

Chapter 5

FIJI

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Introduction

Fiji was a British colony from 1874 to 1970 and has adopted the British common law in practice and in some instances, in legislation. Stronger ties, however, have developed with Australia and New Zealand over the years, not only in terms of trade and commerce, but also in terms of higher education. In particular, most legal practitioners in Fiji have qualified in one of these two neighbouring countries. Further, judges of the appellate courts in Fiji have predominantly been appointed from Australia and New Zealand in recent years.² The tendency, therefore, has been to follow the developments of law in these two countries as applicable to the situation in Fiji, rather than the developments of the law in England.

Hence, the legal system in Fiji is based upon two concepts, common law and statute law, having their roots in English law. In recent years, the latter has been modelled on statutes in Australia and New Zealand and, for this reason, the development of product liability law in Fiji has mirrored that in those two jurisdictions.³

Theories of liability

Actions can be brought by the aggrieved party against the manufacturer on the basis of:

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 - 2 At the time of writing, Fiji is not a democracy. In December 2006, Commodore Bainimarama took power in a bloodless coup. In April 2009, the President, on the advice of the Bainimarama government (which continues to be in power) abrogated the Constitution and removed the judiciary (some of whom have accepted reappointment). Whether these measures are temporary or permanent is not known at this stage.
 - 3 The laws of Fiji referred to in the text are those applicable as at January 2009. It is also suggested that the chapters in this book on Australia and New Zealand be read in conjunction with this chapter.

This is a preview. Not all pages are shown.