

Te Aratohu Whakaaetanga Whare Hoko Atu me te Hoko Mai o Aotearoa

I waihangahia, i whakaaehia hoki tēnei aratohu e te Real Estate Agents Authority



Ngā mea nui hei mōhio māu:

1. He whakaaetanga here ā-ture tētahi whakaaetanga umanga.
2. Kei te mahi te kaihoko whare mā te kaihoko atu i te whare, engari me tōtika ana mahi ki te kaihoko mai.
3. Me mārama koe ki te rerekētanga i waenga i tētahi whakaaetanga whai here me te herekore.
4. Ka taea e koe te whakariterite i ngā āhuatanga e hiahia ana koe i roto i tētahi whakaaetanga hoko atu me te hoko mai.
5. E taunakihia ana kia whakamahia tō rōia ki te arowhai i te whakaaetanga hoko atu me te hoko mai i mua i tō hainatanga.

He manatārua tēnei nā te Mana Hoko Whare. E tuku whakaae ana te kaimanatārua i te tohatanga o tēnei Aratohu, engari kia kaua rawa e pā he utu mō te tuku tārua, me te kore auwaha i te mana me te uapare o te mahi hei tānga pukapuka nā te Mana Hoko Whare. Kia mōhio, ko te tikanga o tēnei whakaritenga kāore e whakaaehia te waitohu-rua, ētahi atu panonitanga rānei ki te Aratohu.



Kupu whakataki

Ko te hoko mai, hoko atu rānei i tō whare tētahi o ngā paihere ā-pūtea nui katoa ka whakahaerehia e koe. He maha ngā wāhanga āhua uaua tonu hei whakariterite, ā, he maha hoki ngā mea hei whakatūpatō.

He maha ngā huarahi i Aotearoa mō te hoko i tō whare, arā he:

- hoko kairapu,
- tono,
- pānui i te utu pūmau,
- mā te whakariterite rānei.

Ahakoia te tikanga ka whakamahia, me whai koe i tētahi whakaaetanga hoko atu me te hoko mai ā-tuhi i ngā wā katoa.

He aratohu tēnei ki te whakaaetanga hoko atu me te hoko mai ka tonohia koe ki te halna mēnā e hiahia ana koe ki te hoko mai, te hoko atu rānei i tō whare. He pepa ture e whakaahua i te kīrimana i waenga i te tangata e hiahia ki te hoko i te whare me te kaihoko mai.

E whakarato pārongo tēnei aratohu mō ngā whakaaetanga hoko atu me te hoko mai me te tohu anō ki hea tiki pārongo atu anō, me pēhea te tuku amuamu me ngā mea hei tūmanako māu mai i tō kaihoko¹. E pā noa iho ana tēnei aratohu ki te hokotanga o tō whare.

Koinā noa iho te kaupapa o te aratohu – he ārahi. Kaua e whakawhirinaki atu hei tohutohu ture. Nā te Mana Kaihoko Whare tēnei i whakarite, he hinonga Karauna i whakatūhia i raro i te Real Estate Agents Act 2008.

1 Ko te kaihoko whare, kaihoko rānei ngā kupu whānui mō tētahi kaihoko, kaiwhakahaere peka, kaihokohoko rānei.

Ahakoā mēnā kei te hoko mai koe, kei te hoko atu rānei koe, me whakarato e te kaihoko tētahi tārua o tēnei aratohu i mua i tō haina i tētahi whakaaetanga hoko atu me te hoko mai, ā, me tonu i a koe ki te tuhi whakaae kua whiwhi i a koe tēnei. Mēnā e hiahia pārongo atu anō koe, ka taea e koe te kōrero ki tō rōia. E wātea anō ngā pārongo i te paetukutuku a te Real Estate Agency Authority: www.reaa.govt.nz.

He aha te take me whai whakaaetanga hoko atu me te hoko mai?

Ka whakaratoa e tētahi whakaaetanga hoko atu me te hoko mai he tūturutanga ki te kaihoko mai me te kaihoko atu mā te whakarārangi ā-tuhi i ngā wāhanga me ngā āhuatanga kua whakaaehia. He whakaaetanga here ā-ture.

He aha te whakariterite?

Ko te tikanga, ka tīmata te hātepe whakariterite ina pātai te kaihoko mai ki te kaihoko whare hoko atu i tō whare kia heria tētahi whakaaro ki te kaihoko atu. Ka whakaritea e te kaihoko tētahi whakaaetanga hoko atu me te hoko mai e whai wāhi ai te utu me ētahi atu here e hiahia ana te kaihoko mai ki te whakauru. Ka heria e te kaihoko te whakaaetanga hoko atu me te hoko mai ki te kaihoko mai, ā, mēnā ka whakaaehia, ka hainahia e te kaihoko atu kātahi ka whai mana te whakaaetanga. Mēnā e hiahia ana, ka taea e te kaihoko atu me tekaihoko mai mā te kaihoko whare, kia whakaae te kaihoko mai me te kaihoko atu ki tētahi utu me ngā here.

He aha ngā mea nui?

- Me whai koe i tētahi whakaaetanga hoko atu me te hoko mai ā-tuhi.
- Whakamahia tō rōia ki te arowhai i te whakaaetanga hoko atu me te hoko mai i mua i tō haina.
- Ka taea e te kaihoko mai me te kaihoko atu te whakarerekē i te utu me ngā here i te wā o te hātepe whakariterite.



Te whakaaetanga hoko atu me te hoko mai

Ko te tikanga ka whakamahia e tētahi kaihoko whare tētahi o ngā momo puka e rua o te whakaaetanga hoko atu me te hoko mai:

- Te puka a te Auckland District Law Society me te Real Estate Institute of New Aotearoa (te puka ADLS).
- Te puka a te Real Estate Institute of New Zealand (te puka REINZ).

He aha ngā mea nui?

- Whakamahia tō rōia ki te arowhai i te whakaaetanga hoko atu me te hoko mai i mua i tō haina.
- Kei roto ētahi rerekētanga nui i waenga i ngā puka whakaaetanga hoko atu me te hoko mai a REINZ me ADLS hei mōhio māu. Ka taea e tō rōia te whakamārama i ngā rerekētanga ki a koe me te tohutohu i a koe ki te whakamahi i tētahi o ēnei puka, kaua tētahi atu.

Me whai wāhi ki tō whai whakaaetanga hoko atu me te hoko mai ēnei e whai ake:

- Te (ngā) ingoa o te (ngā) kaihoko atu me tō (ō) te (ngā) kaihoko mai.
- Te wāhi tū o te whare.
- Te tūmomo take (korehere, tangorīhi, te mea, te mea).
- Ngā taonga ka hokona me tō whare, hei tauira, ngā taputapu mā, ngā ārai, pūhihi pouaka whakaata.
- Te utu.
- Te tatau huamoni ka utua e te kaihoko mai mō ngā utu hapanga.
- Te moni tāpui ka utua e te kaihoko mai.
- Te rā e herekore ai te whakaaetanga mēnā he here kei roto.
- Te rā whakatau (te rā e utua e te kaihoko mai te toenga o te rahinga mō te whare, ko te tikanga ko te rā e āhei te kaihoko mai te neke atu ki roto i te whare).
- Ngā here e hiahia ana te kaihoko mai kia whakatutukihia i mua i te whakaaetanga o te kirimana.

Ngā here o te whakaaetanga

I te nuinga o te wā ka hiahia te kaihoko mai kia whakatutukihia ētahi, te katoa rānei o ngā here e whai ake i mua i te whakaaetanga ki te kirimana.

- **Te rapu take** – i te nuinga o te wā ka mahia tēnei e te rōia ā te kaihoko mai ki te rapu ko wai te rangatira o te whare i raro o te ture me te tiro anō mēnā kei roto anō te ingoa o tētahi noa atu i te whare.
- **Pūtea** – e pā tēnei ki te kaihoko mai e whakatikatika ana i te utu, i te nuinga o te wā he pūtea taurewa, i te rā kua whakatauhia.
- **Pūrongo wāriutanga** – i te nuinga o te wā e hiahiatia e tētahi kaitaurewa, he whakatau tata tēnei pūrongo mō te wāriu o te whare i runga i te mākete.
- **Pūrongo Manatu Pārongo Whenua (LIM)** – ka whakaratoa e te kaunihera ā-takiwā, ka whakarato tēnei pūrongo i ngā pārongo mō ngā mea pēnei i ngā rēti, puka tuku whare, whakaaetanga whare hoki, manga me ngā whakamahere.
- **Pūrongo ārohi whare** – e whānui haere tēnei, ā, he āwhina anō ki te whai mōhio e pēhea ana te kaha o te whare me ngā mea hei whakatikatika.
- **Pūrongo a te kaipūkaha** – he āhua rite ki tērā i runga ake engari he arotahi atu ki te wāhi me te hanganga o te whare.
- **Te hoko o tētahi atu whare** – tērā pea e hiahiatia e te kaihoko mai te hoko atu i tōna kāinga kia hokona mai anō tētahi.

Ngā whiti whānui, whiti noa rānei

Kei roto i tētahi whakaaetanga hoko atu me te hoko mai ngā whiti e whakarārangi ana i ngā whakaritenga me ngā āhuetanga whānui. Ka āwhina ki te whai māramatanga ki te tikanga o ēnei nā te mea me ū koe ki ēnei. Tērā pea ko ngā tauria he:

- **tika whai wāhi** – he aha te whai wāhi o te kaihoko mai ki te whare ki te aromātai i mua o te whakataunga.
- **hapanga e te kaihoko mai** – tērā pea me utu paremata te kaihoko mai ki te kaihoko atu, hei tauria, utu moni hua.



- **hapanga e te kaihoko atu** – tērā pea me utu paremata te kaihoko atu ki te kaihoko mai, hei tauira, utu whare noho.
- **rīanga** – te whakarite kei te whai rīanga te whare tae rawa ki te rā whakatau me te rārangi anō ka aha mēnā ka tūkinohia.

Mā tō rōia ēnei wāhanga e whakamārama. Mēnā e hiahia koe ki te whakarerekē i ētahi o ngā whiti, me pātai koe ki te rōia māna e mahi i mua i tō haina i te whakaaetanga.

Āhea ka utua e te kaihoko mai te moni tāpui me te katoa o te utu?

Ina whakaae te kaihoko atu me te kaihoko mai ki ngā āhuatanga katoa o te whakaaetanga hoko atu me te hoko mai, tētahi moni tāpui (ko te tikanga he 5-10% o te utu hoko) ka utua e te kaihoko mai ki te kaihoko whare. I te tīmatanga ka pupurihia tēnei moni ki roto i te pēke tiaki a te kaihoko.

Ko te tikanga ka tangohia e te kaihoko tāna huahoko mai i te moni tāpui ina herekore ai te kirimana. Ka whakaaehia tēnei i waenga i te kaihoko atu me te kaihoko e ai ki te whakaaetanga umanga². Me whakarite te kaihoko atu kei te nui te moni tāpui ki te utu i te huahoko a te kaihoko.

Ka utua e te kaihoko mai te toenga o te utu mō te whare i te rā whakatau, ko te tikanga ka mahia mā te rōia. I te nuinga o te wā ko te rā whakatau te rā e āhei te kaihoko mai te kuhu ki roto i te whare.

I mua i te ekenga o te whakaaetanga hoko atu me te hoko ki te herekore, ā, ki te kore e tutuki te hokotanga nā te kore i tutuki nō ētahi o ngā here, ka āhei pea te kaihoko mai kia whakahokia te katoa o tana moni tāpui.

Engari, ina eke te whakaaro ki te herekore kāore e taea e koe tō moni tāpui ki te huri ō whakaaro.

² Tirohia *Te Aratohu Whakaaetanga Umanga Whare o Aotearoa* a te Real Estate Agents Authority.

- **E pā ana te here ki te rārangi here** o te whakaaetanga hoko atu me te hoko mai hei whakatutuki, pēnei i te hokotanga atu o te whare o nāiane i o te kaihoko mai, tētahi aromātai o te whare, te whiwhi pūtea hoko rānei.
- **E pā ana te herekore ki te whakatutukitanga** o ngā here katoa i roto i te whakaaetanga hoko atu me te hoko mai. He mea nui te whai mārama ina eke te whakaaetanga hoko atu me te hoko mai ki te herekore. He here ā-ture, ā, me mātua whakawhiti atu te rangatiratanga.

Ka taea e au te whakakore i te whakaaetanga mēnā kua huri ōku whakaaro?

Kāore e taea e koe te whakakāhore i tētahi whakaaetanga hoko atu me te hoko mā mea kua huri ō whakaaro mō te hoko mai, hoko atu rānei i taua whare.

Ko te tikanga, ina haina koe i te whakaaetanga hoko atu me te hoko mai me te eke o ngā here katoa e rārangi ana i roto, me whakatutuki koe i te hokotanga atu/mai o te whare.

Ka aha mēnā e hiahia taku kaihoko, tētahi atu rānei e whai pānga ki a ia ki te hoko i te whare?

Mēnā e hiahia tō kaihoko, tētahi rānei e whai pānga ki a ia, ki te hoko mai i tō whare, i raro i te ture me tiki ia i tō whakaaetanga ā-tuhi ki te mahi i tēnei.

Ka kitea ētahi atu pārongo i ētahi atu pārongo i roto i te Pepa Meka Conflict of Interest Fact Sheet, kei www.reaa.govt.nz, waea atu rānei ki **0800forREAA** (0800 367 7322).



He aha ngā mea hei tūmanako māku mai i tētahi kaihoko?

E mahi ana, e utua ana hoki te kaihoko e te kaihoko atu. Nō reira me whakatutuki te kaihoko i ngā tohutohu a te kaihoko atu (e ai ki te whakaaetanga umanga) me te aro ki ngā hiahia a te kaihoko. He kawenga anō ā ngā kaihoko ki ngā kaihoko mai ahakoa kei te mahi rātau mā te kaihoko atu.

Ina hoko mai koe i tētahi whare, me tuku pātai koe ki te kaihoko. Me hāngai koe ki ngā mea e hiahia ana koe ki te mōhio.

E herea ngā kaihoko katoa e te Tikanga Whanonga Ngaio me te Tiaki Kiritaki, i tukua e te Mana Hoko Whare. I raro i te Tikanga, me tōtika me te pono ngā whakahaere a ngā kaihoko ki ngā rōpū katoa.

E whakarārāngihia ana e te Tikanga te tautika iti rawa mā ngā kaihoko me te tū hei pae mō ngā arowhanonga mā ngā Komiti Aromātai Amuamu e whakahaerehia e te Mana Hoko Whare.

E wātea tētahi tārua o te Tikanga Whanonga Ngaio me te Tiaki Kiritaki i www.reaa.govt.nz, waea atu rānei ki **0800forREAA** (0800 367 7322).

Me whakamahi tētahi kaihoko mai i tētahi kaihoko ki te hoko whare?

Kei te kaihoko atu te tikanga mēnā e hiahia ia ki te whakamahi i tētahi kaihoko whare hei hoko atu i tōna whare. Tērā pea kāore e hiahia ki te whakamahi i tētahi kaihoko me te hoko atu ā-tūmataiti. Mēnā kei te whakamahi te kaihoko atu i tētahi kaihoko, me whakamahi te kaihoko mai i te kaihoko ki te hoko mai i te whare.

Ahakoa ka aha koe, he mea nui tonu ki te whakamahi i tō rōia i ia hātepe.

Mā wai e utu te kaihoko?

Mahi ai ngā kaihoko whare i Aotearoa mā ngā kaihoko atu, ā, **ko ngā kaihoko atu ka utu i nga kaihoko**. Kāore e taea e te kaihoko e māketete ana i te whare te tono kia utu te kaihoko mai i ana mahi.

Nā te mea e utua te kaihoko e te kaihoko atu me te mahi hoki mōna, kāore e pērā anō te āhua o āna mahi ki te kaihoko mai pērā i tā te kaihoko atu.

He aha tēnei mea te kaihoko a te kaihoko mai?

He tikanga noa te kaihoko a te kaihoko mai i ētahi atu whenua? He kaihoko ēnei e whakamahia e ngā kaihoko mai ki te kimi whare, ā, i ētahi wā ki te whakariterite i ngā whare mō te kaihoko mai. Mēnā ka whakamahia e koe tētahi kaihoko a te kaihoko mai me whai tonu koe i tētahi whakaaetanga umanga, ā, me utu koe i a rātau mō ā rātau mahi.

Ka kitea ētahi atu pārongo i roto i te Pepa Meka mō te Kaihoko a te Kaihoko mai, kei **www.reaa.govt.nz**, waea atu rānei ki **0800forREAA** (0800 367 7322).

Ka aha mēnā ka pā mai he raruraru?

Mēnā kei te āwangawanga koe mō ngā mahi a tētahi kaihoko whare, ko te mea tuatahi māu ko te kōrero i ō āwangawanga ki te kaihoko, tana kaiwhakahaere rānei. E hiahiatia ana ngā kaihoko kia whai i ētahi tikanga whakatau amuamu.

Ki te kore e eke tēnei ki tāu e hiahia ai, kāore rānei koe e hiahia ki tēnei huarahi, ka taea e koe te whakapā tika atu ki te Mana Hoko Whare.

Ka kitea ētahi atu pārongo mō te hātepe amuamu a te Mana Hoko Whare i **www.reaa.govt.nz**, waea atu rānei ki **0800forREAA** (0800 367 7322) me te tono i tētahi tārua o te mātārere Me Pēhea te Tuku Amuamu me te Puka Amuamu rānei.



Ka kitea ētahi atu pārongo āwhina i...

Ahakoā he kaihoā māi koe, kaihoā atu rānei he maha ngā wāhi āwhina me te tohutohu hei toro māu, tae atu ki:

- Te Mana Hoko Whare i **www.reaa.govt.nz**, waea atu ranei ki **0800forREAA** (0800 367 7322). Ka taea e te Mana Hoko Whare te whakarato pārongo me te āwhina mō ētahi take whānui me whai i te kawenga whāiti mō te whakarite amuamu e pā ana ki ngā mahi umanga hoko whare
- tō rōia
- Pokapū Ture Hapori **www.lsa.govt.nz**
- Ngā Pokapū Whakahoki Pātai māi i te Iwi Whānui **www.cab.org.nz**
- Manatū Kaihokohoko **www.consumeraffairs.govt.nz**
- NZ Law Society Property Section **www.propertylawyers.org.nz**
- Consumer Build **www.consumerbuild.org.nz**.



Real Estate Agents Authority

Pouaka Poutāpeta 25371, Te Whanganui-a-Tara 6146

Waea: 0800forREAA (0800 367 7322)

Waea whakaahua: 04 815 8468

Īmēra: info@reaa.govt.nz

Paetukutuku: www.reaa.govt.nz



E ai ki te mōhio o te Mana Hoko Whare, he tōtika ngā pārongo i roto i tēnei aratohu i te wā e whakaatu ana i raro. Engari, ko ngā whakaritenga e pā ana ki ēnei pārongo tērā pea ka huri i tētahi wā, ā, ko ngā pārongo hou tonu e wātea ana i www.reaa.govt.nz [Whakaputanga 1.0, 17 Whiringa-ā-rangi 2009].



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