

**Speaking Notes for the Council Chief Executive Officer, Ms. Premila Kumar
at Fiji Mediation Centre, Seminar for Stakeholders**

Date: Thursday - 26 May, 2016

Time: 9.30 am

Venue: Holiday Inn, Suva

**Chief Guest, Head of Cooperation, EU Delegation for the Pacific, Mr.
Christoph Wagner**

Members of the Judiciary

Board Members of Consumer Council

Representatives from the private sector

Accredited Mediators

CCAG Members

Distinguished Guests

Ladies and Gentleman

It is my pleasure to welcome you all at this Seminar organised in conjunction with the Judicial Department and kindly supported by the European Union.

EU has been very supportive of consumer issues and concerns---ably demonstrated through their generous financial assistance to the Council for specific activities.

Today's seminar is expected to make traders and service providers more aware of the added value of Mediation ----- A form of Alternative Dispute Resolution (ADR) which can be a vital tool for maintaining

business reputation and for fostering and preserving good customer relations. It can save management time and has the potential to turn an irate and unhappy customer into an advocate of the business.

It is – my experience, that when a consumer problem or issue prolongs for too long or left to build up, the harder it is to resolve it. Attitudes – both on the part of consumers and traders/service providers become entrenched which then increases the costs of redress and it becomes hard to achieve resolution.

The Council is grateful to EU for its continuous financial assistance from 2009 which has enabled us to empower consumers on their rights and responsibilities and to make them aware of the various consumer redress mechanisms available to use if faced with issues.

Right to redress is one of the most fundamental consumer rights. Consumers expect to be compensated for misrepresentation, shoddy goods or unsatisfactory services in the marketplace.

Consumers are always looking for an outlet where they can voice dissatisfaction so that a resolution is reached and the complaint is settled in a speedy and cost effective manner.

There are various redress mechanisms available to the consumers globally. Many countries have opted to strengthen out-of-court mechanisms or ADR to meet the needs of both consumers and businesses. These range from industry-based Ombudsman, mediation

centres, Consumer Tribunal or other forms of tribunals such as small claims tribunal to deal with different types of grievances.

Countries like Australia and New Zealand have Ombudsman for different sectors. For example: telecommunications ombudsman, utility ombudsman and banking /financial ombudsman to investigate and address complaints that violates consumer rights and interests. However, we do not have Ombudsman style facility in Fiji to focus on different sectors.

But Fiji is not too far behind with non-litigation style of redress system. It is clear that consumers need **alternative means to find solution to their problems** - looking outside the courtroom setting to resolve their disputes is the best way forward. Generally people fear court system and do not wish to be seen around one.

For some, resorting to traditional litigation is neither practical nor easy.

We have statutory organisations and government departments that handle disputes. For example: Ministry of Labour handles employment issues.

Then we have Small Claims Tribunal for claims not exceeding \$5000.

Currently we don't have Consumer Tribunal but the Council is very pleased to note that the government has announced to set up a Consumer Complaints/Compensation Tribunal. We are aware that the Government is working on a draft Consumer Protection Bill, which will

establish Consumer Complaints/Compensation Tribunal in Fiji. We remain optimistic that the Tribunal will be established in the near future for the benefit of all Fijians.

In addition to this, the Council also appreciates the governments yet another initiative, which is the establishment of the Fiji Mediation Centre (FMC).

This arrangement will not only offer quick resolution of consumer complaints but also family dispute, land dispute and many more. However, the success of FMC will rely on public and businesses being aware of its existence and procedures involved.

I must emphasize that with EU's support and timely assistance we have been assisting the Judiciary in the setting up and promoting Fiji Mediation Centre (FMC) to the public.

The Consumer Council also uses mediatory processes successfully to resolve consumer complaints.

The Council has ADR Division which deals with consumer complaints. The staff in the Division were trained by expert mediators from Singapore Mediation Centre.

The training workshop on **Managing Conflicts & Resolving Disputes Effectively through Mediation** by the Singapore Mediation Centre was an initiative taken by the Council in 2013 to build capacity of our

mediators. By virtue of this mediation training, staff are equipped with useful, necessary and practical skills to conduct effective mediations.

Complaints statistics on the resolved complaints is a testimony to the efficiency of this process. In the last 8 years (2008 – 2015) the Council registered 15,503 complaints with monetary value of \$25.7 million dollars (\$25,679,819) and we recovered \$14.3million (\$14,345,716).

With the setting up of Fiji Mediation Centre, it is now obvious that the Fiji Government is trying to improve the capacity of consumers and businesses to seek redress on their own.

Ladies and Gentlemen, we urge you not only to use Fiji Mediation Centre BUT to include mediation provisions in your contracts/agreements to encourage parties to resolve their disputes at the Fiji Mediation Centre as a first step of dispute resolution instead of opting for litigation. This will help restore your commercial or personal relationships.

Setting up of FMC is a significant step towards strengthening the protection of consumers. We need to build on these efforts and continue to look for ways to improve our mechanism for redress.

It is clear that consumers need not only have substantive rights, but also mechanisms for redress that are simple, inexpensive and effective --- the Fiji Mediation Centre provide just that.

It is now my honour and privilege to introduce our Chief Guest, Head of Cooperation, EU Delegation for the Pacific, **Mr. Christoph Wagner** who has assumed his current position just few months ago

Prior to this post, Mr. Wagner was:

- Deputy Head of Unit- Strategy, European Commission DG for Humanitarian Aid and Civil Protection from mid-January 2014 to March 2016.
- He Held several other positions with EU such as: Head of Sector, Macro-financial Assistance – European Commission DG Economic and Finance between September 2011 to mid-January 2014.
- Served as the Head of Section, Economic/Trade/Regional Integration/Social Development as EU Delegation, Ethiopia.
- He also held positions with EU in Ukraine, East and South Africa.
- Mr. Wagner studied Postgraduate Programme in Environmental Management from the Academy of Krems, Austria and was awarded a "Magister" of economics; International trade, economics and finance from University of Business Administration and Economics, Vienna, Austria in 1992.
- His Mother tongue is German but he also speaks English, French, Portuguese/Spanish, Russian, making him a polyglot. And I hope

during his stay in Fiji he will pick up conversational Hindi and Fijian languages

Ladies and Gentlemen, I now call upon Mr. Wagner to deliver his keynote address.

Thank you