

This Decree provides for:

- Control and use of measuring instruments through periodic inspections. This is to establish whether or not such instruments furnish fair and just measure readings and the units of measure used are in compliance with the prescribed Fiji legal Units of Measurement.
- Licensing of measuring instruments, repairers and sellers;
- Maintenance of Fiji's Primary, Secondary and Reference Standards of Measurement;
- Marking and Labeling of pre-packed articles;
- Checking accuracy of purported quantity in pre-packed articles.

Case Study Four – an issue for the Trade Measurement & Laboratory

"I was doing bulk shopping from a supermarket at Robertson road last week. When I weighed a bag of 4kg sugar on the scale it showed a short weight of 3.89kg and another bag was 3.91kg. When queried I was told that the scale in the bulk did not show the short weight but read exactly 4kg."

PRICES AND INCOMES BOARD

The Prices and Incomes Board was set up under the Counter Inflation Act.

PIB monitors the price of **23 food items** and **14 non-food items** which are under price control. It also determines the prices of some goods and services as well as regulates rent increases. The Board deals with offenders who sell price controlled goods in excess of the designated price.

Enforcement Powers

- Under the Counter Inflation Act PIB can:
- Fix the maximum price at which goods can be sold.
 - Fix the price on services (such as hire of taxi or bus service).
 - Deal with rental increases of residential or commercial properties.
 - Investigate and prosecute offenders who charge amounts in excess of the designated prices.

Prohibitions in the Counter Inflation Act

- No person should either buy or sell goods at a price which is the maximum.
- No person should provide or obtain services at a price which

is the maximum.

- No person should apply a different method of fixing prices of goods and services.
- No person should, without the approval of the Board, sell goods or provide a service if it is not in line with the Act.

COMMERCE COMMISSION

The Commerce Commission is an independent statutory body that promotes effective competition and informed markets; encourages fair-trading; protects consumers and businesses from restrictive trade practices and control prices of regulated industries and other markets where competition is lessened or limited.

The objectives of the Commission are to:

- Foster the development of an equitable commercial environment which protects the interests of both consumers and producers
- Ensure that there is non-discriminatory access to infrastructure facilities in monopoly or near-monopoly situations
- Promote compliance with the Commerce Act, parts of the Fair Trading Decree and Amendments, and other legislation that protects consumers through education, investigation, and where necessary, litigation

Functions of the Commission

The Commission has the following functions:

- promote competition and fair trading in Fiji's markets;
- collect, examine, and disseminate information in respect of matters affecting the interests of consumers;
- facilitate negotiations regarding facilities or services under access regimes;
- arbitrate disputes about access facilities or services under access regimes;
- impose, modify or revoke conditions in respect of licenses granted under law to a regulated industry delegated by a referring authority to the Commission;
- recommend the review and control of prices;
- administer the Fair Trading Decree and its amendments
- receive and consider applications for authorizations and notifications from businesses that intend to enter into restrictive trade practices (anti-competitive behavior).

Enforcement Powers

- Commerce Act 1998
- Fair Trading Decree 1992
- Fair Trading (Amendment) Act 1998

Case Study Five – an issue for the Commerce Commission

"We are writing this letter to bring to your attention our concerns with the electricity company's deposits. It has been noticed that every time a property is owned or bought by us we are required to pay a deposit that is equivalent to two months consumption by us. This deposit makes up a large sum of our money, which is engaged by the Company. We as consumers bear the burden of this deposit with no benefit on our part while the Company has access to these funds."

REDRESS MECHANISM

If complaints are not addressed by any of these agencies effectively, then consumers may lodge a claim not exceeding \$5000.00 to Small Claims Tribunal. (Detail information material made available on SCT)

For further information, advice or enquiry, contact the Consumer Council of Fiji office or the addresses of other consumer protection agencies nearest to you:

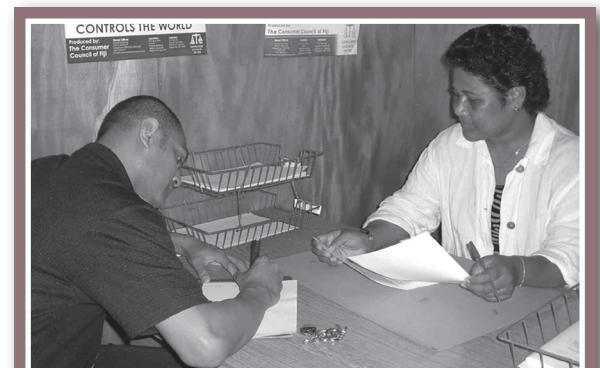
Suva 4 Carnarvon St
Private Mail Bag
Tel: 330 0792 / 3305 478
Fax: 3300115
Email: consumer@consumersfiji.org
Lautoka Suite 4, Popular Bldg, Vidilo St
PO Box 5396
Tel: 6664 987
Fax: 6652846
Email: consumerltk@connect.com.fj
Labasa 19 Jaduram St
PO Box 64
Tel: 8812 559
Fax: 8812 559
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www.consumersfj.org



WHO CAN HELP YOU

Knowing Your Consumer Protection Agencies



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WHO CAN HELP YOU

There are a number of consumer protection agencies established to assist you with your consumer needs. This brochure is designed to help you understand the roles and legislative (legal) powers of the consumer protection agencies in Fiji. Case studies are also demonstrated to guide you to the agency best suited to deal with your problems.

In totality there are 4 important agencies. These are:-

- Consumer Council of Fiji (the only non-enforcement agency)
- Ministry of Industry, Trade, Tourism and Communication which has the Department of Fair Trading & Consumer Affairs. The department comprises 3 sections:
 - Fair Trading Unit
 - Trade Standards & Quality Control Office, and
 - Trade Measurement & Laboratory
- Commerce Commission
- PIB

CONSUMER COUNCIL OF FIJI (CCOF)

The Consumer Council of Fiji (CCOF) is a statutory body established under the Consumer Council of Fiji Act 1976 (Cap 235). The Council is an advocacy organization that provides the external pressure as a watchdog to create a fair and just delivery of goods and services. It represents and protects the rights and interests of consumers, in particular the disadvantaged groups, rural poor and women by identifying and articulating the policy issues that are of importance to consumers.

Simply, CCOF is a consumer mouthpiece: it is the voice, eyes and ears of the consumers. It is not an enforcement agency. It has been established to act independently of any state bodies to protect consumers and their interests without any influence.

Functions of the Council

Section 6 of the Consumer Council Act stipulates the functions of the Council. Section 6(1) states that:-
“The functions of the Council shall be to do all such acts and things which it may consider necessary or expedient to ensure that the interests of consumers of goods and services are promoted and protected”.

Services offered

- **Campaign** - campaign effectively on key issues that matter to consumers.
- **Education services** – educate consumers in schools, training institutions, communities and through established organizations.
- **Information & Media Services** – inform consumers through mass media promotions and publications in English, Fijian and Hindi and through organized public events.
- **Research services** – carry out research on selected consumer issues and consumer protection legislations that will ensure consumer protection is adequately provided for.
- **Conflict Resolution Services** – to assist consumers in resolving complaints through alternative dispute resolution mechanisms in the marketplace, advisory services and legal representation.

MINISTRY OF INDUSTRY, TRADE, TOURISM AND COMMUNICATION

A. Department of Fair Trading & Consumer Affairs

The Department of Fair Trading & Consumer Affairs exists to:

- Promote and enhance a trading environment for consumers and businesses in which all participants are treated fairly and equitably,
- Prevent inferior, sub-standard, unhealthy, unsafe and poor quality products from entering the market place; and
- Promote technological infrastructure for standardization, quality assurance, research and reliability of Fiji-made products and services.

Services Offered

The Department takes an active role in:

Conducting on going consultations with all the interested parties including trade, industry and consumer organizations;

Advising consumers and various sectors of trade and industry of their rights and obligations under the Legislation administered by the Department;

Establishment of appropriate standards for goods and services;

Educating the community on fair trading and consumer issues; and

Ensuring that staff is adequately trained to efficiently carry out the functions of the Department.

Carrying out investigations on consumer and trader complaints on alleged breaches of the legislation and where appropriate

take enforcement action.

Enforcement Powers

The Department is responsible for the administration and enforcement of the Fair Trading Decree 1992 (and Amendment Act 1998).

This Decree aims to:

- Protect consumers from unfair business practices;
- Safeguard the interests of small businesses from unfair treatment by large corporations; these provisions are now administered by the Commerce Commission.

Case Study One – an issue for Department of Fair Trading & Consumer Affairs

“I believe that Company D is making claims on their advertisement of providing additional items with the product A. However those additional items are not available when I go to purchase product A and I want these items as advertised.”

Apart from the above functions the Department also oversees the following legislations:-

Dumping and Countervailing Duties Act 1998

The Act provides for investigations into alleged dumped and subsidised goods and imposition of dumping and countervailing duties where appropriate.

Consumer Credit Act 1999

The purpose of the Act is to provide a legal framework for the provision of credit by credit providers.

Case Study Two – an issue for the Department of Fair Trading & Consumer Affairs

Ms A purchased a 4-burner gas stove from a company on credit terms last year. Due to non payment of timely installments, the Company moved in to repossess the stove under the terms and conditions of the Hire Purchase Agreement. The company’s bailiff repossessed the gas stove on the condition that within 21 days, Ms A must clear all the arrears, upon which she would get her stove back. Ms A then arranged to have her arrears cleared within the 21 day limit but the company would not accept her payment because they had resold the stove to another customer. Ms A then lodged a complaint with the Consumer Council regarding breach of her terms and conditions in the Hire Purchase Agreement because she was ready to clear the arrears within 21 days but the company had sold the stove without honouring the Agreement. Upon the Council’s intervention, Ms A was

able to get her replacement stove by clearing the arrears, which she was entitled to.

The complaint was directly lodged with the Council but consumers can also complain to the Department of Fair Trading & Consumer Affairs.

Real Estate Agents Act 2006

This is an Act to make provision for the regulation of Real Estate Agents and for related matters, such as:

- Establish Licensing Board;
- Registrar of Real Estate Agents;
- Licensing of Real Estate Agents;
- Approval of Branch Managers, Salespersons;
- Duties of Real Estate Agents;
- Disciplinary Powers of the Board.

B. Trade Standards & Quality Control Office

The Office is responsible for the administration and enforcement of the Trade Standard and Quality Control Decree 1992.

The Decree is intended to:

- Ensure that goods and services sold are of an acceptable and uniform standard;
- Remove from the market place any dangerous and unsafe goods;
- Ensure that warning statements are issued on any dangerous or unsafe goods

Case Study Three – an issue for the Trade Standards & Quality Control Office

“Please visit the X supermarket in Valelevu and see the Z brand bottled water displayed on the shelves. The bottom of the bottle has algae growth.”

C. Trade Measurement & Laboratory

The Office is responsible for the administration and enforcement of the National and Trade Measurement Decree 1989.

Apart from National and Trade Measurement Decree 1989, there are associated regulations, namely:

- National and Trade Measurement Regulations 1989
- (Pre-packed Articles) (Packaging) Regulations 1989
- Bread Regulations 1989; and
- Misleading Markings and Deceptive Packaging Regulations 1989.