



UNODC

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ANTI-CORRUPTION TOOLKIT FOR WOMEN-OWNED MICRO, SMALL AND MEDIUM BUSINESSES IN FIJI

In partnership with:



**FIJIAN
COMPETITION &
CONSUMER
COMMISSION**



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WELCOME

The Women Entrepreneurs Business Council (WEBC) was formed in 2013 with the specific objective of ensuring that members' interests were paramount and appropriately advocated through various stakeholder dialogue and engagements. Our role has since expanded into being a voice for women entrepreneurs in informal sectors to ensure that no one is left behind.

As women are the backbone of family units, WEBC is committed to close dialogue with stakeholders to enable early detection and prevention of toxic conditions that could be detrimental to family units. WEBC has since forged strategic partnerships and networking relationships with stakeholders, with the mutual objective of propelling women entrepreneurs to prosperity in their various spheres of engagements.

WEBC is therefore delighted to be working in collaboration with UN-PRAC to produce this Anti-Corruption Toolkit for Micro Small and Medium Enterprises (MSMEs) to proactively engage in identifying and curtailing unwarranted situations from recurring. This is in addition to three UN-PRAC supported workshops for our MSME members and two Code of Conduct workshops for our parent body, the Fiji Commerce and Employers Federation (FCEF).

As women entrepreneurs not only play a crucial role in the community but more importantly contribute positively to the national economy, it is our utmost and sincere desire to pursue this strategic partnership further and to realise our WEBC vision of "Women Entrepreneurs Invigorating the Nation."

Vinaka vakalevu.



**Eseta Nadakuitavuki –
Chairwoman, WEBC**





BACKGROUND

What is the Toolkit about?

The Anti-Corruption Toolkit aims to clarify what constitutes corruption in Fiji, what laws and institutions are used to prevent and fight corruption, and who you can ask for help when you are confronted with a potential instance of corruption.

Corruption can have a devastating impact on your business. This Toolkit is here to help by offering tips and tools on how to protect you and your business against corruption.

Why this Toolkit?

This Toolkit was developed in response to needs identified during discussions with 51 women entrepreneurs, who attended workshops on anti-corruption for MSMEs in Fiji (refer to Box 1).

Who will benefit?

This Toolkit is primarily intended for women-owned MSMEs, and close attention was paid to ensure that corrupt practices commonly faced by women entrepreneurs were the focus of this Toolkit. However, any person managing or working within MSMEs in Fiji would benefit from reading this, as many of the principles and offences could be encountered in any sector or setting.

Box 1: WEBC-UN-PRAC Partnership

In 2018, UN-PRAC was approached by WEBC to conduct a training for their members on anti-corruption initiatives targeting MSMEs.

WEBC is one of the nine councils under the FCEF, established as a voice for women entrepreneurs in the country.

The overall objective of the training was three-fold: to create awareness of the United Nations Convention against Corruption (UNCAC) and Sustainable Development Goal (SDG) 16; to provide insights on the role of businesses in combating corruption; and to discuss basic internal corruption prevention and internal control mechanisms for MSMEs.

51

participants attended the training:

28	12	11
participants	participants	participants
Lautoka, 5 March 2019	Nadi, 5 March 2019	Suva, 12 March 2019

UNDERSTANDING THE ISSUE

Why are women entrepreneurs vulnerable to corruption in Fiji?

Corruption is a global phenomenon and a major obstacle to development and economic growth.¹ Now more than ever, the effects of corruption are causing significant detriment to society, as COVID-19 is exacerbating new and existing forms of corruption; with emergency responses requiring governments to rapidly outlay large amounts of funding to procure essential resources and services, corrupt individuals and criminals are finding ways to divert these funds to illicit ends.

This increase in corruption is likely to disproportionately affect women. In some cases this is because, although corruption and COVID-19 affect all social classes and groups, women are often the primary caretaker of the family and therefore in more frequent contact with potentially corrupt health and education facilities,² and because women (particularly poor women) may be more dependent on essential services provided by the public service, which increases their vulnerability to corruption.³ The currency of corruption for women can also be sexualized, as women and girls are more likely than men to be asked to pay bribes in the form of sexual favours, particularly when they are unable to pay money as a bribe due to lower incomes.⁴

1 UNDP. 2019. Seeing beyond the State: Grassroots women's perspectives on corruption and anti-corruption [online]. Available: <https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Anti-corruption/Grassroots%20women%20and%20anti-corruption.pdf>, p. 2.

2 Transparency International. 2010. Corruption and Gender in Service Delivery: The Unequal Impacts [online]. Available: https://www.transparency.org/whatwedo/publication/working_paper_02_2010_corruption_and_gender_in_service_delivery_the_unequal, p. 3.

3 UNDP. 2010. Corruption, Accountability and Gender: Understanding the Connections [online]. Available: <https://www.undp.org/content/dam/aplaws/publication/en/publications/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection/Corruption-accountability-and-gender.pdf>, p. 4.

4 Ibid., p. 5.





Women entrepreneurs may also be particularly affected by corruption, because they may work in the informal sector (for example, in Fiji, women make up 91% of full-time homeworkers and 91% of those who make and sell handicrafts).⁵ Workers in the informal sector may be more likely to be victims of corruption, because they are not protected under labour laws and therefore may be unlikely or unable to make a complaint to officials.⁶ Additionally, corruption in both the formal and informal business sectors may prevent women from starting businesses and can act as a major barrier to earning income or sustaining their businesses.⁷

Women may also experience inequality when it comes to reporting corruption when it has taken place, due to unconscious bias in reporting mechanisms. While reporting mechanisms for seeking redress are accessible to both males and females, more males than females utilize these reporting mechanisms.⁸ For example, a report by the Asian Development Bank documented that in 2014, 12% of the complaints to the Fijian Competition and Consumer Commission (FCCC) were from women, while 88% came from men.⁹ The report recommended providing women-friendly consumer complaints mechanisms, such as having women complaints officers and incorporating online anonymous complaint processes, to ensure that both men and women have equal access.¹⁰

In this context, understanding corruption's linkages to gender equality issues, in general, and in the business sector in particular, are part of the gender dimensions of democratic governance. Raising awareness among women entrepreneurs and developing adequate knowledge tools therefore simultaneously contribute to achieving progress of the anti-corruption agenda and the advancement of women's rights.

5 Asian Development Bank. 2018. Women and Business in the Pacific [online]. Available: <https://www.adb.org/sites/default/files/publication/445821/women-business-pacific.pdf>, p. 66.

6 UN Women. 2016. Women in the informal economy [online]. Available: <https://www.unwomen.org/en/news/in-focus/csw61/women-in-informal-economy>; Boehm, F and Sierra, E. 2015. The gendered impact of corruption: Who suffers more – men or women. U4: Anti-Corruption Resource Centre [online]. Available: <https://www.u4.no/publications/the-gendered-impact-of-corruption-who-suffers-more-men-or-women.pdf>, p. 2.

7 UNDP. 2019, above n. 1, p. 3.

8 Asian Development Bank. 2018, above n. 5, p. 8.

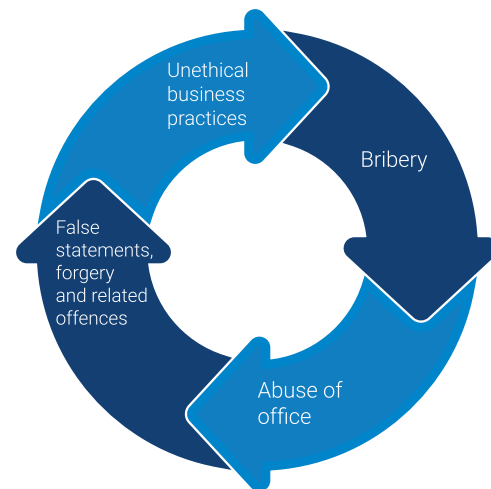
9 Ibid.

10 Ibid.

KNOWING THE LAW

What is corruption?

There are different definitions of corruption, with no universally adopted definition. The United Nations Convention against Corruption (UNCAC) is the first legally binding, global anti-corruption instrument. The Convention was adopted by the General Assembly in October 2003 and entered into force in December 2005. To date, 187 countries plus the European Union have become States parties to UNCAC, including all 14 Pacific Island countries, representing a groundbreaking commitment to tackle corruption. Fiji acceded to the Convention on 14 May 2008. For more details on UNCAC, see Annex I.



In Fiji, the Fiji Independent Commission Against Corruption (FICAC) defines corruption as an act or conduct by any public official/ person(s) to obtain unjustified benefit or advantage for personal gain.^{11,12} In Fiji, there are multiple laws that criminalize corruption and unethical business practices, such as in the *Prevention of Bribery Act 2007* (Prevention of Bribery Act), *Crimes Act 2009* (Crimes Act), and the *Fijian Competition and Consumer Commission Act 2010* (FCCC Act).

These pieces of legislation criminalize various corrupt acts, including bribery, abuse of office, false statements, forgery and related offences, and unethical business practices. They are your best source for understanding what corruption is in Fiji and when it has taken place.

¹¹ FICAC. 2020. Frequently asked questions [online]. Available: <https://ficac.org.fj/faq.php>.

¹² FICAC, under the 2013 Constitution, has powers to only investigate public sector corruption. However, the Commission does have the authority to investigate those in the private sector when there is collusion between the two sectors. This corrupt activity comes under one of FICAC's twelve main offences called "Corrupt Transactions with Agents". Ibid.



Bribery

Bribery is a common form of corruption. UNCAC, which Fiji ratified on 14 May 2008, requires States parties to enact laws that criminalize the active form of bribery of national and foreign public officials and officials of public international organizations. The active form is defined as the intentional promise, offering or giving of an undue advantage (something tangible or intangible, pecuniary or non-pecuniary), either directly or indirectly to these officials. The purpose of the undue advantage is either to ensure that the public official acts, or refrains from acting, in carrying out his or her official duties. UNCAC articles 15 and 16 also cover the passive form of bribery, which is the solicitation or acceptance of an undue advantage by a public official.

While no definition is provided in either the Prevention of Bribery Act or the Crimes Act, both pieces of legislation outline the different circumstances where a person will be considered to have committed an offence for engaging in bribery.

Bribery under the Prevention of Bribery Act 2007

Section 4 of the Prevention of Bribery Act outlines bribery in general, with subsection 4(1) focusing on the person who offers or gives the bribe, and subsection 4(2) focusing on the public servant who requests or receives the bribe, both the active and passive forms of bribery (see Box 2 below). When reading through this section, it is important to take note of the definition of “advantage” (see Box 2 below). For example, while a person may not have intended to influence a public servant by providing that public servant with a gift, the Prevention of Bribery Act indicates that a gift is considered an advantage. This means that if the gift was given to the public servant as an inducement to or reward for or otherwise on account of that public servant taking or not taking action, as defined in section 4(1)(a)-(c) of the Bribery Act, then it may be considered bribery under this section. This is vital to understand, because it means that the term ‘inducement’ denotes that the advantage offered or solicited/accepted is with a view to influence the public servant, while ‘reward’ and ‘otherwise on account of’ can occur without the public servant being necessarily influenced at all. A ‘reward’ can occur after the public servant has properly performed the act without any influence, and then later accepts an advantage as a reward. It was held that this is a common occurrence in Fiji, as some people tend to provide various gifts, including financial gifts, when they are happy with, or satisfied with, the services of the public servant; however, in doing so, may be committing an offence under the Prevention of Bribery Act.

The term, ‘otherwise on account of’ is, as the Courts defined recently, very broad and captures situations that do not come within the terms mentioned above (‘inducement’ and ‘reward’). In general terms, the ‘otherwise on account of’ is known as the ‘general sweetener’. To cover this occurrence, there need not be any influence expected of the public servant, but the advantage



simply meant to achieve the offeror being 'in the good books' of the public servant or so that the offeror will maintain a good relationship with the public servant without expecting any favours. This too is bribery.

It is therefore key that business owners keep these three elements in mind when determining whether to offer a gift or other advantage to a public servant because, even if not offered for the purpose of receiving some favour, it could still be considered bribery under the Prevention of Bribery Act.

Additionally, business owners should be careful of 'facilitation payments', which are payments either requested by, or offered to, a public servant in order to speed up a service to which the payer is already entitled. This can be called a 'facilitating', 'speed' or 'grease' payment, and examples may include payments relating to the issue of a permit or license, or for the provision of utility services.¹³ As you can see from the definition of 'advantage' in the Prevention of Bribery Act, these payments may be considered an offence under section 4 of the Act, if the payment fits into one of the elements discussed above (i.e. 'inducement', 'reward' or 'otherwise on account of').

Section 3 of the Prevention of Bribery Act also states that any prescribed officer who, without the prior written permission of his or her appointing authority, solicits or accepts any advantage, commits an offence. It is therefore key that officers ensure they seek permission from their appointing authority before accepting anything that could be considered an advantage, even where the advantage was not intended to influence their behaviour.

Another thing to note is that bribery can occur just from the offer of providing an advantage, and a person may be considered in breach of section 4 of the Prevention of Bribery Act, even if the advantage is never provided to the public servant. This may even be the case if the person did not actually ever intend to provide the bribe or the public servant never intended to actually receive the bribe, as section 11 of the Prevention of Bribery Act states that it will be no defence against the offences in Part 2 of the Prevention of Bribery Act, if the giver or acceptor of the bribe:

- Did not actually have the power, right or opportunity to do so;
- If the public servant accepted the bribe with no intention to forbear, or if the giver or acceptor did not in fact so do or forbear.

¹³ Transparency International. 2018. Glossary of terms [online]. Available: https://www.transparency.org/glossary/term/facilitation_payments.

**Box 2: Bribery under the Prevention of Bribery Act 2007****“advantage” - means**

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e).

Section 4 of the Prevention of Bribery Act:

- (1) Any person who, whether in Fiji or elsewhere, without lawful authority or reasonable excuse, offers any **advantage** to a **public servant** as an inducement to or reward for or otherwise on account of that public servant's -
- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his or her capacity as a public servant;
 - (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or her or that other public servant's capacity as a public servant; or
 - (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body, shall be guilty of an offence.
- (2) Any public servant who, whether in Fiji or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his or her -
- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his or her capacity as a public servant;
 - (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or herself or by any other public servant in his or that other public servant's capacity as a public servant; or
 - (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a **public body**, shall be guilty of an offence.

“public body” means-

- (a) the Government;
- (b) the Cabinet;
- (c) the Parliament;
- (d) any board, commission, committee or other body, whether paid or unpaid, appointed by or on behalf of the President or the Cabinet; and
- (e) any board, commission, committee or other body specified in Schedule 1 of the Act.

“public servant” means

any **prescribed officer** and also any employee of a public body

“prescribed officer” means

- (a) any person holding an office of emolument, whether permanent or temporary, under the Government; and
- (b) the following persons (to the extent that they are not persons included in paragraph (a))-
 - (1) any official of the Government appointed by the President or who has sworn an oath of office before the President;
 - (2) Chairman of the Public Service Commission;
 - (3) any member of the staff of the Fiji Independent Commission Against Corruption;
 - (4) any judicial officer holding a judicial office and any judicial officer appointed by the Chief Justice, and any member of the staff of the Judiciary.

Section 9 of the Prevention of Bribery Act includes similar provisions to section 4, but in the case of an agent either accepting an advantage (subsection 9(1)) or to a person offering an *agent* an advantage (subsection 9(2)).
“Agent” includes a public servant and any person employed by or acting for another.



In addition to section 4, the Prevention of Bribery Act also provides specific offences for **persons** and **public servants** who engage in:

- Bribery for giving assistance regarding contracts (section 5);
- Bribery for procuring withdrawal of tenders (section 6);
- Bribery in relation to auctions (section 7); and
- Bribery of public servants by persons having dealings with public bodies (section 8).

Bribery under the Crimes Act 2009

In the Crimes Act, the key provisions which outline bribery in general are sections 134 – 137. Sections 134 and 136 focus on the person who offers or gives the bribe, and sections 135 and 137 focus on the public official who requests or receives the bribe (see Box 3 below).

When reading through sections 134 to 137, you may notice that sections 134 and 136 are very similar, as well as sections 135 and 137. Sections 134 and 136 have identical paragraphs (a), which is the part of the section which describes the action part of giving a bribe; however, where they differ is their paragraphs (b), which focus on the intent of the giver of the bribe (e.g. paragraph 134 (1)(b)) requires the person to give the bribe with the intention of influencing a public official and paragraph 136(1)(b) does not look at the intent of the giver of the bribe, but focuses on whether the action would tend to influence a public official). This means that those who own businesses should be particularly careful when giving a benefit to a public official, even if they do not mean to influence that official, because their action could be considered an offence under section 136, if a court finds the action would tend to influence a public official. Likewise, sections 135 and 137 have identical paragraphs (a), but paragraph 135(1)(b) looks at the intention of the public official in accepting the bribe and paragraph 137(1)(b) does not consider intention.

It is also key to note that these provisions in the Crimes Act will still apply outside Fiji. Section 140 of the Crimes Act states that: a person commits an offence against all sections of this Subdivision -

- (a) whether or not the conduct constituting the alleged offence occurs in Fiji; and
- (b) whether or not a result of the conduct constituting the alleged offence occurs in Fiji.

**Box 3: Bribery under the Crimes Act 2009****“public official” means**

- (a) the President or Vice-President;
- (b) any person who is appointed or nominated under the provisions of any Act or promulgation or decree or by election, including all—
 - (i) Ministers
 - (ii) Members of Parliament of Fiji; and
 - (iii) Local Government Councillors;
- (c) any person employed in the public service;
- (d) any person holding an office under the Constitution of Fiji;
- (e) any judge or magistrate, or any person holding any other judicial or quasi-judicial office;
- (f) any person who holds or performs the duties of an office established by or under any law;
- (g) any person who is an officer or employee of a government authority or agency, whether or not the authority or agency is established by an Act;
- (h) any person who is a contract service provider for a government contract; and
- (i) any person who is an officer or employee of a contracted service provider to or under a government contract.

Bribery of **public official** (section 134) and corrupting benefits given to, or received by, a public official (section 136) Paragraphs 134(1)(a) and 136(1)(a) of the Crimes Act both state the prerequisite for an offence to be committed. This is where:

- (a) the person without lawful authority or reasonable excuse —
 - (i) provides a benefit to another person; or
 - (ii) causes a benefit to be provided to another person; or
 - (iii) offers to provide, or promises to provide, a benefit to another person; or
 - (iv) causes an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made to another person.

However, subsection 134(1), at paragraph 134(1)(b) makes paragraph 134(1)(a) an indictable offence (triable summarily) if—
 (b) the person does so with the intention of influencing a public official (who may be the other person) in the exercise of the officer’s duties as a public official.

This is distinguishable to subsection 136(1) which, at paragraph 136(1)(b), make paragraph 136(1)(a) a summary offence if —
 (b) the receipt, or expectation of the receipt, of the benefit would tend to influence a public official (who may be the other person) in the exercise of the official’s duties as a public official.

For the purposes of this division, “benefit” - includes any advantage including political gain and is not limited to property.

A person is taken to have obtained a benefit for another person if the first-mentioned person induces a third person to do something that results in the other person obtaining the benefit.

Receiving a bribe (section 135) and receiving a corruption benefit (section 137)

Paragraphs 135(1)(a) and 137(1)(a) of the Crimes Act both state the prerequisite for an offence to be committed. This is where:

- (a) the public official without lawful authority or reasonable excuse —
 - (i) asks for a benefit for himself, herself or another person; or
 - (ii) receives or obtains a benefit for himself, herself or another person; or
 - (iii) agrees to receive or obtain a benefit for himself, herself or another person; and

Additionally, both subsections 135(2) and 137(2) state that, in a prosecution for an offence against subsection (1), it is not necessary to prove that the defendant knew—

- (a) that the official was a public official; or
- (b) that the duties were duties of a public official.

However, subsection 135(1), at paragraph 135(1)(b) makes paragraph 135(1)(a) an indictable offence (triable summarily) if—

- (b) the public official does so with the intention —
 - (i) that the exercise of the official’s duties as a public official will be influenced; or
 - (ii) of inducing, fostering or sustaining a belief that the exercise of the official’s duties as a public official will be influenced.

This is distinguishable to subsection 137(1) which, at paragraph 137(1)(b), make paragraph 137(1)(a) a summary offence if —
 (b) the receipt, or expectation of the receipt, of the benefit would tend to influence a public official (who may be the first-mentioned official) in the exercise of the official’s duties as a public official.



Abuse of office

UNCAC States parties are required to also consider criminalizing the intentional abuse of functions or position; that is, the performance of or failure to perform an act, in violation of laws, by a public official to obtain an undue advantage (UNCAC article 19).

Under section 139 of the Crimes Act, a person will commit an indictable offence which is triable summarily if, being employed in the civil service, the person does or directs to be done, in abuse of the authority of his or her office, an act prejudicial to the rights of another.

The act from the person does not have to be done or directed to be done for gain, but if it has, the penalty for breaching section 139 increases.

This is quite a broad provision, and something to keep in mind if you suspect corrupt behaviour when delivering services or supplying goods to the public service. For example, a former manager in 2011, who was directing staff under his supervision to sign and accept documents pertaining to the delivery of building materials valued at over triple the price of the materials that were actually supplied, was found guilty of one count of abuse of office in 2018.¹⁴

False statements, forgery and related offences

In addition to bribery and abuse of office, the Crimes Act also includes offences for persons employed in the public service who make false claims (section 142) or give false certificates (section 143). Sections 152 to 162 of the Crimes Act also provide offences for all persons who make, use or possess false documents, including persons who damage, destroy, alter, conceal or falsify a document.

Unethical business practices

The key piece of legislation regarding unethical business practices is the *Fijian Competition and Consumer Commission Act 2010* (FCCC Act), although section 379 of the Crimes Act provides an offence of oppressive selling, where a person commits a summary offence if he or she offers goods or services for sale (in public or private) and he or she unreasonably exerts oppressive or unfair pressure on any person in a manner which causes annoyance to that person. Not all unethical business practices under the FCCC Act may be considered corruption, but it is important that businesses comply with the FCCC as non-compliance may result in penalties and expose your business to greater corruption risk.

14 Savike. J. 2018. 'Former civil servant convicted of abuse of office' *Fiji Times*, 31 July [online]. Available: <https://www.fjitimes.com/former-civil-servant-convicted-of-abuse-of-office/>.



Provisions regarding maximum prices fixed by the FCCC

The FCCC Act establishes the FCCC and gives the Commission certain powers, including the power to fix and declare the maximum price or charges by any person for the sale of goods or the performance of services, with approval of the Minister (sections 39, 41 and 44).

Under section 52, no trader shall –

- (a) sell or buy or agree or offer to sell or buy goods at a greater price than the maximum price fixed or declared by an order made under the provisions of subsection 44(1);
- (b) provide or agree to provide or obtain or agree to obtain services at a greater price than such maximum price;
- (c) in the course of business, apply different methods of fixing or ascertaining the prices of goods or services with intent to evade the provisions of this Act; and
- (d) except with the written permission of the Commission, sell or agree to sell any goods or price or offer to provide any service subject to a condition requiring the buying of any other goods or the provisions of any other services.

Section 53 does not allow persons carrying on the business of the sale of goods to refuse to sell their goods at the maximum price, without reasonable cause. Section 54 requires that traders display the maximum price of goods to which an order under subsection 44(1) has been made, if that trader sells those goods. Additionally, section 55 requires traders who sell goods with prices, subject to an order made under subsection 44(1) by wholesale, to provide and retain an invoice (section 55 includes details of what must be included in that invoice) and section 55A requires traders to supply a receipt (section 55A includes details of what must be included on that receipt).

Provisions regarding restrictive trade practice

Part 6 of the FCCC Act outlines provisions on restrictive trade practices.

These provisions include section 60, which makes provisions of contracts, arrangements or understandings unenforceable where they contain an exclusionary provision or a provision which could substantially lessen competition and section 61, which provides a provision regarding the substantial lessening of competition by provisions that fix, control or maintain the price of goods or services.

Part 6 also includes section 66, which prevents persons with substantial market power from taking advantage of that power to eliminate or damage their competitors, preventing others from entering into the market, or deterring others from engaging in the market, and section 67, which prevents persons from engaging in anti-competitive conduct.



For more information on Part 6 of the FCCC Act, see Annex II.

Consumer protection and unfair practices

Part 7 of the FCCC Act outlines provisions regarding consumer protection and unfair practices. These provisions include:

- Section 75 – misleading and deceptive conduct;
- Section 76 – unconscionable conduct;
- Section 77 – false or misleading representation;
- Section 78 – false or misleading advertisement;
- Section 79 – false or misleading representation and other misleading or offensive conduct in relation to land;
- Section 80 – misleading conduct to which industrial property convention applies
- Section 81 – misleading conduct in relation to employment;
- Section 82 – cash price to be stated in certain circumstances;
- Section 83 – certain misleading conduct in relation to goods;
- Section 84 – certain misleading conduct in relation to services;
- Section 85 – offering gifts and prices;
- Section 86 – bail advertising;
- Section 87 – referral selling;
- Section 87A – pyramid selling scheme;
- Section 87B – unlawful actions and representations;
- Section 87C – collective bidding at auction;
- Section 87D – supply of trading stamps;
- Section 87E – refusal to sell goods or services unless other goods or services are also purchases;
- Section 87F – adulteration;
- Section 87G – hoarding;
- Section 87H – black marketing;
- Section 87I – limited offers and failing to supply as demanded;
- Section 87J – statement of price or condition and pull date;
- Section 87K – mandatory trade is prohibited;
- Section 88 – accepting payment without being able to supply as ordered;
- Section 89 – Misleading representation about certain business activities;
- Section 90 – harassment and coercion; and
- Section 91 – application of certain provisions to prescribed information providers.

For more information on Part 7 of the FCCC Act, see Annex III.



Why should and how do I protect my business against corruption and promote integrity?

In Fiji today, stricter and more nuanced regulation requires and incentivizes companies and family businesses to strengthen compliance with rules, but also to focus on their values and develop an ethical culture. Stakeholders such as employees, customers, shareholders, business partners and civil society expect even higher standards of integrity and ethical business conduct than the imposition of mere rules can enforce. Focusing on rules and regulations alone will often fall short of meeting these higher expectations of ethical business practices. Therefore, an effective ethics and compliance programme, which goes beyond mere compliance and aims to foster a culture of integrity, should include internal, external and collective measures.¹⁵

With growing globalization in recent decades, there has been increasing pressure on companies, from the top and the bottom, to create effective business integrity and ethics programmes. Stricter regulation requires and incentivizes companies to strengthen compliance with rules and regulations. Two well-known examples are the US Foreign Corrupt Practices Act and the UK Bribery Act. If your business sells or sources materials or services from overseas, then you need to be aware of these international requirements.

Ethical business practices can bring about tangible business advantages such as access to opportunities, assignment of preferential conditions (e.g. white-listing of suppliers that champion integrity efforts), improved market access, higher reputation and customer loyalty, and increased attractiveness to talented employees.¹⁶ UNCAC recommends businesses adopt a Code of Conduct for the “correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest” (UNCAC article 12(2)(b)).

¹⁵ E4J. 2020. University Module Series: Anti-Corruption - Module 5: Private Sector Corruption (UNODC) [online]. Available: <https://www.unodc.org/e4j/en/anti-corruption/module-5/key-issues/preventing-private-sector-corruption.html>.

¹⁶ E4J. 2020. University Module Series: Anti-Corruption - Module 11: Business Integrity and Ethics (UNODC) [online]. Available: <https://www.unodc.org/e4j/en/integrity-ethics/module-11/key-issues.html>.



Box 4: UNCAC Article 12. Private sector

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.
2. Measures to achieve these ends may include, inter alia:
 - (a) Promoting cooperation between law enforcement agencies and relevant private entities;
 - (b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
 - (c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
 - (d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
 - (e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
 - (f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.
3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:
 - (a) The establishment of off-the-books accounts;
 - (b) The making of off-the-books or inadequately identified transactions;
 - (c) The recording of non-existent expenditure;
 - (d) The entry of liabilities with incorrect identification of their objects;
 - (e) The use of false documents;
 - (f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.
4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.



There are five basic steps that you can take to protect your business against corruption. These are:

- 1) Identify areas of work that might be at high risks of corruption and develop a prevention and mitigation plan;
- 2) Create, disseminate and enforce your Code of Conduct;
- 3) Build simple and effective internal control systems;
- 4) Ensure detected instances of corruption are reported; and
- 5) Provide training for your employees and business partners.

Step 1: Identify areas of your operation that might be at high risks of corruption and develop a prevention and mitigation plan

Identifying the areas of your business operations that might be at high risk of corruption is the first step in ensuring that your business is protected against corruption. It is important to conduct a basic corruption risk assessment to effectively put in place measures to maintain the integrity of your business.

We recommend paying special attention to the common occurrences listed below, noting it is not an exhaustive list:

1. **Conflicts of interest.** Conflicts of interest commonly occur when a personal interest or relationship could affect the impartiality of a person to make effective business decisions in their daily duties.¹⁷ A key warning sign is when a person is observed putting their interest first, before that of the business. While many people in Fiji have interests in common, which would usually not lead to conflicts of interest, full transparency is achieved by staff, decision-makers or those who could be affected declaring any potential issues of personal interest and interests of immediate and extended families that may directly affect the operations of the business. If the conflict facilitates an unfair private gain, then corruption has occurred. For example, if an employee chooses to buy goods or services from a supplier primarily due to a family, church or friendship relationship, rather than a best value assessment, then the conflict is likely to detrimentally impact your business. The conflict is more blatantly corrupt if the employee has a direct financial ownership or interest in a supplier and this is not declared. Similarly, if a relative or friend in the public service unfairly gives your business a contract or job, then you are corruptly benefitting from their conflict.
2. **Facilitation payments.** When your business interacts with public officials and agencies, you should look out for requests to provide a 'facilitation payment'. Often called a 'speed'

¹⁷ OECD. 2005. Managing Conflict of Interest in the Public Sector: A Toolkit [online]. Available: <https://www.oecd.org/gov/ethics/49107986.pdf>.

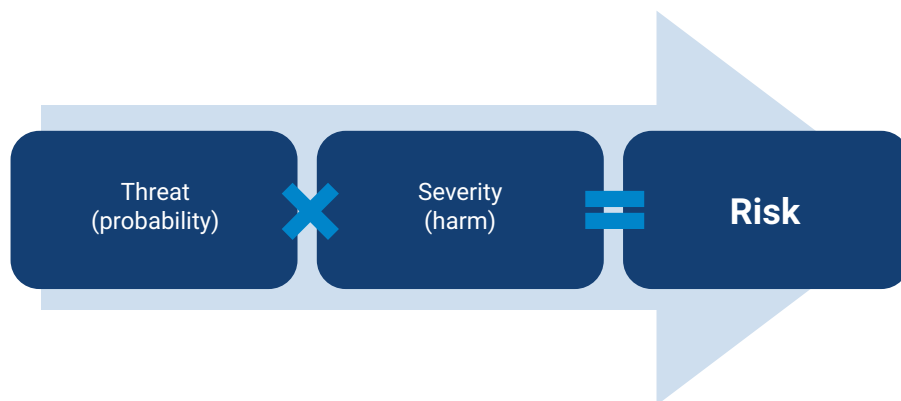


or 'grease payment', these are unofficial and undocumented minor payments to secure or speed up a routine government action to which you or your business is entitled. Payments to look out for include any payments for 'access to the fast lane', payments to speed up the issuing of documents or certain payments for processing work permits.¹⁸ However, it is important to remember that not all facilitation payments would be considered bribes under Fiji's legislation, as some payments are required in order to pay the staff providing the service (for example, a fee to register for a license may be a legitimate payment – it just depends on the circumstances). If you are not sure if the payment requested is a legitimate processing fee or a bribe, we recommend consulting the legislation and contacting FICAC (see Directory available at Annex 4).

How do I conduct a basic corruption risk assessment?

Risk assessments form the basis for determining how corruption risks will be managed. In assessing the risk of corruption and determining what level of risk may be acceptable, you must understand not only the chances that corruption may occur, but also the cost of corruption should it occur.¹⁹ Risk is the likelihood of an event (i.e. its probability of occurring, or threat) and its consequences (i.e. the harm produced).

Figure: What is a risk?²⁰



18 Australian Trade Commission. 2020. Facilitation payments – just say 'no' [online]. Available: <https://www.austrade.gov.au/ArticleDocuments/1358/Antibribery-Facilitation-Payments.pdf.aspx>.

19 UNODC. 2013. A Strategy for Safeguarding against Corruption in Major Public Events [online]. Available: https://www.unodc.org/documents/corruption/Publications/2013/13-84527_Ebook.pdf.

20 E4J. 2020. University Module Series: Anti-Corruption - Module 5: Risk Assessment (UNODC) [online]. Available: <https://www.unodc.org/e4j/en/organized-crime/module-5/key-issues/risk-assessment.html>.



A corruption risk assessment could follow three basic steps:

1. Identify the risk factors – ask yourself, why and how would corruption occur in my business?
2. Rate those risks – consider which risks are most important by looking at both the probability that those risks could occur, as well as the potential impact, if they did.
3. Develop an action plan to prevent and mitigate those risks – consider what controls would be the most effective in preventing and mitigating the risks and implement the controls in order of what is most important. This should include creating or strengthening a Code of Conduct for your business, developing effective internal controls, and ensuring that your employees undertake corruption awareness training.

A good way to identify corruption risks is to facilitate a discussion or consultation with your employees to discuss areas that may be vulnerable to corruption in your business operations. This may include human resources, sales and purchases, financial accounts, inventory and overall business development.

You may also like to think about any past experience your business may have had with corruption (e.g. have you or one of your employees ever been made to pay a bribe?) and consider why that situation came about and whether it could have been prevented.

MSMEs may be represented by a single person or small management. This can provide management support and commitment in a more direct and personal way. This allows management of MSMEs to avoid typical challenges of indirect communication to employees. Managers must be aware that their behaviour as a role model is even more important. Employees in MSMEs may have more interaction with management, which enables them to better scrutinize their behaviour. In this way, employees observe how management reacts in challenging situations, decides how to allocate resources, communicates with business partners and seeks regular updates on the status of anti-corruption, ethics and compliance initiatives. Since employees and business partners can observe the actions of management more easily, it can be expected that the “tone from the top” has an even stronger importance for the success of anti-corruption initiatives in MSMEs.²¹

Some basic questions that can frame your discussion to assess the high-risk areas in your business may include:

1. Do we have a good understanding of the market we are operating in?
2. What interactions with the outside world do our business activities involve?
3. Who do we interact with?
4. Do we conduct a lot of business with government agencies?

21 UNODC. 2013. An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide [online]. Available: https://www.unodc.org/documents/corruption/Publications/2013/13-84498_Ebook.pdf, p. 22.



5. Am I aware of all the local laws on corruption?
6. What do we need from third parties that is particularly critical to our business?
7. Are we able to interact directly with these third parties, or do we rely on intermediaries to help us?
8. Where do we do business and are customs or practices in those places likely to expose us to risk?
9. Do we conduct proper background checks on our business partners and employees?
10. Do we have proper and simple contracts with clear payment terms for business partners and employees?²²

The intention of asking yourself these questions is not to ascertain a simple yes or no answer, but to cause your business to think deeply and tease out potential risks so that they can be addressed. For example, simply stating that your business often interacts with government officials may not be sufficient to determine if any corruption risks exist. It is important that you think about each typical interaction and whether there is a chance that corruption could occur. For example, if the purpose of your interaction is to obtain a permit required to conduct your business, and you need to obtain that permit through an intermediary, it is worth thinking about the conditions of that permit and whether a payment would ordinarily be required. By thinking this through, your business is prepared to face a situation where a public official or intermediary asks for a payment in order to provide you with that permit, and you are already armed with the knowledge that no payment is required.

Once these risks have been identified, the risk assessment must then account for the probability of these risks occurring and for the harm caused. These harms may include financial harm to your businesses and the economy (e.g. through extortion and unpaid taxes on illicit goods and services), as well as physical harm (e.g. people exploited in the provision of illicit goods and services, and the victims of threats and coercion).

Once you have determined the extent of the risk (i.e. the severity of the risk and how likely it is to occur), you will be able to prioritize which risks should be managed. We recommend developing a simple action plan on how your business will prevent these risks or mitigate the consequences of these risks should they occur. This will likely involve creating a Code of Conduct for you and your staff to comply with, developing some internal controls, and ensuring that you and your staff are effectively trained in identifying, preventing and handling instances of corruption.

For more sample questions that your business may like to consider when conducting a risk assessment, see Annex IV.

²² Some of these questions have been taken from: Transparency International UK. 2013. Diagnosing Bribery Risk [online]. Available: <https://www.transparency.org.uk/wp-content/plugins/download-attachments/includes/download.php?id=1145>.



Step 2: Create A Code of Conduct

A Code of Conduct is a statement of principles and values that establishes a set of expectations and standards for how an organization, government body, company, affiliated group or individual will behave. The various components of a Code should align with the core values of your business and with basic ethical principles in Fiji, so that they encourage individual ethical behaviour. The Code should be clear and concise so that people easily grasp its content, be accessible and visually attractive, and contain examples and be available in different formats (possibly even languages, if and when required).²³ A Code of Conduct can outline how you and your employees should behaviour when making decisions, facilitating a business transaction, or conducting any other business activities.

How do I create a Code of Conduct?

UN-PRAC and WEBC's parent body, FCEF conducted trainings in 2019 that led to FCEF adopting a model Code of Conduct that it recommends its members to consider adopting for their own businesses, if they do not have one already.²⁴ Any Code should be regularly reviewed so that the business and employees have ownership over it. It is paramount to collaborate with your employees when developing or reviewing the Code of Conduct to get their input, understand their perspectives, and increase their motivation to comply. The Code of Conduct developed by UN-PRAC, the Pacific Islands Private Sector Organisation (PIPSO) and FCEF also provides a template that can guide discussions for your business.²⁵ Alternatively, these questions could help guide your discussions with your employees:

1. What are the values and principles of our business?
2. What are some acceptable and unacceptable behaviours within the confines of the law?
3. How do we treat the resources and properties of the business?
4. How do we treat the gifts that we receive during our daily business activities?
5. How do we deal with conflicts of interest?
6. How do we respond to complicated situations that might expose us to corrupt practices?
7. What should be the processes for reporting corrupt practices within the business?
8. What should be the incentive for abiding by the Code of Conduct?

23 E4J. 2020, above no. 16.

24 FCEF. 2019. 'FCEF conducts Code of Conduct workshop for its members' FCEF News, 27 September [online]. Available: <http://www.fcef.com.fj/fcef-conducts-code-of-conduct-workshop-to-its-members/>.

25 PIPSO and UN-PRAC. 2017. Best Practices Code of Conduct [online]. Available: <http://www.pipso.org.fj/resources/presentations/2017-2/best-practices-code-conduct-unprac/>.



9. What should be the penalties for corrupt practices or not complying with the Code of Conduct?²⁶

Your responses to the questions above are key elements for your Code of Conduct. In addition, your Code of Conduct might include:

- A simple personal statement of commitment from the owner or the manager on how important the Code of Conduct is for your business;
- An outline of the values and the principles of your business;
- An explanation on why your business needs a Code of Conduct;
- Guidelines for use of the resources and properties of the business;
- Guidance on gift-giving, if it is permitted;
- An overview of what a conflict of interest is and what to do if you have one;
- Rules on dealing with charities and granting sponsorship (if applicable);
- Rules on when political contribution might be appropriate (if applicable);
- An explanation on facilitation payments;
- Guidance on reporting corrupt practices within the business;
- Penalties for corruption practices, and
- A review date for the Code of Conduct.

A template example of a Code of Conduct developed by UN-PRAC, FCEF and PIPSO is available at Annex V.

Enforcing your Code of Conduct

As the business owner and manager, it is important that you demonstrate your commitment to ensure that your business mitigates corruption. Your decision to enforce your Code of Conduct sets the tone for how your business will operate. A lack of enforcement of the Code of Conduct will cause inefficiencies and ineffectiveness in behaviour. While most small MSMEs will task the CEO or business owner to manage the Code, your business may prefer to appoint a compliance officer to manage your Code of Conduct and ensure it is complied with, If you have the resources and your business is large enough.²⁷

Step 3: Build effective internal control systems

A key way to avoid corruption and conflicts of interest is to develop internal checks and balances. Many of the recommendations in this Toolkit are based on the need to develop a balance of

²⁶ These questions have been taken from: G20 ACWG and B2 ACTF. 2015. Anti-Corruption Toolkit for Small and Medium Sized Companies, B20 and G20 [online]. Available: https://issuu.com/ibfglobal/docs/b20-g20_anti-corruptiontoolkit_for_

²⁷ Ibid.



authority and oversight – the existence of real oversight also acts as a deterrence to corrupt and unethical behaviour.

PIPSO, of which FCEF is a member, made general recommendations, such as the “four eye” principle (i.e. an activity, such as approving the payment of invoices and signing cheques, has to have the approval of at least two people); this can be a basic but effective means of building checks and balances into a business or organization.²⁸ Internal control systems are mechanisms, rules and procedures implemented by a business to ensure the integrity of financial and accounting information, promote accountability, and prevent theft and fraud.²⁹ Internal control systems play a key role in ensuring that your business complies with national laws and regulations.³⁰ Efficient and effective internal control can help you to:

1. Run your business in an orderly and efficient manner;
2. Protect your assets and other resources;
3. Prevent and detect errors, fraud and theft;
4. Ensure accuracy of your accounting data; and
5. Generate reliable and timely financial and management information.³¹

Internal control systems can be classified as preventive or detective controls, with preventative measures being those that prevent error, fraud and theft from happening, and detective controls being those that detect corruption when it happens.

Many internal controls that prevent corruption can also help make your business more economically efficient by lessening the opportunity for fraud and error to occur. This could save your business money that may have been lost due to error, fraud or inefficiency. For example, by ensuring an effective system is in place that records all of the transactions that occur in your business will assist in detecting payments that are undocumented and unaccounted for. However, such systems will also provide you with an insight into what payments are being made on a day-to-day basis, giving the owner or manager greater insight into the business and potentially indicating any errors or potentially fraudulent transactions, or even where costs could be cut for greater efficiency.

Some examples of preventive controls include having a clear authorization process in place, maintaining proper documentation of all business activities, separating duties to ensure that different people are responsible for preparing, authorizing and recording financial transactions and

28 PIPSO. 2013. Building resilient national private sector organisations [online]. Available: https://issuu.com/webmediawebstats/docs/npso_guidlines, p.17.

29 Keaton, W. 2019. Internal Controls, Investopedia [online]. Available: <https://www.investopedia.com/terms/i/internalcontrols.asp>.

30 Ibid.

31 Business dictionary. Internal controls [online]. Available <http://www.businessdictionary.com/definition/internal-control.html>.



assets of the business, and limiting physical access, such as by keeping assets under lock and key, as well as installing cameras. Examples of detective controls include auditing (both internal and external audits), reconciliation and taking an inventory of your assets.³²

We also recommend establishing a clear financial policy that can act as a guide on how your business handles all financial transactions. Adopting a clear financial policy is an effective and efficient method to maintaining control over financial transactions, including keeping and maintaining a proper book of accounts.

An example of a finance policy is included in Annex VI for reference.

Know your employees, customers and business partners

Building and maintaining a good knowledge of your customers, business partners and employees is important.

Conducting proper background checks on potential customers, business partners and employees, where possible, will expose any history of corrupt or unethical practices previously committed and will protect your business from similar circumstances. Businesses and MSMEs operate in complex environments, engaging with a variety of business partners, such as suppliers, contractors, agents, subsidiaries and joint ventures on a daily basis. The level of interaction with these partners varies, and could include informal relationships, single contractual relationships, or the tight integration of business activities. The level of influence that a company has on its partners also varies. While some business partners remain fully independent, others may act on behalf of the company or are financially related in the form of minor or major investments.

While engaging with business partners is a necessity for doing business, it may also present a considerable risk for companies with respect to corruption. Companies that engage with business partners having lower anti-corruption standards may face a corruption risk or even be held accountable for the inappropriate behaviour of their partners. Companies should not turn a blind eye to corruption of its business partners and be aware that selling to or buying from an at-risk company can impact on your future transactions. National laws (e.g. in the UK, US, Solomon Islands) increasingly hold companies liable for the misconduct of their business partners.³³ Additionally, a company's reputation can suffer considerably if it is associated with a corrupt partner.³⁴

³² Keaton. 2019, above n. 29.

³³ See for instance: United Kingdom Bribery Act, 2010, Chapter 23, Provisions 7 and 8; Solomon Islands http://www.parliament.gov.sb/files/legislation/Acts/2018/Anti-Corruption_Act_2018.pdf, PART 7 AMENDMENTS Division 1 Amendment of Penal Code, Clause 64.

³⁴ UNODC. 2013. An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide [online]. Available: https://www.unodc.org/documents/corruption/Publications/2013/13-84498_Ebook.pdf.



Step 4: Create a reporting system

Creating a reporting system to handle cases of corruption once detected is important for your business. Failure to report bribery is an offence section 30B of the Prevention of Bribery Act, which means that all citizens must report incidents of bribery that they encounter to FICAC or the police.

The reporting system should identify what steps you will take internally within your business once a corrupt act is detected, including steps required for external reporting to the relevant authorities. This information can help you to understand where corrupt acts are occurring to improve your business' preventative controls, as well as inform external reporting bodies of common corruption risks to MSMEs.

Reporting systems should encourage your employees to report corrupt acts and unethical practices, if they suspect or witness it, and ensure that informers are protected from threats of physical, emotional and mental and economic abuse if they are found to have reported corruption. Therefore, reporting systems must be simple, clear and convenient, and ensure the informer's identity is protected. It must also be clear to all employees that those who inform on corrupt behaviour will not be subject to retaliation or dismissal, especially in circumstances where the employee may be reporting on their superior or even their boss.

In MSMEs, a reporting system can be as simple as special drop-box that is secured and placed in a safe area or even an email address or phone number that they can contact where their identity will be protected, or allow them to even report anonymously. A team of suitable and trusted people should be established to follow up on the report of corruption once received, which includes a process for review and investigation of the claims, and reporting to an external body, if and when appropriate or required.³⁵

In terms of external reporting, we recommend reporting instances of alleged corrupt practices to FICAC where appropriate (see Box 4). We have also included a directory of other relevant organizations that you can report in Annex VII.

³⁵ Corrupt Practices Investment Bureau. 2017. A Practical Anti-Corruption Guide for Business in Singapore [online]. Available: <https://www.cpiib.gov.sg/sites/cpiibv2/files/publication-documents/PACT%20A%20Practical%20Anti-Corruption%20Guide%20For%20Businesses%20in%20Singapore%20%282018%29.pdf>, p. 21.



Box 5: Reporting to FICAC

FICAC is an independent institution that receives complaints of alleged corrupt practices and investigates those complaints where practicable. There are several ways of reporting corruption to FICAC. A person who wishes to report corruption can do so by calling a complaints officer on 1322, enter details on <https://ficac.org.fj/report.html> or write a formal submission to the Deputy Commissioner. All contact details for FICAC are provided in the directory in Annex VII.

Step 5: Ensuring you and your staff undertake anti-corruption training

Organizing and co-ordinating training programmes as part of your anti-corruption measures is important. These types of training will enable you to build the capacity of your business to handle corruption when it occurs, and equip your employees and business partners to correctly identify the risks of corruption and work towards preventing corruption in your daily business operation and dealings.

When organizing a training session, you must appropriately plan how the training will run and determine who the participants and trainers will be. It is important that your business undertakes trainings in a number of areas, including on how to comply with the Code of Conduct, how to use and adhere to the internal control mechanisms, and how to report potential instances of corruption. The directory at Annex VII also includes organizations that you can contact to request for training assistance during staff inductions and for periodic refresher courses.

Following the above five steps should ensure that your business is protected from corruption risks and unethical business practices.

Box 6: The Right to Information

It is important to note that you have the right to request information from public organizations under the Information Act 2018. The Information Act recognizes the right of a person to access information held by a public agency and is there to ease access of information on how a public agency operates, its rules, policies and practices including the services that they provide to Fijians in general. The Act also allows you to request through the Transparency and Accountability Commission to make amendments or delete a personal information held by a public agency to ensure that that information is correct, accurate, complete and not misleading.



Why is UNCAC relevant to Fiji?

The United Nations Convention Against Corruption (UNCAC) is unique in its holistic approach. It adopts both prevention and enforcement measures, and includes mandatory requirements for criminalizing corrupt behaviours. UNCAC also reflects the transnational nature of corruption, providing an international legal basis for enabling international cooperation and recovering proceeds of corruption (i.e. stolen assets). Additionally, UNCAC emphasises the important role that all of society plays in addressing corruption, including the government, the private sector and civil society.³⁶

UNCAC has an implementation review mechanism, whereby each States party is reviewed periodically by two other States parties on its implementation of UNCAC. UNCAC also calls on each States party to provide technical assistance and training, and exchange information to strengthen implementation across the globe.³⁷

Fiji, having acceded to UNCAC on 14 May 2008 and has already undergone two cycles of review. In 2011, Fiji was reviewed by Bangladesh and the United States in its first review cycle for the implementation of Chapters III and IV of UNCAC and, in 2018, Fiji was reviewed for the implementation of Chapters II and V by Samoa and the United Kingdom.³⁸

What is Agenda 2030 and the SDGs?

The 2030 Agenda for Sustainable Development (Agenda 2030) is a plan of action for universal peace, and sustainable development that was decided upon by UN Member States in 2015. This plan includes the 17 Sustainable Development Goals (SDGs) and 169 targets that all UN Member States have pledged to achieve. These goals and targets outline an urgent call for action to UN Member States to work together towards peace and prosperity for the people and planet, and will be achieved by balancing the three dimensions of sustainable development: economic, social and environmental.³⁹

36 UNODC. 2020. United Nations Convention Against Corruption [online]. Available: <https://www.unodc.org/unodc/en/treaties/CAC/>.

37 UNODC. 2020. Implementation Review Mechanism [online]. Available: <https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>.

38 Fiji's UNCAC profile information is available at: UNODC. 2020. Fiji [online]. Available: <https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Ffiji.html>.

39 United Nations. 2020. Transforming our world: the 2030 Agenda for Sustainable Development [online]. Available: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.



How does corruption impact sustainable development?

As emphasized by the UN Secretary-General Antonio Guterres, corruption “...robs societies of schools, hospitals and other vital services, drives away foreign investment and strips nations of their natural resources. It undermines the rule of law and abets crimes such as the illicit trafficking of people, drugs and arms. Tax evasion, money laundering and other illicit flows divert much-needed resources for sustainable development.”⁴⁰

In terms of its impacts on business development, there are many reasons that corruption and poor governance affect trade. One key reason is the disruption in competition caused by criminal behaviours such as bribery, embezzlement, misappropriation, trading in influence and abuse of functions. While, in a functioning economy, competition ensures that consumers get the best-value product in terms of quality and price, situations where corruption, e.g. the offering and accepting bribes, is the norm means that there is no longer competition in price and quality, as only those who can pay bribes and deliver the best bribe revenue are able to enter and compete in the market.⁴¹ The impact of corruption can be devastating even in regard to an individual product. Therefore, when considering the affect that corruption can have when it diverts significant amounts of public expenditure away from essential services, e.g. healthcare and education, these services may be rendered completely ineffective, or they may need to rely on international cooperation to function. Ali and Mdhillat found that corruption perception indexes positively influenced trade flows on both the exporter and importer sides, with lower levels of corruption associated with both an improvement in trade on the exporter side and an increase in trade volume on the importer side.⁴²

What do the SDGs say about corruption?

The SDGs recognize the role that corruption has in undermining sustainable development. SDG 16 specifically targets corruption through its aim of promoting peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels. SDG 16 is also recognized as an enabling goal because, without reducing corruption and strengthening institutions, the other SDGs cannot be achieved.⁴³ The

40 United Nations. 2018. Secretary-General's message on International Anti-Corruption Day [online]. Available: <https://www.un.org/sg/en/content/sg/statement/2018-12-09/secretary-generals-message-international-anti-corruption-day-scroll>.

41 Maclaren, D. 2004. "Doha and Beyond: The Future of the Multilateral Trading System", Mike Moore Cambridge: Cambridge University Press (eds). World Trade Review, 3, pp. 529-532 [online]. Available: doi:10.1017/S147474560400196X.

42 Ali, M. and Mdhillat, M. 2015. "Does Corruption Impede International Trade? New Evidence from the EU and the MENA Countries", Journal of Economic Cooperation and Development, Vol. 36 No. 4, pp. 107-118 [online]. Available: <http://www.sesric.org/pdf.php?file=ART15021601-2.pdf>.

43 United Nations. 2020, above n. 39.



following SDG 16 targets are directly related to promoting good governance through eliminating illicit financial and arms flow, recovery of stolen assets, reducing all forms of organized crimes, corruption and bribery, and promoting effective, transparent and accountable institutions:

- 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- 16.5: Substantially reduce corruption and bribery in all their forms.
- 16.6: Develop effective, accountable and transparent institutions at all levels.⁴⁴



SUSTAINABLE DEVELOPMENT GOALS



⁴⁴ Ibid.

CONCLUSION

Corruption is detrimental to the overall business climate and opportunities in Fiji. Gender inequity provides fertile ground for corruption, and women entrepreneurs are disproportionately affected by corruption!

As the concepts of gender equality and anti-corruption are mutually reinforcing, seizing the opportunities of a gendered approach to corruption in the business sector can help to make anti-corruption efforts effective in Fiji.

Your knowledge and contribution to the fight against corruption matters. There are many tasks, responsibilities and impositions already placed on a business operator, with many additional challenges imposed on women in business.

By deciding to take actions to address corruption in your business, you will improve your opportunities as a woman entrepreneur in Fiji. Your actions and commitments will also directly contribute towards establishing and maintaining a corruption-free business environment in Fiji, and promoting business integrity and responsible business practices.

Finally, your anti-corruption efforts will contribute to UNCAC implementation and progress against the 2030 Agenda for Sustainable Development and the SDGs, including in particular on SDG 16 on peace, justice and strong institutions and SDG 5 on promoting gender equality and women's empowerment.

Congratulations on being at the heart of this important agenda!





ANNEXES

Annex I: United Nations Convention against Corruption

Corruption is a complex and multi-faceted phenomenon which hinders development and undermines the security of societies. Combating corruption in all its forms requires a response that is holistic, multi-disciplinary, co-ordinated and goes beyond the traditional public-private sector divide.

In recognition of the adverse impact of corruption on development and security, nearly all Pacific Island countries (PICs) have either ratified or acceded to the United Nations Convention against Corruption (UNCAC). UNCAC is the only legally binding, global anti-corruption instrument. The Convention was adopted by the General Assembly in October 2003 and entered into force in December 2005. To date, there are 187 States parties to UNCAC, representing a ground breaking commitment to tackle corruption.

UNCAC has since facilitated Pacific State parties to adopt measures to prevent and fight corruption, such as the development of National Anti-Corruption Strategies (NACS), capacity-building of national integrity institutions and corruption prevention engagement of governments with non-State actors, including civil society, the private sector, youth groups and the media.

The 2030 Development Agenda includes Sustainable Development Goal (SDG) 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”⁴⁵, which makes an explicit link between corruption, peace and justice, and inclusive societies. In addition to being a critical goal in its own right, SDG 16 provides the necessary foundation for advancing the other SDGs,

44 1 UNODC. 2020. Signature and Ratification Status (as of 17 January 2020) [online]. Available from: <https://www.unodc.org/unodc/en/corruption/ratification-status.html>.

45 United Nations SDGs Knowledge Platform. 2019. Progress of Goal 16 in 2019. [online]. Available from: <https://sustainabledevelopment.un.org/sdg16>.



UN Convention against Corruption in the Pacific

Pacific States parties to UNCAC	Date of ratification/ accession
Cook Islands	17 October 2011
Federated States of Micronesia	21 March 2012
Fiji	14 May 2008
Kiribati	27 September 2013
Nauru	12 July 2012
Niue	3 November 2017
Marshall Islands	17 November 2011
Palau	24 March 2009
Papua New Guinea	16 July 2007
Samoa	18 April 2018
Solomon Islands	6 January 2012
Tokelau (New Zealand)	
Tonga	6 February 2020
Tuvalu	4 September 2015
Vanuatu	12 July 2011

and is a key driver for societal empowerment. Its corruption-focused targets recognize that limited institutional capacity to deal with corruption undermines efforts for sustainable development and security.⁴⁶

The Pacific's Boe Declaration on Regional Security (Boe Declaration) articulates an

'expanded concept of security', which includes both human and environmental security.⁴⁷ Its associated Action Plan highlights the importance of good governance and anti-corruption measures in creating an enabling environment for implementation. This implicitly recognizes that countries with greater institutional capacity and good governance are generally more resilient to shocks that pose a persistent threat to development, such as natural disasters or rapid demographic changes.

UNCAC articles 5 and 6 require States parties to develop and implement preventive anti-corruption policies and practices, as well as ensure the existence of a preventive anti-corruption body or bodies. UNCAC article 36 focuses on specialized authorities, notably the existence of a body or bodies or persons specialized in combating corruption through law enforcement. While UNCAC recognizes the need for implementation to be tailored to a country's specific context, the Convention provides a framework (e.g. policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability; such a body or bodies or persons be granted the necessary independence to carry out its or their functions effectively and free from any undue influence).⁴⁸

Good practice appears to be the establishment of a multi-faceted, whole-of-society approach to

⁴⁶ Ibid.

⁴⁷ Pacific Islands Form Secretariat. 2018. Boe Declaration on Regional Security. [online]. Available from: <https://www.forumsec.org/boe-declaration-on-regional-security/>.

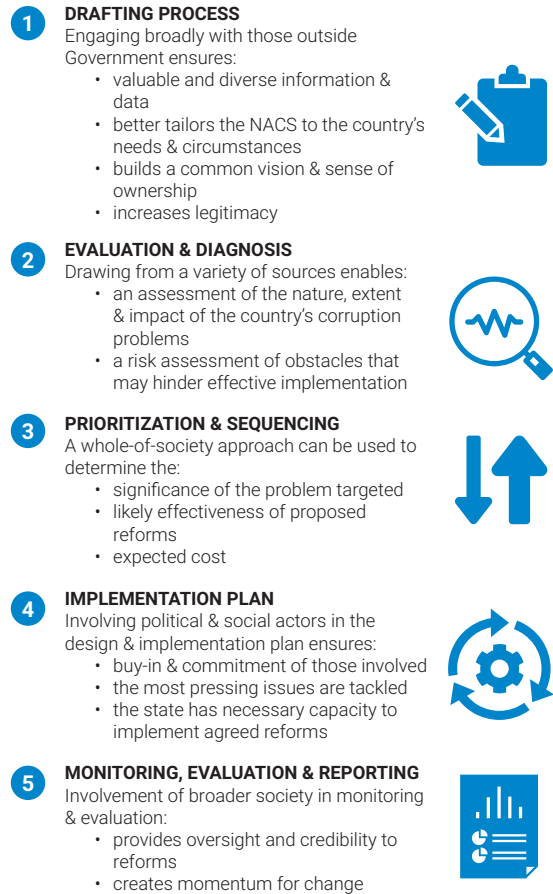
⁴⁸ UNODC. 2004. United Nations Convention against Corruption. [online]. Available from: https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf.



preventing and fighting corruption that is tailored to a country's context. Such an approach can include the development and implementation of a National Anti-Corruption Strategy (NACS). A Strategy can include five key aspects: the drafting process; preliminary evaluation and diagnosis of corruption challenges; policy priorities and sequencing; implementation plan; and monitoring, evaluation and reporting (see Figure 1).⁴⁹ Three PICs (PNG, the Solomon Islands and Kiribati) have already developed NACS (see Figure 2). These NACS are supported by Anti-Corruption Committees, coordinating mechanisms to ensure the implementation of the Strategies, but these Committees are often mandated to focus on national anti-corruption efforts also more broadly. Two PICs (Fiji and the Solomon Islands) have nearly successfully established Independent Commissions against Corruption,⁵⁰ and two PICs are on their way; Papua New Guinea (PNG) voted unanimously to amend the Constitution to allow for an ICAC to be established and Tonga legislated to establish an ICAC.

Adopting a whole-of-society approach enables a State to address corruption in a holistic manner, also taking into consideration not only national but also the Pacific's regional concerns and priorities. One such step can be through

FIGURE 1: Whole-of-society approach for developing NACS



49 UNODC. 2015. National Anti-Corruption Strategies: A Practical Guide. [online] Vienna, Austria: UNODC, for Development and Implementation. [online]. Available from: https://www.unodc.org/documents/treaties/UNCAC/COSP/session6/SpecialEvents/2015_11_04_ConstantinePalicarskyUNODC.pdf.

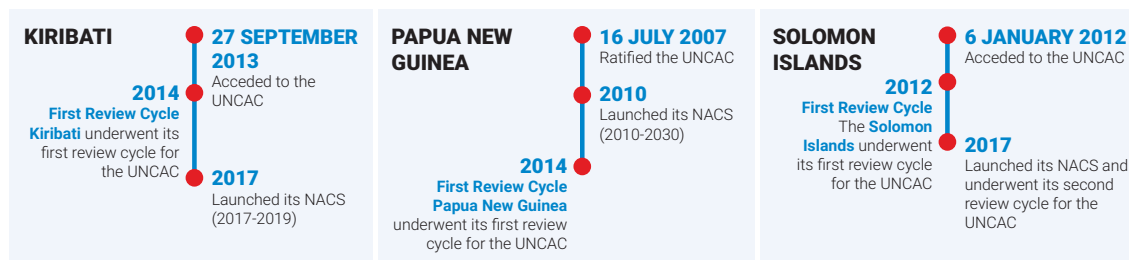
50 Boussalis, C, Coan, T, Peiffer, C and Walton, G. 2018. Key trends from complaints to Fiji's Independent Commission Against Corruption. *Devpolicy Blog from the Development Policy Centre*. 31 January. [online]. Available: <https://devpolicy.org/key-trends-from-complaints-to-fijis-independent-commission-against-corruption-20180131/>; see also FICAC's website. [online]. Available from: <https://ficac.org.fj/>; [Solomon Islands' Anti-Corruption Act (2018) s. 7; RNZ. 2019. Solomons govt to launch anti-corruption commission this year. *Radio New Zealand*. 31 July [online]. Available from: <https://www.rnz.co.nz/international/pacific-news/395598/solomons-govt-to-launch-anti-corruption-commission-this-year>.



the establishment of a NACS and National Coordinating Committee. Similarly, establishing transparent, accountable and inclusive national integrity institutions will bring the Pacific closer to achieving UNCAC and SDG 16, as well as the facilitating the broader implementation of

the other SDGs. Doing so in an inclusive and transparent manner is likely to ensure buy-in from stakeholders, including non-State actors, and enable governments to draw in the wider community to support their national anti-corruption efforts.

FIGURE 2: Development of Pacific NACS





Annex II: Part 6 of the FCCC Act

Disclaimer: Please note that the below laws were correct and up-to-date at the time that this Toolkit was published. However, please be sure to check <https://laws.gov.fj/> for the most up-to-date version of the law.

Provisions regarding restricting dealings or affecting competition

Exclusionary provisions are defined in section 4A, and relate to circumstances where two or more persons that are in competition with each other, come to some agreement for the purpose of preventing, restricting or limiting the supply of goods or services to particular persons. Section 4A defines when a person is considered to be in competition with another person.

Subsection 61(1) adds on to section 60 and provides a provision regarding the substantial lessening of competition by provisions that fix, control or maintain the price of goods or service. However, section 61 includes some limitations on subsection 61(1), including allowances for provisions which may fix, control or maintain the price of goods or service in certain circumstances within a joint venture, or where the provisions are only intended to recommend the price of the goods or services. Section 4A and sections 60-65 are provided in full below. Section 4A – Exclusionary provisions

- (1) A provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding, shall be taken to be an exclusionary provision for the purposes of this Act if—
 - a. the contract or arrangement was made, or the understanding was arrived at, or the proposed contract or arrangement is to be made, or the proposed understanding is to be arrived at, between 2 or more persons that are competitive with each other; and
 - b. the provision has the purpose of preventing, restricting or limiting—
 - i. the supply of goods or services to, or the acquisition of goods or services from, particular persons or classes of persons; or
 - ii. the supply of goods or services to, or the acquisition of goods or services from, particular persons or classes of persons in particular circumstances or on particular conditions, by all or any of the parties to the contract, arrangement or understanding or of the proposed parties to the proposed contract, arrangement or understanding or, if a party or proposed party is a body corporate, by a body corporate that is related to the body corporate.



- (2) A person shall be deemed to be competitive with another person for the purposes of subsection (1) if—
- a. the first mentioned person or a body corporate that is related to that person is, or is likely to be; or
 - b. but for the provision of any contract, arrangement or understanding or of any proposed contract, arrangement or understanding, would be, or would likely be, in competition with the other person, or with a body corporate that is related to the other person, in relation to the supply or acquisition of all or any of the goods or services to which the relevant provision of the contract, arrangement or understanding or of the proposed contract, arrangement or understanding relates.

Section 4B – Lessening of competition to include preventing or hindering competition

For the purposes of this Act, references to the lessening of competition shall be read as including references to preventing or hindering competition.

Section 60 – Contracts, arrangements or understandings restricting dealings or affecting competition

- (1) If a provision of a contract –
- a. is an exclusionary provision; or
 - b. has the purpose, or has or is likely to have the effect of substantially lessening competition, that provision is unenforceable in so far as it confers rights or benefits or imposes duties or obligations on a person.
- (2) A person shall not –
- a. Make a contract or arrangement, or arrive at an understanding, if –
 - i. The proposed contract, arrangement or understanding contains an exclusionary provision; or
 - ii. A provision of the proposed contract, arrangement or understanding has the purpose, or would have or be likely to have the effect, of substantially lessening competition; or
 - b. Give effect to a provision of a contract, arrangement or understanding, whether the contract or arrangement was made, or the understanding was arrived at, before or after the commencement of this section, if that provision –
 - i. is an exclusionary provision; or
 - ii. has the purpose, or has or is likely to have the effect, or substantially lessening competition.
- (3) For the purposes of this section and section 61, “competition”, in relation to a provision of a contract, arrangement or understanding or of a proposed contract, arrangement or understanding, means competition in any market in which a person that is a party to the



- contract, arrangement or understanding or would be a party to the proposed contract, arrangement or understanding, or any body corporate related to such a person, supplied or acquires, or is likely to supply or acquire, goods or services or would, but for the provision, supply or acquire, or be likely to supply or acquire, goods or services.
- (4) For the purposes of the application of this section in relation to a particular person, a provision of a contract, arrangement or understanding or of a proposed contract, arrangement or understanding shall be deemed to have or to be likely to have the effect of substantially lessening competition if that provision and any one or more of the following provisions, namely –
- a. The other provisions of that contract, arrangement or understanding proposed contract, arrangement or understanding; and
 - b. The provisions of any other contract, arrangement or understanding or proposed contract, arrangement or understanding to which the person or a body corporate relate to such a person is or would be a party, together have or are likely to have that effect.
- (4A) Without limiting the generality of subsections (1) to (4), a provision of a contract, arrangement or understanding, including a licence, made or arrived at after the commencement of this subsection, has no effect and is unenforceable if it –
- a. Is an exclusionary provision or has the purpose, or has or is likely to have the effect, of substantially lessening competition; or
 - b. Has the purpose, or has or is likely to have the effect, of conferring on any person (whether or not the person is a party to the contract, arrangement or understanding) exclusive rights under any Act or Act.
- (5) This section does not apply to or in relation to a contract, arrangement or understanding in so far as the contract, arrangement or understanding provides, or to or in relation to a proposed contract, arrangement or understanding in so far as the proposed contract, arrangement or understanding would provide, directly or indirectly for the acquisition of any shares in the capital, or any assets, of a body corporate.
- (6) This section does not apply to or in relation to a contract, arrangement or understanding, or a proposed contract, arrangement or understanding, the only parties to which is or would be bodies corporate that are related to each other.

Section 61 – Contract, arrangements or understandings in relation to prices

- (1) Without limiting the generality of section 60, a provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding, shall be deemed for the purposes of that section to have the purpose, or to have or to be likely to have the effect, of substantially lessening competition if the provision has the purpose, or has or is likely to have the effect, as the case may be, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or, a discount, allowance, rebate



- or credit in relation to goods or services supplied or acquired or to be supplied or acquired by the parties to the contract, arrangement or understanding or the proposed parties to the proposed contract, arrangement or understanding, or by any of them, or by any bodies corporate that are related to any of them, in competition with each other.
- (2) Subsection (1) does not apply to a provision of a contract or arrangement made or of an understanding arrived at, or of a proposed contract or arrangement to be made or of a proposed understanding to be arrived at, for the purposes of a joint venture to the extent that the provision relates or would relate to –
- a. the joint supply by the parties to the joint venture, or the supply by the parties to the joint venture in proportion to their respective interests in the joint venture of goods jointly produced by those parties in pursuance of the joint venture;
 - b. the joint supply by the parties to the joint venture of services in pursuance of the joint venture, or the supply by the parties to the joint venture in proportion to their respective interests in the joint venture of services in pursuance of, and made available as a result of, the joint venture; or
 - c. in the case of a joint venture carried on by a body corporate as mentioned in Subsection 4(14) –
 - i. the supply by that body corporate of goods produced by it in pursuance of the joint venture; or
 - ii. the supply by that body corporate of services in pursuance of the joint venture, not being services supplied on behalf of the body corporate by –
 - a) a person who is the owner of shares in the capital of the body corporate; or
 - b) a body corporate that is related to such a person.
- (3) Subsection (1) does not apply in relation to a provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding, to the extent that the provision recommends or provides for recommending, or would recommend or provide for recommending, the price for, or a discount, allowance, rebate or credit in relation to, goods or services, where the parties to the contract, arrangement or understanding, or the proposed parties to the proposed contract, arrangement or understanding, include –
- a. not less than 2 persons (bodies corporate that are related to one another being counted as a single person) who supply, in trade or commerce, goods or services to which the provision applies, or
 - b. not less than 2 persons (bodies corporate that are related to one another being counted as a single person) who acquire, in trade or commerce, goods or services to which the provision applies.
- (4) Subsection (1) does not apply to a provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding being a provision –
- a. in relation to the price for goods or services to be collectively acquired; whether directly or indirectly, by parties to the contract, arrangement or understanding or by proposed



- parties to the proposed contract, arrangement or understanding; or
- b. for the joint advertising of the price for the re-supply of goods or services so acquired.
- (5) For the purposes of this Act, a provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding, shall not be taken not to have the purpose, or not to have or to be likely to have the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services by reason only of –
- a. the form of, or of that provision of, the contract, arrangement or understanding or the proposed contract, arrangement or understanding;
- b. any description given to, or to that provision of, the contract, arrangement or understanding or the proposed contract arrangement or understanding by the parties or proposed parties.
- (6) For the purposes of this Act but without limiting the generality of subsection (5), a provision of a contract arrangement or understanding, or of a proposed contract, arrangement or understanding, shall not be taken not to have the purpose, or not to have or to be likely to have the effect, of fixing, controlling or maintaining, or providing for the price for, or a discount, allowance, rebate or credit in relation to goods or services by reason only that the provision recommends, or provides for the recommending of, such a price, discount, allowance, rebate or credit if in fact, the provision has that purpose or has or is likely to have that effect.
- (7) For the purposes of the preceding provisions of this section but without limiting the generality of those provisions, a provision of a contract, arrangement or understanding, or of a proposed contract, arrangement or understanding, shall be deemed to have the purpose, or to have or to be likely to have the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services supplied as mentioned in sub-section (1) if the provision has the purpose, or has or is likely to have the effect, of fixing, controlling or maintaining, or, providing for the fixing, controlling or maintaining of, such a price, discount, allowance, rebate or credit in relation to a re-supply of the goods or services by persons to whom the goods or services are or would be supplied by the parties to the contract, arrangement or understanding or the proposed parties to the proposed contract, arrangement or understanding, or by any of them, or by any bodies corporate that are related to any of them.
- (8) The reference in subsection (1) to the supply or acquisition of goods or services by persons in competition with each other includes a reference to the supply or acquisition of goods or services by persons who, but for a provision of any contract, arrangement or understanding or of any proposed contract, arrangement or understanding, would be, or would be likely to be, in competition with each other in relation to the supply or acquisition of the goods or services.



Sections 62 and 63 contain similar provisions in relation to covenants which affect competition or are in relation to price fixing. Section 64 includes a provision which restricts conduct that hinders or prevents the supply of goods or services to others. Section 65 is a provision that prohibits contracts, arrangements or understandings effecting supply or acquisition of goods or services.

Section 62 – Covenants affecting competition

- (1) A covenant, whether the covenant was given before or after the commencement of this section, is unenforceable in so far as it confers rights or benefits or imposes duties or obligations on a person or any person associated with such person supplies or acquires, or is likely to supply or acquire, goods or services or would, but for the covenant, supply or acquire, or be likely to supply or acquire, goods or services.
- (2) An associate of the person shall not –
 - a. require the giving of a covenant, or give a covenant, if the proposed covenant has the purpose, or would have or be likely to have the effect, of substantially lessening competition in any market in which
 - i. the person, or any who is an associate with such person by virtue of subsection 6 (b), supplies or acquires, is likely to supply or acquire, or would, but for the covenant, supply or acquire, or be likely to supply or acquire, goods or services; or
 - ii. any person who is an associate of the first mentioned person by virtue of the operation of subsection 6 (a) supplies or acquires, is likely to supply or acquire, or would, but for the covenant, supply or acquire, or be likely to supply or acquire, goods or services, being a supply or acquisition in relation to which the associate is, or would be, under an obligation to act in accordance with directions, instructions or wishes of the first mentioned person;
 - b. threaten to engage in particular conduct if a person who, but, for subsection (1), would be bound by a covenant does not comply with the terms of the covenant; or
 - c. engage in particular conduct by reason that a person who, but for subsection (1), would be bound by a covenant has failed to comply, or
- (3) Where a person –
 - a. issues an invitation to another person to enter into a contract containing a covenant
 - b. makes an offer to another person to enter into a contract containing a covenant; or
 - c. makes it known that the person will not enter into a contract of a particular kind unless the contract contains a covenant of a particular kind or in particular terms, the first-mentioned person shall, by issuing that invitation, making that offer or making that fact known, be deemed to require the giving of the covenant.
- (4) For the purposes of this section, a covenant or proposed covenant shall be deemed to have, or to be likely to have, the effect of substantially lessening competition in a market if the covenant or proposed covenant, as the case may be, would have, or be likely to have, that



- effect when taken together with the effect or likely effect on competition in that market of any other covenant or proposed covenant to the benefit of which –
- a. a person, is or would be, or but for subsection (1) would be, entitled to the benefit of the first-mentioned covenant or proposed covenant; or
 - b. a person associated with the person referred to in paragraph (a), is or would be, or but for subsection (1) would be, entitled.
- (5) This section does not apply to or in relation to a covenant or proposed covenant where the only persons who are or would be respectively bound by or entitled to the benefit of, the covenant or proposed covenant are persons who are associated with each other or are bodies corporate that are related to each other.
- (6) For the purposes of this section and section 63, two persons are taken to be associated with each other in relation to a covenant or proposed covenant if, and only if –
- a. one of the persons is under an obligation (otherwise than in pursuance of the covenant or proposed covenant), whether formal or informal, to act in accordance with directions, instructions or wishes of the other person in relation to the covenant or proposed covenant; or
 - b. one of the persons is a body corporate in relation to which the other person is in the position mentioned in section 4(8).
- (7) This section does not apply to or in relation to a covenant or proposed covenant if –
- a. the sole or principal purpose for which the covenant was or is required to be given was or is to prevent the relevant land from being used otherwise than for residential purposes
 - b. the person who required or requires the covenant to be given was or is a religious, charitable or public benevolent institution or a trustee for such an institution and the covenant was or is required to be given for or in accordance with the purposes or objects of that institution; or
 - c. the covenant was or is required to be given in pursuance of a legally enforceable requirement made by, or by a trustee for, a religious, charitable or public benevolent institution, being a requirement made for or, in accordance with the purposes or objects of that institution.

Section 63 – Covenants in relation to prices

- (1) In the application of section 62 (1) in relation to a covenant that, has, or is likely to have, the effect of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services supplied or acquired by the persons who are, or but for that sub-section would be, bound by or entitled to the benefit of the covenant, or by any of them, or by any persons associated with any of them, in competition with each other, that sub-section has effect.



- (2) In the application of section 62(2) in relation to a proposed covenant that has the purpose, or would have or be likely to have the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services supplied or acquired by the persons who would, or would but for section 62 (1), be bound by or entitled to the benefit of the proposed covenant, or by any of them, or by any persons associated with any of them, in competition with each other, section 62 (2) (a) has effect as if all the words after the words “require the giving of a covenant, or give a covenant” were omitted.
- (3) For the purposes of this Act, a covenant shall not be taken not to have, or not to be likely to have, the effect, or a proposed covenant shall not be taken not to have the purpose, or not to have, or not to be likely to have, the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services by reason only of –
 - a. the form of the covenant or proposed covenant; or
 - b. any description given to the covenant by any of the persons who are, or but for section 62 (1) would be, bound by or entitled to the benefit of the covenant or any description given to the proposed covenant by any of the persons who would, or would but for section 62 (1), be bound by or entitled to the benefit of the proposed covenant.
- (4) For the purposes of the preceding provisions of this section, but without limiting the generality of those provisions
 - a. a covenant shall be deemed to have, or to be likely to have, the effect of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services supplied as mentioned in sub-section (1) if the covenant has, or is likely to have, the effect of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, such a price, discount, allowance, rebate or credit in relation to a re-supply of the goods by person to whom the goods are supplied by the persons who are, or but for section 62 (1) would be, bound by or entitled to the benefit of the covenant, or by any of them, or by any persons associated with any of them; and
 - b. a proposed covenant shall be deemed to have the purpose, or to have, or to be likely to have, the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, the price for, or a discount, allowance, rebate or credit in relation to, goods or services supplied as mentioned in sub-section (2) if the proposed covenant has the purpose, or would have or be likely to have the effect, as the case may be, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining of, such a price, discount, allowance, rebate or credit in relation to a re-supply of the goods or services by persons to whom the goods are supplied by the persons who would, or would but for section 62 (1), be bound by or entitled to the benefit of the proposed covenant, or by any of them, or by any persons associated with any of them.



- (5) The reference in sub-section (1) to the supply or acquisition of goods or services by persons in competition with each other includes a reference to the supply or acquisition of goods or services by persons who, but for a provision of any contract, arrangement or understanding or of any proposed contract, arrangement or understanding, would be, or would be likely to be, in competition with each other in relation to the supply or acquisition of the goods or services.

Section 64 – Restriction on conduct that hinders or prevents the supply of goods or services to others.

- (1) Subject to this section, a person shall not in concert with a second person, engage in conduct that hinders or prevents the supply of goods or services by a third person to a fourth person (not being an employer of the first-mentioned person), or the acquisition of goods or services by a third person from a fourth person (not being an employer of the first mentioned person), where – the conduct is engaged in for the purpose, and would have or be likely to have the effect, of causing –
 - a. substantial loss or damage to the business of the third person, the fourth person or a body corporate that is related to either of them; or
 - b. a substantial lessening of competition in any market in which the third person, the fourth person or a body corporate that is related to either of them supplies or acquires goods or services.
- (2) Subject to this section, a person shall not, in concert with another person, engage in conduct for the purpose, and having or likely to have the effect, of preventing or substantially hindering a third person (not being an employer of the first-mentioned person) from engaging in trade or commerce –
 - a. between Fiji and places outside Fiji;
 - b. within Fiji.
- (3) In a proceeding under this Act in relation to a contravention of sub-section (2), it is a defence if the defendant proves the dominant purpose for which the defendant engaged in the conduct concerned was to preserve or further a business carried on by him or her.
- (4) The application of sub-section (2) in relation to a person in respect of his or her engaging in conduct in concert with another person is not affected by reason that the other person proves any of the matters mentioned in sub-section (3) in respect of that conduct.
- (5) Section 4 (9) (b) does not apply in relation to sub-section (1) or (2) but a person shall be deemed to engage in conduct for a purpose mentioned in that sub-section if he or she engages in that conduct for purposes that include that purpose.
- (6) A person shall not be taken to contravene, or to be involved in a contravention of, sub-section (1) or (2) by engaging in conduct where –



- a. the dominant purpose for which the conduct is engaged in is substantially related to –
 - i. the remuneration, conditions of employment, hours of work or working conditions of that person or of another person employed by an employer of that person; or
 - ii. an employer of that person having terminated, taken action to terminate, the employment of that person or of another person employed by that employer; or
 - b. in the case of conduct engaged in by the following person in concert with each other (and not in concert with any other person), that is to say –
 - i. an organization or organizations of employees, or an officer or officers of such an organization, or both such an organization or organizations and such an officer or officers; and
 - ii. an employee, or 2 or more employees who are employed by the one employer, the dominant purpose for which the conduct is engaged in is substantially related to
 - iii. the remuneration, conditions of employment, hours of work or working conditions of the employee, or of any of the employees, referred to in sub-paragraph ii); or
 - iv. the employer of the employee, or of the employees, referred to in sub-paragraph (ii) having terminated, or taken action to terminate, the employment of any of his or her employees.
- (7) The application of sub-section (1) or (2) in relation to a person in respect of his or her engaging in conduct in concert with another person is not affected by reason that sub-section (6) operates to preclude the other person from being taken to contravene, or to be involved in a contravention of, sub-section (1) or (2) in respect of that conduct;
- (8) If two or more persons (in this subsection referred to as the “participants”) each of whom is a member or officer of the same organization of employees (being an organization that exists or is carried on for the purpose, or for purposes that, include the purpose, of furthering the interests of its members in relation to their employment) engage in conduct in concert with one another, whether or not the conduct is also engaged in concert with other persons, the organization shall be deemed for the purposes of this Act to engage in that conduct in concert with the participants, and so to engage in that conduct for the purpose or purposes for which that conduct is engaged in by the participants, unless the organization establishes that it took all reasonable steps to prevent the participants from engaging in that conduct.
- (9) Where an organization of employees engages, or is deemed by sub-section (8) to engage, in conduct in concert with members or officers of the organization in contravention of sub-section (1) or (2) –
- a. any loss or damage suffered by a person as result of the conduct shall be deemed to have been caused by the conduct of the organization;
 - b. for the purpose of enforcing any judgment or order given or made in a proceeding, process may be issued and executed against any property of the organization or of any branch or part of the organization, or any property in which the organization have in their capacity as such members, a beneficial interest, whether vested in trustees or however otherwise



held, as if the organization were a body corporate and the absolute owner of the property or interest but no process shall be issued or executed against any other property of members, or against any property of officers, of the organization or of a branch or part of the organization.

(10) Nothing in this section affects the operation of any other provision of this part.

Section 65 – Prohibition of contracts, arrangements or understandings effecting supply or acquisition of goods or services.

- (1) Subject to this section, a person who has been accustomed, or is under an obligation, to supply goods or services to, or to acquire goods or services from, a second person shall not make a contract or arrangement, or arrive at an understanding, with a third person (being an organization of employees, an officer of such an organization, or another person acting for or on behalf of such an organization or officer) if the proposed contract, arrangement or understanding contains a provision that –
 - a. has the purpose of preventing or hindering the first-mentioned person from supplying or continuing to supply any such goods or services to the second person or, as the case may be, from acquiring or continuing to acquire any such goods or services from the second person;
 - b. has the purpose of preventing or hindering the first-mentioned person from supplying or continuing to supply any such goods or services to the second person except subject to a condition (not being a condition to which the supply of such goods or services by the first-mentioned person to the second person has previously been subject by reason of a provision of a contract existing between those persons) as to the persons to whom, as to the manner in which, or as to the terms on which, the second person may supply any goods or services; or
 - c. has the purpose of preventing or hindering the first-mentioned person from acquiring or continuing to acquire any such goods or services from the second person except subject to a condition (not being a condition to which the acquisition of such goods or services by the first-mentioned person from the second person has previously been subject by reason of a contract existing between those persons) so to the persons to whom, as to the manner in which, or as to the terms on which, the second person may supply any goods or services.
- (2) Sub-section (1) does not apply in relation to a contract, arrangement or understanding that is in writing if the second person mentioned in that sub-section is a party to the contract, arrangement or understanding or has consented in writing to the contract or arrangement being made or the understanding being arrived at.
- (3) Section 4(12)(a) applies in relation to subsection (1) as if section 4(12)(a)(ii) were omitted.
- (4) Subject to sub-section (6), a reference in this section to a person who has been accustomed



- to supply goods or services to a second person shall be construed as including a reference to –
- a. is regular supplier of any such goods or services to the second person;
 - b. the latest supplier of any such goods or services to the second person; and
 - c. a person who at any time during the immediately preceding period of 3 months supplied any such goods or services to the second person.
- (5) Where –
- a. goods or services have been supplied by a person to a second person pursuant to a contract between those persons under which the first-mentioned person was required over a particular period to supply such goods or services;
 - b. that period has expired; and
 - c. after the expiration of that period the second person has been supplied with such goods or services by another person or other persons and has not been supplied with such goods or services by the first-mentioned person, then, for the purposes of the application of this section in relation to anything done after the second person has been supplied with goods or services as mentioned in paragraph (c), the first-mentioned person shall be deemed not to be a person who has been accustomed to supply such goods or services to the second person.
- (6) subject to sub-section (8), a reference in this section to a person who has been accustomed to acquire goods or services from a second person shall be construed as including a reference to –
- a. a regular acquirer of any such goods or services from the second person;
 - b. a person who, when he or she last acquired such goods or services, acquired them from the second person; and
 - c. a person who at any time during the immediately preceding period of 3 months acquired any such goods or services from the second person.
- (7) Where –
- a. goods or services have been acquired by a person from a second person pursuant to a contract between those persons under which the first-mentioned person was required over a particular period to acquire such goods or services;
 - b. that period has expired; and
 - c. after the expiration of that period the second person has refused to supply such goods or services to the first-mentioned person,
- then, for the purposes of the application of this section in relation to anything done after the second person has refused to supply goods or services as mentioned in paragraph (c), the first-mentioned person shall be deemed not to be a person who has been accustomed to acquire such goods or services from the second person.
- (8) If –
- a. a person has, whether before or after the commencement of this section, made a contract



- or arrangement, or arrived at an understanding, with another person; and
- b. by reason of a provision included in the contract, arrangement or understanding, the making of the contract or arrangement, or the arriving at the understanding, by the first-mentioned person contravened sub-section (1) or would have or that sub-section if this section had been in force at the time when the contract or arrangement was made, or the understanding was arrived at,
- a person shall not give effect to that provision of the contract, arrangement or understanding.
- (9) In determining for the purposes of paragraph (8)(b) whether a contract or arrangement made, or understanding arrived at, before the commencement of this section would have contravened sub-section (1) if this section had been in force at the time when the contract or arrangement was made, or the understanding was arrived at, sub-section (2) shall be read as if the words “that is in writing” and the words “in writing” were omitted.
- (10) Nothing in this section effects the operation of any other provision of this Part.

Misuse of market power and anti-competitive conduct

Section 66 of the FCCC Act prevents persons with substantial market power from taking advantage of that power to eliminate or damage their competitors, preventing others from entering the market, or deterring others from engaging in the market. Section 67 of the FCCC Act prevents persons from engaging in anti-competitive conduct.

Section 66 – Misuse of Market Power

- (1) A person that has a substantial degree of power in a market shall not take advantage of that power for the purpose of –
- eliminating or substantially damaging a competitor of such person or of a body corporate that is related to such person in that or any other market;
 - preventing the entry of a person into that or any other market; or
 - deterring or preventing a person from engaging in competitive conduct in that or any other market.
- (2) If –
- a body corporate that is related to such person has, or 2 or more bodies corporate each or which is related to the person together have, a substantial degree of power in a market; or
 - a person and a body corporate that is, or a such person and 2 or more bodies corporate each of which is, related to such person, together have a substantial degree of power in a market,
- the person shall be taken for the purposes of this section to have a substantial degree of power in that market.



- (3) In determining for the purposes of this section the degree of power that a person or body corporate has in a market, the court shall have regard to the extent to which the conduct of the person or of any of the body corporate in that market is constrained by the conduct of -
 - a. competitors, or potential competitors, of the person or of any of the body corporate in that market; or
 - b. persons to whom or from whom such person or any of those body corporate supplies or acquires goods or services in that market.
- (4) In this section -
 - a. a reference to power is a reference to market power;
 - b. a reference to a market is a reference to a market for goods or services; and
 - c. a reference to power in relation to, or to conduct in, a market is a reference to power, or to conduct, in that market either as a supplier or as an acquirer of goods or services in that market.
- (5) Without extending by implication the meaning of subsection (1), a person shall not be taken to contravene that subsection by reason only that such person acquires plant or equipment.
- (6) Without in any way limiting the manner in which the purpose of a person may be established for the purposes of any other provision or this Act, a person may be taken to have taken advantage of its power for a purpose referred to in subsection (1) notwithstanding that after all the evidence has been considered the existence of that purpose is ascertainable only by inference from the conduct of such person or of any other person or from other relevant circumstances.

Section 67 – Anti-competitive conduct

- (1) A person engages in prescribed anti-competitive conduct if the person –
 - a. has a substantial degree of power in a market; and
 - b. takes advantage of that power with the effect or like effect, of substantially lessening competition in that or another market.
- (2) A person must not engage in prescribed anti-competitive conduct.

Part 6 of the FCCC Act (sections 60 to 73) also include provisions for other types of restrictive trade practice. For example, section 68 deals with collective tendering to prevent persons from tendering for the supply or purchase of any goods or services collectively. Section 69 prohibits persons from trading in the practice of exclusive dealing. Sections 70 and 70A prohibit persons from engaging in the practice of resale price maintenance. Section 71 prevents persons from discriminating between purchase of goods like grade and quality under prescribed circumstances. Section 72 outlines the circumstances where persons must not acquire shares in capital or any assets of a body corporate to prevent market domination. For the full text of these provisions, see <https://laws.gov.fj/Acts/DisplayAct/2733>.



Annex III: Part 7 of the FCCC Act

Disclaimer: Please note that the below laws are correct and up-to-date as of the day this Toolkit is published. However, please be sure to check <https://laws.gov.fj/> for the most up-to-date version of the law.

Section 74 – Interpretation

- (1) For the purposes of this Division, where a person makes a representation with respect to any future matter (including the doing of, or the refusing to do, any act) and the person does not have reasonable grounds for making the representation, the representation shall be taken to be misleading.
- (2) The onus of establishing that a person had reasonable grounds for making a representation to in subsection (1) is on the person.
- (3) Subsection (1) shall not be taken to limit by implication the meaning of a reference in this Division to a misleading representation, a representation that is misleading in a material particular or conduct that is misleading or is likely or liable to mislead.
- (1) Section 75 – Misleading of Deceptive Conduct A person shall not, in trade or commerce engage in conduct that is misleading or deceptive or is likely to mislead or deceive.
- (2) Nothing in this Division shall be taken as limiting by implication the generality of subsection (1).

Section 76 – Unconscionable Conduct

- (1) A person shall not, in trade or commerce, in connexion with the supply or possible supply of goods or services to a person (in this section referred to as the customer), engage in conduct that is, in all the circumstances, unconscionable
- (2) Without limiting the matters to which regard maybe had for the purpose of determining whether a supplier has contravened subsection (1) in connection with the supply or possible supply of goods or services, regard may be had to –
 - a. the relative strengths of the bargaining positions of the supplier and the customer;
 - b. whether, as a result of conduct engaged in by the supplier, the customer was required to comply with conditions that were not reasonably necessary for the protection of the legitimate interests of the supplier;
 - c. whether the customer was able to understand any documents relating to the supply or possible supply of the goods or services;
 - d. whether any undue influence or pressure was exerted on, or any unfair tactics were used against, the customer (or person acting on behalf of the customer) by the supplier in relation to the supplier or a person acting on behalf of the supplier in relation to the supply



- or possible supply of the goods or services; and
 - e. the amount for which, and the circumstances under which, the customer could have acquired identical or equivalent goods or services from a person other than the supplier.
- (3) A supplier shall not be taken for the purposes of the section to engage in unconscionable conduct in connection with the supply or possible supply of goods or services to a customer only because the supplier institutes legal proceedings in relation to that supply or possible supply or refers a dispute or claim in relation to that supply or possible supply to arbitration.
 - (4) For the purpose of determining whether a supplier has contravened subsection (1) in connexion with the supply or possible supply of goods or services to a customer –
 - a. regard shall not be had to any circumstances that were not reasonably foreseeable at the time of the alleged contravention; and
 - b. regard may be had to conduct engaged in, or circumstances existing, before the commencement of this Act.
 - (5) Any person who fails to comply or contravenes this section is guilty of an offence.

Section 77 – False or Misleading Representation

- (1) A person shall not, in trade or commerce, in connexion with the supply or possible supply of goods or services or in connexion with the promotion by any means of the supply or use of goods or services
 - a. falsely represent that goods are of a particular standard, quality, grade, composition; style or model or have had a particular history or particular previous use which they do not have;
 - b. represent that services are of a particular standard, quality or grade they do not have;
 - c. represent that goods are new or unused, if they are not or are reconditioned or reclaim;
 - d. represent that a particular person has agreed to acquire goods or services when that other person has not;
 - e. represent that goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have;
 - f. represent that the person has a sponsorship, approval, or affiliation that person does not have;
 - g. make a representation concerning that a price advantage of goods or services exist if it does not;
 - h. make a representation concerning the availability of facilities for the repair of goods or of spare parts for goods when they are not;
 - i. make false or misleading representation concerning the place of origin of goods;
 - j. make a false or misleading representation concerning the need for any goods or services;
 - k. make representation concerning the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy that person does not have.
- (2) A person who contravenes this section shall be guilty of an offence.



Section 78 – False or Misleading Advertisement

Any person who -

- a. to promote, directly or indirectly, the supply of any goods or services; or
 - b. to promote any business or trade interest publishes or cause to be published any advertisement containing a false or misleading statement of fact,
- shall be guilty of an offence.

Section 79 – False or misleading representation and other misleading or offensive conduct in relation to land

- (1) A person shall not, in trade or commerce, in connexion with the sale or grant, or the possible sale or grant, of an interest in land or in connexion with the promotion by any means of the sale or grant of an interest in land –
 - a. represent that the person has a sponsorship, approval or affiliation it does not have;
 - b. make a false or misleading representation concerning the nature of the interest in the land, the price payable for the land, the location of the land, the characteristics of the land, the use to which the land is capable of being put or may lawfully be put or the existence or availability of facilities associated with the land; or
 - c. offer gifts, prizes or other free items and does not provide them as offered.
- (2) A person shall not use physical force or undue harassment or coercion in connection with the sale or grant, or the possible sale or grant, of an interest in land or the payment for an interest in land.
- (3) Nothing in this section shall be taken as implying that other provisions of this Division do not apply in relation to the supply or acquisition, or the possible supply or acquisition, of interests in land.
- (4) A person who contravenes this section shall be guilty of an offence.
- (5) In this section “interest”, in relation to land, means –
 - a. a legal or equitable estate or interest in the land;
 - b. a right of occupancy of the land, or of a building or part of a building erected on the land, arising by virtue of the holding of shares, or by virtue of a contract to purchase shares, in an incorporated company that owns the land or building; or
 - c. a right, power or privilege over, or in connexion with, the land

Section 80 – Misleading conduct to which Industrial Property convention applies

- (1) A person shall not, in trade or commerce, engage in conduct that is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose or the quantity of any goods.
- (2) A person who contravenes this section shall be guilty of an offence.



Section 81 – Misleading Conduct in Relation to Employment.

- (1) A person shall not, in relation to employment that is to be, or may be, offered by the person or by another person, engage in conduct that is liable to mislead person seeking employment as to the availability, nature, terms or conditions of, or any other matter relating to, the employment.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 82 – Cash Price To Be Stated In Certain Circumstances

- (1) A person shall not, in connexion with the supply or possible supply of goods or service or in connection with the promotion by any means of the supply or use of goods or services, make a representation with respect to an amount that, if paid, would constitute a part of the consideration for the supply of the goods or services unless the person also specified the cash price for the goods or services.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 83 – Certain Misleading Conduct In Relation To Goods

- (1) A person shall not, engage in conduct that is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose or the quantity or any goods.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 84 – Certain Misleading Conduct In Relation to Services

- (1) A person shall not, engage in conduct and make representation purporting to be on behalf of some other person that is capable of obtaining services or goods and is liable to mislead the public as to the nature, the characteristics, the suitability for their purpose or the quantity of any services.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 85 – Offering Gifts and Prizes

A person shall not, in trade or commerce, in connexion with the supply or possible supply of goods or services or in connexion with the promotion by any means of the supply or use of goods or services, offer gifts, prizes or other free items and does not provide them as offered shall be guilty of an offence.



Section 86 – Bait Advertising

- (1) A person shall not, in trade or commerce, advertise goods, or services for supply at a specified price if there are reasonable grounds, of which the person is aware, or ought reasonable to be aware, for believing that the person will not be able to offer for supply those goods or services at that price for a period that is, and in quantities that are, reasonable having regard to the nature of the market in which the person carries on business and the nature of the advertisement.
- (2) A person who has, in trade or commerce, advertised goods or services for supply at a specified price shall offer the goods or services for supply at that price for a period that is, and in quantities that are, reasonable having regard to the nature of the market in which the person carries on business and the nature of the advertisement.
- (3) A person who contravenes this section shall be guilty of an offence.
- (4) In proceedings for an offence in relation to a failure to offer goods or services to a person (in this subsection referred to as the “customer”) in accordance with subsection (2), it is a defence if it is established that –
 - a. the defendant offered to supply, or to procure another person to supply, goods or services of the kind advertised to the customer within a reasonable time, in a reasonable quantity and at the advertised price; or
 - b. the defendant offered to supply immediately, or to procure another person to supply within a reasonable time, equivalent goods or services to the customer in a reasonable quantity and at the price at which the first-mentioned goods or services were advertised, and in either case; where the offer was accepted by the customer, the defendant has so supplied, or procured another person to supply, goods or services.

Section 87 – Referral Selling

- (1) A person shall not, in trade or commerce, induce a consumer to acquire goods or services by representing that the consumer will, after the contract for the acquisition of the goods or services made, receive a rebate, commission or other or other benefit in return for giving the person the names of prospective customers or other wise assisting the person to supply goods or services to other consumers, if receipt of the rebate, commission or other benefit is contingent on an event occurring after that contract is made.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 87A – Pyramid Selling Scheme

- (1) A person must not act as the promoter of, or operate, a pyramid selling scheme.
- (2) For the purposes of this section, pyramid selling scheme means a scheme –



- a. which provides for the sale or distribution of goods or services or both for reward;
 - b. which to many participants in the scheme, constitutes primarily an opportunity to sell an investment opportunity rather than an opportunity to sell goods or services; and
 - c. which is or is likely to be unfair to many of the participants in the scheme in that –
 - i. the financial rewards of many of those participants are dependent on the recruitment of additional participants (whether or not at successively lower levels); and
 - ii. the number of additional participants in the scheme that must be recruited to produce reasonable financial rewards to participants in the scheme is not attainable or is not likely to be attainable by many of the participants in the scheme.
- (3) For the purposes of this section, pyramid selling scheme includes an arrangement for the supply of goods or services pursuant to an arrangement of the type commonly known as a chain letter arrangement but does not include any scheme or activities (including all or any of the activities of a particular person or a particular class of persons) that is declared by the minister, by notice in the Gazette, to be excluded from that term.

Section 87B – Unlawful actions and representations

- (1) A creditor, or the agent of a creditor, must not, for the purpose of recovering a trading debt of the creditor –
- a. make any demand for payment without indicating the creditor’s identity and the balance owing to the creditor and, if the demand is made by the agent, the agent’s identity and authority to make the demand;
 - b. demand payment of any amount that the creditor or agent does not honestly believe to be due and owing to the creditor;
 - c. persist in demanding payment from a person who has denied liability without making reasonable inquiries to ensure that the demand is based on reasonable grounds;
 - d. make any personal calls or telephone calls for the purpose of demanding payment –
 - i. on a public holiday; or
 - ii. between the hours of 10.00 pm of one day and 7.00 am of the next; or
 - e. except as reasonably necessary to determine the debtor’s whereabouts, communicate with an employer; acquaintance, friend, relative or neighbour of the debtor (not being a guarantor).
- (2) A creditor, or the agent of a creditor; must not, for the purpose of recovering a trading debt –
- a. falsely represent that criminal or other proceedings will lie for non-payment of the debt;
 - b. falsely pretend to be authorised in some official capacity to claim or enforce payment; or
 - c. falsely represent that a document has some official character that it does not have.
- (3) In this section - ‘agent’ includes an employee of a creditor whose main duty of employment is to seek to recover trading debts owed to the creditor.



Section 87C – Collective bidding at auction

- (1) A person who is a wholesaler, retailer or contractor must not enter into –
 - a. an agreement or arrangement with another person who is a wholesaler, retailer or contractor as to the price or prices which either of them will bid at any auction sale of goods or services; or
 - b. an agreement or arrangement under which a party to the agreement or arrangement agrees to abstain from bidding at an auction sale of goods or services.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 87D – Supply of trading stamps

- (1) A person must not –
 - a. supply, or arrange for the supply of, any coupon, stamp, token, cover, package, document or other things, either directly or indirectly, to –
 - i. any manufacturer, packer, importer, distributor or seller of goods, or
 - ii. any seller of services; and
 - b. undertake to redeem that coupon; stamp, token, cover, package, document or thing, or undertake that it will be redeemed, whether or not it has to be produced or surrendered to any person by giving or delivering to its holder any money, goods or services.
- (2) Nothing in subsection (1) applies to any coupon, stamp, token, cover, package, document or thing issued directly or indirectly in connection with any goods or services by the manufacturer, packer, importer, distributor or seller of the goods or services, being a coupon, token, cover, package document or thing which by itself or with any other act or thing entitles or purports to entitle the holder to receive any money from the issuer, whether or not it has to be produced or surrendered to any person.
- (3) In this section - 'seller', in relation to any goods mean the person by whom the goods are sold to a person who purchases them for a purpose other than resale.
- (4) A person who contravenes this section shall be guilty of an offence.

Section 87E – Refusal to sell goods or services unless other goods or services are also purchased

- (1) A person must not, whether as principal or agent, refuse to sell goods or services except on the condition that other goods or services are also purchased from that person or from any other person, or attempt to impose any such condition.
- (2) Nothing in this section renders unlawful any condition against the separate sale of any goods forming part of a set or forming part of a single or composite article.
- (3) A person who contravenes this section is guilty of an offence.



Section 87F – Adulteration

- (1) A person must not –
 - a. adulterate any goods for supply by way of trade or commerce; or
 - b. supply by way of trade or commerce any adulterated goods.
- (2) A person who contravenes this section shall be guilty of an offence.
- (3) In a prosecution of a person under section 129 for an offence against this section, it is a defence if the person establishes that the adulteration was not carried out fraudulently and that the goods were supplied accompanied by a clear and conspicuous notice stating explicitly the nature of the adulteration, or were supplied in a container displaying such a notice.
- (4) It is also a defence if the person establishes that –
 - a. the presence of extraneous matter is an unavoidable consequence of the collection or processing of such goods; and
 - b. the amount of the extraneous matter does not exceed such tolerance as is prescribed by the Minister in regulations under subsection (4).
- (5) The Minister may by regulation prescribe in respect of specified goods or a specified class of goods the amount of extraneous matter to be tolerated.
- (6) For purposes of this section, goods are deemed to be adulterated –
 - a. if any valuable constituent has been in whole or in part omitted or removed from them;
 - b. if a substance has been substituted wholly or in part for another substance;
 - c. if damage or inferiority has been concealed in any way; or
 - d. if any substance has been added to the goods or mixed or packed with the goods so as to increase their bulk or weight reduce their quality or strength or make them appear better or of greater value than they are.
- (7) The regulations may, for the purpose of this section, specify in relation to specified goods, or goods of a specified class, constituents or substances the goods are required to contain.

Section 87G – Hoarding etc

- (1) A person who is in possession of goods for mercantile purposes must not destroy or hoard the goods, or refuse to sell the goods or make them available for sale, if the destruction, hoarding or refusal –
 - i. raises, or tends to raise, the cost of other similar goods, or maintains the market price of the goods or
 - ii. is done in order to charge a price higher than the price it is normally sold at a time convenient to the person or immediately before the higher price is fixed in accordance with section 44 or 59 of this Act.
- (2) A person that contravenes this section shall be guilty of an offence.



Section 87H – Black marketing

- (1) A person must not, whether as principal or agent, sell any goods for purposes of resale, unless the person is satisfied –
 - a. that the goods are required by the buyer, in good faith, for the legitimate purposes of his or her business; and
 - b. in particular, that the effect of the transaction whether, by itself or taken in conjunction with transactions of the same or of a similar nature, will not be to increase or will not tend to increase the price to the ultimate buyer of the goods above a fair and reasonable price (whether that price be a lawful price or not).
- (2) This section does not apply with respect to the sale of any goods to a retailer for purposes of retail sale.
- (3) A person that contravenes this section is guilty of an offence.

Section 87I – Limited offers and failing to supply as demanded

- (1) A person must not advertise or offer goods for sale by retail upon condition that not more than a specified or limited quantity or number of the goods may be purchased by any one purchaser.
- (2) A person who offers goods for sale by retail must not refuse or fail, on demand of a quantity or number of the goods and tender of the appropriate price, to supply the goods in the quantity or number demanded.
- (3) A person that contravenes this section shall be guilty of an offence.

Section 87J – Statement of price or condition and pull date

- (1) A person must not offer goods for sale by retail if any statement of price or conditions of sale (relating to the availability of discounts or trade-in or other allowances) imprinted on, attached to or exhibited with the goods does not set out in a prominent position and in clear and legible figures the price at which the goods can be bought for cash.
- (2) A person must not sell, display for sale, or cause to be distributed for the purposes of sale any perishable or semi-perishable goods in package form unless the pull date is marked on the package.
- (3) In this section –
‘pull date’ means the last date on which perishable or semi-perishable goods are to be sold.
- (4) A person that contravenes this section shall be guilty of an offence.



Section 87K – Mandatory trade is prohibited

- (1) A person must not, in the course of trade, sell goods at retail or supply services if the person, whether as principal or agent, indicates in the course of bargaining with any purchaser or prospective purchaser of those goods or services –
 - a. that the goods will be sold or the services will be supplied only if the purchaser or prospective purchaser sells or arranges the sale of second hand goods to the seller or to a person nominated by the seller; or
 - b. that the terms and conditions on which the seller will sell those goods or supply those services will be less favourable than those upon which he would make them available if the purchaser or prospective purchaser were to sell or to arrange the sale of second hand goods to the seller or to a person nominated by the seller.
- (2) A person that contravenes this section shall be guilty of an offence.

Section 88 – Accepting Payment Without Being Able to Supply as Ordered

- (1) A person shall not, in trade or commerce, accept payment or other consideration for goods or services where, at the time of the acceptance –
 - a. the person intends –
 - i. not to supply the goods or services; or
 - ii. to supply goods or services materially different from the goods or services in respect of which the payment or other consideration is accepted; or
 - b. there are reasonable grounds, of which the person is aware, or ought reasonably to be aware, for believing that the person will not be able to supply the goods or services within the period specified by the person or, if no period is specified, within a reasonable time.
- (1A) Where payment or other consideration has been accepted, the onus shall lie on the person who accepts payment or other consideration for goods or services to prove that at the time of acceptance, the person intended to supply the goods or services in respect of which payment of other consideration was accepted.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 89 – Misleading Representation About Certain Business Activities

- (1) A person shall not, in trade or commerce, make a representation that is false or misleading in a material particular concerning the profitability or risk or any other material aspect of any business activity that the person has represented as one that can be, or can be, or can be to a considerable extent, carried on at or from any place or residence.
- (2) Where a person, in trade or commerce, invite, whether by advertisement or otherwise, other persons to engage or participate, or to offer or apply to engage or participate, in a business



activity requiring the performance by the other persons of work, or the investment of money by the other associated with the investment, the inviter shall not make, with respect to the profitability or risk or any other material aspect of the business activity, a representation that is false or misleading in a material particular.

- (3) A person who contravenes this section shall be guilty of an offence.

Section 90 – Harassment and Coercion

- (1) A person shall not use physical force or undue harassment or coercion in connexion with the supply or possible supply of goods or services to a consumer or the payment for goods or services by a consumer.
- (2) A person who contravenes this section shall be guilty of an offence.

Section 91 – Application of Certain Provisions to prescribed Information Providers

- (1) Nothing in Sections 75, 77, 83, 84, or Section 89 applies to a prescribed; publication of matter by a prescribed Information provider, other than –
 - a. a publication of matter in connexion with –
 - i. the supply or possible supply of goods or services; or
 - ii. the promotion by any means of the supply of use of goods or services; where –
 - iii. the goods or services were relevant goods or services, in relation to the prescribed information provider; or
 - iv. the publication was made on behalf of, or pursuant to a contract, arrangement or understanding with –
 - a) a person who supplies goods or services of that kind; or
 - b) a body corporate that is related to a body corporate that supplies goods or services of that kind;
 - b. a publication of an advertisement.
- (2) For the purposes of this section, a publication by a prescribed information provider is a prescribed publication if in any case, the publication was made by the prescribed information provider in the course of carrying a business or providing information.
- (3) In this section -
“prescribed information provider” means a person who carries on a business of providing information and, without limiting the generality of the foregoing, includes a person to whom, or each of the members of an organization to which, a license has been granted under; and
“relevant goods or services” in relation to a prescribed information provider, means goods or services of a kind supplied by the prescribed information provider or, where the prescribed information provider is a body corporate, by a body corporate that is related to the prescribed information provider.



Annex IV: Risk Assessment Checklist⁵¹

HUMAN RESOURCE				
No.	Question	Yes	No	N.A
Human Resources				
1	Did we create/update a clear Code of Conduct for employees?			
2	Does the Code of Conduct include guidelines on declaration of conflict of interest and rules on receiving of entertainment, gifts and benefits?			
3	Did we ensure that the Code of Conduct has been conveyed to all employees when they first joined the business?			
4	Is it mandatory for our employees to declare a conflict of interest as and when it arises?			
5	Did we maintain a proper record of employees' attendance and overtime work and ensure that it tallies with the payroll?			
6	Do we have clear reporting channels and protocols for employees to use when detecting corrupt practices?			
Procurement				
7	Do we have a clear procurement guideline?			
8	Did we conduct a proper background check on our potential vendors/contractors to check to ensure that we only engage with reliable vendors/contractors?			
9	Do we keep proper record of the quotations received from our vendors/contractors?			
10	Do we crosscheck to see that the goods delivered to us are according to the quotation obtained from the vendor/contractor?			
Business Development				
11	Do we have clear guidelines for sales and discounts?			

51 Adopted from: Corrupt Practices Investment Bureau. 2017. A Practical Anti-Corruption Guide for Business in Singapore [online]. Available: <https://www.cpiib.gov.sg/sites/cpiibv2/files/publication-documents/PACT%20A%20Practical%20Anti-Corruption%20Guide%20For%20Businesses%20in%20Singapore%20%282018%29.pdf>.



12	Do we tally the cash receipts against the cash register record at the end of each day?			
13	Are all the sales related documents sent to accounts department without delay?			
14	Do we monitor our sales and revenues diligently?			
15	Do we monitor the revenue that is deposited into the business bank account regularly?			
	Accounts			
16	Are there clear guidelines on the processing of payments?			
17	Do we have a systematic record of all our accounting documents?			
18	Are the authorized signatures of our business difficult to forge?			
19	Do we do regular inspection of our petty cash?			
	Inventory Monitoring			
20	Did we include information on the date, amount of goods procures and sold, their validity period and their storage location in our inventory record?			
21	Do we update and verify our inventory records regularly?			



Annex V: Template Code of Conduct



Code of Conduct



for Pacific Islands Private Sector Organisation (PIPISO) and Fiji Commerce & Employers Federation (FCEF)

1. A commitment to ethical behavior and preventing corruption will be at the core of our Fiji Commerce & Employers Federation.
2. We will not engage in unethical behaviour when dealing with members, government officials, stakeholders, political parties, our own employees and employees of other organisations and businesses.
3. We will report to the appropriate authority any bribery, extortion or solicitation and embezzlement in contravention of the relevant laws and legislations of our countries.
4. Occurrences of gift-giving and receiving will be dealt with transparently through a publicly available register.
5. Conflicts of interest must be disclosed and perceptions of conflicts will be dealt with transparently.
6. Relationships between board members, staff and members will be based on fairness with a commitment to transparent recruiting, merit and training, which avoids any corruption of favouritism.
7. We will protect any data collected against mishandling and fraud, collect personal information only as needed, and respect the preferences of stakeholders, members and staff regarding the use of their information.
8. Embracing free enterprise and mutual support in the spirit of the Sustainable Development Goals, we will operate so that everyone can benefit from vibrant business activity and the ensuing economic growth and stability.



Gifts and benefits

(Adopted from the UN-PRAC / PIPSO Code of Conduct)

The offer of gifts, benefits and hospitality can introduce a personal interest where one may not have existed previously. The Fijian Government has introduced a Gifts policy which precludes public officials from receiving any gift. Officials may receive a gift at a public ceremony, e.g. food or an item of cultural value, but it must be immediately donated to a charity organisation.

Policies you may choose to further explore in your code or associated policies:

- whether to include a standing agenda item for all board meetings for the declaration of conflicts of interest
- a policy for identifying, declaring and managing conflicts of interest (perceived, potential and actual), actions required to manage conflict, and references to any legislation prohibiting decision making in certain circumstances
- policies on the offer and acceptance of gifts and benefits, such as:
 - whether gifts can be accepted at all and when it is not appropriate to accept gifts
 - gifts that can never be accepted, for example, cash, vouchers or gifts easily converted to cash, or gifts from potential contractors or tenderers for the supply of goods or services to the board or an associated entity
 - reference to any legislation prohibiting decision making in certain circumstances
 - the need to record all gifts and benefits accepted or provided by the board or board members in a register
 - a register of gifts offered by people or organisations but declined by individual members or the board as a whole
 - guidelines for tenderers and contractors to inform them about the board's code of conduct and gifts and benefits policy

A simple book recording the nature of the gift, whether it was accepted, its value and any action taken may be enough in many cases to ensure transparency as long as the entries are regularly tabled at a board meeting or online.

However, where gift-giving becomes an issue, a more robust gifts register, such as the one below, may be required.

Further online training support available from:

- Gifts, benefits and hospitality: Western Australian Government. 2020. Integrity Coordinating Group [online]. Available from: <https://www.wa.gov.au/government/document-collections/integrity-coordinating-group>;
- Business conduct of staff: National Health Service Foundation Trust. 2015. Standards of Business Conduct Policy (Conflicts of Interest) [online]. Available from: <https://www.southernhealth.nhs.uk/EasysiteWeb/getresource.axd?AssetID=69074&servicetype=Attachment>.



Annex VI: An Example of a simple Finance Policy

1.0 POLICY OBJECTIVE

This finance policy ensures that:

- 1.1 Internal financial control measures are in place to ensure transparency and accountability of the use of business funds; and
- 1.2 Efficient acquittals and reporting of business funds is ensured at all times.

2.0 PROCEDURES

2.1 Bank Account

- 1) The business operates(insert type of account) at(insert name of the bank)
- 2) The three signatories for the bank account shall be(insert names and positions)
- 3) Bank Reconciliation shall be every month by the finance officer or the assistant finance officer and will be presented for approval to the President through the executive manager meeting.

2.2 Approval for Cheque and Cash Payments

- 1) All request for payments to suppliers amounting to \$100 and above will need 3 competitive quotes. The manager will need to agree on the supplier for processing of payment.
- 2) An employee requesting for payment must, in writing through email communication, notify the finance officer for payment upon receiving approval from the manager.
- 3) The Finance officer must fill in the payment voucher.
- 4) The payment voucher is then passed to the manager to authorize and sign the cheque if it is a cheque payment
- 5) Cheque or cash is delivered or transferred to supplier or non-service provider.
- 6) Payee to sign payment voucher upon receipt of payment.
- 7) The payee needs to issue a receipt for payment disbursed.



2.3 Record Keeping:

1) Commitment Ledger

The finance officer shall keep a Commitment Ledger, which is a record of all transactions incurred. The finance officer will note the:

- Credit all deposited funds
- Date of deposit
- Amount deposited
- Debit all payouts
- Date
- Cheque number
- Payees name and particulars/reason for the payment
- Amount
- Balance of each day's transaction

2) Cash Book

The finance officer shall maintain a Cash Book to record all payments made which contains the following information:

- Date
- Cheque number
- Payee name
- Amount paid out

3) Fixed Asset Register

The finance officer shall maintain a Fixed Asset Register to record all assets purchased.

The Asset Register will have the following information:

- Date of purchase
- Name of Supplier
- Cheque number
- Description of item purchased
- Serial Number if the item purchased
- Location of item

4) Receipt Book

The finance officer shall maintain a receipt book within which to record all cash received by the business. The receipt book shall have the following:

- the name, address and the tax identification number of the business
- the date
- the individual description of the goods or service
- the quantity of the goods or service
- the price charged that is inclusive of tax



3.0 REVIEW OF FINANCIAL STATEMENTS

3.1 The financial statements for the (.....insert name of the business...) shall be reviewed monthly with a focus on budget, receipts of income and expenditure. The finance officer shall ensure that financial controls are in place and adhered to, and more specifically that:

- 1) Expenditures incurred remains within the budget
- 2) Expenditures are solely for the purpose outlined in the budget
- 3) All financial documentation including quotations, invoices and receipts are collated and filed in an orderly and appropriate manner

3.2 Monthly financial statements will be presented to the manager at the end of each month.

4.0 AUDIT OF FINANCIAL STATEMENT

An internal audit of the financial statement shall be conducted by(name of auditor) at the end of each year.

5.0 EFFECTIVE DATE

This policy becomes effective on

6.0 REVIEW

This policy is due for review every (insert number of years).... years from the date of execution.

7.0 EXECUTION

This policy is executed by.....on this day.....



Annex VII: Directory

This section outlines contacts for organizations that you can contact for further assistance.

For Business Advisory Services:		
Name of Organization	Description	Contact
National Centre for Small and Micro Enterprises Development (NCSMED)	<p>Established under the mandate of Small and Micro Enterprises Development Act 2002, NCSMED is a government statutory body that supports the creation and development of SMEs in Fiji.</p> <p><u>Mission:</u></p> <ul style="list-style-type: none"> • Provide strategic leadership and good governance systems and processes throughout the organizations; • Provide access to credit and include a savings culture through the Microfinance program; • Capacity building and institutional strengthening of Microfinance Institutions; • Provide advocacy on SME issues; • Provide innovative solutions for growth and development of new and existing businesses; • Provide business and technical skills training to increase capabilities, productivity and effectiveness of MSMEs; and • Provide an integrated community based and user-driven MSME development program. 	<p>Head Office Unity House, 82 Robertson Rd, P.O Box 2532, Government Buildings, Suva General Enquiry (679) 3312 991 Administrative and Finance (679) 3312 992 Business Training and Development (679) 3307 122 NCSMED Business Incubation Centre (679) 3307 122 SME Display, Promotional and Sales Centre (679) 3307 122 Fax (679) 3302 356 Email: info@ncsmmed.org.fj and website: www.ncsmmed.org.fj</p> <p>Rakiraki Vaileka House, P.O Box 999, Vaileka Post Office, Rakiraki NCSMED Business Incubation Centre Phone/Fax: (679) 669 3661 Website: p://bicrakiraki.blogspot.com</p> <p>Labasa Damanu Street, Ground Floor Macuata House, P. O Box 3099, Labasa Northern Development Programme (NDP) (679) 8814 912 Or (679) 8815 167 Fax (679) 8814 629</p>

52 http://ncsmmed.org.fj/index.php?option=com_content&view=frontpage&Itemid=1



<p>Markets Development Facility Fiji</p>	<p>Market Development Facility is an Australian Government-funded multi-country initiative which promotes sustainable economic development, through higher incomes for women and men, in our partner countries.</p> <p>Markets Development Facility connect individuals, businesses, governments and NGOs with each other, and with markets at home and abroad. This enhances investment and coordination and allows partnerships to flourish, strengthening inclusive economic growth.</p>	<p>Garden City</p> <p>Raiwai</p> <p>Suva</p> <p>Website: https://marketdevelopmentfacility.org/fiji/</p>
<p>The Pacific Islands Private Sector Organization (PIPSO)</p>	<p>The Pacific Islands Private Sector Organization (PIPSO) is the premier private sector representative body in the Pacific Islands region. Our mission is to advocate for and drive private sector driven economic growth for the benefit of our region, while our vision is to promote and inspire the growth of Pacific businesses. The WEBC's parent body, the Fiji Commerce and Employers Federation (FCEF), is the designated Fiji national member of PIPSO. PIPSO and FCEF work with UN-PRAC to provide trainings on corruption, integrity and Codes of Conduct for Fiji businesses.</p>	<p>Pacific Islands Forum Secretariat (PIFS) Compound Ratu Sukuna Road, Suva Direct Dial Phone: (+679) 7736301 Email: http://www.pipso.org.fj/about-us/contact-us/</p> <p>Website: http://www.pipso.org.fj/ Trainings: http://www.pipso.org.fj/events/workshops/</p>



To report corruption and unethical business practice:		
Fiji Competition & Consumer Commission	<p>The Fijian Competition and Consumer Commission (FCCC) is an independent statutory body established under Section 7 of the Fijian Competition and Consumer Commission Act 2010.</p> <p>FCCC promotes effective competition and informed markets, encourages fair trading, and protects consumers and businesses from restrictive practices, and controls prices of regulated industries and other markets where competition is lessened or limited.</p> <p>Ensuring compliance with its regulatory requirements is one of FCCC's principal objectives. This is achieved using a variety of compliance tools in order to obtain compliance, and when required, promote general deterrence.</p>	<p>SUVA OFFICE (HQ) Location: Ground Floor, Employers Hub Building, 42 Gorrie Street, Suva, Fiji Postal Address: P. O. Box 5031, Raiwaqa, Suva, Fiji Phone Contact: (+679) 8921 991 Email: helpdesk@fccc.gov.fj</p> <p>LAUTOKA OFFICE Location: 26 Namoli Avenue, Ram City Building, Lautoka, Fiji Postal Address: P. O. Box 594, Lautoka, Fiji Phone Contact: (+679) 8911 623 Email: helpdesk.west@fccc.gov.fj</p> <p>LABASA OFFICE Location: Lot 3, Silas Ramzaan Street Labasa Postal Address: P. O. Box 262, Labasa, Fiji. Phone Contact: (+679) 8911 624 Email: helpdesk.north@fccc.gov.fj</p>
Fiji Independent Commission Against Corruption (FICAC)	<p>Established under the Fiji Independent Commission Against Corruption Promulgation No 11 of 2007, FICAC is an independent institution that receives complaints of alleged corrupt practices and investigates those complaints where practicable.</p> <p>This may involve investigating persons the Commissioner believes may be connected with corrupt practices, examining the practices and procedures of public bodies to discover potential corrupt practices, and educating the public on the dangers of corruption.⁵¹</p>	<p>Rev John Hunt House, 3 St Fort Street, Suva info@ficac.org.fj Landline - 3310290 Mobile - Toll-Free 1322 https://ficac.org.fj</p>
Fiji Police Force	<p>The Fiji Police Force works towards ensuring the safety and security of the people of Fiji and its visitors.</p>	<p>Call 334 3777 fjipolicemedia@yahoo.com http://www.police.gov.fj</p>

⁵¹ http://ncsmed.org.fj/index.php?option=com_content&view=frontpage&Itemid=1



Fiji Women's Crisis Centre	<p>FWCC is responsible for empowering victims/survivors of violence and advocating for the human rights of women in Fiji and the Pacific.</p> <p>Other areas of work FWCC focuses on are:</p> <ul style="list-style-type: none"> • Community Education; • Advocacy and Lobbying; • Information and Research; • Regional and National Training on Gender, • Violence Against Women and • Human Rights and Male Advocacy Programme on Women's Human Rights 	<p>Stephanie Dunn Legal Officer Email: stephanie@fijiwomen.com Phone: 9920905</p>
For more information on Anti-Corruption:		
Transparency International	<p>A global movement with a vision of a world free of corruption. Transparency International has established chapters in more than 100 countries around the world.</p>	<p>Website: https://www.transparency.org/</p>
UN-Pacific Regional Anti-Corruption Project	<p>The UN Pacific Regional Anti-Corruption Project (UN-PRAC) is a joint initiative between United Nations Development Programme (UNDP) and United Nations Office on Drugs and Crime (UNODC) that aims to support institutional strengthening of national integrity mechanisms of Pacific island countries to promote 'clean' governments and create an enabling environment, vibrant with business, trade, investment and sustainable development.</p> <p>Based on the UN Convention Against Corruption (UNCAC) and in line with Sustainable Development Goal (SDG) 16, the goal of the project has been to strengthen measures to prevent and fight corruption more effectively and efficiently in the Pacific. UN-PRAC works with 15 countries and territories in the region namely Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tokelau, Tuvalu and Vanuatu.</p>	<p>Annika Wythes, Regional Anti-Corruption Adviser, UN-PRAC and UNODC, annika.wythes@un.org Sonja Stefanovska-Trajanoska, Anti-Corruption Adviser, UNPRAC and UNDP, sonja.trajanoska@undp.org Lavenia Rokovucago, Programme Officer, UN-PRAC, lavenia.rokovucago@undp.org Jinsol Park, UNV Anti-Corruption Specialist, UN-PRAC, jinsol.park@undp.org Sarah Power, Anti-Corruption Officer - Pacific, UN-PRAC, sarah.power@undp.org</p>



UN Global Compact	<p>The UN Global Compact recognizes the critical role civil society plays in the fight against corruption. UN Global Compact works with the UN Office on Drugs and Crime (UNODC), Transparency International (TI), the International Chamber of Commerce (ICC), and the World Economic Forum Partnership against Corruption Initiative (WEF-PACI), and the Basel Institute on Governance with a focus on:</p> <ol style="list-style-type: none">1. Providing a platform for learning, dialogue and action2. Encouraging companies to implement the 10th Principle3. Working in collaboration with other organizations to avoid duplicate efforts and scale up impact through initiatives on Anti-Corruption Collective Action	<p>Ms. Neha Das Senior Manager, Global Operations das@unglobalcompact.org +1 212 907 1301 Website: https://www.unglobalcompact.org</p>
UNDP	<p>UNDP has strong partnerships with the UN Office of Drugs and Crime (UNODC), Transparency International, U4 Anti-Corruption Resource Centre and Basel Institute on Governance.</p>	<p>Website: https://www.undp.org/content/undp/en/home/2030-agenda-for-sustainable-development/peace/governance/fighting-corruption.html</p>
UNODC	<p>UNODC acts the Secretariat to the Conference of Parties to UNCAC. In addition, UNODC supports countries in reviewing the implementation of UNCAC and also offers technical assistance and developing tools for member states.</p>	<p>Website: www.unodc.org</p>
U4 Anti-Corruption Resource Center	<p>A resource center that offers a wealth of information, quality research and practical guidance on anti-corruption. This also includes online training on anti-corruption related topics. The U4 Resource Center is a result of partnerships between international development agencies and governments.</p>	<p>Website: https://www.u4.no/</p>



UNODC

United Nations Office on Drugs and Crime



United Nations Development Programme (UNDP)

Pacific Office in Fiji

Level 8, Kadavu House

414 Victoria Parade

Suva, Fiji

Phone: +679 331-2500

Fax: +679 330-1718