



# Complaints and Disputes Resolution Procedures

In accordance with Rule 10 Real Estate Agents Act (Professional Conduct and Client Care Rules) 2009

## Introduction

Our complaints and dispute resolution procedures are designed to provide a simple and personalised process for resolving any complaint you might have about the service you have received from our agency.

## Steps

1. Call us at our Tauranga office, 303 Cameron Road, or phone 07 578 8887 and speak to the Principal Paul Billingham. Tell the Principal who you are complaining about and what your concerns are. Let the Principal know what you would like done about your complaint
2. The Principal may ask you to put your complaint in writing so that he can investigate it. The Principal will need a brief period of time to talk to the team member(s) involved. We promise to come back to you within 10 working days with a response to your complaint. That response may be in writing. As part of that response we might ask you to meet with members of our team to discuss the complaint and try and agree a resolution.
3. If we are unable to come to an agreed resolution after a meeting, or if you don't wish to meet with us, then we will provide you with a written proposal to resolve your complaint
4. If you do not accept our proposal please try and advise us in writing within 5 working days. You can, of course, suggest another way of resolving the complaint.
5. If we accept your preferred resolution we will attempt to implement that resolution as soon as possible. If we decline your preferred resolution we may invite you to mediate the dispute.
6. If we agree to mediate the complaint but don't settle the complaint at mediation, or we do not agree to mediate the dispute then that will be the end of the process.

## Remember:

You can still make a complaint to the Real Estate Agents Authority in the first instance, and even if you use these procedures you can still make a complaint to the Real Estate Agents Authority at any time.

## The Real Estate Agents Authority

Phone 0800 FOR REAA or 0800 367 7322  
c/- PO Box 25-371  
Wellington 6146  
New Zealand  
[www.reaa.govt.nz](http://www.reaa.govt.nz)

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# Other important information

## Taxation (Land Information) Legislation – Sellers and Buyers

- Sellers and Buyers will need to provide their lawyer with their New Zealand IRD number.
- All Sellers and Buyers will need to complete and sign a Tax Statement before settlement can occur and possession can be given and taken.
- “Offshore” Sellers and Buyers will need to provide a New Zealand IRD number or obtain a New Zealand IRD number before the settlement date. (All “Offshore” Sellers and Buyers without a New Zealand IRD number will need to get a New Zealand bank account opened before applying for a New Zealand IRD number). Offshore parties also need to provide their tax number/details from their country of origin.
- An exemption may apply where private individuals only are selling their main home.
- Whether this exemption applies depends upon a variety of factors. Advice must be taken from your accountant or lawyer.
- Entities such as trusts, companies, partnerships, charitable trusts and the like must provide an NZ IRD number for their particular entity (not individual partners or trustees) in all cases.
- Each individual seller or buyer must provide their own Tax Statement to their lawyer.
- Without the Tax Statement the seller or buyer’s lawyer cannot complete settlement and delays may occur.

## Overseas Investment Act - Buyers

- Residential property purchases are subject to the provisions of the Overseas Investment Act 2005 (OIA). Before any residential property is transferred to you, your lawyer will require you to complete a Residential Land Statement certifying that you meet the eligibility criteria.
- If you require OIA consent, do not have OIA consent and do not make your offer conditional upon obtaining it, you will be in breach of the OIA and may be liable for fines of up to \$300,000.

You may not be able to settle the transaction and may incur liability to the seller (including losing your deposit).

- If you are uncertain about your eligibility or whether the property is subject to the OIA, you must make your offer subject to obtaining overseas investment office consent.
- AUCTIONS - You must not bid at an auction unless you are able to buy the property on an unconditional basis. You may incur fines of up to \$300,000 and liability to the vendor if you purchase the property at auction in circumstances where you do not meet the eligibility criteria in the OIA. Please obtain legal advice before bidding if you are unsure whether you meet the eligibility criteria.

## Customer Due Diligence – Sellers and Buyers (Anti-Money Laundering and Countering Financing of Terrorism)

- Before your lawyer can act for you, they must complete customer due diligence (CDD) on you under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (AML/CFTA).
- As a seller you would have already completed customer due diligence with us as part of listing your property. You will however need to do this again with your lawyer before they can act for you.
- If your lawyer cannot complete customer due diligence on you and cannot act for you for as a result, you may not be able to satisfy conditions under the agreement or settle the property purchase. This may result in you incurring liability to the seller.

DISCLAIMER: This information sheet is provided as an indicative guide only. You are recommended to consult your own accountant or lawyer concerning your personal circumstances and the requirements before entering into a contract to sell or buy land in New Zealand.