

[LEGAL NOTICE NO. 110]

TRADE STANDARDS AND QUALITY CONTROL ACT 1992

**Trade Standards (Steel Reinforcing Materials)
Order 2020**

IN exercise of the powers conferred on me by section 26 of the Trade Standards and Quality Control Act 1992 and on the recommendation of the Council and in the public interest, I hereby make this Order—

Short title and commencement

1.—(1) This Order may be cited as the Trade Standards (Steel Reinforcing Materials) Order 2020.

(2) This Order comes into force on 1 January 2021.

Interpretation

2. In this Order unless the context otherwise requires—

“accredited laboratory” means an independent laboratory which is approved by a third-party attestation confirming that the laboratory is competent to carry out conformity assessment;

“conformity assessment” means an assessment which demonstrates that a product complies with the Standard;

“conformity assessment body” means a body that performs conformity assessment for accreditation;

“compliance evidence” means the evidence provided to a person by an accredited laboratory which outlines the testing and certification that a product complies with the Standard;

“person” means a manufacturer, importer or supplier of a product which is classified under the Standard;

“product” means a deformed bar or plain bar or deformed coil or plain coil or machine welded mesh or continuously threaded bar or steel bar;

“Regulator” means the Ministry of Commerce and Trade; and

“Standard” means FS AS/NZS 4671:2003 – Australia and New Zealand Standard Steel Reinforcing Materials.

Application

3. This Order applies to a product under the Standard which is manufactured, imported or supplied in Fiji.

Regulator

4.—(1) The Regulator must monitor a product imported, manufactured or supplied in Fiji and ensure that the product complies with the Standard.

(2) The Regulator may request a person to demonstrate that a product complies with the Standard.

(3) A person must provide the Regulator with compliance evidence from an accredited laboratory and the validity period for compliance evidence is 12 months.

Import Licence

5.—(1) A person must apply to the Regulator for an import licence for every shipment of a product imported in Fiji.

(2) An import licence application must include compliance evidence and must have a unique number which may be used for the clearance of one import consignment only.

(3) The Regulator must set and charge fees for the issuance of an import licence.

(4) The Regulator must retain copies and maintain a register of all import licences issued.

(5) The Regulator may suspend or revoke an import licence if the Regulator has reasonable grounds to suspect that any information provided by a person is incorrect or deliberately misleading, including information about a product after verifying the information provided.

Inspections and tests

6.—(1) The Regulator may seek information in relation to a product from a person for monitoring and compliance purposes and the person must provide the Regulator with such information within 10 working days.

(2) The Regulator may conduct unannounced examination to collect samples of a product for the purposes of testing to ensure that the product is not in breach of the Standard.

(3) The Regulator must give the samples to an accredited laboratory, whether located in Fiji or abroad for testing and the Regulator must seek assistance from the Department of National Trade Measurement and Standards to verify evidence provided by the person.

(4) If an accredited laboratory testing is being initiated as part of routine and random monitoring by the Regulator, the costs of testing must be borne by the Regulator, with the exception of a non-compliant result where the cost of the test must be included in the associated penalty notice.

(5) If the Regulator believes that a person is in breach of compliance, the Regulator must direct the person to demonstrate compliance by having the product tested at an accredited testing laboratory chosen by the Regulator and the person must bear all product testing costs.

(6) The Regulator must advise the person in writing of the results of the test within 10 working days from the date of receiving the results.

(7) The Regulator may return a sample after testing, at a location in Fiji, but has no obligation to return the samples or to ensure that they are in a saleable condition if returned.

Confiscation and disposal of products

7.—(1) The Regulator must confiscate a product if the Regulator believes that the product is in breach of the Standard.

(2) A confiscated product must be retained at a secure facility designated by the Regulator.

(3) The Regulator must—

(a) if the product was imported, issue a directive to collect the product from the designated secure facility and reexport the product to the last port from which the product was shipped; or

(b) if the product was manufactured in Fiji, arrange for the disposal of the products in a safe manner.

(4) If a person has not complied with a directive issued by the Regulator within 3 months, the Regulator must arrange for the disposal of the product in a safe manner.

(5) The Regulator must recover costs incurred during confiscation, storage, reexportation or disposal of a product from the person whose product was confiscated.

(6) The Regulator must give the person at least 14 days notice in writing before recalling all products from the market which does not comply with the Standard.

Penalties

8. A person who breaches a provision of this Standard shall be liable on conviction to a fine not exceeding \$5,000 for a first offence or a fine of \$10,000 for a subsequent offence or imprisonment for a term not exceeding 3 years or both.

Made this 31st day of December 2020.

A. SAYED-KHAIYUM
Acting Minister for Commerce and Trade