

## JOB DESCRIPTION

|                               |                                                                                            |                       |                 |
|-------------------------------|--------------------------------------------------------------------------------------------|-----------------------|-----------------|
| <b>Incumbent Name:</b>        |                                                                                            | <b>Emp No:</b>        |                 |
| <b>Job Title:</b>             | Investigator                                                                               | <b>Position Type:</b> | Fulltime        |
| <b>Department:</b>            | Competition                                                                                | <b>Salary scale:</b>  |                 |
| <b>Location:</b>              | FCCC Suva Office                                                                           | <b>Region</b>         | Central/Eastern |
| <b>Directly Reporting To:</b> | 1. Manager Competition<br>2. Senior Competition Officer<br>3. Senior Competition Economist | <b># of Reports:</b>  | 2               |

### Organisation Summary

The Fijian Competition & Consumer Commission (FCCC) is an independent statutory body established under Section seven (7) of the FCCC Act 2010 that promotes effective competition and informed markets, encourages fair trading, protects consumers and businesses from restrictive trade practices, determines prices of regulated industries and regulates other markets where competition is limited or is likely to be lessened.

### Purpose & Nature of the Role

The Investigator will be accountable to the Manager Competition, Senior Competition Officer and Senior Competition Economist, as appropriate, and will contribute to the achievement of the Competition Department's objectives under the FCCC Strategic Plan by providing specialised investigative, analytical and competition expertise. The Investigator must demonstrate strong verbal and written communication skills, with the ability to clearly articulate logically reasoned views, prepare accurate and comprehensive investigation reports, and communicate complex factual and evidentiary matters effectively. The Investigator must possess strong analytical and critical-thinking skills, sound judgement and the ability to assess information promptly, identify relevant issues, solve problems effectively by determining right remedy and progress investigations within established statutory and procedural timeframes of department.

The Investigator will report directly to the Senior Competition Officer and/or Manager Competition and must maintain regular communication on the progress, risks, findings and significant developments arising from investigations. The Investigator is responsible for promptly bringing to the attention of the Senior Competition Officer and Manager Competition any significant competition concerns, suspected anti-competitive conduct, material breaches of the FCCC Act 2010, applicable regulations, undertakings or FCCC policies, as well as any matters that may require urgent investigative or enforcement action.

The Investigator will be responsible for receiving, assessing and investigating competition matters arising from complaints, referrals, intelligence and information received from consumers, businesses, government agencies, industry participants, compliance audits and other relevant stakeholders. This includes undertaking preliminary assessments, developing investigative plans and theories of harm, identifying relevant legal and economic issues, gathering and analysing evidence, conducting interviews, reviewing documents and data, engaging with relevant parties, and preparing investigation reports and recommendations; and where applicable presenting the case to EM and Standing Committee. The Investigator must ensure that all investigative activities are conducted objectively, fairly, confidentially and in accordance with the FCCC's statutory powers, investigation procedures and applicable legal requirements under FCCC Act 2010.

The Investigator will be expected to conduct investigations to a high evidentiary and professional standard suitable for potential enforcement proceedings and litigation through High Court. This includes systematically identifying and preserving relevant evidence, establishing the facts necessary to support the elements of the suspected contravention, identifying evidentiary gaps and risks, maintaining appropriate records and evidence trails, and clearly linking material facts and evidence to the relevant provisions of the FCCC Act 2010. The Investigator will work closely with the Senior Competition Officer, Senior Competition Economist, Manager Competition, Legal Department and other relevant officers to ensure that investigations are sufficiently robust, well documented and capable of supporting enforcement decisions and, where necessary, civil litigation or other proceedings.

The Investigator will also provide technical investigative advice and expertise to the Senior Competition Officer, Manager Competition and other FCCC teams on competition-related investigations, including investigative methodologies, evidence-gathering techniques, interview approaches, analytical methods, assessment tools and enforcement strategies. The incumbent will contribute to the development and improvement of investigation procedures, guidelines, methodologies and case-management practices, and will support the Competition Department in strengthening its investigation, enforcement and litigation readiness capabilities.

### Key Result Areas (KRA's)

- Attending to businesses, consumers and relevant stakeholders to clarify issues and concerns relating to Restrictive Trade Practices matters [contracts, arrangements or understandings restricting dealings or affecting competition, contracts, arrangements or understandings in relation to prices, covenants affecting competition, covenants in relation to prices, restriction on conduct that hinders or prevents the supply of goods or services to others, prohibition of contracts, arrangements or understandings effecting supply or acquisition of goods or services, misuse of market power, anticompetitive conduct, collective tendering, exclusive dealing, resale price maintenance, resale price maintenance in relation to services, price discrimination, anti-competitive mergers and acquisitions.

- Receiving and assessing complaints to determine whether the matter raises potential competition concerns or possible contravention of FCCC Act 2010.
- Conducting preliminary assessments of complaints and allegations, identifying the relevant competition issues, potential theories of harm, applicable provisions of the FCCC Act 2010 and the evidence required to determine whether further investigation is warranted.
- Planning and conducting thorough, objective and evidence-based investigations into alleged Restrictive Trade Practices and other competition matters in accordance with the FCCC Act 2010, Competition Investigation SOP, approved guidelines and applicable investigative procedures.
- Conducting interviews and obtaining information from relevant parties and witnesses, preparing appropriate interview records and ensuring that investigative evidence is properly documented, organised and maintained for enforcement and potential litigation purpose.
- Conducting a comprehensive analysis of each relevant legal element of an alleged contravention under the FCCC Act 2010 and establishing clear links between the applicable legal provisions, material facts and supporting evidence.
- Undertaking thorough investigations arising out of Merger and Acquisitions assessments and provide accurate recommendations.
- Engaging in educating businesses and consumers on the competition laws and its rationales.
- Undertake investigations into general and specific matters of Restrictive Trade conducts under the FCCC Act 2010.
- Assisting in the development, assessment and implementation of appropriate enforcement responses and remedies arising from investigations, including enforceable undertakings, compliance measures and other regulatory actions available under the FCCC Act 2010.
- Undertaking other competition-related investigations, assessments and duties as directed by the Senior Competition Officer and/or Manager Competition or EM in support of the objectives and priorities of the Competition Department.

### Key Accountabilities

The duties and functions that the Investigator is expected to undertake incorporate, but are not limited to, the following:

- ✓ Develop and maintain an annual investigation work plan for the financial year, outlining planned investigations, priority areas, key activities, deliverables and indicative timelines for the entire FY. Review and update the annual investigation work plan as necessary to reflect emerging competition concerns, new complaints, referrals, intelligence and departmental priorities.
- ✓ Receive, record and assess complaints, referrals and information relating to Restrictive Trade Practices and other competition concerns.

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|-----------------------|-----------------------------------------------------|-----------------------------|
| <b>Revision: 1.0</b>  | <b>Investigator Job Description</b>                 | <b>Initial Issued: 2022</b> |
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- ✓ Undertake preliminary case assessments and prepare investigation plans identifying potential breaches, legal elements, evidence requirements and proposed investigative actions for approvals.
- ✓ Conduct thorough, objective and evidence-based investigations into alleged Restrictive Trade Practices and other anti-competitive conduct under the FCCC Act 2010.
- ✓ Gather, assess, verify and preserve relevant documentary, electronic, financial and testimonial evidence in accordance with FCCC procedures and applicable law.
- ✓ Conduct formal interviews with relevant parties and witnesses and ensure interview records and supporting evidence are properly documented and maintained.
- ✓ Assess each relevant legal element of an alleged contravention and establish clear links between the applicable statutory provisions, material facts and supporting evidence.
- ✓ Conduct investigations to a standard suitable for enforcement action and potential civil litigation, including identifying evidentiary gaps and litigation risks.
- ✓ Prepare comprehensive investigation reports, findings, evidence schedules and recommendations for consideration by the Senior Competition Officer and/or Manager Competition.
- ✓ Make appropriate reference to relevant international competition law precedents, enforcement practices and methodologies when undertaking investigations.
- ✓ Undertake Merger and Acquisition assessments and investigations in accordance with the FCCC Act 2010, applicable guidelines and approved procedures.
- ✓ Identify and assess potential competition concerns arising from proposed or completed Merger and Acquisition transactions in Fiji.
- ✓ Work with the Senior Competition Economist, Competition Analysts and Legal Department to incorporate appropriate economic, legal and factual analysis into investigations.
- ✓ Monitor compliance with the FCCC Act 2010, Regulations, undertakings, guidelines, SOPs and internal FCCC policies and escalate material non-compliance.
- ✓ Ensure investigation findings and recommendations are properly recorded, monitored and followed up until the matter is resolved, remedied or enforcement action is completed.
- ✓ Ensure all investigations are conducted in accordance with the approved Competition Investigation SOP, FCCC procedures, guidelines and principles of procedural fairness.
- ✓ Provide timely advice to the Senior Competition Officer and Manager Competition on significant competition concerns, material breaches and matters requiring enforcement action.
- ✓ Lead in developing and maintaining internal competition review, investigation and market monitoring activities to identify emerging competition concerns.
- ✓ Lead in developing and delivering competition law education and awareness programmes for businesses, consumers, traders and relevant stakeholders.

- ✓ Lead to the development and improvement of investigation methodologies, guidelines, SOPs, templates and competition enforcement practices.
- ✓ Lead in reviewing relevant business practices, market information, marketing materials and publicly available information to identify potential competition concerns.
- ✓ Present completed investigations to the Competition Department, sharing key findings, investigative approaches, challenges, outcomes and lessons learned to strengthen future investigative practices, methodologies, procedures and enforcement readiness.
- ✓ Assess and remain informed of legislative, regulatory and competition policy developments locally and internationally that may affect FCCC competition functions.
- ✓ Assist in gathering and analysing information required for regulatory requests, market studies, sector assessments and other Competition Department activities.
- ✓ Maintain complete, accurate and confidential investigation files, evidence registers, case records and other relevant documentation.
- ✓ Contribute to innovation, continuous improvement and business excellence initiatives within the Competition Department.
- ✓ Perform any other duties assigned by the Senior Competition Officer and/or Manager Competition, EM within the scope of the Investigator's role.

#### **Key Performance Indicators (KPI's)**

Refer to Annual KPI set every Financial Year

## Qualification

A Degree in Law, Economics, or a related discipline is required. Postgraduate qualification in Law or Economics, supported by strong analytical, investigative, and exceptional report-writing skills, would be an added advantage. Knowledge of competition law, investigation techniques, economic tools and theories, applicable legal tests, and knowledge and understanding of Restrictive Trade Practices and anti-competitive conduct under the FCCC Act 2010 would be an added advantage.

## Knowledge and Experience

- Minimum of 3 years of work experience in the field of investigations, competition law, economics, regulatory enforcement or related field.
- Experience in investigation and capability towards market assessment, investigations, research with an strong analytical critical thinking skills.
- The ability to undertake competition, economic and legal analysis, investigations, evaluation and reporting of information to management is required
- Knowledge of investigation methods, techniques, tools, evidence gathering and assessment, interview procedures and investigation processes.
- Negotiation skills and the ability to develop strong working relationships, both locally and internationally with competition agencies.
- Knowledge of Fijian Business and market Environment.
- Excellent communication skills – both written and verbal, including the ability to prepare clear, logical and evidence-based investigation reports.
- A keen eye for detail and desire to probe further into information, data and evidence to identify inconsistencies, gaps and potential competition concerns.
- Ability to adhere to statutory and internal time constraints and manage multiple competing priorities effectively.
- Demonstrated integrity, impartiality, sound judgement and professionalism in conducting investigations and handling confidential information.
- Knowledge of Fijian Competition & Consumer Commission Act 2010 will be an advantage.

## Skills and Abilities

- Review the rationale and feasibility of proceeding with investigation based on relevant legislation and the strategic focus of the investigations group.
- Scope project, identifying the theory and rationale underpinning the project and identifying budget and resource implications

- Manage investigations and develop investigation plans maintaining detailed records of investigations, including timelines and costs
- Document and communicate investigation progress to principal investigator, manager, stakeholders
- Facilitate investigation team meetings and liaise with steering group as needed
- Delegate investigation tasks appropriately to enable development of junior team members
- Mentor junior team members, providing expertise and knowledge to assist with their development
- Conduct a debrief at the end of each investigation and apply lessons learnt in future
- Possess the capability to offer expert opinions on conducted investigations.
- Develop and maintain effective relationships both internally and externally to facilitate investigations goals
- Undertake any other duties as requested or assigned by the Senior Competition Officer or the Manager Competition
- Review and contribute ideas to the design/development of new systems, processes, templates, etc

### **Risk and Compliance**

- Timely completion of Investigations
- Timely submission of reports/information papers
- Comply with FCCC's work policy (Human resource policy, Standard Operating Procedures).
- Health and Safety at Work Act 1996 FCCC Act 2010
- Work in compliance with company policies, procedures, Guidelines relevant employment laws.

### **• Key Challengers / Success Factors**

- Ability to track for information from sources relating to a particular activity.
- Ability to stand his/her ground when seeking information.
- Ability to carry out investigations in a timely manner.
- Ability to assess the cases and identify elements of case and provision of Act in reference to precedent case laws of international jurisdictions.
- Good communication and analytical skills.
- Ability to write clear, concise, robust and balanced research/investigation reports.
- Ability to diplomatically handle sensitive situations with stakeholders and cultivate productive relationships.

### **Internal / External Relationships**

#### **Internal**

- CEO, GMs, all Managers
- All Staff

#### **External**

- Relevant stakeholders & Other relevant Government Ministries and local Institutes

### Authority Level

#### Financial Authority Level

Not Applicable

### Human Resources

Through the Human Resources Self Service Portal (myHRhub), you are required to manage your personal details together with Leave Management, while ensuring the Organisational Human Resources Policies are followed at all times.

#### Proviso

The Job Description and KRA's in this contract with a view that upon review at any time within the contractual period engaged with FCCC, it can be altered, changed or extended with added responsibilities. Any such proposed changes will be in consultation with the concerned staff, Department Manager and Human Resources.

### APPROVAL and ENDORSEMENT

|                                     |              |                   |
|-------------------------------------|--------------|-------------------|
| <b>Name of Incumbent</b>            | <b>Date:</b> | <b>Signature:</b> |
| <b>Name of Department Manager</b>   | <b>Date:</b> | <b>Signature:</b> |
| <b>Manager Human Resources Name</b> | <b>Date:</b> | <b>Signature:</b> |

*Note: These responsibilities are exhaustive. From time to time it may be necessary to change position requirement in response to changing nature of our work environment, including technological requirements or statutory changes. Such change maybe initiated as necessary by your Manager or General Manager and will be discussed with you.*