovation and Employment
Redress	Ministry of Business, Innovation and Employment
Consumer education	Ministry of Business, Innovation and Employment
Consumer information	Ministry of Business, Innovation and Employment

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Q30 URL Link of the relevant authority/agency to each field:

Consumer rights/legitimate needs	www.mbie.govt.nz
Access by consumers to essential goods and services	www.mbie.govt.nz
Protection of vulnerable and disadvantaged consumers	www.mbie.govt.nz
Physical safety	www.mbie.govt.nz
Product quality	www.mbie.govt.nz
Terms and conditions	www.mbie.govt.nz
Promotional marketing and sales practices (including misleading advertisement)	www.mbie.govt.nz
Voluntary codes for businesses	www.mbie.govt.nz
Restrictive business practices(competition/antitrust)	www.mbie.govt.nz
Electronic commerce	www.mbie.govt.nz
Financial services	www.mbie.govt.nz
Promotion of sustainable consumption	www.mbie.govt.nz
Food distribution	www.mbie.govt.nz
Water	www.mbie.govt.nz
Pharmaceuticals	www.mbie.govt.nz
Energy	www.mbie.govt.nz
Public utilities	www.mbie.govt.nz
Tourism	www.mbie.govt.nz
Data protection and privacy	www.mbie.govt.nz
Dispute resolution	www.mbie.govt.nz
Redress	www.mbie.govt.nz
Consumer education	www.mbie.govt.nz
Consumer information	www.mbie.govt.nz

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Q31 Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

Consumer rights/legitimate needs,
Protection of vulnerable and disadvantaged consumers
 ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
 ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Financial services,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Tourism,
Consumer information

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Q32 From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Access by consumers to essential goods and services	N/A
Voluntary codes for businesses	N/A
Promotion of sustainable consumption	N/A
Data protection and privacy	The Office of Human Rights Proceedings
Dispute resolution	Disputes Tribunal
Redress	Disputes Tribunal or Courts
Consumer education	N/A

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Q33 URL Link of the relevant authority/agency to each field:

Access by consumers to essential goods and services	N/A
Voluntary codes for businesses	N/A
Promotion of sustainable consumption	N/A
Data protection and privacy	https://www.hrc.co.nz/ohrp/
Dispute resolution	https://www.disputestribunal.govt.nz/
Redress	https://www.disputestribunal.govt.nz/
Consumer education	N/A

Q34 Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

7000

Q35 Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)? **Yes**

Q36 Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

416671

Q37 Record highest amount for any sanction/measure imposed: (in USD)

749745

Q38 Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

NZD200000 for an individual and NZD600000 for a body corporate under the Fair Trading Act. NZD500000 for an individual and NZD10000000 for a body corporate under the Commerce Act

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Q39 Are there any non-governmental consumer organizations/associations in your country? **Yes**

Q40 Do you have a law/decreed that governs consumer organizations/associations? **No**

Q41 In case you have a law/decreed that governs consumer organizations, please provide the following details: **Respondent skipped this question**

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Q42 Do consumer organizations/associations fulfil any of the following functions?

Consultation in policy making,
Legal advice to consumers,
Consumer education,
Consumer information,
Consumer publications

Q43 Do consumer groups/associations receive public funding?

Yes

Q44 Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name	Consumer NZ
1- Website	https://www.consumer.org.nz/
2- Name	Citizens Advice Bureaus
2- Website	http://www.cab.org.nz/Pages/home.aspx
3- Name	Community Law Centres
3- Website	http://communitylaw.org.nz/

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Q45 Can consumers obtain redress through judicial channels?

Yes

Q46 Is there a specialized judicial mechanism for consumer complaints?

Yes

Q47 If there is, please provide the following details

Name	Disputes Tribunal
URL Link	https://www.disputestribunal.govt.nz/

Q48 Do you have collective redress/class actions for consumer complaints?

No

Q49 Who can represent consumer interests in court?

Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations

Consumer Protection Survey

Q50 What is the highest damages award following a collective redress/class action?

Name of case	N/A
Year of case	N/A
Total amount in USD	N/A

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Q51 Regarding out-of-court/alternative consumer dispute resolution, are there any of the following? **Mediation/ Conciliation, Arbitration**

Q52 If there are any of the above, please provide the following details:

1- Name	Disputes Tribunal
1- URL Link	https://www.disputestribunal.govt.nz/
2- Name	Commerce Commission
2- URL Link	http://www.comcom.govt.nz/

Q53 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives? **No**

Q54 If there are, please provide the following details: **Respondent skipped this question**

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Q55 Are there any self-regulation initiatives from businesses? **Yes**

Q56 Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative	Direct Selling Association of NZ Code of Practice
1- Scope of application	Voluntary code for direct sellers
1- URL link	http://www.dsanz.co.nz/code.html
2- Name of initiative	Code of Conduct for Members of the Financial Services
2- Scope of application	Voluntary code for financial services providers
2- URL link	https://www.fsf.org.nz/Site/about/code-of-conduct.aspx

Q57 Are there any co-regulation initiatives between businesses and public entities? **Respondent skipped this question**

Consumer Protection Survey

Q58 Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

Respondent skipped this question

Q59 Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

Fair and equitable treatment ,
Responsible commercial behaviour ,
Disclosure of information and transparency ,
Consumer complaints and disputes

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Q60 What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		
Informal (memoranda of understanding)	2	2

Q61 Please provide name and URL link of formal bilateral agreements (treaties):

N/A

Q62 Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

<http://www.comcom.govt.nz/the-commission/about-us/international-relations/>

Q63 Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

N/A

Q64 Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

<http://www.comcom.govt.nz/the-commission/about-us/international-relations/>

Q65 Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

Enforcement,
Consumer rights/legitimate needs,
Promotional marketing and sales practices (including misleading advertisement)

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Q66 Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

**Investigate,
Pursue**

Q67 Do you have any experience in cross-border cooperation on enforcement?

No

Q68 If you do, please provide a short description

N/A

Q69 Do you engage in technical cooperation or capacity building activities on consumer protection?

Bilaterally

Through an international organization/network

As a recipient

As a donor

Yes

Yes

Q70 If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

Respondent skipped this question

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Q71 Does your authority/agency carry out information and education initiatives?

Yes

Q72 Do information and education initiatives carried out by your authority/agency cover any of the following fields?

**Product hazard,
Product labelling,
Legislation, dispute resolution,
Financial services**

Q73 Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

Yes

Consumer Protection Survey

Q74 If your authority/agency does, please provide the following details:

1- Name of initiative	It's All Good
1- Scope of initiative	Commonly faced consumer issues.
1- URL link	https://www.youtube.com/watch?v=VOiG6Cts1gc&list=PL_oSoJhk_O7u39ENNuvtRS3hz3OcJEdf_
1- Impact (short description)	Used for consumer education, particularly in schools.

Q75 Do consumer organizations/associations provide education and information initiatives? **Yes**

Q76 If consumer organizations/associations do, please provide the following details: **Respondent skipped this question**

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Q77 Does your authority/agency conduct research and analysis on consumer protection issues? **No**

Q78 If your authority/agency does, please provide the following details: **Respondent skipped this question**

Q79 Do other organizations/associations conduct research and analysis on consumer protection? **Yes**

Q80 If other organizations/associations do, please provide the following details: **Respondent skipped this question**
