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09 December 2014

Feature Article

Complaints handling by vehicle dealers

Part VI

How would you feel if your newly-purchased vehicle starts giving you problems?

And to make things worse when you take the vehicle to the trader, he/she refuses to fix it.

Well, for a fact, many consumers go through this nightmare after buying a second hand vehicle.

The Consumer Council of Fiji continues to receive complaints from buyers who have purchased second hand vehicles, which work for a while and then begin showing trouble. Consumers have raised concern over the after-sale customer servicewhere second hand traders just refused to assist, leaving the buyers to deal with the problems.

In last 7 years (2008 – 2014) the Council recorded 185 complaints worth more than \$1.6 million dollars.

In one of the cases, a well-known Suva based second hand car dealer refused to offer any help to his client when her newly-purchased vehicle got stuck in the middle of the road in Lautoka city. She kept calling the trader who in return swore at the client.

In another case, a Suva car dealer agreed to fix a second hand vehicle which he sold for more than \$30,000 but at a charge. This was contrary to what was covered in warranty.

Many more consumers have suffered at the hands of some unscrupulous second hand dealers who have sold defective used-vehicles to them which have worn-out parts with no back up service available.

The Council also came across a dealer who dictated to the consumer where he should file his complaint. The dealer simply did not want to deal with Consumer Council. Unfortunately, dealers cannot dictate when consumers use their legal rights to bring their complaints to the Council.

To address these difficulties, the Fiji Commerce Commission formulated a Self-Regulating Guideline (SRG) for the sale of second hand vehicle which sets some important ground rules for complaints handling by the dealers.

According to the Guideline, the second hand motor vehicle trader must accept all valid complaints from the consumer and thoroughly investigate to provide a best possible redress within a reasonable timeframe. All traders must record each complaint received and note the final outcome.

A consumer complaints register must be maintained by all the traders and **signed by both the trader and the consumer whenever a complaint is lodged**. For the purpose of consumer's record; the consumers can fill in the Consumer's Complaint Form for Motor Vehicle and have it endorsed by the trader.

The SRG is also clear on costs where a trader must cater for any costs associated with storage, repair and transportation if the vehicle is found to have defects and was not disclosed by the trader within a 'relevant time frame' or during the pre-sale disclosures.

A trader is required to retain all complaints records and consumer redress records amongst other things. No trader can destroy any document until a period of three years has elapsed from the time the documents were generated.

In the past, traders refused to provide redress to consumers. But, all this is expected to change with the SRG in place, where a trader cannot stop a consumer from lodging a complaint and neither can they look away from the case till a solution is sought.

Consumers are urged to keep a record of the complaint lodged with the dealer to avoid dispute, if any.