



SHARED RESPONSIBILITIES

Both the Fair Trading Commission and the Office of Public Counsel believe that businesses, consumers and government each have a role to play in making sure that the marketplace is fair for everyone. Laws can set and monitor the standards, and businesses can operate openly and fairly, but it is a well informed consumer who is best able to make wise marketplace decisions.

Responsibilities of the Fair Trading Commission under the Consumer Protection Act

The Fair Trading Commission enforces the **Consumer Protection Act** and thus has responsibility for ensuring a fair, efficient and competitive marketplace for producers, traders and consumers. The Consumer Protection Act looks at the broad issues and practices that relate to the way in which businesses operate in the marketplace. It covers among other things:

- Unfair business practices;
- Product safety; and
- Unfair contract terms

Responsibilities of the Office of Public Counsel under the Consumer Guarantees Act

The Office of Public Counsel is a part of the Ministry of Commerce, Consumer Affairs and Business Development, and has responsibility for enforcing the Consumer Guarantees Act. This Act sets minimum standards for all goods and services normally purchased for personal or domestic use.

The Consumer Guarantees Act requires that retailers be responsible for guaranteeing the quality of goods that they sell. If the goods do not meet the relevant standard then the purchaser is entitled to seek a remedy. The remedy that they are eligible for is dependent on the nature of the problem. The Consumer Guarantees Act sets out what options are available if the goods do not meet the required standard.

Although the Consumer Protection Act and the Consumer Guarantees Act are two separate pieces of legislation being enforced by two separate offices, the policy makers envisioned and intended that together they would provide for the total protection of the consumer.

The information contained in this document does not constitute legal advice and is provided for guidance purposes only.