The Council believes that bus and taxi operators should show more initiative by renewing their fleets of vehicles. These, after all, are their business!

The continued drop in world fuel prices since July 2014 has enabled the Fiji Commerce Commission to use the quarterly fuel price reviews to drop local fuel prices considerably as well. This reduction represents an appreciable gain for bus and taxi operators, for whom fuel is the principal overhead cost.

In the last 12 months, world fuel prices have dropped by up to 50% (Brent Crude and WTI Crude). In May, the price of crude oil (Brent) was below US$70/barrel. In early March this year through to mid-April, the price went below US$60. In Fiji, bus and taxi operators have been enjoying lower fuel costs in the past 12 months. The local retail prices of motor spirit and diesel dropped by 28% and 29% respectively (the latest FCC price review was on 11 April 2015).

Between 19 December 2014 and 11 April 2015 fuel prices have shown a massive drop, benefiting bus and taxi operators. Motor spirit dropped by 41% and diesel by 34%.

Over the years, Government has also provided a lot of assistance through tax concessions to bus operators. For example, in the past the industry enjoyed tyre concessions and 18c/litre fuel concession.

In 2011 the Government removed VAT from bus fares; however there was no adjustment to the fares and bus operators were able to add more revenue by pocketing the VAT earnings. In 2013, the Government imposed 2 cents per litre ‘Green Tax’ on diesel, but bus operators are allowed to claim this back as rebate. Currently, new bus chassis fitted with engines for bus body building purposes and new bus engines for replacement of old buses are all duty free. Fiscal duty on identifiable bus fixtures and components is only 5%. E-ticketing machines are also duty free.

The reduction in fuel price and all these duty concessions Government has given to bus operators are intended to help them renew their fleets. That would mean a safer, more comfortable ride for all.

If this is rightly regarded as an investment in the future then clearly this is the way to go.

This, however, is not happening throughout the industry. It is noticeable that only a few operators are seeing the sense in investing in new fleets or refurbishing their old buses. Some operators continue to run their derelict buses into the ground and are holding on to routes that could be better serviced by more efficient operators.

Continued on page 2
Bothered to invest in new buses, their fleet. Operators who have not responded positively to the Authority to undertake a review of all bus operators to see which ones are not interested in playing their part in fulfilling Government’s policies of better transportation for all Fijians. Some unscrupulous operators are not uncommon, suggesting that bus breakdowns and poor service are announced. All old stock should be sold at old prices reflecting the old duty rates. This tightening of the legislation was long overdue; consumers have in the past suffered at the hands of some unscrupulous businesses who, in the name of smart business practice, were indulging in unethical profiteering. Another high-point achievement for the Council has been the commencement of the drafting of a Consumer Protection Bill, which once passed will provide prompt and inexpensive relief to Fiji’s consumers. This is overwhelming news of relief, as consumers will be able to have their disputes resolved in a timely manner without going through the courts.

Government’s decision to extend rent freeze, for another year (ending on 31 December 2015), on residential property was also welcome news to the Council, given the high number of landlord-tenancy cases filed with us year in and year out. From 2012 to 30 April 2015, we received 617 landlord-tenancy complaints, most of which we have managed to resolve through mediation. Many more residential tenants sought our services for advice, not wanting to lodge complaints because of fear of victimisation by their landlords.

So, rent freeze will protect consumers from unreasonable rent hikes, an essential safeguard for the many Fijian consumers for whom access to decent but low-cost housing is still a struggle. With such a policy to control residential rent hikes, many consumers can breathe a sigh of relief that they don’t have to scrounge around for extra money for rent.

The 2015 World Consumer Rights Day kept the Council abuzz with its theme, Consumers’ Rights to Healthy Food, a stimulating and engaging call for the Food Industry and the Government representatives, to pave a way forward to fight the increasing NCD crisis, which is costing us dearly not just in money but in lives as well. The opportunity was also used to look closely at the difficulties consumers face in reading and understanding food labels. The Council demands that the country’s Food Industry must support and work towards implementation of Health Star Rating, a new food labelling system where food with more stars signifies better nutritional value. Our consumers deserve and need access to accurate, clearer and interpretive information as a basis for making informed decisions while buying food at retail outlets.

Amidst these exhilarating times, it was business as usual when it came to complaints, research and advocacy work. We also succeeded in launching a second brochure on our Debt Management and Consumer Credit Advisory Services, which presented ‘real life’ experiences of three very courageous consumers. The brochure carried their tales of struggles, despair and journey to becoming debt-free by the help of their determination and the Council’s Debt Management Service. We express our gratitude to the European Union and the Australian aid agency, Australian Government for their support. The brochure was launched by Mr Johnny Engell-Hansen, Chargé d’Affaires, Delegation of the European Union for the Pacific.

Sadly, the Council continues to receive complaints from consumers regarding unsatisfactory products and services. We have recorded a total of 664 complaints in the first five months of this year, with a monetary value of $1,485,838.55.

The Council is delighted that consumers are now paying less for cooking gas, as this issue has been very close to our heart. We welcome the reduction in the fuel prices and we are hopeful that the remaining six months of this year will bring more good news for the Fijian consumers!

Thank you
Happy Reading

Premila Kumar
Chief Executive Officer

First Five Months of 2015
The first five months of 2015 have been filled with optimism and challenges, conditions under which we at the Council thrive.

The New Year began on a positive note for the Council and consumers with the State’s announcement of the amendments to the Customs Tariff Act 1986 in a bid to stop any illegal price increases imposed by traders and retailers immediately after Government announcement of an annual national budget.

This exciting news is indeed a triumph for all Fijians, consumers and ethical traders alike, as now government can fine traders and retailers up to $10,000 who act illegally by increasing the price of old stock overnight as soon as new duty rates are announced. All old stock should be sold at old prices reflecting the old duty rates. This tightening of the legislation was long overdue; consumers have in the past suffered at the hands of some unscrupulous businesses who, in the name of smart business practice, were indulging in unethical profiteering.

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Continued from page 1
Bus breakdowns and poor service are not uncommon, suggesting that some unscrupulous operators are not interested in playing their part in fulfilling Government’s policies of better transportation for all Fijians.

The Council is urging the Ministry of Transport and the Land Transport Authority to undertake a review of all bus operators to see which ones have responded positively to the Government incentives by renewing their fleet. Operators who have not bothered to invest in new buses should be taken to task and asked to show why they deserve their route licences.

The same should be done for the taxi industry, as some operators continue to run old worn-out taxis. Good operators who have invested in new vehicles should be commended and deserve to hold onto their licences.

Meanwhile, the Council believes that the downward movement in the world oil price and the drops in the local fuel prices should mean a general reduction in energy costs for consumers and businesses, at least for the time being. Consumers expect that there should be some reduction in the cost of goods and services as well.

We have noted that whenever local fuel and world oil prices increase, businesses raise the issue of the cost of doing business. Consumers should raise similar questions about the cost of living when there is a decrease in energy costs.

Happy Reading

Premila Kumar
Chief Executive Officer

CONSUMER WATCH JUNE 2015
Network remains an explosive issue with Vodafone Fiji’s mobile users, but it’s not because of excessive speed far from it.

Day in and day out, the Council is receiving complaints and concerns from consumers over Vodafone’s 3G and its newly launched 4G network service. The Council reiterates that Vodafone Fiji owes a better service to all its users, not just hollow promises such as ultra-fast speeds. We have received information from Vodafone Fiji users about cases where connectivity and advertised speeds simply do not match what users actually experience.

Instances include cases where consumers have chosen to downgrade the service after Vodafone Fiji could not deliver 4G speed as advertised. The issue is not simply about speed. It’s about promised speed and actual user experience. Like, ‘What we say is not what you get’.

It’s about the need for more accurate information on service delivery, which is why the Council is calling for a Broadband Disclosure Statement. Any ISP selling products based on speed should guarantee speed, which should be clearly disclosed in advertisements to customers and in customer service contracts.

Consumers signing up to a service need to give their consent for having their personal data processed in order to match what users actually experience.

Estimated billing is one of the most unfair and unjust business practices inflicted on suffering consumers.

WAF and FEA rely on existing but very outdated laws that allow them to estimate the amount of water and electricity that consumers use during a billing cycle (month or quarter) when they are unable to do normal reading.

A recent complaint received by the Council involved a consumer whose consumption went up by a massive 415% when WAF resumed normal reading after two quarters of estimated billing.

In 2014, for two billing cycles (i.e. two quarters), the complainant’s bill was estimated at 60 units (1 unit is 1,000 litres), but in the third quarter a normal reading saw the consumption skyrocket to 309 units. [See table]

The bill shock is unfair to the customer who, like most other consumers, prepares his/her budgets based on anticipated household bills and other daily costs. The estimation system disrupts household budgets and home owners are often unprepared for the exorbitant increase in their bills when a ‘normal’ reading finally happens.

Consumers signing up to a service need to give their consent for having their personal data processed in order to ensure that they understand these terms and that there is no guarantee of 3G, 4G or whatever speeds are being advertised by the ISPs. It is baffling to note that Vodafone continues to advertise 4G and emphasise speed despite all the evidence of inability to deliver on these promises.

It has been running advertisements with phrases like ‘Enyo 3G High Speed Mobile Broadband with Vodafone’. [See: http://www.vodafone.com.fj/pages.cfm/personal/specials-offers/now-with-95-3g-covere-fiji-wide.html]


It says “In a word - Speed. Vodafone 4G provides ultra-fast speeds and this means that you can do more in less time...”

In the best of all possible worlds this may well be true. Meanwhile, where does it leave us here in Fiji? Not delivering on promises very quickly gets to look like something much worse than not promising. Expectations are very quickly inflated by empty promises, and the fall from them is much worse.

Vodafone Fiji, the buck may be your bottom line. We consumers prefer more emphasis on genuine service.

### Billing Cycle Charges Reading Consumption

<table>
<thead>
<tr>
<th>Billing Cycle</th>
<th>Charges</th>
<th>Reading Type</th>
<th>Previous Readings</th>
<th>Present Readings</th>
<th>Consumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 14 – July 14, 2014</td>
<td>$36.04</td>
<td>Estimated</td>
<td>785</td>
<td>945</td>
<td>60</td>
</tr>
<tr>
<td>July 15 – October 15, 2014</td>
<td>$36.00</td>
<td>Estimated</td>
<td>845</td>
<td>905</td>
<td>60</td>
</tr>
<tr>
<td>October 16, 2014 – January 16, 2015</td>
<td>$168.74</td>
<td>Normal</td>
<td>0</td>
<td>309</td>
<td>309</td>
</tr>
</tbody>
</table>

WAF argued that the complainant’s meter “was ceased”, a term it uses to classify meters that have stopped registering consumption. Thus they had to resort to guesstimated reading for the April-July 2014 and July-October 2014 billing quarters. When WAF finally got around to installing a new meter, a ‘normal’ reading boosted the consumption by more than 400%!

WAF was conveniently able to quote Section II of the Water Supply By-Laws, which allows them to make estimated readings for faulty meters. It also quoted the provision in the by-laws laying down that “no question of the accuracy of the meter shall exempt the customer from payment...”

The Council has persistently raised the issue of the unfairness of estimated billing to consumers, in particular the opacity of the actual practices of ‘estimation’ imaginatively employed by WAF and FEA.

The Council is aware of cases where estimated billing has been the method chosen even though access to meters has been provided by home owners. The Council is also questioning why too often there are huge differences between estimated and normal readings.
“You as consumers have an even greater role – you make the choices. Because of this, it is important to make well-thought out choices.”

This was the key message from Minister for Industry, Trade and Tourism Hon. Faiyaz Koya at the 2015 World Consumer Rights Day.

Hon. Koya reminded us that “Life is precious and it needs to be protected”, adding that this government ensures protection for all Fijians through appropriate laws and measures.

Hon. Koya stressed, that beyond the responsibility the government and the business community have towards standards, it is the consumers who make the choices.

“You as consumers have an even greater role – you make the choices. Because of this, it is important to make well-thought out choices. The Government ensures protection for all Fijians through appropriate laws and measures,” he said.

The Minister pointed out that the authorities have done much to ensure that Fijians eat fresh and healthy foods, not least by the promotion of buying and consuming fresh Fiji-grown fruits and vegetables, but also by doing what it can to make imported food affordable.

“This has been evident through various policies such as the reduction of fiscal duty on fruits and vegetables from 32 per cent to five per cent to enable all Fijians to have access to a variety of fruits and vegetables,” Minister Koya said.

He commended all stakeholders, including the business community, for coming together in efforts to combat the worsening scourge of NCDs in Fiji.

Consumers International and World Obesity Federation are calling on the international community to develop a global convention to fight diet-related ill health, similar to the legal framework for tobacco control.

Once these conventions are ratified by the Governments, they will show commitment to introduce a raft of policy measures designed to help consumers make healthier choices and improve nutrition security for everyone.

Measures include placing stricter controls on food marketing, improving the provision of nutrition information, requiring reformulation of unhealthy food products, raising standards for food provided in public institutions and using economic tools to influence consumption patterns.

“Global deaths attributable to obesity and overweight have risen from 2.6 million in 2005 to 3.4 million in 2010, thus intensifying the pressure on governments to take stronger action to tackle the rising epidemic of obesity and consequent chronic disease.

Consumers International Director General, Amanda Long says: “The scale of the impact of unhealthy food on consumer health is comparable to the impact of cigarettes. The food and beverage industry has dragged its feet on meaningful change and governments have felt unable or unwilling to act.

“The only answer remaining for the global community is a framework convention and we urge governments to seriously consider our recommendations for achieving that. If they do not, we risk decades of obstruction from industry and a repeat of the catastrophic global health crisis caused by smoking.”

World Obesity Federation Director of Policy, Dr Tim Lobstein says: “The global prevalence of obesity - defined as a BMI ≥30 - doubled between 1980 and 2008, to 10% of all men worldwide, and 14% of all women.

“That’s 205 million men and 297 million women - more than half a billion obese people. In terms of numbers, the United States has led the way, but they are closely followed by China, Brazil and Mexico.

“These figures show the scale of the problem to be addressed. If obesity was an infectious disease we would have seen billions of dollars being invested in bringing it under control.”
The Council is calling on the diabetes patients to do comparative shopping when buying a sugar testing machine and strips, the two essentials for those living with diabetes to test, monitor and control their blood sugar level.

Consumers should be mindful that testing strips can be more expensive than the machines and that prices vary at different pharmacies.

The Council's call comes following complaints and concerns raised by some consumers over certain unfair practices by some pharmacies in terms of outdated machines and strips not compatible to the machine. As a result, the Council conducted a survey with 20 pharmacies in Suva, Lautoka and Labasa between 4 December 2014 to 9 December 2014.

The survey shows startling results such as some pharmacies importing machines that were being phased out, such as some pharmacies importing machines and strips not compatible to the machine. As a result, the Council conducted a survey with 20 pharmacies in Suva, Lautoka and Labasa between 4 December 2014 to 9 December 2014.

Consumers should be mindful that testing strips can be more expensive than the machines and that prices vary at different pharmacies.

The survey shows that prices of machines ranged from $23 to $103.17, with brands like Accu-chek Performa sold at the Government Pharmacy at the cheapest, for $23 and Performa (Kit) sold at a popular pharmacy for $103.17. The findings also shows that while consumers can buy the machine at a cheaper rate, the compatible strips, on the other hand, were expensive. For example, Accu-chek (Performa) brand machine's price ranges from $2300 to $65.99 but its compatible strips which come in 50 pieces sell between $59.95 to $95.00. Omnitest Plus brand machine is sold from $40 to $52 but a consumer will be paying somewhere between $50 to $59.95 for the compatible strips. For strips, brands such as Codefree and Caresens are popular among diabetes patients, 50 pieces of Codefree is selling at a price range of $33.00 to $49.95 and price for Caresens strips ranged from $32.64 to $44.95 for the same quantity.

The common pack of strips available at the pharmacies was the pack of 50 strips with prices ranging from $32.64 to $92.95. The highest price recorded for 50 strips pack was $92.95 for the Accu-chek Performa brand while the same brand was sold at the Government Pharmacy for $46.50. The Korean-made Caresens brand had the lowest price of $32.64 sold at a Labasa pharmacy for the same number of pieces. Unfortunately, some pharmacies were found selling strips in packs which were nearing expiry dates at the time of the survey.

Consumers can be pragmatic by opting to take advantage of the Government pharmacy where they can buy sugar testing machines and strips at a reasonable price as compared with other players in the local market.

The consumer watchdog is also calling on the State to consider reducing fiscal duty to zero per cent on the two items, in the next budget as these are crucial for diabetes patients. This would assist the consumers in managing diabetes ultimately, easing the pressure on the State in terms of hospitalization.

The Council also stands hopeful that rules and standards will be set to deal with warranty, expiry periods of strips and pharmacies to ensure they have sufficient stock of strips and not dumping outdated machines in the market.

Golden Circle Juice under scrutiny by Hindus in Australia

All products must carry relevant information including use of any secret ingredients which may hurt consumers' religious sentiments.

This call comes from the Council after news of an uproar over a consumer's discovery of traces of beef products and alcohol used in the processing of Golden Circle juice, produced by Heinz Australia. The discovery of traces of beef products and alcohol used in the processing of Golden Circle long-life range was made using a clarifying agent derived from beef and that alcohol based flavours were used across the drinks range.

They further stated that flavours including alcohol based flavours are used across the Golden Circle and Original Juice Co and beef derived gelatine is also used to remove ‘cloudiness’ in its apple juice. However, according to Heinz the final product does not contain gelatin. Given that, gelatine is not stated on the product label as it is used just as a processing aid.

The Council, however, believes that the company should disclose such information as part of their social responsibility so that consumers are in a better position to decide whether to buy the product or not.

Such relevant disclosures are necessary given the different religious sentiments individual consumers have across the globe. And this duty lies with the manufacturers who produce and pack the products.

Fiji’s Food Safety Act and Food Safety Regulations 2009 do require certain religious and cultural sensitivities to be considered when disclosing information regarding food products.
E-ticketing Progress Disappointing

The Council is disappointed that the bus e-ticketing system is not working because the issue of interoperability remains unresolved.

The Council is calling on the e-ticketing providers, Vodafone and Digicel, to make this sorting out of the interoperability an urgent issue.

Interoperability will allow cards to work on all bus e-ticketing consoles whether the card or the machine belongs to Vodafone or Digicel or any other provider.

The Council hopes that the matter will be resolved soon.

E-ticketing has been introduced as one of the means to prevent revenue leakage in the bus industry and to ensure there is transparency in bus operators’ revenue reporting.

A cash system is not secure; it exposes the bus operators to pilferage by unscrupulous or aggrieved bus drivers. This system also lacks transparency; it is difficult to assess exactly how much revenue operators are making. The paper ticketing system has proven over the years to be unworkable; bus drivers mostly tend not to issue tickets and LTA monitoring and enforcement have been weak.

The e-ticketing system will allow government, the LTA and other regulatory agencies to make an accurate assessment of operators’ revenue and financial status without throwing a cloud of suspicion on anyone.

Consumers will also benefit as their taxes will not subsidise the bus sector and the bus fares will not increase on the basis of poor financial performance reported by the bus operators. It is to be hoped that a means can quickly be worked out to make the system live up to its promise.

Questions over consumers’ money as some operators stop e-ticketing

Consumers who have purchased and topped up their Vodafone e-ticketing cards are apprehensive about whether their money will be refunded as some bus operators stop using the system.

The Council has found that many bus operators are no longer using e-ticketing and have moved back to the cash system. Some operators had put up notices advising their passengers that they were discontinuing the use of e-ticketing machines (see photo).

The immediate concern for the Council is that many consumers have paid cash up front on their e-ticketing cards, but they will no longer be able to use the card.

Vodafone and Digicel should refund consumers the money as it was intended for use on the bus e-ticketing system. Consumers who cannot use the cards should get their refund.

Food and beverages, medicine, mascara and even nail polish these items all have expiration dates. Well, so do condoms.

A complaint was filed with the Council against a Lautoka pharmacy on 3 January 2015 for sale of expired condoms.

The complainant had purchased a 20-condom pack from the pharmacy for $16.50. Only after using the second condom he realised that the expiry date on the packet was July 2013.

He immediately took his concern to the Council. The Council contacted the pharmacy. Since the complainant was understandably upset about possible consequences of using an expired item.

The abashed pharmacy offered to refund the amount paid but the complainant declined the offer, saying he must be compensated with a bigger amount given that he and his partner were put at a greater risk of falling pregnant.

Since our mediation did not succeed, the matter is now before the Fiji Commerce Commission.

Your rights

Right to redress – consumers have the right to be compensated for selling expired goods which are not of merchantable quality. The item was of improper quality since it had expired. Hence, the customer has a right to be compensated.

Your responsibilities

Critical awareness – consumer should have at least inspected the product and checked for the expiry date before buying.

Action – consumers must highlight such incidents because the laws exist to protect their interests.

Council’s advice

The Council calls on pharmacies to be vigilant as they are dealing with items that can have serious health implications. All products should be thoroughly checked for expiry to ensure consumers get the best value for their money. Consumers are also advised to check a product carefully before buying or using.
The Fiji Government, in its 2013 and 2014 Budget, articulated its commitment to the setting up of a Consumer Complaints and Compensation Tribunal for Fiji. At that time and since, the Council has frequently expressed its delight with the government’s initiative in moving to establish such a consumer tribunal.

The necessary work has now commenced with the drafting of the Consumer Protection Bill, which once passed, will provide prompt and inexpensive relief to consumers in Fiji.

Presently, consumers have access to Small Claims Tribunals (SCTs) for grievances against traders and service providers for claims not exceeding $5000. These SCTs, though, are not empowered to handle consumer complaints against unfair and restrictive trade practices (UTPs and RTPs) or claims exceeding $5000. It is good to know that progress continues on the technicalities of crafting measures to plug this unfortunate gap in consumer-protective provisions.

Fiji Commerce Commission (FCC) is another institution that is not at present adequately empowered to restrain any person from adopting any RTP or UTP or to enforce discontinuation of any RTP or UTP. This serious omission renders the Commission powerless and consumers helpless.

To proceed against any RTPs or UTPs, FCC has to approach the competent court. During this period, considerable time is lost and the losses consumers suffer during such period can be heavy, even unascertainable. If future compensation has to be made for them.

In 2010, with funding the European Union provided to the Consumer Council of Fiji, the Council reviewed ten existing Consumer Protection Laws. The review’s recommendation of the establishment of a Consumer Tribunal for Fiji has provided the starting line for the endeavour.

Rapid advancement in technology has resulted in complex innovative consumer transactions in the marketplace. An inevitable result is that traditional dispute redressal systems have become outdated. Fiji’s Court system is fraught with procedural delays and complexities. No simple, effective and speedy mechanism exists in the present judicial dispensation that will force the offender to compensate consumers for injuries or losses they have suffered.

Aggrieved consumers seeking redress have to go through the civil court, which are generally complex, time consuming and costly. Inordinate delays coupled with high costs may at the very least discourage consumers from taking up their grievances.

Unfortunately, then, the biggest beneficiaries of a complex and costly legal system are the traders and service providers, the very ones whose business practices are responsible for the consumers’ sense of grievance.

For these reasons, courts are always looked at as a means of last resort. Civil Procedure Codes and the Evidence Act make it difficult for consumers to institute legal proceedings. It is precisely this helplessness of consumers that drives them to explore other ways and seek other avenues to get speedy and inexpensive justice. No more does the Fiji Commerce Commission Decree provide a simple, speedy and efficacious remedy for claiming compensation if the consumer suffers losses. Section 146 of the Decree does provide for damages, which need to go through civil court. The Decree provides for compensation to consumers under Part B, which deals with ‘Conditions and Warranties in Consumer Transactions’. However, here too, the Decree requires the consumers to approach the court of competent jurisdiction.

All these systemic weaknesses establish the case for setting up a complaints and compensation tribunal. The jurisdiction being engineered for such a tribunal will be to hear and determine any civil proceedings relating to:

a. goods and services
b. third party insurance claims
c. complaints relating to financial institutions
d. complaints referred by the Consumer Council
e. complaints referred by the Council on behalf of a complainant
f. complaints lodged by a complainant

The primary function of the Tribunal will be to bring parties to a dispute to an agreed settlement. However, if the parties do not come to an agreement, then the Tribunal will hear the dispute and make appropriate orders. The foundational principle is to find fair and mutually acceptable settlements, without going through the court system.

The Tribunal will be able to resolve consumer disputes through mediation processes, in a timely manner and with minimal costs. Matters instituted in ‘normal’ courts are not usually resolved through mediatory processes. The civil cases are seen to be clogging the legal system and most matters are not disposed of in a timely manner because of the rigid rules and procedures. The Consumer Tribunal will base its procedures on principles of natural justice rather than strict rules of evidence.

The business community will equally benefit from the Tribunal because unethical action by businesses hurts not only consumers but also legitimate businesses that are genuinely based on ethics and fair play.
5-hour sale!

A tempting advertisement about a “5 hours sale” appeared in The Fiji Times dated 15 January 2015.

The advertisement gives the date, but an important omission is the time for the sale to begin (see picture).

Consumers attracted to the offer did not know when the sale would have started on that day.

The critical question was exactly when would the sale begin? Every race has a starting line!

The trader could have easily started – and ended – the sale at any time they wished and consumers were at risk of paying the normal prices for the products on sale simply because the vital information was withheld.

Consumers want and need information of this kind in order to make informed decisions. Traders organising sale or special promotions must be responsible enough to disclose precisely when such promotions will start and end, particularly when the sale is for 5 hours only!

Traders are also expected to make disclosures on other important conditions that may affect the consumer unfairly. Included might be restrictions on numbers per customer, or quality admissions, or size and other gaps in the range, and so forth.

In this particular case, the business involved acknowledged the reasonableness of the Council’s concerns and gave assurances that future advertisements will contain all the necessary information for the benefit of the consumers.

‘Lowest prices’ claim is not always correct/true

Competition sometimes drives traders to open comparison of their products, services and prices with their competitors’ notices.

Some traders do not hesitate to advertise that they have the best in town. However, these claims are sometimes not entirely true. They are designed to lure unwary customers, not to undergo rigid scrutiny for their veracity as statements of fact.

The Council discovered one such slipper case in Lautoka City in March this year.

A trader who sold computer accessories had a poster advertising a sale on micro SD cards and USB flash drives. The poster unabashedly used the words ‘guaranteed lowest prices’, ‘lowest prices in town’ and ‘unbeatable prices’. The poster also proclaimed ‘100% original’ but failed to disclose what item(s) or brand(s) were ‘100% original’.

The claims were not substantiated, nor were there any disclaimers in the poster.

The Council conducted a snap survey of nearby retailers selling similar products and found one retailer who had lower prices for the same products. They also carried a wide range of brands and types of micro SD cards and USB flash drives, all available there at the time.

The retailer removed the poster after the Council highlighted the issue as an unsubstantiated claim.

The Council came across a similar misleading advertisement a couple of years ago in which an internet service provider made the (unsubstantiated) claim of “best internet deal in town”.

It is always advisable for consumers to check out the truthfulness of such advertisements by doing comparison shopping.

ADVERTISEMENT MONITORING

Looking for the best deal is ‘smart’ shopping. Falling for verifiable lies is just cheapskate.

CONSUMER ALERT

‘FRAUDULENT ACTIONS BY ‘KINGDOM FALEKAU HOMES’

The Council is urging consumers to be cautious about hiring services of the above mentioned business. This business, consisting of 3 business partners, was previously involved in the construction of homes and was operating out of an office based in Davuilevu, Nasinu.

This call comes in light of a complaint received by the Council from a retired consumer who entered into a contract with this company and paid $30,000.00 as down payment for the construction of his home. Till to date, the complainant’s home had only proceeded as far as the foundation stages. The business partners have taken his money but did not complete building the home. They have also not advised the complainant on the measures they will take to compensate him.

Investigations by the Council have revealed that the 3 business partners have closed up office and are now involved in different construction businesses. The 3 business partners have all distanced themselves from providing appropriate redress to the customer.

The Council is urging consumers that have faced a similar situation with the above business to come forward and lodge a formal complaint with the Council.
The Council continues to receive unhappy consumers’ complaints regarding less-than-perfect products and services. For the first four months of 2015 we have recorded a total of 664 complaints with a monetary value of $1,485,838.55.

To date, the total for complaints that have been successfully resolved has reached 477, saving consumers a total $388,285.96 of their money. These figures are inclusive of complaints received from the Council’s 3 regional offices – Suva, Lautoka and Labasa.

Electronic Goods (Home) complaints have the dubious honour of coming out on top with 95 complaints registered at the Council for this period. Complaints in this area mostly spring from issues of product quality. Too often, after a brief honeymoon period products are found to be defective and generally of a poor standard. Consumers continue to face problems of quality cross the range of white goods such as washing machines, stoves fridges, microwaves and blends.

In second place are those received against mobile products, with a total of 65 complaints. Mobile product complaints are inclusive of mobile phones, tablets and phablets and the issues revolve around the quality of these products: cases of products that become defective within a few days of purchase or products that are repaired but after some inconsiderable time, simply stop functioning. Counterfeit products and shoddy brands remain an appreciable part of the marketplace.

We envisage more complainants in these categories in the future as there are currently no standards in place to curb the entry into the country of products of these kinds. Shoddy branded products usually take the lead as those that present consumers with all sorts of after-purchase problems.

The Council has a record of advocating the implementation of proper standards. Indeed, such advocacy has been one of our chief aims since our inception, and we will continue to lobby for the implementation of these standards, urging the regulatory authorities to take the appropriate action and disallow these products from entering the country. Certainly we hope that the insensitivity of our demand based on facts should convince our policy makers that standards are needed to protect consumers.

At third place, the Council received 51 Landlord and Tenancy complaints, with 44 Food and Drinks complaints at fourth place and 32 Hardware complaints coming in at fifth place.

Landlord and Tenancy has long been a complainants’ happy hunting ground, infested with tenant complaints against their landlords for not issuing rent receipts, non-refund of bond money, not providing written agreements, including unfair clauses in the tenancy agreements, providing tenanted premises that are not of proper habitable standard, and so on.

Whilst the Fiji Commerce Commission Self-Regulating Guidelines does provide some measure of assistance by streamlining the rights and responsibilities of both landlord and tenants, it does not seem to have the full desired effect. Perhaps only separate legislation, properly enforced, would prove adequate in curbing the issues that have shown themselves to be such stubborn stayers.

### Monetary Values For Complaints Received From 1st January – 30th April 2015

<table>
<thead>
<tr>
<th>Complaints</th>
<th>Total Dollar Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Cases</td>
<td>$1,485,838.55</td>
</tr>
<tr>
<td>Resolved Cases through Mediation</td>
<td>$388,285.96</td>
</tr>
<tr>
<td>Cases Referred to Small Claims Tribunal</td>
<td>$28,324.00</td>
</tr>
</tbody>
</table>

### Consumer complaints received from 1st January – 30th April 2015

<table>
<thead>
<tr>
<th>Types of Complaints</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>664</td>
</tr>
<tr>
<td>Resolved Cases through Mediation</td>
<td>477</td>
</tr>
<tr>
<td>Cases Referred to Small Claims Tribunal</td>
<td>40</td>
</tr>
<tr>
<td>Cases Referred to Other Authorities</td>
<td>25</td>
</tr>
<tr>
<td>Cases Pending</td>
<td>60</td>
</tr>
</tbody>
</table>

Complaints received in the food and drink category include bad or sour tasting packaged milk, dead insects or foreign objects found in packaged or freshly served food; mouldy bread, maggots and weevils found in flour, expired products, and incorrect packaging. The Council continues to liaise with the Ministry of Health Food Unit to curb issues of this nature and encourages them to take more stern action against perpetrators involved. Consumer health and welfare must always outweigh suppliers’ profits as the primary goal.

In the hardware category, complaints include the unnecessary delay in delivery of items, and products such as boat engines and power tools and equipment rapidly becoming defective.

As the complaints received continue to bring issues to light, the Council continues to mediate with the traders and service providers to provide adequate redress to consumers. Mediation has proven very effective in addressing complaints as it enables all parties affected to come to the table and agree to a way forward, which is a negotiated solution that has better ‘stickability’ because it is agreed to by all parties.

Unfortunately, the Council also comes across unscrupulous traders and service providers who neither comply nor provide redress. The Council refers such instances to the relevant enforcement agencies for further action. It may also issue consumer alerts on traders and service providers who repeatedly engage in unethical and unfair trade practices.

Consumers are encouraged to use the mediation services at the Council, where consumers can come forward and lodge their complaints. This service is provided to consumers free of charge and is readily available at our Suva, Lautoka and Labasa regional offices.

Your problems are our concerns and we look forward to helping you tackle them constructively.
The relatively youthful Debt Management and Consumer Credit Advisory Services section in the Council’s operation is an unsung hero with a solid record and deserves to be better known. This user-friendly unit exists to offer you timely assistance – if you will only take the first step.

Many consumers do continue to take advantage of the free debt management and consumer credit advice facility in 2015, our third year of its operation. So far this year, the Council has been able to assist 20 consumers who have come forward to seek advice on how to manage their debts better, as well as assisting 10 consumers who had faced genuine financial hardship in the restructuring of their accounts. These restructured accounts had a total monetary value of $245,993.72.

The Council has been able to assist many consumers who came forth with their grievances just in time. But the number of items being resold at Hire Purchase repossession dailies and the number of items being resold at Hire Purchase repossession centres prove that many more consumers continue to suffer in silence, even to the extent of losing out on their investment of hard-earned money in items they have purchased or properties they have purchased or invested in.

What clearer indication could there be that consumers face financial difficulties and are in desperate need of assistance?

This is where the Consumer Council can offer support and help to those facing difficulty in meeting their repayments.

Too many consumers are unaware that the Consumer Credit Act 1999 provides for “hardship” situations if they are ill, unemployed or under any other reasonable cause. Consumers can apply to their credit providers for a restructure in their credit contracts where they can negotiate, depending on their holistic circumstances, for a repayment holiday, the reduction of their monthly repayments (by extending the term of their credit contracts) and adjusting their initial payment dates. This is where the Council can step in with three-pronged assistance to consumers by liaising with credit providers on borrowers’ behalf, preparing budgets that are realistic and truly reflective of consumers’ current financial position, and providing proper advice and counselling to consumers amongst other things on how to manage their debt.

Making the task difficult for the Council in trying to gauge the level of indebtedness amongst fellow Fijians is the reluctance of consumers to come forth and reveal most (if any) information relating to their debt. Consumers must realise the necessity to break the barrier of shame, secrecy, or silence, and seek assistance immediately when faced with hardships.

The idiom “the sooner the better” can best express the reason why assistance should be sought as soon as difficulties are faced. By taking the “step in time” you can:

• save yourself stress and frustration
• prevent your account balance from escalating significantly due to the addition of unnecessary fees and charges (such as telephone reminder calls, text message charges and default notice charges) into your account
• prevent visits from a bailiff
• continue to maintain good relationship and credit history with your credit-provider
• continue to maintain a good/clean record on the Data Bureau
• prevent any chance of repossession or recovery action.

The two case studies we provide here give a good comparison of a responsible consumer who had sought assistance at the appropriate time and taken a pro-active approach, as opposed to another not so responsible consumer (who had several credit accounts) who had waited, doing nothing until commencement of recovery action prompted him to seek the Council’s assistance.

**Debt Management Case Study 1**

**Jesse caught up in a financial crisis**

Jesse, a father of two, is the sole bread winner for his family. He and his family resided in a prime location of Suva City, paying a rental of $500 per month.

Unfortunately, due to a dispute at his work place, his employment contract was terminated with effect from 7 July 2014. Out of job, Jesse now had no source of income to cater for his family’s financial needs. By the year’s end, he had exhausted the superannuation funds that he had withdrawn on grounds of unemployment.

However, while Jesse could just cater for his family’s financial needs with these funds, he had ceased making his account repayments for his vehicle loan with Creditor A, personal loan account with Creditor B, and a hire purchase account with Creditor C.

Because the account repayments were not being made adequately, Creditor A issued Jesse with a demand notice while Creditor B had now been written-off as bad debts. Creditor C repossessed his washing machine and other white goods under the hire purchase contract he had entered into.

Jesse, quite distraught at this stage, sought the assistance of the Council. We immediately commenced mediation with all three credit providers. To our dismay, we discovered that Jesse had been defaulting in his repayments with each of his credit providers well before the termination of his employment. In fact, his laxity had extended to the point where his personal loan account with Creditor B had now been written-off as bad debts.

Despite Jesse’s poor account history, the Council was able to negotiate the following avenues to ease his financial burden:

Creditor A – Repayment of $1,000 by mid-January 2015 to reduce the arrears amount of $3184.55 and commencement of normal monthly repayments from the following month.

Creditor B – Reduced monthly repayment from $258.36 down to $100.

Creditor C – Payment of $272 before the end of January 2015 to reduce the arrears amount of $954.16 and the release of the item and commencement of normal repayment of $68 thereof.

At the time of these negotiations, Jesse had finally been able to secure another job and expected to manage to keep up with his newly restructured payment plans the Council negotiated for him.
Nanise was employed under a project whose donor funding would end on 31 December 2014. Nanise was advised verbally by her employers, prior to the end of her contracted period, that the specialised project she was employed under would continue only if the organization could secure further funding. There was also a provision in her contract of employment to that effect.

Nanise, knowing that her employment was insecure and having heard of the Council’s Debt Management programme from her friend, approached the Council a few times to seek advice from us on how she could deal with her mortgage repayments, as she was nearing the end of her employment contract. The Council advised her that she had two options. She could, as provided in the Consumer Credit Act 1999, apply for an account restructuring with her bank on the grounds of hardship as she looked for alternative employment; and/or she could apply for unemployment assistance through the Fiji National Provident Fund to keep up her repayments as she looked for another job.

She advised the Council that unfortunately, given that she was already well above the retirement age she would not be able to apply for the unemployment assistance and that she had already opted for her full pension payout from FNPF years earlier. Her prospects of being re-employed, given her age, were rather slim and her unemployed husband was also a retiree. In addition, one of her sons with his wife and children lived at home with her and were dependent on her. Her three other children were all employed and had homes of their own.

Given her situation, the Council advised her either to try to start her own small business by selling food or any other crafts she could produce or alternatively request her children for some form of assistance. She was keen on the first idea and insisted that requesting her children to assist would be a last resort as she did not want to bother them.

Unfortunately, she had to take assistance from her children to help with her mortgage repayments. Her two daughters were only willing to pay a collective amount of $500 monthly (as opposed to Nanise’s $800.00 monthly repayment) as they had their own personal expenses to meet.

Nanise maintained a good credit record. Her mortgage account was not in arrears and she had a healthy repayment history with her bank. She also had no other debts with any other credit institutions or money lenders. Her main expenses were her monthly utility bills and grocery shopping.

The Council then contacted the bank concerned and requested a restructure of her mortgage loan given the hardship she was currently facing. After continuous deliberations between the Council and the bank concerned and between Nanise and her children, Nanise opted for the following:

1. Nanise agreed to keep her monthly repayments at $800 with the bank so she could reduce her balance quickly. Her daughters would continue to pay the $500 toward her mortgage account as they agreed.

2. Nanise would start her own food selling business and involve her dependent son and his family at home in the venture. This would ensure that her family’s main expenses would be met, i.e. food and utility bills, and also that she could meet her $300 as the balance for her mortgage monthly repayments. Her children would assist in the startup capital for the business and they agreed to trial-run the business for 3–6 months.

3. The bank agreed to the plan and will consider the request to restructure her account and reduce her monthly repayments should the business trial not go according to plan.

Three months after Nanise informed the Council that her catering business is going according to plan. She is able to meet her repayments to the bank along with her other expenses, as per the plan.
Consumers continue to be exposed to food safety risks

Complaints on food issues have remained distressingly high on the list of causes the Council fights for. Indeed, so strong is the impression that complaints on these issues are becoming too common that the Council is wondering whether food manufacturers and retailers have any serious concerns at all about the risks to which they recklessly expose the public.

But if this is a strategic ploy, we will not be cowed. Rather, our resolve is strengthened to protect consumers’ rights, as is our brief. One team’s customers are another team’s consumers. The mutuality of the dependent relationship should never be overwhelmed by the lure of the buck on the bottom line.

From January to March 2015, the Council was inundated with complaints on food safety and quality. However, for all we know this may be only the tip of the iceberg. An unknown number of complaints may not have reached the Council as consumers either just don’t bother to lodge a complaint, thinking it a futile exercise, or just don’t know that avenues are open to them and they can seek redress.

POOR QUALITY MILK
Apart from flour, the Council regularly receives complaints on poor quality locally-manufactured milk products.

Complainants have encountered Rewa Life milk having a sour taste, giving a foul smell or having milk solids settling at the bottom of the packet. There has also been a case of very diluted milk that looked like lightly coloured water.

The Council had also received complaints about Rewa Galaxy flavoured milk. The manufacturer, Fiji Dairy Limited, had to provide replacement products to the complainants.

However, the Council feels that the manufacturer needs to provide compensation instead of only replacements. Giving complainants a few packets of milk is not an adequate compensation because the aggrieved consumers suffer disruption or derailing of their food preparation plans and then have to spend time and money seeking redress.

The Council believes that Fiji’s Food Safety Regulations need to be improved in addition to penalties that are already provided for.

BILE IN CHICKEN LIVER
In January, a consumer found an intact bile sac in a 500g pack of Crest chicken liver. Bile is considered a waste product and can spoil food, or potentially cause sickness.

The manufacturer, Goodman Fielder International (Fiji) Limited, was immediately informed about the incident.

The customer was compensated with a carton (12 x 500g) of Crest chicken liver packs. The Council also advised the company to be more vigilant in its production process to avoid such incidents that are health risks for consumers if consumed.

PLASTIC CANNED MEAT
In March, an assertive consumer was lucky enough to avoid eating canned meat containing a ‘bonus’ piece of plastic pre-packed in it.

The complainant found the piece of plastic in a can of Canterbury corned mutton. The Council raised the matter with the manufacturers – Foods Pacific Limited. As a result, the company compensated the complainant with 48 cans of Canterbury corned mutton.

The Council warned the company that as a food manufacturer it has a responsibility to ensure its production processes are of high quality and that such incidents should not occur in future.

The Council also publicised the matter on its Facebook page (Consumersfiji) to warn consumers about the company’s products.

Consumers are encouraged always to check the contents of any packaged food items before consumption.
A popular Suva retailer of mobile handsets and accessories, Gartile, has been misleading consumers about some of its handsets.

The Council received 5 complaints in the month of April 2015 alone. These claimed that many had purchased handsets and accessories during the retailer’s road show. Most of the handsets were either faulty or had certain functions and applications not working despite the phone being sold as meeting these specifications. The handsets were of inferior quality though most were being passed off as high quality Samsung branded phones.

The retailer sold some of the phones in boxes that had misleading information about the phone’s quality. In one case, the complainant was informed that she was buying a Samsung Mini S5 handset worth $100. However, the Council during its investigation found that it was a counterfeit phone.

The handset carried the branding ‘SAMSUNG’ on its front face; however, when the Council’s team opened the back cover the label on the phone chassis read “VINKO” (see picture).

Furthermore, the box that came with the phone had false and misleading claims: Full HD Super AMOLED, HSPDA 42Mbps, HSUPA 57.6Mbps, 16GHz Quad Core + 1.2GHz Quad Core Processor, and Full HD (1080i) Playback & Recording. These are high-end specifications that would, if genuine, push the cost of the phones to much more than $100.

We found that the phones actually did not meet these specifications.

The Council took the retailer to task for misleading the consumer about the quality of the phone. The Commerce Commission Decree 2010 protects consumers against misleading information. Under this restriction, a trader is not allowed to represent a product as having a particular standard, quality, characteristic or grade that it does not have.

Once again, the Council is reminding all traders, vendors, sellers or whatever that under Section 77 of the Commerce Commission Decree 2010 it is illegal to make false or misleading representation about a particular product or service – any particular product or service. There are no exceptions to prove this rule.

For example, a trader cannot falsely represent goods as being of a particular standard, quality, grade, composition, style or model if they are not, or as having had a particular history or particular previous use that they did not have.
Council Supports Extension of Price Control Orders

The Council has made submissions to the Fiji Commerce Commission (FCC) for the extension of price control for electricity, cement and gas.

The price control or commerce orders give the FCC the legal power or mandate to control or determine prices of certain goods or take other actions pertaining to the supply of goods and services.

Electricity tariffs

The Commerce (Control of Prices for Supply of Electricity and Ancillary Services) Order 2012 that gives the FCC power to control electricity tariffs expired on 24 May 2015. In reviewing the order, the FCC asked for submissions from stakeholders, which must be taken as including consumers – represented by the Consumer Council of Fiji. The Council asked for the order to be extended to allow FCC to continue controlling electricity tariffs.

The Council argued that:

- FEA is still a monopoly and operating as both a provider and regulator of electricity in Fiji
- the Electricity Act Cap 180 gives FEA unprecedented and unchecked powers to the detriment of consumer justice and fairness
- FEA’s trade practices, particularly its billing system, are manifestly not fair to consumers
- FEA is operating in an environment where there is no independent regulator to oversee the billing system and standards peculiar to the business of electricity generation, distribution and sale
- FEA’s profitability has been very positive, from 2011 onwards price regulation has not affected its profits.

The Council also noted that FEA’s bottom line has been helped by the reduction of corporate tax to 20% from 2012. In addition, the marked reduction in the world oil and domestic fuel prices is easing the burden on FEA’s fuel bill.

Cement

The Council called for the extension of the Commerce (Control of Prices for Cement Products) Order 2012, which expires on 21 June 2015.

The Council noted that prices of hardware products and choice in the market have implications for the Government’s national policy of providing affordable housing for all. In order to have affordable housing, materials need to be affordable and fairly priced.

The Council also noted that there is little competition in the market, with only two local cement makers – Pacific Cement Industries Limited (FIL) and Tengy Cement Fiji Limited (TCFL).

The Council noted that the FCC’s price determinations for cement have implications for the Government’s national policy of providing affordable housing for all. In order to have affordable housing, materials need to be affordable and fairly priced.

Gas

The Council lobbied hard for several years to have cooking and auto gas (LPG) brought under price control. This eventuated in August 2012.

The Commerce (Control of Prices for the Supply of LPG in Fiji) Order 2012 expires on 12 July 2015.

The Council called for the Order to be extended indefinitely as a consumer protection measure against unfair pricing practices in the LPG market, which unfortunately were evident prior to price control in 2012.

The Council reiterated that when LPG was not under price control, the two gas companies increased prices even though the international price was dropping. The Council noted that the FCC’s price determinations on LPG had ensured that local retail prices of cooking gas and auto gas changed consistently with movements in the international prices.

The introduction of price control for LPG was one of the major victories of the Council. Since 2006 it had been lobbying persistently for price control of gas and this work culminated in a comprehensive submission to the FCC in 2010. It took two years for the FCC to undertake a market study and determine that there was unfair pricing in the market before releasing the first price determination in August 2012.

The Council strongly believes that the public should not incur costs for reporting faults to WAF. In fact WAF should be absorbing this cost, particularly when it is responsible for the infrastructure. As water is a basic necessity, it is important that these numbers should be toll free and accessible to all. WAF should at least provide toll free numbers for fault reporting and these should be accessible in all the regions.

In December 2014, the Council wrote to WAF asking why these numbers are not toll-free and why there is no short code for Digicel customers. We requested WAF to make the necessary changes to ensure consumers do not incur call costs for reporting faults and do have free and fair access to its customer care centres.

WAF did reply that it will rectify the matter. It is now well over 4 months since the Council raised the matter and the water provider has not taken any positive steps. So is customer care just a lip-service?

Did you know that you actually incur a cost to report a fault to WAF?

Yes, its customer care numbers 334 6777 or 5777 (short code) are charged and not toll-free!

This sounds rather like customer no-care service! ‘User pays’ should mean user pays for supply of water, not user reporting faults and unpredictable customer service.

All land-line customers dialling 3346777 from the Western and Northern divisions pay a higher rate. And its short code – 5777 – is usable only by Vodafone, Inkk and TFL customers.

These numbers are used at a cost to consumers when they lodge a complaint, enquire about WAF’s services or report a fault.

Consumers calling from Western or Northern Divisions (inter-region) pay a high TFL rate of 16 cents per minute as opposed to intra-region customers (Central/Eastern Divisions) who pay the normal rate of 8 cents per minute.

WAF’s short code is only for the Vodafone network, as stated on its website. There are no short codes for Digicel, which puts Digicel users at a disadvantage.

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Three consumers, Lal, Kitione and John, engaged two construction companies, making a lump sum payment of about $80,000 to them to carry out agreed construction works.

The refurbishment requiring general carpentry, joinery and tiling work, was to be completed within a time frame given by the construction companies, which assured the consumers that they would move in to enjoy their newly renovated surroundings by the stated time.

The construction companies, unfortunately, did not keep their word, failing to honour their obligations as a service provider by meeting the deadline for the completion of the construction work.

Although the consumers enquired repeatedly about when the work would be completed, the construction companies continued the work in a lackadaisical fashion. Their promises to get things done were never fulfilled.

**Your Rights**

It’s important for you to insist that the written estimate is included in your contract. If new work comes up, your contractor should discuss it with you and ask you to approve and sign a change to the contract, including a new estimate. If you are doing major renovation work, it’s best to engage a lawyer and get them to go over your contract, explain it to you and advise you on your rights before you sign.

Help protect yourself and your home by knowing your rights before starting a home renovation. Learn how to hire a reliable contractor and see what you need to include in your contract with them. Take an interest in the work as it proceeds.

**Our Advice**

When you are looking to hire a contractor, be sure to:

- make a list of exactly what you want done. Remember that changing plans in the middle of a project will cost extra money
- set a clear budget
- ask for recommendations from friends and neighbours about good reliable construction companies and sound and sensible agreements with them
- consider dealing with a local company. This may make it easier to check references, enforce a warranty and/or have follow-up work done
- get written estimates from at least three contractors before you make your final choice
- never accept an estimate over the phone or without the contractor inspecting the area
- remember that good contractors ask a lot of questions so they can understand and plan out the project. For example, in driveway paving, they should ask if any heavy vehicles will be parked on the driveway
- avoid going for a deal that sounds too good to be true. It probably is!

Before you sign a contract for home building, renovations or repairs, remember to:

- get a written estimate and contract before any work begins
- keep down-payments to a minimum (not more than 10% of the entire construction cost)
- never pay the full amount of the contract before the work is done. This will help ensure that the contractor will finish the job. It will also protect you from losing money if the company goes out of business or declares bankruptcy before finishing your project
- talk to your contractor about how you will deal with any disagreements or disputes. Ideally, this should be addressed in your contract
- check warranties and guarantees carefully

Always get a written estimate from the construction company for the works you need to have carried out. Estimates should have a description of the work to be done, an itemized list of products and services, and their prices. Make sure that everything you’re expecting is listed.

**CHECK THOSE ACCREDITATION CLAIMS**

Especially when building or buying a new home, one group of professionals that consumers are likely to deal with is that of engineers. On the bottom line, we have a high expectation that an engineer will provide a professional service firmly grounded in certain technical standards and best practice.

As most aspects of our lives have become more complicated, specialised and ‘technologised’, we as consumers have come to place a great amount of trust in professional service providers like engineers, lawyers, dentists, architects and so forth to help us negotiate this intricate playing field. But a degree of vigilance is also necessary.

The cost of engaging an engineer to provide such important documents as cyclone certificates and reports can be quite substantial, if one is investing in a new home. An engineer’s cyclone certificate or mark of approval about the cyclone worthiness of a house is the significant document that insurance providers rely on when deciding whether or not that house is worthy of cover. Thus, the role of the engineer becomes crucial when a new home buyer or builder has to rely on a home loan, which in turn requires some form of insurance.

In late 2014, the Council was made aware of allegations that certain engineers were making false claims on their certificates and reports. While the Council was not in a position to judge the technical or engineering accuracy of the reports, it was nevertheless concerned that these engineers seemed to be falsely claiming to be members of the Fiji Institute of Engineers (FIE).

Evidence the Council received showed three cases of engineers signing off and certifying building inspection reports and cyclone certificates. They further misled consumers by representing themselves as FIE members.

Yet FIE confirmed with the Council that the three were neither current members nor holders of any accreditation by the institute. Nor did they appear in the Insurance Council of Fiji’s list of Approved Engineers to issue Cyclone Engineers Certificates.

It is illegal, under Section 77 of the Commerce Commission Decree 2010, to make false or misleading representation about a particular product or service.

The Council is calling on engineers and other professional service providers not to mislead consumers by making untrue or unsubstantiated claims about their services and products or their professional standing.

Consumers engaging an engineer for insurance purposes need to know that they must ensure that the engineer is in the Insurance Council of Fiji’s list of approved engineers. And the means to check is close at hand. If the engineer makes a claim that he or she is a member of the FIE, consumers have only to check the FIE website for the list of current members: http://www.engineersfiji.org.fj/membership/current.htm.
9-carat gold ring for a Valentine
Tony purchased jewellery items from N.Solanki & Co, worth $320, which included 2 pairs of bracelets, 2 necklaces and 2 rings as a Valentine’s gift for his partner. Tony later found out from his Valentine that the jewellery he purchased was not real gold.

A frustrated Tony sought the assistance of the Council as he felt cheated by N.Solanki & Co. He asserted that the sales girl had not advised him that the jewellery was dress jewellery and not real gold.

Upon the Council’s intervention, N.Solanki & Co agreed to provide Tony with a replacement 9-carat gold ring worth $499. Tony was very happy with the offer provided by N.Solanki & Co.

Compensation
In 2011, Rajendra Steven Prasad bought a Simmons two-door fridge from MH City Homemaker for $659, with a three-year extended warranty for $99.

Their fridge has been in and out of repairs four times since it was purchased. Each time the fridge went for repairs, it took longer than expected or usual, sometimes taking as long as two months, before it was returned.

The couple visited the Council seeking redress; they thought obtaining another item of the same value would be in order.

The Council mediated and MH City Homemaker agreed to have the fridge repaired in two days.

Late Payment Penalty Fee
Mr Sami paid his post office box rental bill on 31 January 2015 but was still charged a late payment penalty fee of $11. Mr Sami was disappointed with having a charge made as he had paid the bill within the time frame. Feeling cheated, he resorted to seeking our assistance.

The Council contacted Post Fiji and was informed that the late payment penalty fee charged was due to a system error. Post Fiji then reversed the charge and also provided a full refund of the charges mistakenly laid.

Bond Money Refund
Daniel, a medical student from Papua New Guinea, was flatting out for a year. Before the year ended, Daniel had written to request an extension to his tenancy, which the company declined.

When Daniel was about to leave for PNG at the end of his tenancy, he had approached the company for his bond refund of $500.

His request was declined as he did not abide by the contract clause requiring a one-month notice to leave.

Daniel sought the Council’s intervention. The Council held a face to face mediation with the company, in which they were informed that the letter they served Daniel declining his request for extension was sufficient notice of terminating the tenancy. Daniel was not required to give one month’s notice from his side. This is well within the Fiji Commerce Commissioner’s Self Regulating Guidelines for Landlord and Tenants in Fiji. The company welcomed the intervention and provided Daniel with a full refund of his bond money.

Paddy’s Market, Suva
Asena Seforosa bought a bicycle from Paddy’s in Suva for $145.45, for her daughter’s 5th birthday.

After she reached home, her daughter happily rode the bike for just 20 good minutes – before both the tyres burst!

To their disappointment, they visited Paddy’s the very same morning, with the bike, but were told to pay an additional $36 for repairs. Distressed, they then visited the Council seeking redress.

The Council called the head office in Lautoka and spoke with the store manager, who agreed that an inspection be done on the bicycle. The very next day, the shop manager himself called and agreed to a replacement.

The shop assistants had over-pumped the tyres, which resulted in the bursting. The birthday girl was happy again!

Thumbs Up
‘Customer Care’ is a buzz phrase in the business world and it is widely known that the level of customer service a company provides can make all the difference in customer satisfaction. Once you make customers feel truly special, you have built customer loyalty for life—they will keep coming back to you.

We urge businesses to make customer care the norm and we encourage consumers to appreciate such good businesses which value their customers. Below is a list of such businesses that have shown respect and care to our consumers.
**Thumbs Down**

It is unfortunate that some businesses/traders do not believe in “Customer Care” or show no importance to their customers, they forget that they owe a duty of care to those giving them business.

Business ethics, fair practice, responsibility and honesty should be the buzz words for all traders.

At the end of the day, all consumers deserve a fair deal in exchange for their hard earned cash and if that’s not given to them, consumers have all the right to seek redress.

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**Customer Care**

Mr Chand had saved up for a laptop and after learning about a special deal from Data Tech IT Solution, he knew that this was his only chance of owning a laptop though it was a refurbished piece. Mr Chand paid Data Tech IT solution $400 for an HP laptop and he was advised to collect it the following day. He returned on the next day and was again advised to come the next day.

A disappointed Mr Chand brought his case to the Council. We called for mediation between the two parties Data Tech IT Solution signed a written agreement stating a date on which they would provide the laptop but they still failed to honour that agreement.

The matter has been referred to the Small Claims Tribunal for the claimant to claim a refund.

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**Bread Prices**

Consumers should avoid bakeries and retailers who sell bread but do not sell the price controlled bread. The breads under price control include the normal long loaf, medium sliced white and medium sliced wholemeal bread – the Fijian bread consumers’ staples.

The Council continues to receive complaints that some bakeries are either not selling medium sliced wholemeal bread at all or are baking them in very small quantities despite the high consumer demand.

This is an unethical tactic. It encourages bakeries to avoid selling breads that are under price control and it puts pressure on consumers to buy non-price controlled breads instead. Just why do bakers think price control is considered necessary?

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**Gurbachan Singh Ltd, Lautoka – failing to honour its agreement**

FRIEND Fiji purchased a 25000L water tank in January 2014 with a 30-year warranty. The tank burst open on 31 January 2015. The complainant raised the issue with Gurbachan Singh Ltd but was not provided any assistance.

FRIEND Fiji sought the assistance of the Council. The Council contacted Gurbachan Singh Ltd and they agreed to provide a replacement and advised that the tank would be replaced by the end of the week. Gurbachan Singh Ltd failed to honour its agreement. When after numerous follow-ups via emails and phone calls, no response was forthcoming the matter was referred to the Fiji Commerce Commission.

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**Unfinished Business**

Mr Khan decided to use his hard-earned money to build a new home so that he and his family could move into it. Having contacted the Kingdom Falekau Homes and after having discussions with the company on the specifics required for the kind of house he wanted built, Mr Khan decided to sign on with this company. He paid a $30,000.00 deposit on 11 Feb, 2014. Unfortunately, to date, the business has managed to build only the foundation and has not proceeded any further.

Attempts by the Council to obtain redress from the business partners have remained futile as all 3 business partners have taken the money, closed office and gone their separate ways leaving Mr Khan helpless. Other consumers may also be affected. One of the business partners has apparently opened up a new business under the name of Falekau Homes that is also involved in the construction of houses. The business partners continue to distance themselves from providing redress to Mr Khan.

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**Gartile Company under scrutiny**

This retailer of mobile phone handsets and accessories has been misleading consumers about some of its handsets. It has been selling non-branded Chinese made phones using brand names like Samsung and model names like SS Mini. It is also selling some basic phones as smartphones, in packaging flaunting such misleading specifications as full HD Super AMOLED screen, 1080p video recording and HSPDA (enhanced 3G). In basic English, these practices would be labelled lying to make money from vulnerable consumers.

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**All Make Auto Spares Ltd, Lautoka – Failing to provide appropriate redress**

Mr Prasad bought an EFI (electronic fuel injection) engine from All Make Auto Spares Ltd and upon getting his engine fitted, his mechanic found out that the vehicle could not change gear as the engine was not compatible with his vehicle. His mechanic confirmed that the engine was not an EFI engine. Mr Prasad highlighted his grievances to All Make Auto Spares that he had ordered an EFI engine but was given something else instead.

All Make Auto Spares refused to assist saying that they gave the correct parts as ordered.

Disappointed, Mr Prasad lodged a complaint with the Council. Given his urgent need to use his vehicle, the complainant then bought another EFI engine from elsewhere and asked for a refund from the respondent.

All Make Auto Spares stated that they can neither replace the item nor provide a refund. The matter is now with the Small Claims Tribunal.
1. Wholemeal bread
I urge the Consumer Council to stop all bakeries in the country from producing fake wholemeal bread.

They (Consumer Council) should also provide specifications to compel bakers to meet a standard.

There are all sorts of wholemeal bread in Fiji.

I recently noticed the use of artificial colouring and the smell of vanilla in some of the bread while in some outlets you can’t differentiate between a wholemeal and a white loaf in terms of appearance and taste.

We hardly see or feel any grains at all. The distinctive nutty taste is never there.

If the Consumer Council can’t control this now, some bakers might add mill mix and growers very soon.

USAIA TAGI, Labasa

Council’s response
We thank Usaia T agi (The Fiji Times, 23/01/15) for raising his concerns on standards of wholemeal bread.

Other consumers have raised the same issue over the years.

The Consumer Council of Fiji is not a regulatory agency and we do not set or control standards for products and services. Food standards are established and controlled by the Ministry of Health.

We had also written formally to the Minister of Health in July last year raising our concerns that Fiji does not have appropriate bread standards that would ensure consumers are buying good-quality bread.

The continuing efforts to reduce and control non-communicable diseases can be better served if consumers are buying good-quality bread.

With the absence of proper regulated standards on bread, the problems raised by Mr. Tagi will continue to persist.

USAIA TAGI, Labasa

2. Justified JPs
Charging to certify or declare documents is a norm in Labasa to some claiming their time and ink spent in the process.

It’s high time the Solicitor-General should re-look at registering them come their time. Should it be a Consumer Council issue as well because money is involved without receipting?

Nirbhay Singh, Labasa

Council’s response
We thank Nirbhay Singh for raising his concerns on Justices of Peace (JP) charging consumers to certify documents, in the Fiji Sun, dated February 25, 2015.

The Council strongly condemns such an act on the part of the JP.

The rule is crystal clear – JPs found charging individuals for the JP services will have their appointments revoked.

JPs are governed by a Code of Conduct, which is found in the Draft Handbook for Justices of Peace in the Republic of Fiji compiled by the Ministry of Justice.

This handbook also outlines the duties and responsibilities of any JP that has been appointed as a Justice of Peace. Section 1 of the Handbook also states that a JP must not benefit, in cash or kind, for any service as a Justice of Peace.

We urge consumers to register their complaints against any JP who wants money in exchange for his/her service. You can lodge your complaint either with the Council or with the Ministry of Justice.

It’s unfortunate that not a single consumer lodged his/her complaint with the Council in Labasa or at the Ministry of Justice.

If Labasa community wants to change the behaviour of rogue JPs in Labasa then they must come forward.

By exposing such JPs, you will be doing a service to the Labasa community.

3. Dying to eat
There once was a ban on the import of mutton flaps into Fiji.

Why are they being sold again? Mutton flaps are extremely high in saturated fat. Fijians who like eating this once cheap cut that now sells for around $18 a kilogram are creating the demand. Is there any wonder we have such a high rate of NCDs?

More than 80 per cent of deaths in Fiji annually are caused by NCD-related conditions such as obesity and cardiovascular disease.

Awareness campaigns don’t appear to be effective at all.

Can this issue of the import and sale of mutton flaps in Fiji be re-addressed by the relevant authorities and watchdog organisations? I would like to ask a simple question to consumers of mutton flaps: Has there been a death in the family from NCDs? Are we dying to eat?

Julie Sutherland,

Council’s response
We refer to the letter, Dying to Eat from Julie Sutherland, which was published in The Fiji Times dated May 2, 2015.

We thank Ms Sutherland for bringing to light the dangers of consuming mutton flaps given that Fiji is already affected by the non-communicable diseases (NCDs) pandemic.

Mutton flap, known locally as ‘sipi’, once used to be dumped in the South Pacific Island nations including Fiji.

It had become a delicacy, however, following strong condemnations from the Governments of the South Pacific Islands, importation of mutton flaps to our shores had stopped.

It is, indeed, disturbing to now learn that despite a ban on mutton flaps since 2000, they are still around in our local marketplace.

What may be happening is that the importation of mutton flaps may now be in another form.

The whole carcasses may have been imported, which is, then chopped into pieces resulting in mutton flaps.

It is quite unfortunate as all those engaged in this act are doing a disservice to the people, especially, at a time when the NCD crisis is more critical than ever before.

The Council, as a watchdog organisation, is conducting regular market surveillances in towns and cities, where it has access to.

With this, we would like to urge the consumers to also raise alarm if they see mutton flaps being sold in the supermarkets or at any butcher-house.

Consumer solidarity can surely make a difference for the benefit of all consumers.

In the meantime, the Council encourages consumers to take responsibility in deciding what to eat and what not to eat.

It is all about the choices you make. After all, you are what you eat.

One must not forget that consumer choice is central in containing NCDs.

We also call on the Ministry of Health and other enforcement agencies such as the Fiji Commerce Commission to take the lead role by coming down hard on businesses found selling mutton flaps.

There is certainly no place for this inferior quality meat on our dinner plates or in our lunch boxes.

Julie Sutherland, which was published in The Fiji Times dated May 2, 2015.
Protect security, privacy when using internet-connected home devices

Brewing coffee from bed, adjusting the temperature on your slow cooker from anywhere, checking a baby monitor on your cellphone; those are just some of the things you can do with connected devices and an app on your smartphone and tablet. But Consumer Reports says Wi-Fi monitors and other cameras are at risk of being hacked or viewed by strangers on the Internet.

Recently, Consumer Reports found a website that’s dedicated to streaming cameras that aren’t password protected. An unprotected camera is worse than no camera at all. You need to protect it with a password. And that goes for any device out there that collects personal information about you.

Many connected devices available collect your personal info and send it over the Internet. For example, activity trackers know how much you move and could even know your location using GPS. And smart thermostats know when you’re home and when you’re not.

Some of that may not seem troubling, but a burglar armed with that info could know when you leave the house. While there’s no evidence that criminals are using that kind of data yet, Consumer Reports say you can reduce the amount of your information that’s collected.

If you don’t plan to use the connected features on a product, buy the non-connected version or just don’t set it up on your Wi-Fi network. Remember, if it’s not hooked up to a network, it’s not sending your information to the Internet. Consumer Reports also says you should turn off connected devices when you’re not using them. If they’re not live, they’re not sending out your data.


Nurofen manufacturer sued over false claims on packets

Australia’s competition watchdog is taking the maker of the painkiller Nurofen to court over false claims about its “specific pain” product range.

Nurofen Back Pain, Nurofen Period Pain, Nurofen Migraine Pain and Nurofen Tension Headache are all marketed differently by Reckitt Benckiser Australia and sometimes sold for different prices, but they contain the same 342mg quantity of active ingredient, ibuprofen lysine.

The Australian Competition and it was seeking “penalties and costs” from the UK-based multi-billion dollar pharmaceutical company, as well as the “publication of corrective notices”.

Despite the action, health experts and consumer groups said Australia’s therapeutic watchdog was powerless to stop drug companies from making misleading claims about their medicines and called for stronger advertising regulation to protect consumers.

‘All Nurofen packs are approved by the Therapeutic Goods Administration (TGA) and comply with TGA’s regulatory guidelines,” the statement said.

On why they marketed the same product differently, the company said: ‘Nurofen pain-specific products provide easier navigation of pain-relief options for a particular type of pain’.

Dr Ken Harvey, a drug policy expert, said drug companies ignored rulings made by the TGA and its independent complaints resolution tribunal.

Harvey complained about the products to the TGA in 2012. In 2013, the regulator requested Reckitt Benckiser withdraw any representations that the products targeted the source or cause of pain.

http://www.theadvocate.com/business/2015/mar/05/accr-sues-reckitt-benckiser-over-false-claims-on-nurofen-packets

Treats are off for mortgage holders

Holidays and dining out have fallen down the priority list for mortgage holders, with most focused on taking advantage of record low interest rates to pay off their loans.

A survey by Australia’s biggest credit union, CUA, shows more than three quarters of people with mortgages are likely to make extra payments on their home loans with interest rates falling.

Only about a third of the 1,000 people surveyed said they would be likely to use the extra cash to treat themselves to a holiday, dining out or a hobby. And three quarters said they were unlikely to put the money in shares or investment funds.

CUA head of product Mark Petty said mortgage holders were prioritising paying down their home loan debt rather than spending.

‘Mortgage borrowers are very debt focused and want to get ahead financially by repaying their mortgage as quickly as possible, which is a responsible thing to do,” he said.

“The current low interest rates are helping people along that journey.”

The Reserve Bank cut its cash rate to a record low two per cent in May, with home lenders passing on most of the cut to take variable mortgage rates to historic lows.

The Consumer Council of Fiji welcomes the amendments made to the Customs Tariff Act 1986, to stop any illegal price increases imposed by traders/retailers immediately after annual national budget announcements by the Government.

We applaud the Government for modifying the law, particularly the imposition of a fine to as much as $10,000 on those traders/retailers who act illegally by increasing the price of old stock when new duty rates are announced. All old stock should be sold at old prices reflecting the old duty rates.

Increasing prices on old stock where previous duty rates have already been paid is unethical profiteering.

This is a victory for all Fijian consumers who expect protection from unscrupulous traders/retailers who act unethically by increasing the prices of goods soon after every budget announcement on the same day. In reality, new prices should only apply when the trader/retailer pays the new rate of duty on the items arriving for the first time in Fiji or on all un-cleared cargo.

Now, with such stringent law and a state-run Price Monitoring Taskforce in place, we expect traders to pass benefits to consumers by matching reductions in retail prices.

Council is aware that the traders normally approach government for duty reductions to express the benefits consumers will get from such reductions. Unfortunately, duty reductions are not often reflected through drops in retail prices.

Street Talk

Do you think bus and taxi fares should go down now that the price of fuel has dropped?

Savenaca Tokalau
Navua
Yes, the fare is very high. Cost of living is high so a decrease would be good for the consumers.

Losalini Sorovaki
8 miles
Yes, the fare for bus and taxi should go down.

Elenoa Nalawa
Centerpoint
Yes, I think it should decrease. It will help us consumers.

Petro Ceinaturagu
Tailevu
Yes, taxi fare and bus fare should go down. I'm all for a drop. Taxis running in Korovou town never use meters. Why are they not using meters?

Krishna Wati
Tovata
Yes, it should go down. It will ease our day to day’s cost of living and financial burden.

Jasbir Singh
Naitasiri
No, it should remain the same. Fuel price has gone down but the price of motor vehicle parts remain the same. Should remain as it is.

Elenoa Nalawa
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Council welcomes $10,000 fine on traders/retailers