



CONSUMER COUNCIL OF FIJI



PROTECTING THE RIGHTS AND INTERESTS OF CONSUMERS

JUNE, 2009

PRICE HIKES!

Consumers shaken by exorbitant price increases

FIJI's consumers have been beset by exorbitant increases in the prices of retail goods, particularly food items, throughout the country.

The Council's price surveys held on regular intervals in Suva, Lautoka and Labasa during the post-devaluation period showed an inflationary trend that is baffling and leading to complaints from consumers and the general public.

A combination of the global economic downturn, the March devaluation and the lack of price monitoring by authorities has led to some inflationary trends that has left consumers baffled.

In the Council's initial survey that compared post-devaluation prices with pre-devaluation prices, it found price hikes reaching over 50 to 100 per cent in some cases. Such price hikes fail to justify the 20 per cent Fiji dollar devaluation and consumers are restless, frustrated and completely discouraged to sustain a decent standard of living.

While the council has tried to offer explanation and comfort to frustrated consumers complaining against inflated price of products in the market, the fact remains that there is very little one can do to protect consumers



Feeling the pinch ... Shoppers at the checkout counter of a supermarket in downtown Suva.

against price increases for items not under the Prices & Incomes Board (PIB) price control regulations.

The council understands that devaluation will affect the price of goods, par-

ticularly imported items and those with substantial import content, however it believes the price hikes ranging between 50 to 100 per cent are exorbitant,

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Air Fiji leaves behind ground turbulence



THE cessation of Air Fiji's domestic airline services has left its customers in the dark, with those who had paid airfares in advance unable to get a refund or redress on their grievances.

In May, the Council had received complaints from these customers who have been unable to contact the company's offices around the country or speak to Air Fiji representatives regarding their grievances. These customers have paid money to Air Fiji for a service which they have not received. They have the right to receive a refund, but the airline company appears to have disappeared into thin air. The Council has urged the relevant authorities to investigate the company as people have paid money, but no service has been rendered.

The Council also called on the Air Transport Licensing Board and the Civil Aviation Authority of the Fiji Islands to be more vigilant on operators seeking licenses of domestic air routes.

Apart from customers whom Air Fiji has taken money from without providing a service, the Council is also concerned about the cessation and disruption of commuter travel between the main centres and outlying destinations such as Rotuma and parts of Lau.

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Illegal pesticide sales



The illegal pesticides that were being sold door-to-door. These two containers were taken from a complainant who bought them for \$40. Consumer Council officers found the contents leaking. The Pest Control Association of Fiji has deemed the containers and labels not up to accepted standards. Also the pesticides had not been registered or approved for sale.

THE Council in May was alerted to the presence of unscrupulous individuals and business engaged in illegal door-to-door pesticide sales.

Consumer Council urged consumers to take strict precautions and not to purchase a pesticide product being vend-ed via door-to-door sales by a company trading as 'SPRINT TO KILL'. The product named 'PANTHER PEST KILL' claims to kill household pests and other insects.

The Council discussed the issue with the Pest Control Association and an ensuing joint-press conference became the subject of wide media coverage.

The Council was the issue as a matter of urgency because it posed potentially hazardous risks to unsuspecting consumers who may

ADVICE

- Never buy potentially dangerous products like pesticides from door-to-door sales persons
- Buy your pesticides from a registered dealer or retailer

FACT

Pesticides are covered under the Pesticides Act 1971. Pesticides intended for sale must be vetted and registered by the Registrar of Pesticides, currently located at the Koronivia Research Station.

have bought the product, in the process of buying or are being presented with the pesticide for purchase.

For the Council, some of the most critical aspects of

this issue were: labelling of the product – details regarding the origins of the product are absent; details of the ingredients are not clear; the product does not have a product code; the poison logo is missing; instructions are not translated into local vernacular languages; packaging – according to the Pest Control Association, the production container does not comply with industry standards rendering it vulnerable to leakages and tampering; door-to-door sales – this potentially harmful product, self-labelled as “poison” is being sold door-to-door which

is dangerous and illegal; Persons or business selling the product were urged to immediately cease selling or marketing the pesticide.

foresential travel but more importantly, for some essential goods and services.

Meanwhile, there is no hope in sight for the revival of

the 42-year-old airline, which for many years was the dominant domestic air services provider, especially for Fiji's many island communities.

Price hikes!

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unfair and unconscionable conduct on the part of the business houses.

While the PIB has jurisdiction over price controlled items, there is absolutely nothing that can be done for those items outside the price regulator's control as competition dictates the price fluctuations. Regardless, the council is pleading with traders and retailers not to overcharge consumers or place high mark-ups that are unfair and beyond the reach of average and poor consumers.

The PIB has already indicated that some price control items are likely to increase soon. Already the council is receiving complaints and queries from consumers regarding suspected hoarding of stock and other unfair trade practices.

The Council is also aware that some businesses had imposed certain measures which will affect many consumers. For instance, both Fiji Gas and Blue Gas have increased the price of the standard 13kg domestic gas cylinder to \$41.50 (vat inclusive).

However, Fiji Gas has gone further to introduce a “new” 12kg cylinder, a 1kg reduction from that standard. These changes are not fair to consumers, particularly under the current economic conditions and the fact that the LPG industry is controlled by only two players.

The council calls on the consumer protection agencies to monitor the marketplace following complaints on unfair prices increases in the prices of products.

Meanwhile, the Council is continuously advising consumers to be more prudent in their spending and seriously shop around for competitive prices.

There are still traders out there offering special prices and other money-saving incentives. We urge consumers to take advantage of these. Furthermore, the situation with the price increases may mean a change in shopping and consumption habits for consumers.

It may be time to consider those smaller less-flashy discount shops and generic rather than big-name brands. It also means minimising wastage – e.g. on gas, electricity, fuel use, etc. Consumers are also urged to be on the lookout for unfair trade practices and abuses by those traders who may take advantage of the situation.

The Council has promised to maintain vigilance on the marketplace in an effort to curb unscrupulous traders who take advantage of the situation.

Air Fiji leaves behind ground turbulence

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The Council is concerned about the implications on consumers who depend on these air routes not only

Internet provider gets some bytes

NUMEROUS complaints from customers of Internet Service Provider (ISP), Connect had compelled the Council to take action through press statements and attempts to discuss the matter with the company's management.

The issue reached a point where customers had almost daily connection problems and lost emails in the month of June. The Council's head office itself was one of those affected. Connect managers decided to call on the Council for a discussion on the issue after an impending press statement heavily criticizing the company.

Connect's CEO and a senior manager of Telecom Fiji convened a meeting at Connect's boardroom at Garden City, Raiwai, Suva on June 25th to explain the matter. Connect was able to clarify that it was implementing changes to its system to address SPAM email which it blamed for the original problems whereby overseas servers had blacklisted Connect emails.

The Council was at that point more concerned about Connect's transparency and dissemination of information which it found wanting. Since the June talks, Connect has since regularly advised the Council on any connectivity issues.



The Consumer Council's intervention has led to some action by Connect in terms of timely notices and information regarding internet connectivity and outages.

The Council believes persistent connectivity problems with Connect is not only harming businesses, but have a trickle effect on consumers in terms of disruption or unavailability of services.

Consumers do experience service delays from traders who depend on internet services for their business. Internet access is increasingly a human development issue. Education, health,

social services, government, trade and commerce have today become dependent on Internet access. Information and communication are very important tools for economic growth and the Internet facilitates these.

Statistics on internet access and coverage are now included in the measures of human development employed by international agencies like the United Nations.

Open international call market welcomed

THE end of Fiji International Telecommunications Limited's (FINTEL) monopoly on international call markets on July 18, 2009 is expected to bring relief to consumers who for many decades have not enjoyed any benefits from an open market. In November 2007 the interim government passed the Telecommunications Decree No.79 paving the way for the full deregulation of the international call market. This also affects internet services as FINTEL has held the international gateway.

While, a restructuring of international calls costs is not expected too soon, mobile phone



A monopoly no more ... FINTEL's Earth Station at its Vatuwaqa Communications Centre (VCC).

operator Vodafone has already bypassed Telecom Fiji's system to directly hook up through FINTEL. This led to a 29 cents per minute international call rate promotion advertised by Vodafone Fiji. The Council is yet to observe any immediate changes to international call prices, particularly from fixed (landline) customers considering the necessary initial infrastructure investment for new players.

However, the Council expects mobile phone operators to hook directly to an international telecommunication provider and not through a "middleman" where costs are usually higher.

Connect reaffirms no referral policy

CONNECT had clarified to Council that it is the company's policy not to refer its customers to Telecom Fiji Limited (TFL) when receiving complaints regarding their services. The Council has found that customers are often told by some Connect customer care representatives to lodge queries with TFL regarding connectivity problems that they raise.

The Council believes that Connect has an obligation and the responsibility to deal with its customers' complaints rather than simply directing them to another service provider. Although Connect's internet services (with the exception of wireless) run through TFL's lines, this does not mean that its customers should be directed to contact TFL with their problems. These are Connect customers and the company should respond appropriately and directly to their complaints rather than referring the matter to TFL. It is Connect's responsibility to address complaints from customers rather than referring them to TFL. Even if a connection problem has to do with TFL's system, it is Connect's obligation to address the matter with TFL and not directing its own customers to take on this responsibility. The Council acknowledged Connect's prompt reply to its queries and the action taken to reassure us that its not company policy to refer customers to TFL to address problems with their internet connect.

Telecom price removal disappointing

THE Consumer Council expressed its disappointment with the removal of price control from telecommunications services by the Commerce Commission. The removal means, telecommunication companies will set their own fees and charges for mobile service, landline service and international calls. The Council recommended **price ceiling for basic services such as call charges** (on net & off net calls and calls to landline) and SMS messages, which are commonly used services. The competition then will be within the price cap.

The Council is not too concerned about having a price ceiling for services such as downloading of wallpapers, ring tones and hello tunes as these items are considered as luxury items. The telecommunication sector has opted for controlled competition by restricting the number of players entering in this sector, it is therefore crucial that price control on telecommunication service remain. There is a general agreement in principle that Fiji market cannot sustain too many players.

In that situation Fiji market has not fully opened for competition and therefore price control order must stay to protect consumers. In the landline, service there is no competitor for Telecom Fiji Limited (TFL).

TFL is the only company providing landline service. Objection from the telecommunication players on price control is a worry for a small economy like ours where 40% of our people live below poverty line and the population mark barely touches a million people. The net profit after tax and minority interest for the year ended 31/03/08 recorded by ATH was \$46.1million, which is an increase of \$4.9million from last year. Vodafone and TFL are the major contributors to the sales revenue and net profits recorded by ATH.

These companies made huge profits with price regula-



CONSUMER RESPONSIBILITY

SPAMMING

SPAM email is unsolicited bulk email messages or any undesired emails, normally advertisements, chain mails, etc sent indiscriminately to a large group of people.

Consumers also send out such emails, most often to friends and even people that they do not know.

SPAM email potentially can cause problems through viruses and lag on personal computers and email servers. Consumer responsibility is needed to ensure that unsolicited and undesired emails are not circulated.

Often times these emails can continue misleading information, rumours and other matters that may cause unnecessary alarm and reaction from people.

Consumers need to exercise social concern and ensure that their actions do not harm or convenient others.

tion in place so why remove it?

The Consumer Council has urged the Commerce Commission to regulate mobile termination prices as many consumers are unfairly losing money during call termination.

The Council is recommending that the competition watchdog should follow the lead of its New Zealand counterpart which had recommended the regulation of wholesale mobile termination prices. The NZ Commerce Commission had told NZ media that regulation would bring down retail charges, which consumers have had to bear.

Mobile termination prices are wholesale charges mobile phone companies charge each other for terminating calls from another network. Mobile phone companies pass on these charges to consumers.

For instance, when a Digicel customer calls a Vodafone number and the call is terminated because the number is unavailable (phone off or not answered), he or she is still charged 50 cents. Vodafone by default has a 20-second window within which a customer is allowed to terminate call without being charged, while Digicel does not have this facility.

Consumers hanging up on new mobile phones

Voice of America News - Mobile phones sales are the latest victim of the global recession. Nokia, the world's biggest maker of mobile phones, saw its earnings plunge 66 percent for the three months ending in June, compared to the same time last year.

Sales of Nokia mobile phones fell 25 percent during that time, and officials say they expect global demand for mobile phones will continue to shrink. The Finnish company says it is trying to counter the trend by producing phones that offer a variety of applications.

Rival Sony Ericsson is also being hit hard. The world's fifth largest mobile phone maker posted a fourth consecutive quarterly loss, with sales slipping 40 percent.

Industry analysts say many consumers, in both advanced and developing countries, are keeping their old phones longer. The global recession has been especially difficult for many technology companies.

New Zealand looks to regulate mobile termination fees

JUNE 30 (*Bloomberg*) - New Zealand regulators have asked that the government set fees that its fixed line service provider, Telecom Corporation and Vodafone NZ charge other networks for calling their mobile-phone networks.

Current mobile-termination fees are significantly above cost, making it more expensive for retail customers and possibly preventing entrants to the mobile market, the Commerce Commission said in a preliminary determination following an investigation which began in November 2008.

"Where wholesale services are priced at cost, consumers are expected to benefit from the resulting increase in competition which in turn should lead to lower retail prices," the commission said.

Risky deals with car dealers

CONSUMERS intent on forking out large down payments or deposits to car dealers in a pre-purchase deal should think twice.

The Council had come across a number of complaints from consumers who have been forced by car dealers to forfeit their deposits in part or whole after being unsuccessful in securing the bank loan to finance their purchase.

Such incidents are more prevalent in the current economic times where banks are reluctant to finance loans.

A particular case involved a consumer who deposited \$4000 in cash for a second-hand vehicle he was intent on buying through a bank loan.

He was, however, unsuccessful in securing the full loan amount of \$12,000 from his bank.

The car dealer used this opportunity to refuse refund to the customer of his full deposit, claiming that the car had been in his (dealer's) garage for a month and that some repair work had been done in lieu of the sale to the consumer.

Further, the receipt issued to the consumer annotated in fine print had a disclaimer stating "deposit non-refundable". The Council found this to be very dubious on the part of the car dealer, however, the customer shared equal responsibility for resting his hopes on a bank loan and parting with a large amount of cash in advance.

Consumers must take necessary precautions and seek as much information as they can before entering into such deals. While the Consumer Credit Act is of some help, where traders of such nature should not think that they can bag the whole amount as the law requires that reasonable cost of repairs and/or any loss incurred should be deducted from the deposit and remaining money must be returned to the consumer.

The Department of Fair Trading and Consumer Affairs enforces and regulates this piece of law and consumers can



seek remedy from them if they find themselves in the situation.

The Council advises consumers not to pay large deposits for vehicles while waiting for or anticipating a bank loan to complete the purchase.

This is very risky particularly during the current post-devaluation environment where retail customers have difficulty in securing loans.

ADVICE

- Don't pay large deposits while anticipating a bank loan
- If deposits are paid, get a written agreement with the dealer
- Seek help from the Consumer Council if you are not sure

Top 10 most re-occurring complaints, January - June 2009

	ISSUES	NO. OF CASES REGISTERED
1.	Landlord Tenancy	97
2.	Electronic goods	63
3.	Mobile Services	49
4.	Groceries	42
5.	FEA	36
6.	Telecom	25
7.	Banks & other financial institutions	21
8.	Hire purchase/lay by	21
9.	Airline Services	17
10.	Hardware	17

Complaints registered: January – June 2009

DETAILS & ACTION TAKEN	CENTRES			
	SUVA	LAUTOKA	LABASA	TOTAL
Total of received and registered complaints	371	203	110	684
Complaints resolved and closed through Mediation	259	126	68	453
Referred and assisted for Small Claims Tribunal	27	25	10	62
Referred to other authorities	25	33	9	67
Weak cases	4	3	3	10
Advice (not registered)	133	140	74	347
Pending cases	56	16	20	92
Pending cases from previous Quarter that were resolved	39	13	8	60
Total number of cases (including pending cases) resolved	298	139	76	513

How to complain successfully

YOU may feel dissatisfied about some newly bought but defective product, or unhappy with some badly performed service. But before you rush back to the shop to complain, ask yourself the following:

- What precisely are you complaining about? It has to be something specific that you can spell out.
- Is it really not your fault? Are you sure you followed the instructions listed?
- Do you have any evidence?
- Is the law on your side? If you are still unsure, check with the Department of Fair Trading & Consumer Affairs or the Consumer Council of Fiji.

If you can answer "Yes" to all the above questions, then you can proceed.

What are the steps to take?

- Gather all the relevant facts and evidence about your complaint: when, why and how the complaint came about. Evidence could include a receipt, an invoice, a bill etc. If you have witnesses, get their names and addresses. If your complaint involves the neighbourhood, you could get the neighbours involved.
- Complain as soon as possible. If you delay, you might lose some of your rights.
- Follow the proper procedure. Try to find out first the proper procedure for your particular problem. By complaining to the wrong authority or body or even someone too senior, for example, you may find your complaint ignored or misdirected.
- It is best to start by complaining to the shop where you bought the goods and if the shop manager does not have the authority to give your refund, then he/she will contact his head office.
- Record all your verbal complaints: Make sure you keep a record of what was said, as well as the date and time, the name and designation of the person you spoke to.
- Take the faulty item with you, if it

Problem concerning	The laws that apply
Goods bought on hire purchase	Consumer Credit Act 1999
Residential tenancy	Fair Rents Act
Goods that cannot be used or are not suitable for their purpose	Sales of Goods Act 1980
Insurance policies	Insurance Act
Goods sold below the stated weight	National Trade Measurement Decree 1989
Moneylending	Moneylenders Act
Expiry dates and labelling of food	Food Safety Act 2003 and Regulations
False or misleading statements or descriptions about goods and services	Fair Trading Decree 1992 (and Amendment Act 1998)
Goods sold as inferior, sub-standard, unhealthy, unsafe and poor quality	Trade standards and Quality Control Decree 1992 and the Dumping and Countervailing Duties Act 1998

is easily portable, when you visit the shop. But do not give back the original documents to the seller until your complaint has been satisfactorily dealt with.

- Be persistent: don't take no for an answer, especially if you know you have the law on your side.

There are three ways you can lodge your complaint:

In person

- Take your receipts or proof of purchase with you.
- See the right person at the shop who can handle your complaint – Manager/Supervisor
- Make sure you keep a record of what was said, as well as the date and time, the name and designation of the person you spoke to.
- Stay calm and be polite in your approach.
- Be reasonable in considering an offer.
- If you can't settle your problem in person, follow up your complaint with a letter

By writing an effective letter?

Whether your complaint is about a defective product or an unsatisfactory service, put down the name and address

of the person (if known) or shop which sold the product or provided the service. Include the date you bought or contracted the services supplied, as well as the receipt number.

- Give the specific details of the complaint. Keep to the point and to the relevant facts when you give a brief description of your problem. Avoid personal remarks and insults. If the problem concerns a product, give its exact description, including brand name, model number, serial number, grade, quantity or size, if it is not already mentioned above.
- State the justification for the complaint and, in this case, the redress. State the legal basis of your claim if you can e.g. what you are seeking as compensation or refund.
- Don't send the original receipt. Make photocopies and send these. Include copies of other documents like warranties, hire-purchase agreements.
- State what you want: a replacement, the free repair of a defective item or your money back.
- Give a time limit but set a reasonable deadline.
- Always keep a copy of your letter and a record of the copies of documents accompanying it in case you need to take further action.

No compensation

MR. A lodged a complaint with the Council regarding expenses incurred while travelling with a domestic airline. The complainant had booked to travel to Labasa from Nausori for his son's wedding and was expected to return the same day in the evening for the reception. Unfortunately, on the return flight, the plane developed mechanical problems and Mr A and his family, together with other passengers had no choice but to stay in a hotel until the next day. This meant that the wedding reception was organised and paid for but he family was unable to enjoy and attend the function.

Mr A was eager though that compensation would be provided by the airline company for the reception expenses incurred due to the flight delay, however, the airline was adamant that they have acted fairly, adequately and reasonably and they did not see mechanical problem as poor service delivery.

The airline stated that they were unwilling to compensate Mr A as they mentioned that all stranded families were transported to their destination the next day. They also mentioned that according to the terms and conditions of carriage and policy on disruption handling under Clause 2.5: "Schedules may change without notice". The complainant was advised to seek assistance from Small Claims Tribunal to get compensation for the inconvenience and expenses incurred through the inability to physically attend the reception which was direct result of the airline's inability to transport its passengers on schedule.

CONSUMER ACTION

Consumer Council is maintaining vigilance on the issue of daily flight delays and is pursuing the issue with the domestic airline.

Safety shoe problem

MR. B bought a safety shoe from Cheng's Gift Shop and after 2 days of wearing it, the sole of the shoe came out. He went back to the shop to complain about it but was told to pay an extra \$5 to get a new replacement which he declined. Unhappy with the shop's replacement policy, he sought Council's assistance whereby after mediation a brand new replacement safety boot was given to him.

CONSUMER ACTION

Choose carefully, inspect all items you purchase before completing the deal.

Short life car battery

MR. C bought a car battery from Total Service Station in Sigatoka. After two weeks of use, the battery went dead.

Mr C lodged a complaint with the seller but he was told to go to the supplier, Sunrise Battery in Nadi.

Mr C then approached the supplier but he was told that they were not responsible for what had happened to the battery since they have sold it to the Total Service Station.

After been given a run around for two months, he then approached the Council for help whereby through mediation, Total Service Station agreed to provide a replacement.

TRADER ADVICE

If you are the seller of a product, you are responsible for addressing any complaints from your customers.

Unfair rent increase

MRS D had been renting a flat for more than 5 years when suddenly the landlord decided to increase the rent.

The Council mediated by informing the landlord that he was not allowed to increase the rent as per the PIB directive, which he accepted.

TRADER ADVICE

Rent can only be increased with Prices & Incomes Board approval.

Short-changed at ATM

MR E made a withdrawal from the ATM only to find that he was short a \$100.00. He immediately lodged a dispute claim with his Bank.

The Bank deposited the disputed amount a week later, however the Bank withdrew its deposit upon completion of their investigation.

Mr E sought the Council's help whereby the bank re-credited \$100 to Mr E's account.

FNPF late dead benefit

MRS F lodged a formal complaint with the Council against FNPF regarding the delay in receiving a death benefit cheque from her late

husband's account.

After being given the run around for 3 weeks by the Bank, Council intervened by calling the respondent who stated the cheque was sent.

Council sought verification from the postal agency which denied receiving any registered mail from the Bank.

With Council's intervention, Mrs. F received her death benefit cheque within 2 days of lodging her complaint.

Golden problem

MS G took two 22K gold chains to trade-in at jewellery shop in Lautoka.

The new gold chains she got in exchange of the old one appeared to have different gold links and so she lodged her complaint at the Council.

During mediation, she was given another two gold chains as an exchange which she accepted and she was advised to exercise consumer responsibility when undertaking jewellery trade-ins.

She was advised to check the items carefully before she took them home.

CONSUMER ACTION

Always check items thoroughly before purchasing.

Faulty circular saw

MR. H lodged a complaint with the Council that a circular saw he purchased from Atlas Trading at Marks Street in Suva within the first use was not able to function.

The complainant had returned the item to the store to be given a refund, but, the shop owner maintained that he would repair the item and not provide refund since the machine was used inappropriately or by force. The complainant had agreed to get it repaired.

The case was also referred to Department of Fair Trading & Consumer Affairs as similar complaints against the trader have been registered with the Council in the past as it seems that the trader is in a habit of not issuing warranties and selling defective products with no refund policy in place.

CONSUMER ACTION

Read instructions carefully on mechanical items and ensure that they are used in accordance with these instructions and other specifications.

THE GOOD



DIGICEL



For promptly responding to a complaint on an advertisement on a special promotion for text messages for which the actual was not stated. Complainant was charged \$5 without knowing this actual charge.

Digicel promptly refunded the customer and amendement their advertisements. Again the phone

company positively responded to a customer's complaint on a faulty phone sold by one of Digicel's agents.

After the Council's mediation with Digicel the customer was promptly given a free complimentary phone and \$79 cash of which \$20 was for his running cost



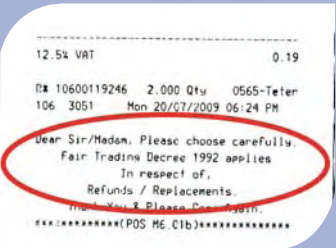
FIJI ELECTRICITY AUTHORITY

For improved customer services and shorter, faster queues at its busy Marlow Street, Suva headquarters.

Council's routine surveillance in June found that customers did not have to wait long to be served and FEA counter staff were very

friendly.

MORRIS HEDSTROM



For promptly putting a friendly reminder to customers to choose items carefully in their receipts – "Please choose carefully, Fair Trading Decree 1992 applies in respect of refunds/replacements."

This came in response to the Department of Fair Trading & Consumer Affair's strengthening of compliance in regards to illegal exclusion notices like 'No Refunds' which appeared in many receipts and invoices.

MH could do better by putting up such notices promptly in their shop check outs for consumers to see.

CJ PATEL

For acting in good faith to resolve packaging confusion on one of their tea products. Some consumers found 'Lakma' brand tea sachets in their 'Royal' tea packaging and complained about the misleading and deceptive packs. Council met with the distribution who promised to remove the product off the shelves.



THE BAD



HANSON'S SUPERMARKET NASINU



Has continuously flouted Fair Trading regulations and compromising consumer safety with the sale of expired food items. Council has identified Hanson's as a repeat offender.

PACIFIC SUN



The now virtual monopoly holder for domestic airline services has become complacent with almost daily delays in services particularly for the busy Nadi-Nausori and Labasa-Nausori routes. The airline also does not bother to

inform customers in a timely of impending delays, but only does this while passengers are already in airport terminal waiting rooms.

AIR PACIFIC



Just like its domestic subsidiary, flight delays are

becoming common with disrupted passengers given a mere meal allowance and overnight accommodation. No compensation is provided to customers who incur personal costs during Air Pacific flight delays.

RAIWAQA BUSES



After the 2008 Naevuevu tragedy in which 12 people lost their lives, this bus operator continues to be involved in mishaps, with a near-fatality on Grantham Road in May. A Raiwaqa bus, which LTA confirmed as having braking and steering problems, hit a

19-year-old student who was walking along the road.

Interoperability

**Does it fit? Will it work?
Can standards help?**

A COPOLCO (Committee on Consumer Policy of the International Organization for Standardization (ISO) workshop was held on May 21st in New Delhi, India looking at the issue of interoperability. This workshop was part of larger ISO/COPOLCO Workshop and Plenary in the Indian capital on 25-29 May. Consumer Council of Fiji chief executive Mrs Premila Kumar attended the week-long event.

The workshop on the 21st May title 'Interoperability – does it fit, will it work and can standards help?' inaugurated by Mr Y S Bhawe, Secretary in India's Department of Consumer Affairs.

The workshop organised by the Bureau of Indian Standards looked at how international standards could help achieve consumer expectations in terms of cost savings, longer product life, greater convenience and reduced waste by having compatible products.

Mrs Jai Ok Kim, chair of ISO/COPOLCO emphasized in her opening speech the current gaps in interoperability of products such as sockets, plugs, charges and batteries.

Safeguarding the consumer interests through standards, is one of the main aims of COPOLCO which is one of the three policy committees of the International



The COPOLCO Workshop on Interoperability discussed how consensus-based international standards could help consumer needs for interoperability of goods and services. For example standards on phone chargers and laptop power cords, whereby consumers do not have to buy separate phone chargers, but be able to use other chargers to charge their phones.

Organisation for Standardisation (ISO).

Presenters addressed the challenges posed by market barriers and intellectual property, which can contribute to the proliferation of incompatible models. And expert from India that there was a trend for consumer to simply "adjust and make do" when interoperability is lacking, and the result is money spent less wisely, lost product and lost goodwill.

COPOLCO works for consumer participation in standards making, promoting the positive role of standards in consumer protection and encouraging the exchange of experience on standards work of consumer interest.

Meanwhile, in a major achievement for the Consumer Council, Mrs Kumar was appointed as Secretary of the Developing Countries COPOLCO Group (DCCG) for a year.

Copyright laws disadvantage consumers: CI

CONSUMERS International (CI) in April released the results of its inaugural Intellectual Property (IP) Watch list: a global snapshot of how national IP and copyright laws serve or subvert consumer interests.

The Watch list of IP laws in 16 countries demonstrates that copyright legislation in transitional economies such as India, South Korea and Indonesia were amongst the most favourable to consumers.

The United Kingdom came bottom of the Watch list because of an almost total lack of consumer flexibility, despite a 500 year history of copyright legislation.

The Watch list shows that consumers in the US enjoy a relatively liberal copyright regime that allows for 'fair use' of copyrighted material. But special interests in the U.S. are pushing to eliminate that same openness and flexibility for consumers around the world.

By highlighting this hypocrisy through the release of the IP Watch list, CI hopes the Obama administration will take this chance to distinguish itself from policies of the past. In May, the US govern-

INFO

Consumers International (CI) is the independent global campaigning voice for consumers. It is a 220- member organisation in 115 countries. The Consumer Council of Fiji is a member of Consumers International.

ment will publish its own review of international copyright legislation, the '301 report'.

To date, this has been heavily influenced by corporate lobbyists pushing for stricter copyright laws around the world.

CI's IP Watch list is an effort to demonstrate where and how copyright law can work better for consumers.

Jeremy Malcolm, CI IP programme coordinator said: "Fair use in US copyright law has contributed an estimated \$4.5 trillion to the US economy, by allowing the use of copyrighted ma-

terial by educational institutions, Internet innovators, and sellers of devices like the iPod and TiVo. Yet the US government is actively stopping other countries from having the same opportunities. CI wants to see an end to this hypocrisy."

The Watch list also reveals that, in addition to US pressure for stricter laws, the IP legislation in the majority of the countries surveyed is still designed for 20th Century copyright issues. It does not take account of the new ways in which content is created and consumed in the Internet Age, such as blogs, online video sharing, wiki entries, mashups, remixes and more.

According to CI IP programme coordinator *Internet Age, consumers are creators as well as users of content. Existing copyright laws are from a bygone era that goes against the prevailing environment of creativity and sharing.*

"Good IP law should not be about strict copyright protection as one small group of special interests demands, but about fair and open access that contributes to innovation broadly, and a vibrant and prosperous public domain. That's why we're calling for 'fair use' copyright laws to be extended around the world."

Food Safety law, regulation in force

THE Food Safety Act 2003 and the Food Safety Regulations 2009 are in force, and have replaced the outdated and ineffective Pure Food Act.

While the food safety regulations came into effect on June 5th, food producers, traders and retailers have until October 14th for full compliance, although the Food Control Unit at the Ministry of Health will deal with issues on a case by case basis.

This period is to allow the traders to understand the regulations and make necessary changes to their food labelling practices. The Act and Regulations are designed to protect consumers against deceptive information/labelling; and unaccepted and poor quality food.

The regulation establishes minimum standards on food products, where these are pro-

duced and processed in Fiji for domestic consumption or export, or food imported into the country. The Food Safety Regulations 2009 will scrutinize and also supervise standards practiced at all levels and spheres, where food is either;

- offered for immediate consumption, whether in restaurants, canteens, schools, parks, hospitals and similar institutions such as mobile or temporary vendors;
- sold in whatever form;
- produced and/or processed; and
- packaged or canned with proper identification on its nature, nutritional properties,
- origin, processing composition or any other quality.



The Food and Nutrition Policy for schools requires that all schools provide nutritious foods and drinks in the school premises and to establish their own food policies to be in line with the Nutrition Policy for Schools.

FACT

The standard of nutrition in schools has been assessed through a number of surveys and found that:

- 60% of students surveyed were below levels required for good health
- Children spend a great deal of their lives at schools so there is a need to ensure that foods and drinks available at school are healthy options
- 57% of students get food for recess through school canteens
- 43% missed eating at recess and 33% missed lunch
- 22% of students in schools were obese
- 75% reported drinking sugary drinks-2 or more days/week
- Only 51% said their schools encouraged their students to make healthy food choices
- Only 16% rated food and drink choices in school canteens as mostly healthy
- 9% ate 4 serves of fruit/day
- 65% of our Fijian boarding schools provide poor quality dhal dishes for students twice a day, five to six days a week

Source: Ministry of Education, Food & Nutrition Policy for Schools

Food, nutrition policy for schools implemented

THE Ministry of Education has introduced the Food and Nutrition Policy for schools.

The Ministry has urged school authorities to implement the policy. A Ministry statement said: "The changing health scenery in our schools and society demands that those who are closely involved with the education and health of children and

society in general must review and adjust the school curriculum to cope with the changing health and lifestyle situation."

The policy objectives are:

- To create an enabling environment in schools for: "healthy food choices: the only choice for all"

- To incorporate nutrition in the curriculum for all levels of formal and non-formal education
- To ensure that food security is promoted and practiced at all levels of education
- To improve and maintain all aspects of food quality and safety.

FEA loan burden is not for consumers to bear

THE Consumer Council is concerned that recent comments in the media by the head of the Fiji Electricity Authority (FEA), hinted at a possible call for an increase in electricity charges.

FEA, chief executive officer, Mr Has-mukh Patel had simultaneously raised the issue of fuel surcharges in the media in May by making reference to the authority's Chinese Development Bank repayment difficulties during the post-devaluation period.

It appeared that Mr. Patel's pronouncements were subtly implying that FEA's repay-

ment difficulties was putting it in a position that may favour re-applying for fuel surcharges.

The Commerce Commission had abolished the fuel surcharge mechanism on March 11, 2009 based on FEA's decreasing fuel costs and the improvement of the water level at the Monasavu Dam. Mr Patel said that FEA has stopped imposing the fuel surcharge.

As a matter of fact, it was through Commerce Commission's regulatory powers that rescinded the surcharge, not FEA.

● *Continued on page 12*

INFO

What's interoperability?

Interoperability affects many subjects of major concern to consumers, including delivery of health care services, and a wide range of consumer goods. Common household appliances, mobile phones and other electronic goods are just some examples.

The issue involves both compatibility of spare parts, accessories and components among different models of one product line, and those of different product lines and brands. Even service areas such as insurance and banking now face problems with interoperability, notably in transparency of information and service delivery.

Consumers value interchangeability of components and software, a fair price in a competitive market, access to information and therefore the full range of goods and services. However, there may not always be compatible with market pressures. Protection of intellectual property may lead to a proliferation of different compatible models. High research and development costs will put pressure on prices of some goods, severely limiting access, especially for poor consumers.

Proprietary solutions can lead to anticompetitive behaviour, poor interoperability and seriously restricted consumer choice and convenience.

Can standards, which have often provided consensus-based, internationally agreed technical solutions to common problems, help meet consumers needs for interoperability? What are these needs, and which standards are relevant? Can standards help achieve consumers' expectation for products in terms of cost savings, longer product life, greater convenience and reduced waste, within a competitive business environment?

(ISO COPOLCO, May 2009)

Public transportation critically needs random checks for consumer safety

THE Consumer Council of Fiji calls on the Land Transport Authority (LTA) not to restrict itself to periodical certification assessment on buses or any other form of public transportation, but make random checks within reason to avoid foreseeable risks and danger that defective vehicles may cause on Fiji's roads.

Consumer safety should not be compromised based on an annual road worthiness certificates issued to public transportations. Regular accidents involving buses and where passengers or pedestrians have either been injured or killed is a sad indictment and reminder of the state of safety of buses on Fiji's roads.

The council believes the LTA should toughen up its stance on bus safety, being the main form of land transportation for the majority of Fiji's people.



A bus gets its punctured tyres changed in a busy intersection in Suva. The Consumer Council is urging the LTA to conduct random checks on buses running on Fiji's roads.

The LTA is requested to conduct more random checks on buses. The checks should not end when buses are certified for road worthiness at the LTA ramp and so, the council welcomes spot checks at the check points. It is critical to have post-certification checks on those buses in op-

eration, particularly if there are visible signs such as excessive smoke emission, physical condition of the bus indicating holes and dents in the body, including any consumer alerts and complaints registered with LTA or other agencies dealing with complaints.

In February,

this year, the LTA reported that 74 buses were written off, with another 59 given a 24-month "phasing out period".

One wonders whether these 59, in the "phasing out" stage are being monitored or randomly checked for safety.

● *Continued on page 12*

Market surveillance keeps trade practices in checks



Some of the products found by the Council's market surveillance team. Left: Fungus-like material on top end and seal of a juice packet. Right: Torn labelling on a food product.

THE Consumer Council conducts monthly market surveillance on supermarkets primarily to address concerns and, or complaints lodged by consumers and members of the public regarding the quality and safety

of food and non-food products.

During its market surveillance in the past few months, the Council came across several instances where some supermarkets around the country were found to be in breach of

consumer protection laws such as the Fair Trading Decree and Food Safety Regulations 2009.

The offending supermarkets were found to be: selling expired products, products with incorrect labeling, dented,

rusty and expired canned products. Some were found selling rotten vegetables, products like sugar with worn-out packaging. Council staff also found a seal of fruit juice having fungus-like material on them.

FEA loan burden is not for consumers to bear

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FEA's US\$150 million loan repayment difficulty is a matter of its own doing and the Consumer Council does not expect this to be passed down to consumers via some newly introduced 'fuel surcharge' or other levies.

As conventional business practice dictates, a loan of such magnitude would have been procured under proper financial planning and expenditure forecasts that recognised factors like fuel price volatility, devaluation, inflation, etc.

Why should consumers be made to bear the burden of a \$US150 million loan repayment? And, why was the FEA making references to 'fuel surcharge' when the matter it has raised has to do with the loan repayment, not the price of fuel. Although this is yet to be seen, the Council is also worried that the recent announcement by PIB in rise of fuel prices domestically maybe be latter used by FEA's to seek increase in electricity bills although

this time they are forewarning the consumers that the devaluation is adversely impacting the operations of FEA and not the fuel.

Why can't FEA put in place proper cost-cutting strategies as Minister of Utilities has announced last week to reduce 50 per cent of its own overheads? Reduce wastage of resource such as vehicles use by staff after 5pm and recreate a new FEA to handle global and local adverse situations and stop passing such burdens onto consumers through levies and charges.

Furthermore, the Council is calling on the Commerce Commission, that should it receive an application from the FEA for an increase in electricity charges, this should be through wide public consultation. The process should also be transparent, whereby there is burden of presenting proof rests on the FEA. Even if there is a justifiable 'fuel surcharge' it should be strictly limited to the devaluation impact on FEA's fuel costs and not on its US\$150m loan.

CONSUMER ADVICE

Avoid supermarkets that sell expired products, or items with incorrect labelling and dented or rusty cans. It's most likely they will repeat this unscrupulous trading practice.

TRADER ADVICE

Adhere to fair trading and health/safety regulations. The Council makes regular checks on your products and business practices.

Public transportation critically needs random checks for consumer safety

• From page 11

Perhaps, the LTA should give the travelling public some indication of the condition of these retiring buses. Furthermore, recent bus accidents where innocent pedestrians have been hit suggests that it is not passengers along who are at risk.

The problem is a very public one that warrants some firm action from the LTA and other authorities.

Whilst the council applauds LTA vigilant step up on the protection of consumers using public transport, they are still empowered to maintain safety throughout the one-year period after issuing certificates. Let us not wait for fatal or near-fatal incidents or accidents to occur before taking action.

Lami kids get a dose of consumer rights

PRIMARY school pupils in the Lami municipal area, outside Suva had the opportunity to learn about their consumer rights and how the Consumer Council promotes those rights in June.

In partnership with the Lami Town Council, the Campaigns Information & Media (CIM) Division embarked on a series of school visits for schools in the area from Delainavesi to Veisari along the Queens Road.

The schools which mainly catered for residents in the Lami municipality, were delighted with the visits and the information gathered.

An important component of the visits was the showing of the Council's World Consumer Rights Day 2009 DVD 'Say No to Junk Foods; Making Parents Responsible, which among other issues gave some alarming statistics about



Pupils of Seventh Day Adventist Primary School in Lami with information brochures provided by the Council during the school visit.

child nutrition and Fiji's child obesity problems.

Lami Town Council's health inspector Ms Eseta Leawere was on hand to provide some basic information on school gardening and waste

management for the pupils and their teachers.

CIM staff were able link Ms Leawere's presentation and information to the issue of 'Environmental Awareness' and 'Social Concern'

two important Consumer Responsibilities.

The School Visitation Programme is all part of the Council's efforts to reach out to the country's future consumers. Consumer educa-

tion at the school level is important in promoting better consumerism, through knowledge of the issues and bringing about behavioural changes particularly in food and nutrition.

Council reaches to rural consumers

THE Consumer Council's information and education programme continues to reach out to consumers who either cannot access its services in Suva, Lautoka and Labasa, or are not aware of where to take their complaints to. The Mobile Units, an information booth service, functions as part of the Council's strategy to reach out to consumers and members of the public who are unable to directly access its offices.

Apart from offering information and advice, the Mobile Units is also an avenue for consumers to register complaints or report cases of consumer abuse or unfair trade practices experienced in their local community. The Mobile Units also gives the Council opportunity to visit traders in the vicinity and scrutinise trading practices. This is all part of the market surveillance and monitoring which has become a feature of the Council's efforts to keep tabs on unscrupulous traders.

These 'trader visits' as they are known, is also a way of proactively providing advice to traders on consumer protection laws and fair trading regulations. Mobile Units conducted recently were in Navua, 12th June; Ba Town, 8-9th April; Seaqaqa, Vanua Levu, 8th April; Korovou, Tailevu, 15th May; Ba Town, 11-12th June. Information on upcoming Mobile Units can be sought from Consumer Media Office, Shelvin Prasad on Phone; 3300792 or email: shelvin@consumersfiji.org



Consumer Council staff Tevita Namata (right) lends a hand to an elderly villager at the Korovou Mobile Unit.

Council to revive services for northern consumers

THE Consumer Council is embarking on a programme to revive its Labasa Regional Office and ensure visibility for consumers in the north.

In recognising the inherent problems of isolated communities in terms of awareness, knowledge and access to consumer redress, the Council has decided on a special programme for Labasa, targeting local community groups, traders, consumer protection agencies, government departments and other stakeholders in the northern town.

The Council notes there is high number of consumer complaints and concerns in the northern division that do not reach the attention its Complaints/Mediation services.

The Council hopes that its awareness programmes

WHERE WE ARE IN LABASA



for the remaining months of 2009 will empower consumers in the north to effectively address their concerns regarding unfair prices, unscrupulous/il-

legal trade practices, service delivery and other issues affecting them.

(Right) - The Consumer Council Labasa Regional Office.



Consumer Credit Act

LIFE will soon be better for consumers involved in loans, hire purchases and other credit services, thanks to the implementation of regulations for the Consumer Credit Act. The Act which was passed in 1999 to protect borrowers and guarantors was not fully effective because the regulations were yet to be implemented and the legislation had to be amended to make it work.

The legislation protects consumers who engage in hire purchase, housing loans, contracts dealing with guarantee to name a few. The Council has commended Cabinet for approving the long-awaited Consumer Credit Regulations.

The regulations, passed in

June, come at a crucial point, when consumers are facing hardship under the global economic downturn and the devaluation of the Fiji Dollar.

Consumers facing difficulty in meeting their mortgage payments, hire purchase payments etc due to illness, unemployment or other reasonable cause will be able to amend their payment schedules with their credit providers. If a credit provider is not agreeable to the changes, the debtor may then apply to the court.

The court is permitted to re-open all unjust transactions on the application of a debtor, mortgagor or guarantor.

There is a clear responsibility on the credit provider to

provide pre-contractual disclosure of details to be included in the contract document.

The Council has consistently received a number of complaints from consumers in the following areas, which can now be addressed through the Consumer Credit Act and its Regulations: home loan company charged high interest on the principle amount rather than the defaulting; interest rate unfairly applied on default payments;

Goods on credit such as second hand vehicles sold at a higher price when the consumers could not meet the payment but the credit provider pocketed all the money without deducting his/her expenses and returning the difference to the consumer.

CONSUMER ADVICE

Be aware of the credit regulations and your rights; but also be mindful of your responsibilities in credit transactions.

TRADER ADVICE

Credit providers including retailers providing credit facilities need to be aware of the regulations and avail themselves with all the necessary information.

WHO CAN HELP YOU

THERE are a number of consumer protection agencies established to assist you with your consumer needs. The information provided here is designed to help you understand the roles and legislative (legal) powers of the consumer protection agencies in Fiji.

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

THE CONSUMER COUNCIL OF FIJI

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.

Alternative Dispute Resolution - 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 ongoing 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.

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

Dumping and Countervailing Duties Act 1998

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.

Real Estate Agents Act 2006

This is law has provisions 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

This 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

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.

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.

PRICES and INCOMES BOARD (PIB)

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

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 regu-

● Continued on page 16

THE Consumer Council of Fiji is a statutory body established under the Consumer Council of Fiji Act 1976 (Cap 235).

The Council provides the external pressure as a watchdog. It represents and protects the rights and interests of consumers and in particular the disadvantaged groups, rural poor and women by identifying and articulating the policy issues that are important to consumers.

Consumer Council of Fiji as an advocacy organisation, conducts rigorous research and policy analysis on key consumer issues such as inflation causing price hikes of essential items; poor products and services supplied in the market causing hardship to the poor and so on. The Council's insight into consumer needs is a powerful tool for influencing decision-makers and making change happen. The Council does not respond to policy discussions, but shapes future debate through groundbreaking thinking.

The Council is an open and collaborative organisa-

WHO WE ARE?



CONSUMER COUNCIL OF FIJI

tion, which seeks to work with public service providers, businesses and regulators. The Council is then expected to play a proactive role in achieving a market place where consumers are well informed, confident and protected from unlawful, deceptive, misleading or otherwise, objectionable practices.

The Council has four core divisions: Campaigns, Information and Media Division; Alternative Dispute Resolution (ADR) and Consumer Advisory Division; Research and Policy Analysis; and Administration, Human Resource & Project

Management Division.

The main objectives of the Council are:

- To equip communities, groups, rural poor men and women, school children, etc with knowledge and insight into the conditions of being a consumer in a complex, multi-faceted society by providing basic knowledge in layman's language in areas such as rights and responsibilities, consumer legislation, personal finances, economics, advertising and persuasion, pricing and quality, warranty/guarantee, back up service, lay bys, hire purchase and utilities and service providers, etc;

- To carry out on-going research on key consumer issues and consumer protection legislations with the aim of safeguarding and protecting consumer interests by bringing about necessary policy change, if necessary; and

- To assist consumers in resolving complaints through conciliation/mediation and/or other ADR processes in the market place; provide advisory services and legal representation, if necessary.

WHO CAN HELP YOU

● From page 15

lated 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

REDRESS MECHANISM

If complaints are not addressed by any of these agencies effectively, then consumers may lodge a claim not exceeding \$5000 to Small Claims Tribunal.



CONSUMER WATCH is newsletter of the Consumer Council of Fiji, published to create awareness, education and inform the public on consumer issues.

The articles and views of Council expressed in the newsletter are intended purely to: bring to the fore issues affecting consumers; provoke debate and dialogue for the improvement of consumer right in Fiji and; empower consumers.

All views and opinions in each article are those of the Council unless otherwise expressly stated.. The Council takes due care to ensure that articles and our comments are properly researched and are not libellous, discriminatory or designed to embarrass or bring disrepute to any individual, group or business entity. For comments and enquiries contact:

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