Telecommunications

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Telecommunications Act 2008

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Telecommunications Act 2008

TABLE OF AMENDMENTS

Telecommunications Act 2008 (No 1 of 2008)[1] commenced on 1 August 2008, as amended by:

Amending Legislation	Date of Commencement
Telecommunications (Amendment) Decree 2010 (No 33 of 2010)	2 July 2010
Telecommunications (Amendment) Decree 2011 (No 29 of 2011)	1 August 2008
Native Lands (Amendment) Decree 2011 (No 7 of 2011)	1 March 2011
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 December 2016
Commerce Commission (Budget Amendment) Act 2017 (No 41 of 2017)	1 August 2017
Telecommunications (Budget Amendment) Act 2018 (No 24 of 2018)	1 August 2018

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[1] This was promulgated as Promulgation 1 of 2008. In accordance with section 3 of the Interpretation Act 1967, the word "Promulgation" used with reference to any such "Promulgation" in the title or provisions of any written law or in any document or legal proceedings may be replaced with the word "Act".

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AN ACT TO ESTABLISH THE TELECOMMUNICATIONS AUTHORITY OF FIJI AND THE TELECOMMUNICATIONS APPEAL TRIBUNAL, AND THEIR FUNCTIONS, POWERS AND DUTIES, AND TO PROVIDE FOR THE LICENSING OF TELECOMMUNICATIONS SERVICES AND THE MANAGEMENT AND LICENSING OF RADIO SPECTRUM AND FOR RELATED MATTERS

PART 1 — PRELIMINARY

[TEL 1] Short title and commencement

1 (1) This Act must be cited as the Telecommunications Act 2008.

(2) This Act comes into force on a date or dates appointed by the Minister, by notice in the Gazette.

[TEL 2] Interpretation

2 (1) In this Act, unless the context otherwise requires—

access to facilities means the making available of any elements or facilities of a telecommunications network or any telecommunications services to another party for the purpose of providing any kind of telecommunications services;

annual gross revenue means the annual gross revenue of the previous year from providing any telecommunications services excluding VAT, levies for Universal Service Fund and ADC and any other Government imposed levies passed through charges or, in the case of an entity that as at the relevant date has been providing telecommunications services for less than a year, an estimate of the annual gross revenue as so calculated based on the gross revenue for the part of the year ending with the relevant date;

Authority means the Telecommunications Authority of Fiji established by section 5;

Board means the Board of the Authority;

desist order means an order made under section 79;

determination means a determination made pursuant to section 18;

facility means any element or physical component of a telecommunications network (other than consumer equipment), whether fixed or non-fixed, such as wires, lines, poles, masts, ducts, sites, towers, satellite earth stations, infrastructure, buildings, housing structures, any apparatus using radio spectrum, submarine cables, software systems, number translation systems, virtual network services and other resources used in the provision of a telecommunications service;

Fijian Competition and Consumer Commission means the Fijian Competition and Consumer Commission established under the Fijian Competition and Consumer Commission Act 2010;

[def am Act 31 of 2016 s 211, opn 1 Dec 2016; Act 41 of 2017 s 25, opn 1 Aug 2017]

Fund means the Universal Service Fund established under section 53;

licence means a licence issued under Division 1 of Part 3;

licensee means the holder of a licence issued under this Act;

Minister means the Minister responsible for communications;

[def insrt Act 31 of 2016 s 211, opn 1 Dec 2016]

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Ministry means the ministry responsible for the administration of this Act;

number portability means the ability of consumers to change service provider without having to change their telephone numbers;

radio communication means any telecommunications by means of electromagnetic waves;

service provider means any person or entity providing a telecommunications service;

spectrum means the continuous range of electromagnetic wave frequencies;

spectrum licence means an authorisation to use radio spectrum issued under Division 2 of Part 3;

telecommunications means the conveyance of one or more of the following—

(a) speech, music or other sounds;

(b) visual images;

(c) signals serving for the imparting of any matter otherwise than in the form of sounds or visual images;

(d) signals serving for the actuation or control of machinery or apparatus,

from one device to another, through the agency of electric, magnetic, electromagnetic, electrochemical or electro mechanical energy, or by means of fibre optic technology, or any other means or form of conveyance that may be developed in the future;

telecommunications apparatus means apparatus used in transmitting or receiving telecommunications that is conveyed by means of a telecommunications network;

telecommunications network means transmission systems, switching or routing equipment and other resources which permit the conveyance of telecommunications;

telecommunications policy means any existing telecommunications policy approved by Cabinet and includes the universal service policy;

telecommunications service means any service that enables or facilitates telecommunications;

Tribunal means the Telecommunications Appeal Tribunal established by section 61;

universal service means a universal service scheme devised under Division 4 of Part 3;

universal service area means a universal service area declared under section 49;

universal service benefit means a universal service benefit devised under section 51; and

universal service obligation means an obligation undertaken by or imposed on a licensee to provide services under section 50.

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[TEL 3] Objectives of the Act

3 The objectives of this Act are to provide a regulatory framework for telecommunications that promotes the long term interests of end users of telecommunications services, or of services provided by means of telecommunications services, and the efficiency and international competitiveness of the telecommunications industry in Fiji and, as consistently with that objective as is practicable—

(a) to provide rapid expansion of reliable and as affordable as possible telecommunications services on an equitable basis, with particular improvement in rural areas;
(b) to promote efficient investment and innovation in telecommunications networks and services;
(c) to provide fair competition among service providers and allowing market forces to operate; and
(d) to provide and promote appropriate consumer protection and other safeguards in relation to telecommunications services where market forces are insufficient.

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[TEL 4] Functions of the Minister

4 (1) For the purpose of carrying into effect the objectives in section 3, the Minister has the following functions—

(a) to formulate, monitor and review the telecommunications policy, for approval by Cabinet;

(b) to recommend to Government policies in the area of legislation, fiscal incentives, investment promotion, rural development, education, health and other areas affecting or affected by telecommunications;

(c) to promote Fiji as a regional telecommunications hub; and

(d) to ensure that Fiji is represented in regional and international organisations, agreements and obligations.

(2) The Minister shall review telecommunications policies at least every 3 years and the review shall—

(a) assess progress in achieving the objectives in section 3 since the previous telecommunications policy, including by comparison to other countries;

(b) identify impediments to such progress;

(c) recommend policies to address such impediments and improve such progress, having due regard to the need to preserve the value of investment and to minimise uncertainty in the investment environment; and

(d) recommend legislation, if required, to implement such policies.

(3) In preparing the telecommunications policy, the Minister shall consult with the Authority and the Fijian Competition and Consumer Commission, and shall hold consultations with users and licensees.

[subs (3) am Act 41 of 2017 s 25, opn 1 Aug 2017]

(4) The Minister may not hold any direct or indirect financial interest in, or exercise any management control over, a licensee under this Act, except for—

(a) Government holding shares in a licensee under this Act so long as the Minister is not responsible for exercising rights under such shares; and

(b) indirect interests managed through investment and pension funds where the Minister cannot influence, purchase, sale or exercise of voting rights of such an interest.

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DIVISION 2 — TELECOMMUNICATIONS AUTHORITY OF FIJI

[TEL 5] Establishment of the Authority

5 This section establishes the Telecommunications Authority of Fiji, as a body corporate with perpetual succession and a common seal, and the Authority may—

(a) sue and be sued;
(b) enter into contracts and other legal obligations;
(c) hold or dispose of properties; and
(d) perform any such acts as bodies corporate may, by law perform.

[TEL 6] Board of the Authority

6 (1) This section establishes the Board of the Authority consisting of the following members to be appointed by the Minister—

(a) a chairperson; and
(b) 4 other members.

(2) The Board is the governing body of the Authority and performs the functions and the exercise the powers of the Authority, including the management of the Authority.

(3) The members of the Board are to be appointed in a prescribed open and transparent selection process and procedures.

(4) The members shall be independent and impartial in the exercise of their functions, shall represent the public interest and not any particular interest, and shall, at all times, seek to promote the objectives set out in section 3.

(5) The Minister shall cause the appointment of a member to be published in the Gazette.

(6) Neither a member nor the chief executive officer, officer, consultant, employee or agent of the Authority may have a direct or indirect equity or other financial interest in a licensee, except for indirect interests managed through investment and pension funds where the member, chief executive officer, officer, consultant, employee or agent cannot influence the purchase, sale or exercise of voting rights of such an interest.

[TEL 7] Terms of appointment and allowances

7 (1) A member of the Board may be appointed for a term or terms not exceeding 3 years and may be reappointed for such further term as the Minister may see fit.

[subs (1) subst Decree 33 of 2010 s 2, opn 2 July 2010]

(2) Members of the Board are entitled allowances fixed by the Minister.

[subs (2) am Act 31 of 2016 s 211, opn 1 Dec 2016]

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[TEL 8] Vacation of office

8 (1) The office of any member becomes vacant if the member—

(a) resigns by giving written notice to the Minister;
(b) has been absent, without leave of the Authority, from 3 consecutive meetings of the Authority;
(c) becomes or has been declared bankrupt, whether in Fiji or elsewhere;
(d) has been convicted, in Fiji or elsewhere, of an offence involving dishonesty or an offence under this Act;
(e) has, in Fiji or elsewhere, been disqualified or suspended from practising a profession by reason of misconduct;
(f) becomes permanently incapable of performing the duties of a member; or

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(g) takes a direct or indirect equity or other financial interest in a licensee, or receives remuneration of any kind from a licensee or otherwise receives a benefit of any nature.

(2) The Minister may, by written notice, advise a member that he or she intends to recommend removal or suspension of the member on the grounds of misconduct, conflict of interest, inefficiency, fraud or dishonesty, or incapacity of a kind that adversely affects the member's ability to perform the duties of a member or brings the Authority into disrepute.

(3) A member who is notified under subsection (2) must, within 10 working days of receipt of notice, reply in writing to the Minister.

(4) Upon receiving any reply from a member served with a notice or the member fails to reply to the notice within the time specified in the notice, the Minister may, after considering the reply and the allegation, remove or suspend a member.

[TEL 9] Meetings of the Board

9 (1) The Board must meet at least once a month, which the chairperson shall convene.

(2) Three members of the Board constitute the quorum of a meeting of the Board.

(3) The Board shall keep its minutes in a proper form.

(4) Decisions at meetings of the Board must be by a simple majority of the members present and voting, and if there is an equality of votes, the member presiding has a casting vote, as well as a deliberative vote.

(5) The Board has the power to invite any person to attend a meeting of the Board for the purpose of advising it on any matter under discussion, but the person has no right to vote on the matter.

(6) Subject to this Act, the Board may regulate other procedures for its meetings.

[TEL 10] Disclosure of interest at meetings

10 (1) A member of the Board who has any direct or indirect interest in a matter under discussion by the Board must disclose to the Board the fact and nature of the interest.

(2) A disclosure under subsection (1) must be recorded in the minutes.

(3) After a disclosure under subsection (1) the member in question must not take part in or be present during any discussion and deliberation on the matter.

(4) If a member fails to disclose an interest as required by subsection (1) and the Minister is satisfied that the member intentionally withheld the disclosure of such interest, the Minister may remove the member from the Board.

[TEL 11] Chief executive officer of the Authority

11 (1) The Board has the power to appoint a chief executive officer of the Authority on such terms and conditions as the Board may determine and approved by the Minister.

[subs (1) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(2) The chief executive officer of the Authority shall—

(a) be responsible to the Board for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Board and this Act; and

(b) perform any other functions or duties the Board determines.

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[TEL 12] Appointment of officers, employees etc

12 (1) The Board has the power to appoint other officers, consultants, employees and agents of the Authority for the purposes of carrying out its functions and powers under this Act.

(2) The Board may delegate its power under subsection (1) to the chief executive officer.

(3) The Board must take measures to ensure that no conflict of interests exists between its employees, agents or consultants and licensees.

[TEL 13] Application of the Crimes Act 2009

13 Sections 133 to 151 of the Crimes Act 2009 apply to any member of the Board, the Tribunal or a committee or body established under this Act, the chief executive officer, any officer, employee, consultant or agent of the Authority and such person is deemed to be a public officer for the purposes of those Chapters.

[s 13 am Act 31 of 2016 s 211, opn 1 Dec 2016]

[TEL 14] Oath of office

14 A member of Board and the chief executive officer and officers of the Authority must take and sign an oath of office before the Minister in the form approved by the Minister.

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DIVISION 3 — FUNCTIONS AND POWERS OF THE AUTHORITY

[TEL 15] Functions of Authority

15 (1) For the purpose of carrying into effect the objectives in section 3, the Authority has the following functions—

(a) to implement the telecommunications policy in accordance with its powers under this Act;

(b) to assist through mediation the resolution of disputes between licensees or between licensees and consumers;

(c) to manage State assets through allocating, assigning and supervising the use of radio spectrum and frequencies;

(d) to manage State assets through allocating, assigning and supervising the use of numbering;

(e) to promote investor confidence relating to telecommunications;

(f) to protect consumer interests and promote consumer awareness relating to telecommunications;

(g) to represent the Government in regional and international organisations and obligations, when the Minister has officially delegated such tasks to the Authority; and

(h) to perform any other functions assigned to it by this Act or any other written law.

(2) In this section, "State assets" means any radio frequency spectrum or the national telephone numbering system and includes any other prescribed telecommunications assets which by international convention or practice would qualify as a State-owned asset.

[TEL 16] Alternative dispute resolution (ADR) schemes

16 (1) The Authority must establish one or more alternative dispute resolution (**"ADR"**) schemes for disputes between licensees and between service providers and consumers.

(2) In establishing ADR schemes, the Authority shall request and take into account proposals from licensees.

(3) ADR schemes may be comprised of—

(a) mediation, whether conducted by the Authority, persons appointed by the Authority or persons appointed by the parties or a third party;

(b) adjudication of specific identified matters having limited scope by an expert appointed by the Authority or the parties or a third party; or

(c) such other method as the Authority may determine.

(4) The Authority must approve an ADR scheme proposed by licensees if it is—

(a) fair, transparent and non-discriminatory;

(b) administered by persons who are for practical purposes independent of the licensees to whom they apply;

(c) designed to ensure that individuals to be employed under the scheme as mediators, adjudicators, arbitrators or such other roles as may be contemplated have qualifications and experience to carry out such powers and functions; and

(d) designed to further the objectives of section 3.

(5) The Authority may require those responsible for an approved ADR scheme to report to the Authority regarding its functioning, and the Authority must withdraw its approval if the ADR scheme ceases to meet any condition in subsection (4).

(6) An ADR scheme established under this section may provide for binding decisions, including interim and conservatory measures.

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(7) Any ADR scheme established under this section or any ADR decision, shall not prejudice any rights under section 18 of this Act or under Part 4 of the Fijian Competition and Consumer Commission Act 2010.

[subs (7) am Act 31 of 2016 s 211, opn 1 Dec 2016; Act 41 of 2017 s 25, opn 1 Aug 2017]

[TEL 17] Powers of the Authority

17 For the purpose of carrying into effect the objectives in section 3, the Authority has the following powers—

(a) to make determinations in accordance with this Act;
(b) to issue technical rules and standards;
(c) to grant, suspend, vary or revoke licences with respect to telecommunications and spectrum licences for using radio spectrum;
(d) for the purposes of enforcing compliance with this Act, licences and determinations, to direct a licensee to produce relevant information relating to the conduct of investigations, and to imposing conditions and penalties;
(e) to monitor and enforce compliance with this Act, licences, regulations and determinations, including by requiring information from licensees, conducting investigations, and imposing conditions and penalties;
(f) to perform any other powers assigned to it by this Act or any other written law.

[TEL 18] Power to make determinations

18 (1) The Authority may, upon written application by any person having an interest in the subject-matter of the determination, or upon its own motion if the Authority has reason to believe a determination is necessary, make determinations relating to—

(a) any obligation of a licensee relating to the terms or conditions of a licence or a spectrum licence, including obligations in regulations, standards or technical rules; or
(b) any activity set out in section 79(1),

in accordance with subsection (3) or any other prescribed procedures.

(2) The Authority must not make a determination in respect of a matter that is the subject of arbitration before the Fijian Competition and Consumer Commission.

[subs (2) am Act 41 of 2017 s 25, opn 1 Aug 2017]

(3) In making any determination, the Authority must—

(a) provide reasonable notice to any person who may be affected by the determination;
(b) allow any affected person an opportunity to be heard; and
(c) provide reasons in writing for its determination.

(4) The Authority shall not consider applications for a determination that are vexatious or frivolous or where the applicant lacks standing.

[TEL 19] Procedures for determinations

19 (1) Subject to section 18(4), if a person applies to the Authority for a determination, the Authority must—

(a) acknowledge the application within 5 working days of receipt;
(b) expeditiously request from the applicant or other parties such additional information as it reasonably requires to make a determination;
(c) make a determination within one month after receiving all information required to make a determination; and

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(d) use all reasonable efforts to make a determination no later than 4 months after receiving the application.

(2) The Authority must take into account the urgency of the application and may issue interim determinations if the application appears likely to prevail and irreparable harm would result if no interim determination were made.

[TEL 20] Enforcement of determinations

20 (1) A determination shall be legally binding on the parties to the determination.

(2) A party to the determination may enforce it in accordance with the prescribed procedures.

[TEL 21] Consideration of the burden of regulation

21 The Authority shall, when performing its functions and exercising its powers under this Act take into account the effect on users and licensees and shall only increase the burden of regulation where the benefits reasonably anticipated to users outweigh the burden reasonably anticipated to be placed on licensees.

[TEL 22] Procedural fairness

22 In performing its functions and exercising its powers under this Act, the Authority must observe the following—

(a) act transparently and fairly;

(b) consult in good faith any person who is or is likely to be affected by any action or decision including any Ministry, department, other Government entity or any commercial, industrial, consumer and standards body;

(c) give all such persons the opportunity to make submissions and be heard;

(d) consider evidence adduced at any such hearing and to the matters contained in any such submissions;

(e) give reasons in writing for any determination or decision and substantiate such determination or decision with reference to the objectives in section 3, its functions and powers, and the factors in section 21.

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DIVISION 4 — FINANCE OF THE AUTHORITY

[TEL 23] Funds of the Authority

23 The funds of the Authority consist of moneys appropriated by Parliament to the Authority, and such funds are to be expended for the purposes of any functions or powers under this Act.

[TEL 24] Charges and fees

24 (1) The Authority may determine the following charges or fees—

(a) charges for services rendered by it in the performance of its functions or the exercise of its powers under this Act;

(b) fees for any application required under this Act or for the supply or making copies of documents;

(c) annual charges for licence fees to be calculated based on a percentage of audited annual gross revenue calculated net of settlements with other licensees in Fiji provided that such variable fees must not exceed a prescribed percentage of annual gross revenue and must not be below a prescribed minimum levy based on the type of service to be provided by the licensee; and

(d) other fees and charges for the administration and use of State assets such as numbering and radio spectrum.

[subs (1) am Decree 29 of 2011 s 2, opn 1 Aug 2008]

(2) Any charges and fees determined and levied under this section shall—

(a) be assigned on a non-discriminatory and proportionate basis; and

(b) be published by the Authority in its website or other form as it thinks fit.

(c) [repealed]

[subs (2) am Decree 29 of 2011 s 2, opn 1 Aug 2008]

(3) The Authority must levy and collect such charges and fees within 3 months of such determination and pay them to the Consolidated Fund.

(4) Any such charges and fees are payable by licensees and if remain unpaid constitute a debt which may be recovered in court.

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[TEL 25] Power to borrow

25 (1) The Authority must not borrow fund except for an overdraft facility for the purpose of working capital.

(2) The Authority must first seek the approval of the Minister responsible for finance before seeking an overdraft facility under subsection (1).

[TEL 26] Annual report and accounts

26 (1) The Authority must, in accordance with the prescribed procedures, cause to be prepared an annual report of its activities during the previous financial year containing the following—

(a) an outline of its performance of its functions and exercise of its powers, including an assessment of its progress in achieving the objectives in section 3;

(b) a review of licences issued, modified, suspended or revoked;

(c) a review of matters referred to the Fijian Competition and Consumer Commission;

(d) a review of frequency spectrum usage, including spectrum licences issued;

(e) a review of numbers allocated and assigned;

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(f) a review of its activities and progress in respect of universal services;
(g) a review of material determinations made under section 18;
(h) a review of investigation and enforcement action taken;
(i) a review of major agreements entered into with the Authority;
(j) other relevant matters.

[subs (1) am Act 41 of 2017 s 25, opn 1 Aug 2017]

(2) The Authority must forward a copy of its annual report to the Minister who must table it in Parliament as soon as practicable after receiving the report.

[subs (2) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(3) The annual report of the Authority must incorporate its audited accounts and the annual report of the Tribunal.

(4) Part 6 (Off-Budget State Entities) of the Financial Management Act 2004 applies to the Authority.

[TEL 27] Corporate plan and quarterly reports

27 (1) The Authority must prepare a corporate plan covering a minimum period of one year setting out the following—

(a) its budget, policy and strategy;
(b) the plan for the following year's activities of the Authority in order to pursue its objectives in section 3 and functions under this Act;
(c) the budget and business strategies and policies to be followed by the Authority to achieve those objectives;
(d) the steps the Authority is taking so as to operate in a cost effective manner; and
(e) the level of charges and fees the Authority intends to levy on licensees; and
(f) in respect of universal service—
  (i) universal service goals;
  (ii) its implementation strategies;
  (iii) performance indicators against which to assess the effectiveness of the provision of universal service;
  (iv) the criteria for prioritising competing applications for universal service funding where funding applications exceed the value of the Fund; and
  (v) a plan for using any available funding for universal service areas.

[subs (1) am Decree 29 of 2011 s 3, opn 1 Aug 2008]

(2) The Authority must provide quarterly reports, including any new assignment of radio spectrum for that period, relating to the implementation of its corporate plan to the Minister.

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DIVISION 5 — OTHER MATTERS

[TEL 28] Arrangements with other entities

28 (1) The Authority may enter into arrangements with any Ministry, department or other Government entity or any other person, body or agency, whether in Fiji or elsewhere, to assist the Authority in performing its functions.

(2) The Authority and the Fijian Competition and Consumer Commission may enter into a binding memorandum of understanding or other arrangement setting out the division of responsibilities between the 2 bodies and specifying procedures for cooperating and for resolving any inconsistency in relation to their respective functions and powers under this Act and any other written laws affecting telecommunications matters.

[subs (2) am Act 41 of 2017 s 25, opn 1 Aug 2017]

[TEL 29] Publication of information

29 The Authority must maintain and regularly update a website for telecommunications on which shall be published and updated—

(a) this Act and its regulations or any other written law relevant to telecommunications;
(b) the telecommunications policy;
(c) its determinations, standards and technical rules;
(d) any information about licences, frequency spectrum allocation and numbering;
(e) its annual reports and corporate plan; and
(f) any other information approved by the Authority.

[TEL 30] Limits on disclosure of information

30 (1) Subject to subsection (4), no confidential information may be disclosed by the Authority without the written consent of the party who provided such information to the Authority.

(2) For the purpose of this section, information is confidential information if the provider of the information has requested in writing to the Authority that information be kept confidential and where the Authority is satisfied that the request is reasonable.

(3) The Authority shall determine the reasonableness of a request under subsection (2) taking into consideration—

(a) the likelihood and seriousness of harm to the party making the request resulting from disclosure;
(b) the fairness to another party or parties of not having access to the information; and
(c) the effect on transparency of the Authority's decision-making.

(4) Subsection (1) does not apply to disclosure of information—

(a) to the Fijian Competition and Consumer Commission;
(b) in respect of any investigation of any criminal offence;
(c) for the purpose of any civil or criminal proceedings; or
(d) in respect of information which is in the public domain.

[subs (4) am Act 41 of 2017 s 25, opn 1 Aug 2017]

[TEL 31] Power to require information

31 (1) The Authority may, by written notice, require a person or licensee to provide the Authority with any information and documents (including information relating to financial matters) as the Authority reasonably requires to perform its functions or exercise its powers as provided for in this Act.

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(2) In exercising its powers under this section, the Authority must—

(a) specify the reasons it requires the information and document specified in subsection (1);

(b) specify the relevant section of this Act on which the Authority relies to make such request;

(c) specify the time, the manner and the form in which any such information is to be provided; and

(d) ensure that requirements are reasonable and practicable.

(3) A licensee who refuses or, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on conviction—

(a) for an individual, to a fine not exceeding $1,000 or to imprisonment not exceeding 12 months;

(b) for other legal entity, to a fine not exceeding 5% of the gross annual revenue of that legal entity.

[subs (3) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(4) A licensee who—

(a) intentionally alters, suppresses or destroys any information or document which the person or licensee has been required by a notice under subsection (1) to produce; or

(b) provide any estimate, return or other information or document required under any such notice, makes any statement which the person or licensee knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

commits an offence and is liable on conviction to a fine not exceeding $2,000 or to imprisonment for a term not exceeding 2 years.

[subs (4) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(5) Without prejudice to subsection (3), if a licensee defaults in complying with a notice under subsection (1), a Judge may, on application by the Authority, make an order requiring the default to be made good, including order for costs or expenses of and incidental to the application.

[subs (5) am Act 31 of 2016 s 211, opn 1 Dec 2016]

[TEL 32] Confidentiality

32 (1) An existing or former member of the Board or employee of the Authority must not disclose any confidential information relating to the activities of the Authority or of any other person obtained by virtue of this Act except—

(a) in the performance of the functions or powers under this Act; or

(b) if the disclosure is authorised under this Act or any other written law.

(2) In this section, "employee" includes the chief executive officer, an officer, consultant, agent or any other person who is authorised to perform a function or power under this Act.

(3) A person who receives any information relating to the affairs of the Authority must not use the information to his or her or for any other person's financial benefit.

(4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 years.

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[TEL 33] Licence for telecommunications services

33 (1) No person may provide a telecommunications service except—

(a) under the authority of a licence granted under this Part; or

(b) any telecommunications service declared by virtue of subsection (2).

(2) The Minister may, by order in the Gazette, declare a telecommunications service that is not subject to a licence.

(3) Subject to the other provisions of this Act and any other written law, a licensee may own, lease or use any telecommunications network, including technology, facility, infrastructure for the purposes of providing the telecommunications service authorised under the licence.

(4) No licence issued under this Part, other than a spectrum licence, including the terms and conditions of such licence, shall grant or purport to grant any exclusive right or benefit to a particular person or to confer a right that is discriminatory, and such licence or such terms and conditions are void.

[TEL 34] Power to issue licences

34 (1) The Authority has the power to issue a licence for telecommunications services in accordance with the prescribed procedures authorising the licensee—

(a) to provide one or more telecommunications services, as specified in the licence;

(b) to provide telecommunications services using radio spectrum or where a specific reason requires the licensee to be subject to specific rights and obligations that are not applicable to other licensees of the licenced telecommunications service; or

(c) to provide telecommunications services where the Authority considers it appropriate that the licensee have certain minimum qualifications or provide undertakings in the licence.

(2) The Minister shall, pursuant to section 82, prescribe different types of licences that may be issued under this Part.

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[TEL 35] Duration and renewal of licences

35 (1) A licence may be issued for a duration not exceeding 15 years.

(2) Subject to subsection (3), the Authority must, upon application by a licensee, renew a licence (the "original licence") on substantially similar conditions if the Authority is reasonably satisfied that—

(a) the applicant has operated within the terms of its original licence; and

(b) during the continuance in force of the original licence, the applicant has not engaged in any conduct amounting to a material breach of any regulations made under it.

(3) The Authority may renew a licence on new conditions or deny an application to renew a licence under subsection (1) if it determines that the new conditions or denial are required to give effect to the objectives in section 3.

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(4) Section 19(1) applies to a determination under subsection (3) to deny an application to renew a licence as it applies to an application under section 18(1) for a determination.

[TEL 36] Modification of licence conditions

36 (1) Subject to this section, the Authority may modify the conditions of a licence granted under this Act if—

(a) new or amended international treaties, commitments, recommendations, standards or the laws of Fiji require such modification; or

(b) the modification is necessary for the purposes of the objectives in section 3.

(2) Before making modifications under this section, the Authority must give notice to the licensee stating—

(a) that it proposes to make the modifications;

(b) the reasons why it proposes to make the modifications; and

(c) the time (being not less than 30 days from the date of the notice) within which representations or objections to the proposed modification may be made.

(3) A notice under subsection (2) must be given by publication in such manner as necessary to ensure it is received by those persons likely to be affected by them.

(4) The Authority must consider any representations or objections made in response to its notice referred to in subsection (2).

(5) Subject to subsection (6), the Authority must not make the modifications unless either—

(a) no representations or objections are duly made by the person authorised by that licence to provide a telecommunications service; or

(b) any representations or objection duly made by such persons are withdrawn.

(6) If the conditions specified in subsection (5) are not met, the Authority may make modifications to a licence only after complying with the determination process contained under Division 3 of Part 2.

[TEL 37] Assignment of licences

37 No licence nor any rights in a licence may be transferred, assigned, ceded, pledged or otherwise disposed of without the prior written approval of the Authority whose approval shall be on such terms and conditions as the Authority may reasonably determine.

[TEL 38] Public registers

38 (1) The Authority must keep a register of all applications for licences, all licences granted including any subsequent modifications or variations pursuant to this Act, available to public inspection subject to confidentiality restrictions, and such a register may be kept in electronic form.

(2) Any person may request a copy of the register from the Authority subject to payment of reasonable cost for providing such copy.

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DIVISION 2 — SPECTRUM LICENSING AND MANAGEMENT

[TEL 39] Spectrum management

39 (1) The Authority must oversee radio communications and spectrum management.

(2) For the purposes of subsection (1) the Authority must—

(a) establish and maintain a national spectrum management system that is transparent, fair, non-discriminatory and economically efficient;

(b) publish on its website national frequency allocation plans;

(c) ensure that all plans, systems, licences and decisions relating to spectrum are in accordance with the standards and regulations of the International Telecommunications Union and other international and regional treaties, commitments, protocols and standards;

(d) monitor and enforce compliance with spectrum licences;

(e) take enforcement action promptly to ensure effective protection of licenced radio spectrum bands from interference;

(f) adopt decisions that are technologically neutral and which allow for evolution to new technologies and services; and

(g) rely on voluntary industry standards in lieu of regulations to the extent that such industry standards achieve the objectives in section 3 and the requirements of this section and provided such standards are non-discriminatory.

(3) The Authority must establish and chair a liaison committee to address allocation and assignment of radio spectrum for use by the following departments and agencies—

(a) military;

(b) police;

(c) security services;

(d) coast guard; and

(e) ambulance and fire brigade services.

(f) [Repealed]

(g) [Repealed]

[subs (3) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(4) The Authority shall allocate broadcasting spectrum in the national spectrum allocation plan coordinated with the technical standards for broadcasting.

[TEL 40] Spectrum licence

40 (1) No person may use any radio frequencies except—

(a) under the authority of a spectrum licence;

(b) any foreign vessel or aircraft or any transit service passing through Fiji's territorial waters, skies or territories or landing in its seaports or airports on the condition that it holds the necessary international radio spectrum licences from its own country; or

(c) any foreign embassy established in Fiji on the condition of the same reciprocal treatment in that country and the acquisition of a renewable permit.

(2) The Authority may exempt usage of frequencies from subsection (1) if—

(a) particular equipment is unlikely to cause significant interference due to the level of power employed or where international recommendations and standards provide for unlicensed use; or

(b) the risk of harm to other users is outweighed by the benefits to the population from permitting usage on an unlicensed basis.

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(3) [subs (3) rep Act 31 of 2016 s 211, opn 1 Dec 2016]

(4) [subs (4) rep Act 31 of 2016 s 211, opn 1 Dec 2016]

(5) A person who uses a radio frequency without a spectrum licence commits an offence and is liable on conviction to a fine not exceeding $50,000 or to imprisonment for a term not exceeding 4 years.

[TEL 41] Power to issue spectrum licence

41 (1) The Authority has the power to issue spectrum licences and only in accordance with the prescribed procedures and requirements.

(2) The procedures and conditions for licensing of radio spectrum to be used for the provision of telecommunications services must—

(a) where the Authority considers the radio spectrum bands to be a scarce resource, use a tendering process; and

(b) provide for a single application process covering both the radio spectrum under this Division and the telecommunications service under Division 3.

[TEL 42] Duration and vacation of spectrum licence

42 (1) A spectrum licence may be issued for such duration, not exceeding 15 years, to be specified in the licence which—

(a) may be issued concurrently with the terms of the telecommunications service licence; or

(b) shall take into account the need of the investor to earn a reasonable return on the investment over such duration period.

(2) The Authority may—

(a) vacate radio spectrum from licence holders which have been assigned radio spectrum but do not use it for provision of a service within a reasonable period of time where there is demonstrable demand from other carriers to use all or part of that spectrum efficiently; and

(b) vacate radio spectrum bands from licence holders for the purpose of providing new telecommunications services according to recognised international rules in exchange for fair compensation and with notice of not less than one year.

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DIVISION 3 — TELECOMMUNICATIONS NUMBERING SYSTEM

[TEL 43] National numbering

43 (1) The Authority must establish and publish a numbering plan for telecommunications services and may make rules pursuant to that plan regarding the assignment and use of numbers by carriers.

(2) The Authority must assign numbers for telecommunications services to licensees on a non-discriminatory basis.

(3) For the purposes of subsection (1), the Authority must—

(a) take account of relevant international standards;

(b) ensure that sufficient numbers are available for the current and reasonably anticipated future needs of carriers;

(c) have regard to the role that numbers can play in conveying useful information to consumers, including information about the type of service being used;

(d) promote efficient use of numbers;

(e) promote fair and open competition;

(f) as far as possible and subject to paragraphs (a) to (e), avoid the imposition of costs on consumers as a result of changes in the numbering system; and

(g) ensure that any plan takes into account number portability to the extent it is implemented under section 44.

[TEL 44] Number portability

44 Subject to section 21, the Minister may, on the recommendation of the Authority, make regulations under section 82 requiring licensees to offer number portability if there is a reasonable likelihood of consumer demand for number portability.

[TEL 45] National emergency numbers

45 (1) The Authority is responsible for the oversight of all national emergency numbers and emergency communications services.

(2) A provider of voice telecommunications services must provide access to emergency numbers to their subscribers free of charge.

(3) The Authority must ensure such services are maintained to the highest standards practicable and that all carriers allocate priority and sufficient quality of capacity on their networks to ensure the expedient transmission of emergency calls to appropriate services.

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[TEL 46] Industry working groups

46 (1) The Authority may establish one or more industry working groups to make proposals to the Authority on the following—

(a) numbering referred to in section 43;

(b) number portability referred to in section 44;

(c) national emergency numbers referred to in section 45;

(d) relations between licensees and consumers by virtue of section 54;

(e) equipment type, approvals, technical standards and manufacturers' declarations by virtue of section 55;

(f) such other matter the Authority determines.

(2) The Authority must ensure that any working groups established under subsection (1)—

(a) are designed to further the objectives in section 3;

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(b) operate pursuant to fair, transparent and non-discriminatory procedures;
(c) do not have the effect of providing an advantage to any licensee having a substantial degree of power in a relevant market; and
(d) include any other bodies or institutions as appropriate, such as consumer groups.

(3) The Authority shall take into account any proposal made by an industry working group established under subsection (1) when performing its functions and powers under this Act.

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DIVISION 4 — UNIVERSAL SERVICE

[TEL 47] Universal service advisory committee

47 (1) This section establishes the universal service advisory committee consisting of the following members appointed by the Authority—

(a) the chief executive officer of the Authority;
(b) the permanent secretary of the Ministry responsible for this Act;
(c) the chief executive officer of the Fijian Competition and Consumer Commission;
(d) the permanent secretary of the Ministry responsible for provincial development;
(e) the permanent secretary of the Ministry responsible for national planning;
(f) such number of members not exceeding 3, as determined by the Authority, to represent the licensees.

[subs (1) am Act 31 of 2016 s 211, opn 1 Dec 2016; Act 41 of 2017 s 25, opn 1 Aug 2017]

(2) The Authority may invite any person to give expert advice before it but such person does not have voting rights.

(3) The members of the advisory committee may elect a member as the chairperson.

(4) The function of the advisory committee is to advise the Authority on matters relating to universal service scheme, goals and implementation strategies.

[TEL 48] Universal service scheme

48 (1) The Authority shall, after consulting the Minister, devise an economically reasonable and technically feasible universal service scheme having the ultimate objective of enabling all people in Fiji, wherever they reside or carry on business, reasonable access on an equitable and affordable basis to services including—

(a) basic dial tone telephone services using either fixed or mobile or any other technology;
(b) public call offices and shared phones;
(c) the internet; and
(d) such other services as the Minister may, on the recommendation of the Authority, specify.

(2) In setting the universal service goals and the implementation strategies, the Minister and the Authority must ensure that any burden on any provider of universal service, persons who are required to contribute to the universal service levy or consumers of specified services are to be fair and reasonable.

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[TEL 49] Minister to declare universal service areas

49 (1) The Minister may, after consulting the licensees, the Minister responsible for provincial development and the members of the public in the subject area, declare any area, by order in the Gazette, that is eligible for the application of universal service obligations and benefits.

(2) The areas declared under subsection (1) must meet the following criteria—

(a) the level of current service is non-existent or considerably poorer than that in the more advanced areas of the country; or
(b) the cost of providing services in the declared areas prevents the provision of the services identified pursuant to section 48 on a reasonable commercial basis.

[TEL 50] Universal service obligations

50 (1) A licensee may become subject to a universal service obligation if—

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(a) the licensee assumes a universal service obligation pursuant to a tender for universal service funding under this section; or
(b) the licensee has a substantial degree of power in a market for access to telecommunications services and the Authority determines that it shall bear a reasonable universal service obligation.

(2) A licensee shall not be penalised for failing to meet a universal service obligation for reasons of natural or man-made disaster beyond the control of the licensee.

(3) The Authority shall, in every 3 years, review existing universal service obligations and determine whether each obligation is required to maintain the universal service objectives, and the first such review shall be undertaken 3 years after the commencement of this Act.

(4) For the purposes of providing funding of universal service obligations from the Fund, the Authority shall call for tenders and the tender must include—
(a) description of the universal service area to be served;
(b) description of service required including time limits;
(c) the maximum available funds for the project;
(d) disbursement of funds;
(e) information about licensing requirements for applicants requiring a licence under this Act;
(f) the universal service obligations to be undertaken; and
(g) any other matters that may be prescribed.

[TEL 51] Universal service benefits

51 (1) A licensee subject to a universal service obligation is entitled to one or more of the universal service benefits—
(a) funding from the Fund;
(b) charging of higher interconnection rates for terminating services in the eligible geographic area to reflect identified costs that are not otherwise recoverable;
(c) adjustments to regulated retail prices applying within and outside the eligible universal service area to the extent this would permit the licensee to recover identified costs that are not otherwise recoverable; and
(d) such other means, including market-based means, as may be determined by the Authority in consultation with the Fijian Competition and Consumer Commission and the industry.

[subs (1) am Act 41 of 2017 s 25, opn 1 Aug 2017]

(2) The Authority shall propose the undertaking of one or more of the universal service benefits under subsection (1)(a), (b), (c) and (d), in consultation with the Fijian Competition and Consumer Commission.

[subs (2) am Act 41 of 2017 s 25, opn 1 Aug 2017]

(3) In this section, "interconnection" means a specific type of access to facilities involving the physical or logical linking of 2 networks for communication between consumers of one with the other or for transit of communications from the consumers of one network across the network of the other, irrespective of the type of signals or information conveyed.

[TEL 52] Universal service levies

52 (1) Upon direction of the Minister, the Authority must levy charges for universal services up to a maximum prescribed percentage of licensees' gross revenues net of settlement charges to other licensees paying levies.

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(2) The Authority may grant exemptions to the levy in subsection (1) in respect of certain services where it reasonably considers that such exemptions are consistent with the universal service objective in section 48.

[TEL 53] Universal service fund

53 (1) This section establishes a trust fund called the universal service fund, into which the following moneys are to be paid into—

(a) any money appropriated by Parliament for the purposes;

(b) any grant, contribution or loans from any international organisation or donors; and

(c) all levies payable under section 52.

(2) The Fund is to be kept in and administered by the Ministry responsible for finance in accordance with the Financial Management Act 2004.

(3) Money from the Fund may only be spent on the installation of networks, provision of services and operating costs in the eligible universal service area, as eligible for universal service funding under this Part.

(4) The Authority, in consultation with the Ministry responsible for finance, shall provide an audited annual report to the Minister setting out the collection and disbursement from the Fund.

(5) The management and administration costs of the Fund are to be paid from the annual budget of the Authority.

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[TEL 54] Consumer protection

54 (1) Any service provider that supplies telecommunications services to consumers must comply with the following requirements and the prescribed requirements—

(a) service providers must provide all of the terms and conditions applying to the provision of telecommunications services to consumers in a manner that is simple to understand;

(b) no service provider must make a statement or representation that is, or in all the circumstances in which it is made may be construed as being false or misleading regarding the terms and conditions on which a telecommunications service is provided (including price, quality, features and conditions of any service or product);

(c) service providers must charge consumers only for services and products ordered or used;

(d) service providers must bill consumers periodically and in accordance with the prescribed requirements;

(e) service providers must keep information about consumers confidential, including billing information and call information, except to the extent necessary to publish any public telecommunications directory, enable billing of the consumer or to address fraud or bad debt; and

(f) service providers must formulate and submit to the Authority for its approval a simple, transparent and non-discriminatory complaints handling procedure for dealing with consumer complaints and disputes, and service providers must comply with such approved procedure.

(2) Regulations made under section 82 may prescribe matters relating to the relations amongst licensees, service providers and consumers, including resolution of consumer complaints, quality of service, service level guarantees, fault response and repair timeframes, the Authority's role in providing public awareness and any other matter as the Authority considers appropriate to protect consumers.

(3) Subsection (1) and the provisions of any regulations made to give effect to this section apply without limiting the generality of the Fijian Competition and Consumer Commission Act 2010 and its application to telecommunications in any way.

[subs (3) am Act 31 of 2016 s 211, opn 1 Dec 2016; Act 41 of 2017 s 25, opn 1 Aug 2017]

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[TEL 55] Technical rules and standards

55 (1) The Authority may make technical rules and standards applicable to the import, use, supply, installation or maintenance of telecommunications equipment and apparatus if necessary to ensure against damage to telecommunications networks or services or to public health, safety or the environment.

(2) The Authority may approve international technical rules and standards for the purposes of subsection (1).

(3) No person may import, use, supply, install, or maintain any telecommunications equipment or apparatus that does not comply with technical rules and standards published pursuant to subsection (1).

(4) A person who intends to import any telecommunications equipment or apparatus including radio transmitting devices, other than equipment exempted by regulations, shall obtain an import permit from the Authority.

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(5) The Authority may enter into mutual recognition arrangements with authorities in other countries to provide for mutual recognition of type approvals conducted in the other country or in Fiji.

(6) The Authority shall rely upon declarations of manufacturers of compliance of telecommunications equipment and apparatus in countries having technical rules and standards which the Authority considers adequate for the purposes of subsection (1).

(7) The Authority must establish and maintain a list of approved countries for the purposes of this section.

(8) Any approval of telecommunications equipment or apparatus granted and not withdrawn before this Act comes into force shall be valid unless withdrawn subsequently by the Authority.

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[TEL 56] Access to freehold land

56 (1) A licensee seeking access to freehold land for the purpose of constructing, maintaining or operating any telecommunications facility may request the intervention of the Authority which must—

(a) mediate between the licensee and the owner or occupier including the necessity of access by the licensee, co-location where technically feasible, the historical, environmental and health implications, and the terms of compensation; and

(b) if no agreement is reached between the licensee and the owner or occupier, provide appropriate evidence in connection with an application of the licensee to the High Court under subsection (2) regarding its view of the matter.

(2) If negotiations and mediation have been attempted in good faith by the licensee and the land owner or occupier but fail, the licensee may apply to a Judge of the High Court for an order to access land for the purpose of constructing, maintaining or operating any telecommunications facility.

(3) The licensee must give the owner and the occupier of the land at least 10 working days' notice of the licensee's intention to apply to a Judge of the High Court under subsection (1).

(4) If the Judge is satisfied that the requirements set out in section 57(1) have been met, the Judge may make an order authorising the licensee to enter the land at reasonable times for the purpose of construction, maintenance or operation of the telecommunications facility.

[TEL 57] Requirements for a court order

57 (1) The requirements that must be met for the making of a court order are as follows—

(a) the construction, maintenance or operation of the facility is necessary for the purpose of telecommunications; and

(b) no practical or commercially reasonable alternative route or location exists.

(2) In considering the application in section 56(2) or 58(3), the Judge shall take into account the following considerations—

(a) the necessity of access by the licensee;

(b) the promotion of co-location where technically feasible;

(c) the historical, environmental and health implications of that access;

(d) the terms of compensation offered by the licensee to the owner or occupier;

(e) whether or not the licensee has sought the mediation of the Authority in accordance with section 56(1)(a); and

(f) the objectives in section 3.

(3) Before exercising any powers authorised by an order made under section 56(4), the licensee must serve the order on the owner and the occupier of the land to which the order relates.

[TEL 58] Access to State lands and properties

58 (1) A licensee may apply to the Authority for assistance where it cannot on commercially reasonable terms—

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(a) obtain consent of the government authority having jurisdiction over State land or State facility to construct, maintain or operate any telecommunications facility;
(b) gain access to the pole, duct, tower or other supporting structure of a telecommunications, electrical power or other utility transmission system constructed on State land or a State facility that is owned or controlled by a Ministry, department or other State entity; or
(c) obtain consent of the director of lands and the Ministry responsible for that State land to make changes to land, including trees, shrubs, plants or other materials that interfere with a telecommunications facility.

(2) Upon receipt of an application for assistance under subsection (1), the Authority shall consult with the director of lands and the Ministry responsible for that State land and attempt to find a solution acceptable to both the licensee and the relevant Ministry, department or other State entity.

(3) If a solution is not found under subsection (2), the licensee may apply to a Judge of the High Court who may make an order if the Judge is satisfied that the requirements in subsection (1) are met, taking into account the considerations in subsection (2), as well as the reasons for refusal of consent by the director of lands and the relevant Ministry, department or other State entity.

(4) A licensee shall, in consultation with the Authority, agree with relevant Ministry, department, other State entity, local council and other persons or bodies on arrangements and fees related to the laying of ground or aerial telecommunications network facilities on roads, streets, squares, and other public spaces under their administration.

[TEL 59] Rights of entry to land

59 Upon reasonable notice to the owner or occupier of the land, a licensee may—
(a) enter land, at reasonable times, for the purpose of gaining access to any existing works or existing lines owned by the licensee; and
(b) perform any act or operation necessary for the purpose of inspecting, maintaining, or repairing those works or lines.

[TEL 60] Access to iTaukei lands

60 Any request to access iTaukei lands shall be done in accordance with the provisions of the iTaukei Land Trust Act 1940.
[s 60 am Decree 7 of 2011 s 4, opn 1 Mar 2011]

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[TEL 61] Establishment and constitution of the Tribunal

61 (1) This section establishes the telecommunications appeal tribunal consisting of the following members—

(a) a chairperson

(b) not less than 5 and not more than 10 other members.

(2) The Judicial Services Commission may, after consultation with the Minister, appoint the members of the Tribunal for a term of not exceeding 3 years and the members are eligible for reappointment.

(3) The chairperson may select one or more members not exceeding 3 members to hear and determine any appeal made to the Tribunal.

(4) Persons appointed to the Tribunal must have qualifications and experience in one or more of the following fields; legal, financial, economic, public administration, engineering or telecommunications matters.

(5) The person appointed as the chairperson must be a legal practitioner of not less than 7 years' admission as a legal practitioner either in Fiji or elsewhere.

(6) Subject to subsection (5), a person who is not a resident or citizen of Fiji may be appointed a member of the Tribunal.

(7) A member of the Tribunal may hold office concurrently with any other office held by him or her provided that the office is not related to telecommunications.

(8) No person shall be appointed a member of the Tribunal if the person has a direct or indirect equity or other financial interest in a licensee, except for indirect interests managed through investment and pension funds where the member cannot influence the purchase, sale or exercise of voting rights of such an interest.

[TEL 62] Jurisdiction of the Tribunal

62 (1) The Tribunal has jurisdiction to hear and determine appeals on questions of law and fact from—

(a) any determination of the Authority; or

(b) any decision to refuse, vary, renew, suspend, or revoke a licence or spectrum licence;

(c) any decision to impose, suspend, vary, or revoke a condition of a licence or a spectrum licence; and

(d) any decision to impose a universal service obligation either as the outcome of a tender or based on substantial degree of market power under section 50.

(2) The Tribunal may, on application by an appellant, order that the decision to which an appeal relates be stayed pending a final determination of the appeal if the appellant shows on the balance of probabilities that it stands to suffer substantial harm that cannot be remedied if the decision takes effect in accordance with its terms.

(3) The Tribunal may dismiss an appeal if it is of the opinion that—

(a) the appeal is frivolous or vexatious or not made in good faith; or

(b) the appellant does not have a sufficient interest in the subject matter of the appeal.

(4) On determining an appeal, the Tribunal may—

(a) confirm, modify or reverse the original decision or any part thereof; or

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(b) by a direction in writing stating reasons, refer the decision back to the Authority, as the case may be, for reconsideration by it, either generally or in relation to any matter specified in the direction.

[TEL 63] Vacancy and resignation

63 (1) A member of the Tribunal may at any time resign office by notice in writing to the Judicial Services Commission.

(2) The office of a member becomes vacant if the member dies, or is adjudged bankrupt under the laws of Fiji or elsewhere.

(3) The Judicial Services Commission may remove a member from office—

(a) for misconduct;

(b) for inability to perform the functions of the office on medical grounds, or on the grounds of negligence; or

(c) if the member fails to disclose a conflict of interest.

[TEL 64] Allowances

64 Members of the Tribunal are entitled to sitting allowances as to be fixed by the Judicial Services Commission.

[s 64 am Act 31 of 2016 s 211, opn 1 Dec 2016]

[TEL 65] Administration of the Tribunal

65 (1) The general administrative costs of the Tribunal shall be borne by the Authority.

(2) The Authority must maintain a reserve fund sufficient to budget for the Tribunal's expenses reasonably expected to be incurred pending payment by the parties in accordance with subsection (3).

(3) The expenses of the Tribunal relating to hearing a dispute, including the reasonable fees and expenses of legal advisors, experts and any other expenses, shall be borne by the parties to the dispute according to the order of the Tribunal.

[TEL 66] Rules of procedure

66 (1) A party that is aggrieved by a decision set out in section 62(1) has the right to appeal to the Tribunal.

(2) In hearing an appeal and making a decision, the Tribunal shall observe the rules of natural justice.

(3) The decision of the majority of members appointed to hear the case is the decision of the Tribunal.

(4) A decision of the Tribunal must be in writing and must state the reasons for the decision.

(5) The Tribunal may order mediation or another alternative dispute resolution process prior to a hearing and may take into account the conduct of the parties in such a process in its own decisions.

(6) The Tribunal may make interim or final orders including any other order it thinks fit to make.

[TEL 67] Evidence

67 (1) Subject to this section, the Civil Evidence Act 2002 applies to the Tribunal in the same manner as if the Tribunal were a court within the meaning of that Act.

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(2) The Tribunal may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with a matter before it, whether or not the same would be admissible in a court of law.

(3) The Tribunal may take evidence on oath, and for that purpose the presiding member may administer an oath.

(4) The Tribunal may permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Tribunal thinks fit, verifying it by oath.

[TEL 68] Privileges and immunities

68 Witnesses appearing before the Tribunal have the same privileges and immunities as witnesses have in proceedings in a Magistrates Court.

[TEL 69] Non-attendance or refusal to cooperate

69 A person summoned by the Tribunal to give evidence or to produce documents who, without sufficient cause—

(a) fails to attend, to give evidence or to produce documents; or

(b) refuses to be sworn or to give evidence, or, having been sworn, refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer concerning the proceedings,

commits an offence and is liable on conviction to a fine not exceeding $2,000 or to imprisonment not exceeding 12 months.

[TEL 70] Power to award costs

70 (1) The Tribunal, in any proceedings before it under this Act, may make such order as to costs as it thinks fit.

(2) An order as to costs may be filed in a court and may be enforced as a judgment of that court.

[TEL 71] Annual report of the Tribunal

71 The Tribunal shall prepare an annual report of its operation and functions under this Act, and submit it to the Authority for incorporation into the Authority's annual report.

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[TEL 72] Authority's obligations

72 (1) The Authority must, in performing its functions or exercising its powers, do its best to prevent telecommunications networks, telecommunications services and facilities from being used in, or in relation to, the commission of offences against the laws of Fiji.

(2) The Authority must, in performing its functions or exercising its powers, give officers and authorities of the Government such help as is reasonably necessary for the following purposes—

(a) enforcing the criminal law and laws imposing pecuniary penalties;
(b) protecting the public revenue; and
(c) safeguarding national security.

(3) The Authority is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith in performance of the duty imposed by subsection (1) or (2).

(4) An officer, employee or agent of the Authority is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith in connection with an act done or omitted by the Authority as mentioned in subsection (3).

[TEL 73] Obligations of licensees

73 (1) A licensee must, in connection with the operation of telecommunications networks or facilities or the supply of telecommunications services, do the licensee's best to prevent telecommunications networks, telecommunications services and facilities from being used in, or in relation to, the commission of offences against the laws of Fiji.

(2) A licensee must, in connection with the operation of telecommunications networks or facilities or the supply of telecommunications services, give officers and authorities of the Government such help as is reasonably necessary for the following purposes—

(a) enforcing the criminal law and laws imposing pecuniary penalties;
(b) protecting the public revenue; and
(c) safeguarding national security.

(3) A licensee is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith—

(a) in performance of the duty imposed by subsection (1) or (2); or
(b) in compliance with a direction that the Authority gives in good faith in performance of its duties under section 72.

(4) A director, officer, employee or agent of a licensee is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith in connection with an act done or omitted by the licensee as mentioned in subsection (3).

(5) A reference in this section to giving help includes a reference to giving help by way of—

(a) the provision of interception services in connection with the execution of a warrant under the hand of the President or any prescribed interception services; or
(b) providing relevant information about any communication that is lawfully intercepted; or
(c) disclosing information or a document in accordance with section 30 of this Act.

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[TEL 74] Terms and conditions on which help is to be given

74 (1) This section applies if a person is required to give help to an officer or authority of the Government as mentioned in section 73(2).

(2) The person must comply with the requirement on the basis that the person neither profits from, nor bears the costs of, giving that help.

(3) The person must comply with the requirement on such terms and conditions as are—

(a) agreed between the person and the Government; or

(b) failing agreement, determined by an arbitrator appointed by the parties or, if the parties fail to agree on the appointment of an arbitrator, by an arbitrator appointed by the Authority.

(4) An arbitrator appointed by the Authority under subsection (3) must be a person specified in a written determination made by the Minister.

(5) Before making a determination under subsection (4), the Minister must consult the Attorney-General.

(6) If an arbitration under this section is conducted by an arbitrator appointed by the Authority, the cost of the arbitration must be apportioned equally between the parties.

(7) The regulations may make provision for and in relation to the conduct of an arbitration under this section.

[TEL 75] Suspension of supply of telecommunications service in an emergency

75 (1) If an officer of the Fiji Police Force, Republic of Fiji Military Forces or Fiji Independent Commission Against Corruption specified in subsection (6) has reasonable grounds to believe that—

(a) an individual has access to a particular telecommunications service; and

(b) the individual has—

(i) done an act that has resulted, or is likely to result, in loss of life or in the infliction of serious personal injury;

(ii) made an imminent threat to kill, or seriously injure, another person;

(iii) made an imminent threat to cause serious damage to property;

(iv) made an imminent threat to take the individual's own life; or

(v) made an imminent threat to do an act that will, or is likely to, endanger the individual's own life or create a serious threat to the individual's health or safety; and

(c) the suspension of the supply of the telecommunications service is reasonably necessary to prevent a recurrence of the act done or to prevent or reduce the likelihood of the carrying out of the threat made (as the case may be),

the officer may request a licensee to suspend the supply of the telecommunications service.

(2) The licensee shall use the licensee's best endeavours to comply with the request.

(3) This section does not, by implication, limit any other powers that another licensee may have to suspend the supply of the telecommunications service.

(4) The licensee is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith in compliance with the request.

(5) A director, officer, employee or agent of the licensee is not liable to an action or other proceedings for damages for or in relation to an act done or omitted in good faith in connection with an act done or omitted by the licensee as mentioned in subsection (4).

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(6) The officers of the Fiji Police Force, Republic of Fiji Military Forces or Fiji Independent Commission Against Corruption mentioned in subsection (1) are—

(a) the Assistant Commissioner of Police (Operations), or any officer of a higher rank;

(b) the Chief Staff Officer (Operations) of the Military Forces, or any officer of a higher rank; and

(c) the Deputy Commissioner of the Fiji Independent Commission Against Corruption.

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[TEL 76] Contraventions and breaches

76 (1) An individual who contravenes a provision of this Act, or breaches a licence condition, commits an offence and, except as otherwise provided in this Act, is liable—

(a) for a first offence, to a fine not exceeding $5,000 or to imprisonment not exceeding 12 months; and

(b) for a second or subsequent offence, to a fine not exceeding $20,000 or to imprisonment not exceeding 24 months.

(2) A legal entity that contravenes a provision of this Act, or breaches a licence condition, commits an offence and, except as otherwise provided in this Act, is liable—

(a) for a first offence, to a fine not exceeding 2% of annual gross revenue; and

(b) for a second or subsequent offence, to a fine not exceeding 10% of annual gross revenue.

(3) For the purposes of subsection 2(b), the court may instead of imposing the penalties in that subsection impose a daily penalty up to 100 days at a maximum rate of 0.1% of annual gross revenue for every day during which the breach continues.

(4) If a licensee or legal entity is convicted under this Act, the Authority may—

(a) issue a direction to the licensee or legal entity or impose other conditions on the licence;

(b) vary, suspend or revoke the licence or condition of the licence; or

(c) issue a desist order.

(5) If a legal entity commits an offence under this Act, every director, manager, officer, employee or agent of a legal entity, who is responsible for the commission of the offence also commits the same offence and is liable on conviction to a fine not exceeding $5,000 for a first offence and $20,000 for a subsequent offence, or to imprisonment for a term not exceeding 2 years.

(6) It shall be a defence for a person charged under subsection (5) to prove that the offence committed by the legal entity was committed without his or her consent and connivance and that he or she took all reasonable steps to prevent its commission.

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[TEL 77] Power of the Authority to suspend licence etc

77 (1) Without prejudice to section 76, if the Authority is satisfied that a licensee is contravening, or has contravened any of the conditions of the licence and that the breach is not trivial in nature, the Authority must serve a written notice on the licensee to show cause as to the breach.

(2) Notice to show cause must state—

(a) the condition and the acts or omissions, which allegedly constitute or would constitute the breach; and

(b) the period (being not less than 28 days) in which the licensee must remedy the breach.

(3) If the licensee fails to comply with the notice to show cause, the Authority may pursuant to the requirements of section 18 impose one or more of the following penalties—

(a) issue a direction to the licensee or impose further conditions on the licence;

(b) in the first instance, a penalty not exceeding $500,000;

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(c) in the second or subsequent cases, a penalty not exceeding 2% of the annual gross revenue;

(d) revoke, suspend or modify the licence or existing conditions of the licence.

(4) Before imposing a penalty under subsection (3), the Authority must first give an opportunity to the licensee to be heard on the proposed penalty to be imposed.

(5) Before suspending or revoking a licence or a spectrum licence or taking actions for imposing a penalty, the Authority may initiate a determination procedure under section 18 for the purpose of exercising its powers under this Act if the Authority has reason to believe a licensee may have or has—

(a) engaged in any of the activities referred to in section 79(1);

(b) knowingly made a false statement in an application for a licence or a spectrum licence;

(c) knowingly failed to provide information or evidence that would have resulted in a refusal to grant a licence or a spectrum licence;

(d) wilfully failed to comply with the terms of its licence or a spectrum licence;

(e) wilfully contravened any provision or any rules or regulations made under this Act;

(f) violated or failed to comply with a desist order issued under section 79; or

(g) failed to make payments in a timely manner in connection with any universal service levy or other levy reasonably set by the Authority or in respect of any licence fee payable by the licensee under the terms of its licence.

(6) In any proceedings brought in pursuance of this section, the licensee may provide a defence by proving that the licensee took all reasonable steps and used all due diligence to remedy the breach within the period specified in the notice to show cause.

[TEL 78] Monitoring and enforcement

78 (1) In addition to any other powers contained in this Act or under any other laws and for the purposes of exercising its functions and powers under this Act, the Authority has the following powers—

(a) to authorise in writing the search of premises and seizure of documents, equipment and other items;

(b) to order any person, in writing, to appear before it to give evidence or to produce documents, and such evidence may be given on oath to be taken by the presiding member of the Board;

(c) to direct a person, in writing, to undertake a specific action or to cease a specific action if there is a breach of a regulation, licence, spectrum licence, technical rule, standard or order.

(2) The Authority may, in writing, request a police officer to assist in carrying out the powers under subsection (1).

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[TEL 79] Power to issue desist orders

79 (1) The Authority may issue a desist order if the Authority has made a determination that one or more of the following activities have been carried out by a person or licensee—

(a) provision of a telecommunications service to the public without a licence issued under this Act unless the telecommunications service is subject to an exemption from licensing;

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(b) use of an apparatus that is likely to cause undue interference with any radio-communication used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend;
(c) unauthorised use of an apparatus in relation to radio spectrum that is not licensed under this Act and such use causes or is likely to cause undue interference on use of licensed radio spectrum;
(d) operation of a facility or provision of a service in a manner which causes interference, endangers health or compromises network security or integrity; or
(e) violation of any term, or any regulation, determination, decision, licence or spectrum licence in force under it.

[subs (1) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(2) Before issuing a desist order, the Authority must serve notice on the person or licensee—
(a) stating the facts constituting the alleged activity and where appropriate, the name of the person against whom the allegation is made; and
(b) specifying the period within which and a place at which a hearing are to be held to provide the person or licensee concerned an opportunity to show good cause why the order should not be made.

[subs (2) am Act 31 of 2016 s 211, opn 1 Dec 2016]

(3) If at a hearing referred to in subsection (2)(b)—
(a) the person or licensee concerned fails to show good cause why the desist order should not be made, the Authority must issue such order; or
(b) if the Authority is satisfied that the alleged activity did not occur, the Authority must not issue such order.

[subs (3) am Act31 of 2016 s 211, opn 1 Dec 2016]

(4) An order under subsection (1) must—
(a) contain a statement of the facts referred to in subsection (2)(a);
(b) require the person concerned to desist from the conduct giving rise to the order;
(c) be accompanied by documents in support of the allegation; and
(d) be served on the person or licensee who is the subject of the order.

[subs (4) am Act 31 of 2016 s 211, opn 1 Dec 2016]

[TEL 80] Application of this Act to the Government

80 Part 3 applies to the Government.

[TEL 81] Safety of life at sea services

81 Telecommunications services in relation to safety of life at sea shall be the responsibility of the Government.

[TEL 82] Regulations and rules

82 (1) The Minister may make regulations to give effect to the provisions of this Act, and in particular to—
(a) provide for procedures for public consultation;
(b) prescribe the qualifications and procedures for the appointment of members of the Board;
(c) prescribe procedures for appointments of the chief executive officer, officers, employees and consultants of the Authority;

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(d) prescribe other matters relating to preparation of annual reports of the Authority and the Tribunal;
(e) prescribe procedures for determinations, including enforcement procedures;
(f) prescribe procedures for filing determinations in court for enforcement;
(g) prescribe procedures for collection of charges and fees to be paid under this Act;
(h) prescribe procedures and criteria for the universal service tender process, including other matters for the administration of the Fund and the transition of prior universal service subsidy arrangements to universal service scheme;
(i) prescribe procedures for and other matters relating to spectrum licences, including classes and types of radio spectrum and radio equipment, fees, conditions and technical standards;
(j) prescribe procedures for licensing of telecommunications services, including conditions, forms, reporting requirements and any matter relevant to licensing of telecommunications service;
(k) prescribe the types of licences for telecommunications services;
(l) prescribe matters for the purposes of regulating the relationships between service providers and consumers, including settlement of disputes and complaints protection of consumers;
(la) prescribe standards or codes of practice to ensure that service providers adopt proactive measures to improve the resilience of their telecommunications network and telecommunications service and to prevent service disruptions or outages, and in the event such service disruptions or outages occur, to ensure that service providers take all measures to restore services as soon as practicable;
(lb) prescribe fines not exceeding $1 million for telecommunications service disruptions or outages;
(lc) prescribe a framework for compensation to be awarded by service providers to consumers for telecommunications service disruptions or outages; and
(m) regulate the installation and maintenance of telecommunications apparatus.

[subs (1) am Act 24 of 2018 s 2, opn 1 Aug 2018]

(2) The Authority shall formulate and prepare regulations to be made by the Minister, including undertaking consultations with the licensees and where appropriate with the members of the public.

(3) Any offence created in any regulations may prescribe a fine not exceeding $5,000 or to imprisonment not exceeding 2 years.

(4) The Tribunal may, with the approval of the Chief Justice, make other rules of procedures relating to hearing of appeals under this Act.

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[TEL 83] Review of this Act

83 This Act shall be reviewed within 5 years from the commencement of this Act.

[TEL 84] Consequential amendments, savings and transitional

84 (1) The Posts and Telecommunications Act 1989 is amended by repealing the following provisions—
(a) Parts 2, 3, 5 and 6;
(b) Schedule 1; and
(c) sections 159 and 166.

(2) The Schedule sets out the savings and transitional matters.

(3) The Minister may make regulations for the purposes of making transitional and

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saving provisions within 12 months of the commencement of this Act, and in particular for the purposes of transferring of public officers to the Authority.

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SCHEDULE

(Section 84)

SAVINGS AND TRANSITIONAL

[Sch am Act 31 of 2016 s 211, opn 1 Dec 2016; Act 41 of 2017 s 25, opn 1 Aug 2017]

Interpretation

1 In this Schedule, unless the context otherwise requires—

repealed provisions of the Posts and Telecommunications Act 1989 means the provisions of that Act that are repealed by section 84(1) of this Act; and

Settlement Deed means the settlement deed between Vodafone Fiji Limited, Telecom Fiji Limited, and Fiji International Telecommunications Limited ("the licensee parties"), being holders of licences issued under the repealed provisions of the Posts and Telecommunications Act 1989, and Amalgamated Telecom Holdings Limited and the Government of the Republic of Fiji, the terms of which were agreed in principal and initialled by the parties on 19 November 2007, and which the parties have agreed is to be executed immediately after the publication of this Act in the Gazette; being a deed giving effect to arrangements between the licensee parties and the Government whereby, among other things—

(a) it is agreed that certain exclusive rights enjoyed by the licensee parties under their licences issued under the Posts and Telecommunications Act 1989 will be surrendered and will, after the expiry of a transitional period following the commencement of this Act, no longer be enjoyed by them and accordingly will not be reflected in any licences that may be issued to them under this Act; and

(b) the general terms on which, having regard to the agreed surrender of exclusive rights mentioned in paragraph (a), the licensee parties will be entitled to receive licences issued under this Act are established.

Prior Licences; Replacement licences under this Act

2 (1) Licences that were issued under the repealed provisions of the Posts and Telecommunications Act 1989 and are in effect immediately before the commencement of this Act ("prior licences") shall, subject to this section, continue in force as from the commencement of this Act as if they were licences issued under this Act.

(2) If within a period of 12 months from the commencement of this Act the holder of a prior licence applies to the Authority for a licence under this Act, the Authority must issue a licence under this Act ("replacement licence") and, upon the issue of that replacement licence, the prior licence shall be deemed to be surrendered.

(3) Any replacement licence issued as provided in subparagraph (2)—

(a) shall be issued subject to paragraph 3 of this Schedule;

(b) subject to subparagraph 3(a), but notwithstanding any other provision of this Act, shall be issued in terms that confer on the licensee—

(i) the right to offer telecommunications services to at least the same extent; and

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(ii) in addition, in the case of a replacement licence issued to a licensee who is a party to the Settlement Deed, at least the same rights in relation to spectrum use and duration of licence, as the licensee was entitled to under the prior licence; and

(c) in all other respects shall be a licence issued in accordance with this Act.

(4) If at the expiry of the period specified in subparagraph (2) the holder of a prior licence has not applied for a replacement licence under this Act, then—

(a) the Authority may by notice published in the Gazette, specify a date for the purposes of this subparagraph; and

(b) the licence shall by virtue of this subparagraph be deemed to be surrendered on the date so specified.

(5) For the purposes of subparagraph (1), any provision or condition of a prior licence conferring on the licence holder any exclusive right, other than—

(a) exclusive rights with respect to radio spectrum;

(b) any right that is conferred in compliance with the requirements of paragraph 3,

is of no effect and shall not be enforceable.

Provisions applicable to all licences

3 (1) Any licence issued under this Act shall not permit the licensee, during the period of 18 months following the date of signing the Settlement Deed, to obtain telecommunications services to and from Fiji other than from Fiji International Telecommunications Limited, so long as Fiji International Telecommunications Limited provides the specific service requested by the licensee and does so at prices approved by the Fijian Competition and Consumer Commission.

(2) Any licence issued under this Act shall not permit any person operating a mobile network, other than Vodafone Fiji Limited, to offer commercial mobile services to the public before 1 October 2008.

(3) No person shall be entitled, whether under a licence issued under this Act or under any other law, before 1 July 2012, to access any broadband infrastructure investment implemented by Telecom Fiji Limited, otherwise than on commercially negotiated terms.

(4) For the avoidance of doubt, reference in this paragraph to a licence issued under this Act includes reference to a replacement licence issued under paragraph 2 of this Schedule.

Certain services not to be regulated initially

4 This Act will not apply in respect of the following services during the period of 3 years following the signing of the Settlement Deed—

(a) national roaming;

(b) mobile virtual network operator or other wholesale mobile services (including cellsite co-location, toll, bypass or carrier selection);

(c) local loop unbundling;

but nothing in this paragraph shall prevent a licensee from entering into arrangements for such services on commercially negotiated terms.

Designations by the Minister under section 48(1)(d) of this Act

5 During the period of 3 years beginning with the commencement of this Act, the Minister will not make any designation of a service under section 48(1)(d) of this Act.

Deferred commencement of section 81 of this Act

6 (1) On or before 1 July 2009, the Government shall assume responsibility for any

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safety of life at sea services then being provided by Telecom Fiji Limited or any other holder of a licence issued under this Act or under the repealed provisions of the Posts and Telecommunications Act 1989.

(2) Notwithstanding its earlier commencement, section 81 shall have effect on and from the date of the assumption of responsibility by the Government under subparagraph (1).

Continuation of proceedings

7 (1) This paragraph applies to any action, arbitration, proceedings or cause of action that relates to a transferred asset or liability and that immediately before the commencement is pending or existing by, against, or in favour of the State or to which the State is a party.

(2) Any action, arbitration, proceedings or cause of action to which this paragraph applies shall vest in the Authority and may be prosecuted and, without amendment of any writ, pleading or other document, continued and enforced by, against, or in favour of the Authority.

Subsidiary legislation

8 Any subsidiary legislation made under the Posts and Telecommunications Act 1989, in so far as it applies to the repealed provisions of that Act, continues in force as if it were made under this Act, until replaced by subsidiary legislation made under this Act.

Precedence of certain provisions of this Schedule over other laws

9 Paragraphs 2 and 3 have effect notwithstanding—

(a) any other provision of this Act;

(b) any provision of the Fijian Competition and Consumer Commission Act 2010 or any other legislation or regulation; or

(c) any principle of law with respect to competition or restraint of trade.

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Telecommunications Regulations 1955

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3	Subscriber's agreement	[TEL 12,145]
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62	Plain language	[TEL 12,440]
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80	Delivery of telegram	[TEL 12,530]
81	Telephoned telegrams	[TEL 12,535]
82	Certified copy of a telegram	[TEL 12,540]
83	External telegrams	[TEL 12,545]
84	Compound words and names	[TEL 12,550]
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Telecommunications Regulations 1955

TABLE OF AMENDMENTS

Telecommunications Regulations 1955 (LN 139 of 1955) commenced on 1 January 1956, as amended by:

Amending Legislation	Date of Commencement
Telecommunications (Amendment) Regulations 1957 (LN 1 of 1957)	11 January 1957
Telecommunications (Amendment) (No 2) Regulations 1957 (LN 87 of 1957)	regs 2 and 4: 1 January 1958, remainder: 15 November 1957
Telecommunications (Amendment) (No 2) Regulations 1959 (LN 147 of 1959)	7 August 1959
Telecommunications (Amendment) (No 3) Regulations 1959 (LN 207 of 1959)	1 January 1960
Telecommunications (Amendment) Regulations 1960 (LN 116 of 1960)	2 September 1960
Telecommunications (Amendment) Regulations 1961 (LN 147 of 1961)	1 January 1962
Telecommunications (Amendment) Regulations 1962 (LN 193 of 1962)	1 January 1963
Telecommunications (Amendment) Regulations 1964 (LN 4 of 1964)	10 January 1964
Telecommunications (Amendment) Regulations 1965 (LN 28 of 1965)	5 March 1965
Telecommunications (Amendment) Regulations 1966 (LN 38 of 1966)	1 April 1966
Telecommunications (Amendment) (No 2) Regulations 1966 (LN 177 of 1966)	1 November 1966
Telecommunications (Amendment) Regulations 1968 (LN 197 of 1968)	13 January 1969
Telecommunications (Amendment) Regulations 1969 (LN 48 of 1969)	21 March 1969
Telecommunications (Amendment) Regulations 1970 (LN 72 of 1970)	1 August 1970
Telecommunications (Amendment) Regulations 1971 (LN 57 of 1971)	7 May 1971
Telecommuications (Amendment) Regulations 1972 (LN 48 of 1972)	30 June 1972

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Amending Legislation	Date of Commencement
Telecommunications (Amendment) (No 2) Regulations 1972 (LN 140 of 1972)	1 January 1973
Telecommunications (Amendment) Regulations 1973 (LN 62 of 1973)	8 June 1973
Telecommunications (Amendment) Regulations 1974 (LN 43 of 1974)	8 March 1974
Telecommunications (Amendment) (No 2) Regulations 1974 (LN 240 of 1974)	reg 2: 1 January 1975, remainder: 1 January 1976
Telecommunications (Amendment) (No 2) Regulations 1974 (Amendment) Regulations 1975 (LN 81 of 1975)	31 December 1974
Telecommunications (Amendment) Regulations 1975 (LN 133 of 1975)	1 January 1976
Telecommunications (Amendment) Regulations 1976 (LN 74 of 1976)	1 January 1976
Telecommunications (Amendment) Regulations 1977 (LN 20 of 1977)	28 January 1977
Telecommunications (Amendment) (No 2) Regulations 1977 (LN 107 of 1977)	1 September 1977
Telecommunications (Amendment) (No 3) Regulations 1977 (LN 162 of 1977)	1 September 1977
Telecommunications (Amendment) (No 4) Regulations 1977 (LN 163 of 1977)	1 October 1977
Telecommunications (Amendment) Regulations 1978 (LN 49 of 1978)	1 April 1978
Telecommunications (Amendment) Regulations 1979 (LN 69 of 1979)	6 April 1979
Telecommunications (Amendment) (No 2) Regulations 1979 (LN 218 of 1979)	1 January 1980
Telecommunications (Amendment) Regulations 1981 (LN 56 of 1981)	19 June 1981
Telecommunications (Amendment) (No 2) Regulations 1981 (LN 127 of 1981)	4 December 1981
Telecommunications (Amendment) Regulations 1982 (LN 61 of 1982)	18 June 1982
Telecommunications (Amendment) (No 2) Regulations 1982 (LN 115 of 1982)	29 October 1982
Telecommunications (Amendment) (No 3) Regulations 1983 (LN 137 of 1982)	1 January 1983
Telecommunications (Amendment) Regulations 1983 (LN 5 of 1983)	14 January 1983
Telecommunications (Amendment) (No 2) Regulations 1983 (LN 114 of 1983)	1 January 1984
Telecommunications (Amendment) Regulations 1985 (LN 86 of 1985)	1 September 1985

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Amending Legislation	Date of Commencement
Telecommunications (Amendment) Regulations 1986 (LN 79 of 1986)	1 July 1986
Telecommunications (Amendment) Regulations 1986 (LN 88 of 1986)	15 August 1986
Telecommunications (Amendment) Regulations 1988 (LN 18 of 1988)	1 February 1988
Telecommunications (Amendment) Regulations 1989 (LN 74 of 1989)[1]	1 January 1990
Telecommunications (Amendment) Regulations 2008 (LN 91 of 2008)	1 November 2007
Revised Edition of the Laws (Consequential Amendments) Regulations 2016 (LN 99 of 2016)	1 December 2016

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[1] This was rectified by the Corrigendum published on 5 January 1990 (LN 4 of 1990).

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[TEL 12,130] Short title

1 These Regulations may be cited as the Telecommunications Regulations 1955.

[TEL 12,135] Interpretation

1A In these Regulations, unless the contrary intention appears—

standard rental area, in relation to the provision of a telecommunications service to a subscriber's premises, means the area within a radius of 8 km around the exchange to which, for the purposes of the provision of that service, those premises are, to be, directly connected; and

Permanent Secretary means the permanent secretary responsible for posts and communications.

[reg 1A subst LN 99 of 2016 reg 261, opn 1 Dec 2016]

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[TEL 12,140] Telephone and like services subject to Regulations

2 All telephone and other like services approved or authorised by the Permanent Secretary to be approved or used at any time prior or subsequent to these Regulations shall be subject to the conditions set forth in these Regulations or in any amendments or extensions thereof.

[TEL 12,145] Subscriber's agreement

3 All applications for a telephone service shall be made on the form supplied for the purpose. Intending subscribers are required to enter into an agreement with the Permanent Secretary and no telephone installation shall be commenced until such agreement has been signed; nor, at the discretion of the Permanent Secretary, shall such installation be commenced until payment of the prescribed entrance fee has been made.

[reg 3 subst LN 48 of 1972 reg 2, opn 30 June 1972]

[TEL 12,150] Joint subscribers

4 At the discretion of the Permanent Secretary, persons occupying accommodation in the same premises, who wish to share the use of a single telephone installation, may enter into a joint agreement for service under the same telephone number at the prescribed charges, in which case each subscriber or any one of the subscribers, at the discretion of the Permanent Secretary, shall be regarded as the subscriber for the purposes of these Regulations, provided that such joint agreement shall be permissible only—

(a) in respect of an installation comprising a single exchange line without a private branch exchange; or

(b) in respect of a larger installation for such temporary period as separate installations cannot be provided.

[reg 4 insrt LN 48 of 1972 reg 3, opn 30 June 1972]

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[TEL 12,155] Period of agreement

5 Telephone service at the annual rates specified in these Regulations shall be for such minimum period as the Permanent Secretary may determine at the time of application, and shall be continued thereafter until the subscriber gives notice in writing that the service is to be discontinued or until the Permanent Secretary discontinues the service.

[TEL 12,160] Permission required for installation of apparatus

6 When the intending subscriber is not the owner of the premises in which he or she desires a telephone to be installed he or she shall obtain the permission of the owner of the premises for the installation and shall indemnify the Permanent Secretary against any claim arising from the work to be done in connection therewith.

[TEL 12,165] Rentals payable monthly

7 (1) The prescribed annual rentals shall be payable monthly in advance to the end of each month, provided that a subscriber who is connected to the telephone service on or after the 15th day of any month shall not be required to pay rental in respect of that month.

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(2) Without prejudice to the provisions of regulation 8, before being connected to the service every intending subscriber shall pay in advance the first month's rental for such service and shall in addition, deposit and keep deposited with the Permanent Secretary until the service is discontinued and the subscriber's final account settled to the satisfaction of the Permanent Secretary a sum equal to the prescribed annual rental for the service, or such sum as the Permanent Secretary may determine.

[reg 7 subst LN 107 of 1977 reg 2, opn 1 Sep 1977; am LN 49 of 1978 reg 2, opn 1 Apr 1978]

[TEL 12,170] Deposits

8 At the discretion of the Permanent Secretary any subscriber may be required to deposit and keep deposited with the Permanent Secretary a sum not less than the average monthly value of the trunk line calls or any other supplementary services obtained by the subscriber, and on default the Permanent Secretary may decline to render any service involving a charge which has not been prepaid.

[TEL 12,175] Accounts

9 (1) Accounts for rental and all telecommunication services shall be payable to the Permanent Secretary within 15 days after the service upon the subscriber of the account. Subscribers shall be responsible for the payment of the charges for all facilities obtained by means of their telecommunication apparatus and the accounts rendered shall be sufficient evidence of the amounts due by the subscribers. A subscriber is not relieved of his or her responsibility for payment of any unauthorised calls originated or accepted on his or her service. The Permanent Secretary will not undertake to refuse or restrict calls from any telecommunication apparatus to meet the needs of subscribers.

(2) For the purposes of this regulation, an account may be served on a subscriber –

(a) by delivering it to the subscriber; or

(b) by leaving it at his or her usual or last known place of business or residence in Fiji; or

(c) by forwarding it by post in a prepaid letter addressed to the subscriber at his or her usual or last known place of business or residence in Fiji.

(3) Any account forwarded by post shall be deemed to have been served on the day on which the same ought to be delivered at its destination in the ordinary course of post, and in proving service it shall be sufficient to prove that the same was properly stamped and addressed and put into the post.

[reg 9 subst LN 69 of 1979 reg 2, opn 6 Apr 1979]

[TEL 12,180] Disconnection of service

10 If a subscriber fails to pay his or her rental or any other account for telecommunication services rendered within the period prescribed in regulation 9, the Permanent Secretary shall have the right to determine the subscriber's agreement summarily, disconnect his or her apparatus, remove his or her name from the directory and enter upon his or her premises for the purpose of recovering all apparatus, wires and other equipment and such action shall in no way prejudice the right of the Permanent Secretary to take such further steps as he or she may deem necessary for the recovery of the amount due.

The Permanent Secretary shall also be entitled to recover from the subscriber forthwith as liquidated damages and not by way of penalty (and in addition to any such arrears aforesaid) a sum equal to the rental remaining unpaid in respect of the unexpired term of the agreement.

[reg 10 subst LN 69 of 1979 reg 2, opn 6 Apr 1979]

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[TEL 12,185] Reconnection fee

11 (1) A telephone service that has been suspended in accordance with regulation 10, shall only be restored on payment of the prescribed fee together with the amount of the outstanding account.

[subreg (1) am LN 218 of 1980 reg 2, opn 1 Jan 1980]

(2) In addition to the charges specified in regulation (1), any subscriber who has not previously deposited with the Permanent Secretary the amount prescribed in regulation 7(2) shall make such deposit before the telephone service is restored under this regulation.

[subreg (2) insrt LN 218 of 1979 reg 2, opn 1 Jan 1980]

[TEL 12,190] Refunds

12 Should a subscriber discontinue the renting of a telephone service before the 15th day of any month for which rental has been paid, a refund of that month's rental shall be made.

[reg 12 subst LN 107 of 1977 reg 3, opn 1 Sep 1977]

[TEL 12,195] Removal of telephone or wires

13 If technical considerations permit, the Permanent Secretary may, on the application of a subscriber and on payment by the subscriber of the prescribed removal fees, arrange for the removal of any telephone or wires, installed in such subscriber's premises, from one position to another in the same premises or to other premises in the same exchange area and, where he or she considers it necessary, may revise the subscriber's rental or the terms of his or her agreement.

[reg 13 subst LN 38 of 1966 reg 2, opn 1 Apr 1966]

[TEL 12,200] Subscriber to give notice of vacation of premises

14 Every subscriber shall, before vacating any premises to which a telephone service is connected, give notice to the Permanent Secretary of the date on which he or she will be vacating such premises and, unless the subscriber gives notice of intention to retain such service under the provisions of regulation 16, the Permanent Secretary may disconnect the premises from the telephone exchange as from that date, and, unless such service is transferred to another subscriber under the provisions of regulation 18, may remove the telephone instrument and apparatus from such premises.

[reg 14 subst LN 38 of 1966 reg 3, opn 1 Apr 1966]

[TEL 12,205] Failure of subscriber to notify vacation of premises

15 If any subscriber vacates any premises to which a telephone service is provided without giving notice as required under the provisions of regulation 14, the Permanent Secretary may, without prejudice to his or her right of recovery of any amounts payable by such subscriber in respect of that service, disconnect the premises from the telephone exchange and remove the telephone instrument and apparatus from the premises, and the subscriber shall remain liable for all amounts payable in respect of such service until such time as the telephone is disconnected or is transferred to another subscriber.

[reg 15 subst LN 38 of 1966 reg 4, opn 1 Apr 1966]

[TEL 12,210] Retention of subscriber's number or service during temporary absence

16 (1) During the temporary absence of a subscriber for a period not exceeding 6 months and not less than 2 weeks, from any premises where a telecommunications

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service is provided, the Permanent Secretary may, on the application of such subscriber and on payment by the subscriber of a sum equal to the total amount due in respect of monthly rental payments during the subscriber's absence—

(a) suspend the telecommunications service to such subscriber;

(b) retain the subscriber's current telephone or telex number for the use of the subscriber on his or her return to the premises;

(c) on receiving notification of the return of the subscriber to the premises, restore the service to the subscriber in the same position in the same premises on payment of the prescribed reconnection fee; and

(d) at the request of the subscriber and on payment by him or her of the prescribed removal fee, (in addition to the reconnection fee) restore the service either in another position in the same premises or, if technical considerations permit, in other premises in the same exchange area.

[subreg (1) subst LN 88 of 1986 reg 2, opn 15 Aug 1986]

(2) During any temporary absence of a subscriber from any premises where a telephone service is provided, the Permanent Secretary may, on the application of such subscriber, permit him or her to retain such service at such premises for the use of another occupier during such period of temporary absence, provided that the subscriber shall remain liable for the payment of all amounts payable in respect of such service under the provisions of these Regulations and of his or her subscriber's agreement with the Permanent Secretary, and may have an entry in the name of the temporary occupier, in the telephone directory, on payment of the prescribed fee for an additional entry.

[subreg (2) subst LN 48 of 1972 reg 5, opn 30 June 1972]

[TEL 12,215] Landlord providing telephone service for *bona fide* tenant

17 Notwithstanding the other provisions of these Regulations, a landlord may be provided with a telephone service in premises owned by him or her for the use of his or her *bona fide* tenant, and may have a telephone directory entry in the name of the tenant in lieu of an entry in his or her own name. The landlord as subscriber shall remain liable for all amounts payable in respect of such service under the provisions of these Regulations and of his or her subscriber's agreement with the Permanent Secretary.

[reg 17 insrt LN 48 of 1972 reg 6, opn 30 June 1972]

[TEL 12,220] Transfer of existing telephone service

18 Any near relative, business partner, or firm occupying the same premises as those occupied or formerly occupied by a subscriber, who or which wishes to take over that subscriber's responsibility for the telephone service in those premises, without change of telephone number or any other change except, if desired, a change of telephone directory entry, may have the telephone service so transferred on production to the Permanent Secretary of either—

(a) the written consent of the original subscriber, his or her executor or administrator, in which case the new subscriber shall enter into a new agreement with the Permanent Secretary; or

(b) satisfactory evidence that he or she is the legal successor to the original subscriber, in which case a new agreement shall not be necessary;

and on payment of the prescribed transfer fee.

[reg 18 subst LN 240 of 1974 reg 2, opn 1 Jan 1975]

[TEL 12,225] Unauthorised use of telephone

19 Any person who enters into, or is in occupation of any premises in which a

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telephone is installed, except as provided for in regulation 16 or 17, and makes use of such telephone without the permission of the Permanent Secretary obtained under the provisions of regulation 16(2) or without having obtained a transfer of the telephone service under the provisions of regulation 18, shall be deemed to have assumed the service and, without prejudice to any liability on the part of any other person or the right of the Permanent Secretary to disconnect such telephone from the telephone exchange or to remove the telephone from the premises under the provisions of regulations 14 and 15, shall be liable for all amounts owing to the Permanent Secretary in respect of the telephone service to those premises at the time of his or her entry into occupation thereof as well as for all amounts which may thereafter become payable in respect of any use of such telephone.

[reg 19 subst LN 48 of 1972 reg 7, opn 30 June 1972]

[TEL 12,230] Temporary connection

20 A temporary connection with an exchange may be obtained on terms to be arranged with the Permanent Secretary according to circumstances.

[TEL 12,235] Power to disconnect lines in certain circumstances

21 Without prejudice to any other penalty that may be prescribed by law and to the other provisions of these Regulations, the Permanent Secretary may summarily disconnect any subscriber's exchange line and cause to be removed from his or her premises, any apparatus etc belonging to the Government—

(a) if any person is convicted of an offence under section 76 of the Act;

(b) if in the opinion of the Permanent Secretary a place of business or house or other premises where a telephone belonging to the Government has been installed is or are used for any illegal, immoral or improper purpose;

(c) if any person fails to observe or perform any of the provisions of these Regulations or of an agreement or any obligation on his or her part arising therefrom.

[reg 21 am LN 127 of 1981 reg 2, opn 4 Dec 1981; LN 99 of 2016 reg 261, opn 1 Dec 2016]

[TEL 12,240] Telephones not to be sold or irregularly transferred

22 (1) A subscriber may not sell or offer for sale his or her telephone service nor accept a monetary offer for the transfer of his or her telephone except as provided in these Regulations.

(2) If any subscriber contravenes this regulation, or if any telephone connection is obtained in contravention of this regulation, the Permanent Secretary may require the telephone service in respect of which the offence is committed to be forfeited, and may disconnect the premises from the telephone exchange with which such premises are connected, and may remove any telephone instruments and apparatus therefrom.

(3) Nothing in this regulation shall prevent the transfer of a telephone service with the consent of the Permanent Secretary to a new or existing subscriber upon or in connection with a *bona fide* change in the occupancy of the premises in which the service is installed.

[TEL 12,245] Ownership of apparatus and powers of entry

23 (1) All telephones and other apparatus supplied by the Government are the exclusive property of the Permanent Secretary and may be removed by him or her upon the determination of the agreement.

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(2) Every subscriber shall permit officers of the telecommunications department (or, when required by the Permanent Secretary so to do, procure permission for them from any other person whose permission is requisite) to enter at all reasonable times upon the subscriber's premises for the purpose of constructing, inspecting, maintaining, or altering the installation or any part thereof, or removing the installation or any part thereof whether on the subscriber's application or on the cesser or termination of provision of telephone service or on the determination of an agreement, and to have access at all reasonable times to all such parts of the installation as may be in or on the subscriber's premises.

[TEL 12,250] Only Government apparatus to be used

24 No extra telephones, special instruments or appliances other than those supplied by the Government or approved by the Permanent Secretary shall be used by any subscriber in connection with an exchange line.

[reg 24 am LN 57 of 1971 reg 2, opn 7 May 1971]

[TEL 12,255] Subscriber's liability for damage to apparatus

25 The Permanent Secretary shall maintain in good working order all lines, instruments and batteries, but a subscriber shall, without prejudice to the other provisions of these Regulations, pay on demand to the Permanent Secretary the amount of the damage as certified by the Permanent Secretary not due to fair wear and tear, to any Government apparatus or any wiring within his or her premises or under his or her control, whether such damage shall result from the negligence or wilful act of any person or from fire or other cause.

[TEL 12,260] Precautions against damage to subscribers' premises

26 The Permanent Secretary shall take all reasonable precautions to prevent damage or injury to subscribers or their premises from any high potential current which may be conveyed to the subscriber's premises by the exchange line. But the subscriber shall make no claim against the Permanent Secretary on account of any damage or injury arising from such current not emanating from the premises of the Permanent Secretary.

[TEL 12,265] Persons entitled to use a subscriber's telephone

27 Except where otherwise provided in these Regulations, a telephone connection shall be used only by the subscriber, his or her family, guests or employees, and exclusively on his or her affairs. For any breach of this regulation the subscriber shall be liable to have his or her telephone disconnected without prejudice to the right of the Permanent Secretary to recover the rent and any other charge due under these Regulations.

[TEL 12,270] Duration of conversations

28 In the interest of the general efficiency of the telephone service, the Permanent Secretary shall have the right to terminate any conversation after the expiration of 6 minutes from the time of its commencement.

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[TEL 12,275] Telephone directory free entries

29 Subscribers' names and exchange telephone numbers shall be inserted once, free of charge, in each edition of a telephone directory. A subscriber who for any reason other than to correct an error or because of a change of service for which a separate charge is payable, wishes to have any entry in the telephone directory altered shall pay the prescribed fee as for an additional entry for the first issue in which the amended entry appears.

[reg 29 am LN 43 of 1974 reg 2, opn 8 Mar 1974]

[TEL 12,280] Additional directory entries

30 On payment of the prescribed fee subscribers may have additional entries inserted in each issue of a telephone directory, provided that such additional entries shall refer only to the subscriber or his or her business.

[reg 30 am LN 38 of 1966 reg 8, opn 1 Apr 1966]

[TEL 12,285] Transfer of lines to other exchanges

31 The Permanent Secretary may at any time transfer a subscriber's line from the exchange to which it is connected and reconnect it to another exchange, provided that the rental shall not be increased during the currency of the fixed period of the agreement.

[TEL 12,290] Allotment of numbers

32 The Permanent Secretary shall have discretion as to allotment or variation at any time of any subscriber's telephone number, or the name of the exchange with which he or she is connected.

[TEL 12,295] Hours of service

33 (1) A subscriber's exchange line shall ordinarily be available for his or her use during such hours as may be prescribed by the Permanent Secretary for observance at the exchange to which the line is connected.

(2) By special arrangement and whenever possible a subscriber may without extra charge be left connected with any other subscriber during the hours an exchange is closed on making written application (signed by both subscribers concerned) to the local postmaster.

[TEL 12,300] Power of Permanent Secretary to refuse to connect

34 The Permanent Secretary may at his or her discretion—

(a) refuse to comply with an application for connection with any telephone exchange system, or for the construction of any telephone line; or

(b) instead of refusing absolutely to comply with any application, accede thereto only upon such conditions as to security, nature of service (including type of apparatus) to be afforded, special minimum period of agreement, or other conditions as he or she may think fit.

[TEL 12,305] Non-liability of State and postal officers

35 (1) Neither the State nor the Permanent Secretary nor any other officer of the department of telecommunications shall incur any liability for or on account of or in respect of any loss or damage sustained by reason of any interruption or failure of

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communication by means of any installation, or any failure or error in connection with the taking or giving of messages by officers of the department of telecommunications, or any omission or insertion of or error in any entry in a telephone directory published by or on behalf of the Permanent Secretary.

(2) A subscriber shall not be entitled to any abatement of rental in connection with any of the matters aforesaid.

[TEL 12,310] Business connections

36 For the purposes of assessment a subscriber's connection shall be deemed to be a business connection—

(a) if it is used in connection with a warehouse, shop, office, boarding house, or otherwise wholly or in part for business or professional purposes;

(b) if it is listed in the telephone directory at the request of the subscriber otherwise than as residential premises, or if the number allotted to the connection is used in business advertisements or communications;

(c) if in any other way it is, in the opinion of the Permanent Secretary, being used for business or professional purposes.

[TEL 12,315] Public telephones and rented coin box telephones

37 (1) Public call offices and public telephones may be provided at convenient points.

(2) The charges for local calls made from a public telephone shall be as prescribed in Schedule 1 and the charges for trunk calls made from a public telephone shall be as prescribed in Schedule 2.

(3) The charges payable by users for calls from a rented coin box telephone shall be the same as for calls for a public telephone, but a subscriber renting the coin box telephone shall be debited with charges as prescribed for a subscriber's telephone in Schedule 1 to these Regulations or in Schedule 2 to these Regulations, and may retain the difference.

[reg 37 subst LN 72 of 1970 reg 3, opn 17 July 1970]

[TEL 12,320] Unit period of conversations

38 The unit period of conversations shall be 3 minutes, reckoned from the time the caller is informed that the connection required is established.

[TEL 12,325] Extension of conversations

39 Conversations may be prolonged provided that the full fee is paid for each further unit period, but the Permanent Secretary shall have the right to terminate any conversation after the expiration of 6 minutes from the time of its commencement.

[TEL 12,330] Call office instructions to be observed

40 The instructions in the public call office directing users as to the procedure to be followed to obtain connection shall be precisely observed, otherwise connection will not be made even if an assurance is given that the coin has been deposited.

[TEL 12,335] Extension lines

41 Extension lines, either within or beyond the building or premises to which the exchange line from which they are extended connects, may be provided at the discretion of the Permanent Secretary and upon payment of the prescribed charges.

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[TEL 12,340] Private branch exchanges

42 Private branch exchanges may be provided and installed at a subscriber's premises at the discretion of the Permanent Secretary and upon payment of the prescribed charges. The subscriber shall provide, at his or her own cost, all necessary operating attendants at the private branch exchange.

[TEL 12,345] Party lines

43 At the discretion of the Permanent Secretary party-exchange lines may be provided at reduced tariff rates if the parties are situated within an exchange radius and their premises are located within a reasonable distance of each other. When by reason of reduction or increase in the number of subscribers on a party line an alteration in rentals takes place, the new rentals shall take effect from the first day of the next half-yearly rental period except that a new subscriber shall pay the new rental from the date of connection.

[TEL 12,350] Trunk line calls

44 (1) Trunk line calls may, subject to payment of trunk line charges at the relevant rates prescribed in Schedule 2, be made between such places within Fiji as are specified therein.

[subreg (1) subst LN 38 of 1966 reg 9, opn 1 Apr 1966]

(2) Trunk line calls originating from a telephone connected to an automatic exchange with subscriber trunk dialling facilities, when dialled directly by the originating subscriber, shall be considered effective and the duration calculated automatically from the time when the called subscriber first answers the calling signal at his or her telephone installation.

[subreg (2) subst LN 38 of 1966 reg 9, opn 1 Apr 1966]

(3) Trunk line calls, other than those referred to in subregulation (2), shall be considered effective and the duration calculated from the time when the required number is connected.

[subreg (3) subst LN 38 of 1966 reg 9, opn 1 Apr 1966]

(4) Trunk line calls, other than those referred to in subregulation (1), may, subject to payment by such subscriber of double the prescribed charge for an ordinary trunk line call, be given urgent priority at the request of the originating subscriber.

[subreg (4) subst LN 38 of 1966 reg 9, opn 1 Apr 1966]

(5) [subreg (5) rep LN 240 of 1974 reg 3, opn 1 Jan 1976]

(6) [subreg (6) rep LN 240 of 1974 reg 3, opn 1 Jan 1976]

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[TEL 12,355] Personal calls

45 Subject to payment of the prescribed personal call charge in addition to any other charges arising from the call, a subscriber may book a call in advance to a specified telephone number or numbers for the purpose of communication with a particular person identified by name or by such description as the Permanent Secretary may consider sufficient, provided that the Permanent Secretary or any person authorised by him or her may, in his or her discretion, remit such charge if communication with the specified telephone number or numbers cannot be established.

[reg 45 subst LN 38 of 1966 reg 10, opn 1 Apr 1966]

[TEL 12,360] Fixed time calls

46 Subject to payment of the prescribed booking charge in addition to any other charges arising from the call, a subscriber may book a call, including a personal call, in

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advance for connection at a specified time, provided that the Permanent Secretary or any person authorised by him or her may, in his or her discretion, remit the whole or any part of such booking charge if the application is cancelled by the applicant at any time before the call is connected or if the call is connected more than 10 minutes after the specified time.

[reg 46 subst LN 38 of 1966 reg 11, opn 1 Apr 1966]

[TEL 12,365] Call back service

47 A subscriber may book a call in advance to his or her own telephone number to be made by the operator of the telephone exchange to which his or her number is connected at a given time at the charges specified in Schedule 1.

[reg 47 insrt LN 147 of 1961 reg 4, opn 1 Jan 1962]

[TEL 12,370] Transfer of charges

48 Charges may be debited by a caller to another subscriber's account if accepted by that other subscriber at the charge prescribed in Schedule 1.

[reg 48 insrt LN 147 of 1961 reg 4, opn 1 Jan 1962]

[TEL 12,375] Rural lines

49 The Permanent Secretary may, in his or her discretion, supply telephone service by means of multi-party lines known as rural lines—

(a) in the case of connections to an exchange, other than on the south coast of Vanua Levu or on Taveuni to any person requiring the supply of such service at a distance of more than 2 miles from the nearest exchange; and

(b) in the case of connections to any exchange on the south coast of Vanua Levu or on Taveuni, to any person requiring the supply of such service, provided that—

(i) rural lines may only be supplied where there are 5 or more persons requiring them; and if the number of subscribers on any rural line falls below 5 the remaining subscribers shall, from the first day of the next half-yearly rental period, be chargeable at the rates prescribed for party line connections; and

(ii) should the number of subscribers to a party line, being persons eligible for a rural line, rise to 5 or more they shall, from the first day of the next half-yearly rental period, be chargeable at the rate for rural line connections.

[reg 49 subst LN 38 of 1966 reg 12, opn 1 Apr 1966]

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[TEL 12,380] Regrouping party and rural lines

50 The Permanent Secretary may regroup the subscribers on party lines and rural lines and may make additional connections to lines of either type without the consent of the existing subscribers, provided that the existing subscribers shall not be required to pay a higher rate of rental in respect of their existing connections.

[TEL 12,385] Overloaded party lines

51 When in the opinion of the Permanent Secretary the number of calls originated or received by any subscriber connected with a party line precludes a reasonable use of the

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line by the other parties the Permanent Secretary may require the subscriber either to rent an individual line or to be transferred to a line with which there will be a lesser number of parties connected.

[TEL 12,390] Overloaded individual lines

52 With a view to reducing the number of ineffective calls due to overloaded lines the Permanent Secretary may require any subscriber on whose line or lines the number of such calls exceeds 25% of the number of effective incoming calls, to rent an additional circuit, in default of which telephone service may be discontinued.

[TEL 12,395] Direct circuits

53 At any place where in the opinion of the Permanent Secretary circuits on existing poles or in telephone cables can conveniently be provided for the purpose of establishing direct communication between places of business or other premises without obtaining connection through a telephone exchange, any person may, upon making application in writing under such conditions as the Permanent Secretary may think fit to impose, obtain the use of such circuits on payment of the prescribed charges.

[TEL 12,400] Telephone credit cards

54 (1) The Permanent Secretary or any person authorised by him or her may, in his or her discretion, on the application of any subscriber and on payment by such subscriber of the prescribed fee, issue such subscriber with a telephone credit card authorising such subscriber to make telephone calls from any telephone in Fiji, including a public telephone, and to have the charges therefor debited to such telephone account as is specified in such telephone credit card.

(2) Where the Permanent Secretary has entered into an arrangement with the administration of another country—

(a) the telephone credit card issued to the telephone subscriber in Fiji may, subject to any conditions which may be notified to the subscriber to whom the card has been issued, be used to authorise the transfer of charges for telephone calls from any telephone in the said country as in subregulation (1);

(b) a person to whom a telephone credit card has been issued by the administration of the said country may, subject to any conditions notified to him or her, make telephone calls from any telephone in Fiji, including a public telephone and have the charges debited as provided for on his or her telephone credit card.

[reg 54 subst LN 48 of 1972 reg 8, opn 30 June 1972]

[TEL 12,405] Private telephone lines

55 Private telephone lines licensed under the Act shall be regulated by the terms and conditions of the licence.

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[TEL 12,410] Establishing telegraph service

56 The Permanent Secretary may establish telegraph service between points within Fiji and thereafter the operation, administration and conditions of service shall be in accordance with these Regulations.

[TEL 12,415] Objectionable telegraphs

57 The Permanent Secretary shall have the right to reject any incoming or outgoing telegram without refunding any amount paid for its transmission if it appears that the text is—

(a) dangerous to the security of the Commonwealth or any part of it;
(b) contrary to the laws of Fiji;
(c) contrary to public order or decency.

[TEL 12,420] Messages to be legibly written

58 All messages for transmission must be plainly written upon the form provided for the purpose.

[TEL 12,425] Sender's signature and address required

59 The sender or his or her representative must sign the telegram at the foot of the message form and add his or her address but the name of the sender is only charged for if transmitted.

[TEL 12,430] All charges to be prepaid

60 Charges will be made for every work in the text and address of the message and, subject to the provisions of regulations 81 and 85, all charges must be pre-paid or, subject to the prior approval of the Permanent Secretary, charged to a telegram credit or deposit account.

[reg 60 am LN 38 of 1966 reg 14, opn 1 Apr 1966]

[TEL 12,435] Form of telegram

61 Telegrams may be in plain language, code or cypher, or in a combination of such language, code or cypher.

[TEL 12,440] Plain language

62 Plain language is that which offers an intelligible sense in one or more of the languages authorised for international telegraphic correspondence, but the presence of code addresses, exchange quotations, commercial marks, abbreviated expressions currently used in ordinary or commercial correspondence such as r.s.v.p, f.o.b, c.i.f, c/o, b/1 or any other analogous expressions the meaning of which is understood in the country of origin, does not alter the character of a telegram in plain language. Combinations or alterations of words contrary to the usage of the language employed will not be accepted.

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[TEL 12,445] Code language

63 Code language is that which is composed of words which do not form intelligible phrases, but the words, whether genuine or artificial, must not contain more than 10 letters. Artificial words must not contain the accented letters, a, e, n, o, u. Compounds of 2 or more words in plain language, contrary to the usage of the language, are on no account admitted.

[reg 63 am LN 163 of 1977 reg 2, opn 1 Oct 1977]

[TEL 12,450] Cypher language

64 Cypher language is that which is composed either of Arabic figures or of letters having a secret meaning, but the employment of groups must be of either figures or letters, but not both. Letter cypher must be arranged in groups of 10 letters.

[reg 64 am LN 163 of 1977 reg 2, opn 1 Oct 1977]

[TEL 12,455] Counting of words

65 In telegrams written entirely in plain language, each word of over 10 letters is counted as 2 words. Commercial marks are counted at the rate of 10 characters to the word.

[reg 65 am LN 163 of 1977 reg 2, opn 1 Oct 1977]

[TEL 12,460] Counting of cypher

66 Groups of figures or of letters which do not fulfil the conditions of plain language or of code are considered as cypher, and are counted at the rate of 10 characters to the word.

[reg 66 am LN 163 of 1977 reg 2, opn 1 Oct 1977]

[TEL 12,465] Counting of mixed language

67 In telegrams consisting of plain language as well as code or cypher, the plain language words are counted at the rate of 10 letters to a word, and the code or cypher words at 10 letters to a word.

[reg 67 am LN 163 of 1977 reg 3, opn 1 Oct 1977]

[TEL 12,470] Charges for code or cypher

68 The charges payable for telegrams in code or cypher are the same as for plain language telegrams.

[TEL 12,475] Secret meanings

69 In the text of code telegrams the words with a secret meaning must not contain more than 10 letters. There is no restriction as to the formation of the words, but accented letters must not be used, and plain language words must not be joined together and then divided into groups of 10 letters.

[reg 69 am LN 163 of 1977 reg 4, opn 1 Oct 1977]

[TEL 12,480] Admission of figures

70 Figures and groups of figures are admitted in code telegrams on condition that their number does not exceed one-half of the total number of chargeable words in the text and signature. They are counted at the rate of 10 figures to the word.

[reg 70 am LN 163 of 1977 reg 2, opn 1 Oct 1977]

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[TEL 12,485] Power to require production of code

71 The sender of a code telegram may be required by the office of origin to produce the code from which the text or part of the text of the telegram has been compiled.

[TEL 12,490] Reply paid telegrams

72 The sender of a telegram may prepay a reply at the same time the telegram is tendered for transmission, but the amount deposited for the purpose shall not be less than the prescribed minimum charge for a telegram.

[TEL 12,495] Repetition of telegram

73 The addressee of a telegram may have repeated from the office of origin without charge the telegram or any words or passages contained therein, which appear to him or her to be incorrect.

[TEL 12,500] Address of a telegram

74 The address of a telegram must contain all the particulars necessary to ensure delivery of the telegram without enquiry, or requests for information concerning the whereabouts of the addressee.

[TEL 12,505] Redirection by addressee

75 A telegram may at the written request of the addressee be redirected or retransmitted by telegraph provided that the addressee guarantees to pay all charges arising out of the redirection. Instructions for the redirection of a telegram shall be recorded free of charge for a period of one month.

[TEL 12,510] Reimbursements

76 If application is made within 6 months of the date of despatch of the relative telegram, the following charges may be refunded to the persons who originally paid them, in the following cases—

(a) the full charge paid on any telegram which through the fault of the telegraph service has failed to reach its destination;

(b) the full charge paid on a telegram which as a result of errors made in transmission fails to accomplish its object;

(c) the amount deposited on an unused prepaid reply telegram.

[TEL 12,515] Abbreviated addresses

77 Abbreviated telegraph addresses may be registered by the Permanent Secretary on payment of the prescribed fee. Payment shall be made up to 31 December following the date of registration, any part of a quarter being paid for as a full quarter.

[TEL 12,520] Form of abbreviated address

78 No abbreviated telegraph address may consist of more than one word in addition to the name of the town or place where registration is desired. The word must not contain more than 10 letters and must be easy to read. Proper names can only in rare cases be accepted, and in no case can a proper name be registered for a person of a different name. The names of professions, trades, districts, countries, States, towns, streets and newspapers may not be used as registered addresses.

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[TEL 12,525] No delivery to unregistered abbreviated address

79 The Permanent Secretary shall not be required to deliver a telegram having an abbreviated telegraph address if such address has not been registered and the fee paid.

[TEL 12,530] Delivery of telegram

80 A telegram taken to a place of residence or business may be delivered either to the addressee, to an adult member of his or her family, to his or her employee, lodgers or landlord, or to a servant of the house who shall sign a receipt for the telegram, unless the addressee has given special instructions to the contrary. Telegrams may be delivered by telephone to the telephone number of the addressee and will be followed by confirmation.

[TEL 12,535] Telephoned telegrams

81 Notwithstanding the provisions of regulations 58 or 59, a telephone subscriber may—

(a) send a telegram for transmission to any place within Fiji or to any locally registered ship operating within Fiji; or

(b) with the prior approval of the Permanent Secretary, and subject to the deposit by such subscriber under the provisions of regulation 8 of such amount as the Permanent Secretary may require, send a telegram for transmission to any place outside Fiji or to any ship, other than a locally registered ship operating within Fiji,

by telephoning the contents thereof to the nearest telegraph office in Fiji, in which case all charges in respect of such telegram shall be charged to the subscriber's telephone account.

[reg 81 subst LN 38 of 1966 reg 15, opn 1 Apr 1966]

[TEL 12,540] Certified copy of a telegram

82 On payment of the prescribed fee a certified copy of a telegram shall be obtainable when the applicant is able to satisfy the Permanent Secretary that he or she is either the sender or the addressee of the telegram, provided that no application for a certified copy of a telegram will be entertained if a period of 6 months or more has elapsed since the alleged date of handing in of the telegram.

[TEL 12,545] External telegrams

83 The provisions of this Part shall, subject to the provisions of any international agreements entered into by or on behalf of the Government apply to external telegrams, provided that the charges for external telegrams shall be as from time to time determined by the Permanent Secretary in accordance with such agreement, and may be obtained, on application, at any telegraph office.

[reg 83 subst LN 38 of 1966 reg 16, opn 1 Apr 1966]

[TEL 12,550] Compound words and names

84 (1) Subject to the provisions of these Regulations as to the maximum length of words, the following rules shall apply to words occurring in the text, address or signature—

(a) ordinary compound words and names shall, when written without a break, be counted as single words, but when written with a hyphen, apostrophe or other sign, shall be counted as separate words;

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(b) in the case of names of towns, provinces, countries, squares, boulevards, streets, and similar thoroughfares and towns, and of ships, and of surnames belonging to one person the foregoing rule shall apply even where the ordinary usage of the language does not sanction the name without break.

(2) In the address the following expressions, whatever the number of words or letters employed to express them, shall each be counted as one word—

(a) the name of the telegraph office of destination, including any indication of the country, State, province, or district added in the first column of the authorised list of offices to distinguish the office from other offices of the same name, but the name of the office shall be written as it appears in the first column of that list with the supplementary indication (if any) appearing in that column;

(b) the name of the country, State, province, or district in which the office of destination is situated when that name (although not appearing in the first column of the authorised list of offices) is used by the sender; but the name shall be written as it appears in the second volume of the authorised list of offices or in the alternative form shown in the preface to that list;

(c) the name of the telegraph office of destination with the name of the country, State, province, or district if the name of the office does not appear in the said list.

(3) [subreg (3) rep LN 163 of 1977 reg 5, opn 1 Oct 1977]

[TEL 12,555] Telegram credit cards

85 (1) The Permanent Secretary or any person authorised by him or her may, in his or her discretion, on the application of any telephone subscriber and on payment of the prescribed charges, issue such subscriber with a telegram credit card authorising such subscriber to send telegrams by telephoning the contents thereof to the nearest telegraph office from any telephone in Fiji, including a public telephone, or to lodge telegrams at any post office or telegraph office in Fiji and to have the charges debited to such telephone account as is specified in such telegram credit card.

(2) Where the Permanent Secretary has entered into an arrangement with the administration of another country—

(a) the telegram credit card issued to the telephone subscriber in Fiji may, subject to any conditions which may be notified to the subscriber to whom the card has been issued, be used to authorise the transfer of charges for telegrams sent from any telegraph office in the said country as in subregulation (1);

(b) a person to whom a telegram credit card has been issued by the administration of the said country may subject to any conditions notified to him or her, send telegrams from any telephone, including a public telephone, post office or telegraph office in Fiji and have the charges debited as provided for on his or her telegram credit card.

[reg 85 subst LN 48 of 1972 reg 9, opn 30 June 1972]

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[TEL 12,560] Scope of regulations

86 The regulations contained in this Part shall apply to every class of radio-communication station except such stations as may be specifically exempted herein.

[TEL 12,565] Delegation of authority

87 Any of the powers or authorities given to the Permanent Secretary by these Regulations may be delegated by him or her to such persons as he or she thinks fit.

[TEL 12,570] Other Acts and regulations

88 The provisions of these regulations are in addition to and not in derogation of the provisions of any other Act or regulations.

[TEL 12,575] Transmitting station licences

89 Before a licence is issued in respect of a transmitting station the apparatus shall be made available for inspection by an authorised officer. Any alteration affecting the technical characteristics or the location or the functioning of the apparatus made after any such inspection shall be promptly notified to the Permanent Secretary.

[TEL 12,580] Classes of licences

90 (1) The following classes of radio licences may be granted and such licences shall be in such form as the Permanent Secretary may, from time to time, approve—

(a) radio dealer's licence;

(b) transmitting and receiving stations licences—

(i) fixed station licence;

(ii) base station licence;

(iii) land mobile station licence;

(iv) coast station licence;

(v) ship station licence;

(vi) aeronautical station licence;

(vii) aircraft station licence;

(viii) experimental station licence;

(ix) amateur station licence;

(x) broadcasting station licence;

(xi) earth station licence;

(xii) cable vision station licence.

[subreg (1) subst LN 56 of 1981 reg 2, opn 19 June 1981]

(2) No licence shall be required for a broadcasting receiving station.

[subreg (2) subst LN 57 of 1971 reg 4, opn 7 May 1971]

(3) Units of the armed forces of any friendly power shall be exempt from the requirement to obtain licences for transmitting and receiving stations used for normal radio communications and may be permitted to operate such stations subject to there

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being no interference created thereby with existing telecommunications services and subject to such other restrictions as the Permanent Secretary may impose.

[subreg (3) subst LN 57 of 1971 reg 4, opn 7 May 1971]

(4) A transmitting station licence shall not be issued to any person under 16 years of age.

[subreg (4) insrt LN 56 of 1981 reg 2, opn 19 June 1981]

[TEL 12,585] Period of validity of licences

91 Except as provided in these Regulations, the fee payable for any licence described in regulation 90 shall be the fee for the full licensing year which shall be deemed to commence on 1 January.

[reg 91 subst LN 48 of 1972 reg 10, opn 30 June 1972]

[TEL 12,590] Licences issued for part of the licensing year

92 (1) In the case of any class of licence issued during the year the annual fee payable for a new licence shall be reduced by one quarter for each expired quarter of the year.

(2) A licensee who permanently leaves Fiji before the end of a year shall, on applying in writing to the Permanent Secretary, be refunded one-quarter of the licence fee in respect of each uncommenced quarter of the year.

[reg 92 subst LN 48 of 1972 reg 11, opn 30 June 1972]

[TEL 12,595] Non-responsibility for bodily injury or damage to property

93 Neither the State, the Permanent Secretary nor any officer of the department of telecommunications shall be liable in respect of any action, claim, or demand that may be brought or made by any person in respect of any bodily injury or damage to property or any other circumstances arising from any act permitted by a licence issued under these Regulations.

[TEL 12,600] Licences subject to these Regulations

94 Every radio licence shall be deemed to be subject to the respective limitations and restrictions contained in these Regulations in respect of a licence of the class concerned as if those limitations and restrictions were set out expressly in the licence.

[TEL 12,605] Licences in force till date of expiry or revocation

95 Except where otherwise provided in these Regulations, every licence issued under these Regulations shall be in force from the time of the granting thereof until the date of expiration shown thereon (if any) or until suspended, revoked or withdrawn.

[TEL 12,610] Licensees to observe the Regulations

96 Every licensee of a radio-communication station shall faithfully observe and cause to be observed all the conditions and provisions of the licence and of these Regulations so far as they are applicable.

[TEL 12,615] Personal responsibility of licensee

97 Notwithstanding any approval that may from time to time be given to the licensee by the Permanent Secretary for any person other than the licensee to utilise any radio

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station for the transmission of any message or communication, the licensee shall be personally responsible for the observance of these Regulations and all other conditions imposed as if any such message or communication were delivered by him or her.

[TEL 12,620] Responsibility for infringement of copyright etc

98 The issue of a licence under these Regulations shall not relieve the licensee of responsibility for any infringement of copyright or of any patent for an invention, or of compliance with any other regulations, instructions or rules which may otherwise be applicable.

[TEL 12,625] Licences not transferable

99 Except with the consent in writing of the Permanent Secretary or any person authorised by him or her in that behalf, a licensee shall not assign, sublet, transfer or otherwise dispose of, or for the purpose of profit admit any other person or body to participate in the benefit of any licence.

[TEL 12,630] Fixed station licences

100 Except in the case of a portable station, a radio-communication station licence shall authorise the erection, construction, establishment, possession and use of a station, plant or apparatus capable of transmitting and/or receiving radio communications, at the particular address or in the vessel or vehicle specified in the licence, but nowhere else.

[reg 100 subst LN 56 of 1981 reg 3, opn 19 June 1981]

[TEL 12,635] Dismantling or removal of stations

101 (1) In the event of a radio-communication station licensed under these Regulations being dismantled, or (except in the case of a portable station) removed from the address, vessel or vehicle specified in the licence, the licensee shall, within 7 days thereafter, notify the Permanent Secretary accordingly.

(2) In the event of any radio-communication equipment licensed under these Regulations being disposed of by the licensee, he or she shall within 7 days thereafter, notify the Permanent Secretary in writing accordingly, giving details of the method of disposal and, where appropriate, the name and address of the new owner of the equipment.

[reg 101 subst LN 56 of 1981 reg 3, opn 19 June 1981]

[TEL 12,640] Mobile stations

102 Mobile stations shall be subject to such conditions regarding field of operation as the Permanent Secretary may deem it necessary to impose.

[TEL 12,645] Refusal to grant a licence

103 The Permanent Secretary may, at his or her discretion, refuse to grant an application for any class of radio licence or operator's certificate, permit, or authorisation.

[TEL 12,650] Special terms, conditions and restrictions

104 The Permanent Secretary may, in connection with any licence, certificate, permit, or authorisation, impose such terms, conditions and restrictions, not inconsistent with the Act or these Regulations, as he or she thinks fit.

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[TEL 12,655] Operators of transmitting stations to have proper authorisation

105 (1) Except as otherwise provided in these Regulations or in the case of an emergency involving the safety of life or property, no person shall operate the apparatus at a transmitting station licensed under these Regulations unless he or she is the holder of a valid certificate or certificates of the required class and recognised by the Permanent Secretary or of a permit or other authorisation issued by the Permanent Secretary.

(2) Any person contravening this regulation shall be guilty of an offence.

[TEL 12,660] Authorisations to be in a form approved by the Permanent Secretary

106 Any such certificates, permits, and authorisations shall be in such form and subject to such conditions, directions or rules as the Permanent Secretary may from time to time approve in that behalf.

[TEL 12,665] Licences and authorisations to be available for inspection

107 (1) The licensee of any radio-communication station and the operator of the station shall cause the licence and the operator's certificate, permit, or authorisation, as the case may be, to be available at the station at all times for inspection by an authorised officer.

(2) In the case of a mobile station in the land mobile service, the Permanent Secretary may direct that the licence shall at all times be displayed in the vehicle in which the station is installed.

[TEL 12,670] Allotment of call signs

108 The Permanent Secretary shall allot to every transmitting station licensed under these Regulations an official call sign by which the station shall be identified, and which shall be used in the manner prescribed by the Permanent Secretary for the particular type of service concerned.

[TEL 12,675] Harmful interference to be avoided

109 (1) The licensee of a transmitting station shall operate the station in such manner as not to cause harmful interference to other stations, and shall comply with all such directions and observe all such rules as may be given or made by the Permanent Secretary from time to time for that purpose.

(2) Any licensee failing to comply with any directions given to him or her under this regulation or failing to observe any rules made under this regulation shall be guilty of an offence, provided that it shall not be deemed to be a breach of this regulation if harmful interference experienced at a receiving station is, in the opinion of the Permanent Secretary due to the use at that station of receiving apparatus which is of inferior design or construction.

[TEL 12,680] Transmitting stations to be operated under the best conditions

110 Every licensee of a transmitting station shall cause the station, so far as possible, to be established and operated under the best conditions, and to be kept abreast of

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scientific and technical progress, and in particular the characteristics of the emissions shall unless otherwise prescribed by the Permanent Secretary, be in conformity with the appropriate provisions of the International Radio Regulations.

[TEL 12,685] Aerials close to electric supply and telecommunication lines

111 Radio aerials shall not be erected above or below lines used for the supply of electricity, or above or below any lines erected and maintained by the department or by a person licensed under the Act, or sufficiently near to any such lines to permit contact with them should any such lines or the radio aerial break or become detached from its support, or the support fail.

[TEL 12,690] No station to have a monopoly of a frequency

112 The assignment of any frequency to any transmitting station shall not be held to confer upon the station a monopoly of the use of that frequency with or without restriction as to time.

[TEL 12,695] Energy radiated by receiving apparatus

113 Every licensee of a radio-communication station shall ensure that the energy radiated by the receiving apparatus thereof is reduced to the lowest possible value and that it does not cause harmful interference to other stations.

[TEL 12,700] Maintenance of log records

114 (1) Subject to subregulation (2), the licensee of every transmitting station shall, unless exempted by the Permanent Secretary, keep a log record showing the hours during which the station is in operation, the time of each transmission, the station called and the power and the frequency used.

(2) It shall not be necessary to keep a log record in respect of—

(a) a station operating in the VHF or UHF land mobile services;

(b) a station operating in the frequency band 26.964 MHz to 27.276 MHz.

[reg 114 subst LN 56 of 1981 reg 4, opn 19 June 1981]

[TEL 12,705] Improper use of call signs

115 Every person who, by means of a radio-communication station, impersonates any other radio-communication station or any other person, or who improperly uses the call sign of another radio-communication station, shall be guilty of an offence.

[TEL 12,710] Secrecy of radio-communications to be preserved

116 (1) Every licensee, operator, or other person who, by virtue of his or her participation in the operation of any radio-communication station, has access to public or private correspondence or other radio-communication not intended for his or her information shall preserve the secrecy of any such correspondence or communication, and shall not in any unauthorised manner make use of any information whatsoever that may come to his or her knowledge by any such means, whether the correspondence or communication is received involuntarily or otherwise; and except as authorised in these Regulations any such licensee, operator, or person shall not reproduce or cause or permit

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to be reproduced in a newspaper or elsewhere or communicated to any third party any such correspondence or communication or any information obtained therefrom, nor shall its existence be disclosed.

(2) Any person contravening any of the provisions of subregulation (1) is guilty of an offence.

[TEL 12,715] Publication of correspondence or radio-communications

117 (1) Except with the authority of the Permanent Secretary, no licensee, operator, or other person shall communicate to a newspaper for publication any correspondence or other radio-communication that may be received from any radio-communication station, provided that the provisions of this regulation shall not apply to the private correspondence of the licensee.

(2) Any person contravening any of the provisions of subregulation (1) shall be guilty of an offence.

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[TEL 12,720] Permanent Secretary's powers to require fitting of devices to prevent interference

118 (1) If at any time any apparatus, motor, machinery, vehicle, installation or appliance causes interference with any radio-communication station or radio reception, the Permanent Secretary may require such apparatus etc to be fitted at the owner's expense with devices or suppressors to limit such interference and thereafter such apparatus etc shall not be used without such devices.

(2) If it is found impossible to suppress such interference the Permanent Secretary may require the owner of the apparatus etc to discontinue its use or to remove the same to such a distance from any radio-communication station or radio receiver as may be necessary to limit interference.

(3) Any person who—

(a) uses any apparatus or other thing mentioned in subregulation (1) without having a device or suppressor fitted thereto to limit interference, when the owner thereof has been required by the Permanent Secretary to fit such a device or suppressor thereto; or

(b) uses such apparatus or thing as aforesaid or, being the owner thereof, fails to remove the same to such a distance from any radio-communication station or radio receiver as may be necessary to limit such interference, upon the owner being required by the Permanent Secretary to discontinue the use or to remove the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $100 and in the case of a continuing offence to a further fine of $10 for each day during which the offence continues.

[subreg (3) insrt LN 147 of 1959 reg 2, opn 7 Aug 1959]

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[TEL 12,725] Class of certificates

119 The classes of certificates which may be granted by the Permanent Secretary are—

(a) restricted radio-telephone operator's certificate;
(b) amateur operator's certificate;
(c) radio-telegraph operator's special certificate.

[reg 119 am LN 56 of 1981 reg 5, opn 19 June 1981]

[TEL 12,730] Radio-telephone operators' permits

120 A radio-telephone operator's permit may be issued to any British subject who has given proof that he or she possesses a satisfactory knowledge of the rules and regulations applicable to the particular class of station or service named in the permit and who has satisfied any other conditions which the Permanent Secretary may prescribe.

[TEL 12,735] Radio-telegraph operator's special certificate

120A (1) To qualify for a radio-telegraph operator's special certificate, a candidate shall—

(a) pass a written examination in the elementary principles of radiotelegraphy and radiotelephony communications;
(b) demonstrate an ability to send correctly by hand, and receive correctly by ear, in the morse code—
  (i) code groups at a speed of 16 groups per minute; and
  (ii) a plain-language text at a speed of 20 words per minute;
(c) pass a test on the knowledge of the practical operation and adjustment of radiotelegraphy and radiotelephony apparatus; and
(d) give proof that he or she has knowledge of the regulations applying to radiotelegraphy and radiotelephony communications, especially of that part of those regulations applying to safety of life at sea.

(2) For the purposes of subregulation (1)(b)—

(a) a code group shall comprise a combination of all or any of the following, that is to say, letters, figures and punctuation marks, that is equivalent to 5 characters, where—
  (i) a letter counts as one character; and
  (ii) a figure or punctuation mark counts as 2 characters; and
(b) the average length of a word in a plain-language text shall be 5 letters.

[reg 120A subst LN 115 of 1982 reg 2, opn 29 Oct 1982]

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[TEL 12,740] Duplicate certificates or permits

121 A duplicate certificate or permit may be issued on production of satisfactory evidence that the original has been lost or destroyed.

[TEL 12,745] Secrecy of correspondence

122 Before any certificate, permit or authorisation under these Regulations is issued a declaration that he or she will preserve the secrecy of correspondence shall be signed by the applicant.

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[TEL 12,750] Age of certificate holders

123 A restricted radio-telephone operator's certificate or an amateur operator's certificate shall be issued only to a person not less than 16 years of age.

[TEL 12,755] Non-British subjects

124 A radio operator's certificate or permit shall not be issued to a person who is not a British subject.

[TEL 12,760] Authorisations

125 (1) The Permanent Secretary may in exceptional circumstances issue an authorisation to a person who is not a British subject for the operation of a licensed station.

(2) Any such authorisation may be in respect of a particular station and may be subject to such other conditions as the Permanent Secretary may prescribe.

[TEL 12,765] Certificates issued outside Fiji

126 The Permanent Secretary may at his or her discretion recognise as the equivalent of an operator's certificate issued under these Regulations an operator's certificate of similar class issued by another country of the Commonwealth.

[TEL 12,770] Conditions for the conduct of examinations

127 The Permanent Secretary may from time to time prescribe the conditions for the conduct of any examination pursuant to these Regulations.

[TEL 12,775] Amateur operator's certificates

128 To qualify for an amateur operator's certificate a candidate shall pass an examination comprising—

(a) a written examination in the elementary principles of electricity and of radiotelegraphy and radiotelephony and in the adjustment and operation of radio apparatus used in a typical amateur station;

(b) morse operating, both sending and receiving at a speed of 12 words a minute; and

(c) a knowledge of such of these Regulations as are applicable to the amateur service,

provided that the Permanent Secretary may exempt from the provisions of subregulation (b) of this regulation a candidate for a certificate to operate only on wave banks above 30 MHz.

[reg 128 am LN 133 of 1975 reg 3, opn 1 Jan 1976; LN 115 of 1982 reg 3, opn 29 Oct 1982]

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[TEL 12,780] Ships

129 The provisions of this Part shall apply only to ships registered in Fiji. Ships registered in other countries shall be subject to the general provisions of the International Radio Regulations, except that while in Fiji waters, a ship not registered in Fiji shall observe the requirements of regulation 134.

[TEL 12,785] Frequencies

130 Ship radio installations when operating on the frequencies specified in the licence must conform with the International Regulations regarding frequency tolerances and must not cause interference on any other frequencies.

[TEL 12,790] Inspection and approval prior to issue of licence

131 The installation must be inspected and approved by an officer of the telecommunications department before a licence can be issued.

[TEL 12,795] Unnecessary or anonymous calls forbidden

132 The transmission of unnecessary or anonymous calls is forbidden.

[TEL 12,800] Ships to avoid interference

133 All ships must listen on the appropriate frequency before commencing a call in order to ensure that interference is not caused to another vessel already in communication with the coast station.

[TEL 12,805] Prohibition on use of radio in harbour

134 (1) The use of radio apparatus other than a very high frequency radio-telephone while in port or harbour is prohibited except in cases of emergency or for urgent messages, when no other form of communication is available. Calls other than distress calls may be addressed to the nearest coast station only, provided that British and foreign warships may be permitted the use of radio apparatus while in port or harbour for the purpose of normal radio-communications, subject to non-interference with existing telecommunications services and to any other restrictions that the Permanent Secretary may impose.

[subreg (1) am LN 4 of 1964 reg 2, opn 10 Jan 1964; LN 56 of 1981 reg 7, opn 19 June 1981]

(2) Any person contravening the provisions of this regulation shall be guilty of an offence.

[TEL 12,810] Log book

135 A log book giving a record of calls made and time should be kept by all licensed vessels.

[reg 135 am LN 56 of 1981 reg 8, opn 19 June 1981]

[TEL 12,815] Inspection of apparatus

136 The radio installation, accessories, and all logs and message files should be available for inspection at any reasonable time by an officer of the department of telecommunications.

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[TEL 12,820] Secrecy

137 (1) It is prohibited to receive radio correspondence other than that which the station is authorised to receive, but, in case such correspondence is received involuntarily, it must be neither reproduced nor communicated to third persons, nor used for any purpose whatsoever, and the very existence thereof must not be revealed. The contents of any message must not be disclosed other than to the addressee.

(2) Any person contravening any of the provisions of subregulation (1) shall be guilty of an offence.

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[TEL 12,825] Private radio-communication stations

138 Private radio-communication stations providing radio-communication from points where no public communication facilities are reasonably available, may be licensed by special arrangement with the Permanent Secretary and such stations shall be operated in accordance with the terms and conditions as set forth in the licence, provided that the Minister may, if he or she is satisfied that it is in the national interest to do so, authorise in writing the licensing of such a station, on such terms and conditions as he or she may deem appropriate, to provide radio-communication from any points notwithstanding that such facilities are reasonably available from those points.

[reg 138 am LN 127 of 1981 reg 3, opn 4 Dec 1981]

[TEL 12,830] Exemption from payment of licence fee

139 The licensee of a private station other than a ship station which forms part of the public communications system of Fiji may be exempted by the Permanent Secretary in his or her discretion from payment of the fee prescribed in Schedule 4.

[TEL 12,835] Amateur stations

140 The erection of amateur radio-communication stations will be authorised and a licence issued subject to the following conditions—

(a) application must be made on the form approved for the purpose by the Permanent Secretary;

(b) licences will be issued to persons of British nationality only. Applicants must produce evidence of British nationality and 2 referees as to character, who must not be related to the applicant and must themselves be of British nationality and be persons of reputable standing, provided that the Minister may, in writing, authorise the issue of a licence on such conditions as he or she may deem appropriate to a person not being of British nationality;

(c) the licensee shall observe the provisions of the International Telecommunications Convention and these Regulations and such regional Regulations as may be issued from time to time;

(d) the licensee shall observe any conditions which may be set out in the licence either by these Regulations or by the Permanent Secretary;

(e) the licensee shall not receive any payment (either direct or indirect) for the use of the station or allow the station to be controlled by or used for the purposes of any political organisation.

[reg 140 am LN 57 of 1971 reg 5, opn 7 May 1971; LN 56 of 1981 reg 9, opn 19 June 1981]

[TEL 12,840] Qualifications for amateur licensee

141 The applicant will be required to satisfy the Permanent Secretary as to his or her technical knowledge and knowledge of procedure before a licence can be granted. For this purpose an examination may be held under the supervision of the Permanent Secretary or his or her representative.

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[TEL 12,845] Broadcasting stations

142 Broadcasting stations shall be conducted in accordance with the terms and conditions of the licence issued therefor.

[TEL 12,850] Subject to Part 4

143 Broadcasting stations shall also be subject to the provisions of Part 4, as far as they may be applicable to those stations.

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[TEL 12,855] Broadcast receiving stations

144 Broadcast receiving stations shall be subject to the provisions of Part 4, as far as they are applicable to those stations, and also to the provisions of this Part.

[reg 144 am LN 57 of 1971 reg 6, opn 7 May 1971]

[TEL 12,860] Secrecy

145 No owner or operator of a broadcast receiving station shall, without the written consent of the Permanent Secretary, commit to writing or cause, enable or assist any other person to commit to writing for the purpose of publication in a newspaper or for the purpose of written publication in any other form, any matter transmitted from any radio station either in Fiji or overseas.

[reg 145 am LN 57 of 1971 reg 7, opn 7 May 1971]

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[Pt 11 heading insrt LN 57 of 1971 reg 9, opn 7 May 1971]

[TEL 12,865] Radio dealers to be licensed

146 (1) It shall not be lawful for any person to sell, or offer for sale, or have in his or her possession for sale, in the way of his or her business, any plant, machinery, instruments, material, or other apparatus designed and intended for use in connection with radio-communication, as defined in the Act, unless he or she is the holder of a dealer's licence issued to him or her under these Regulations.

[subreg (1) am LN 193 of 1962 reg 2, opn 1 Jan 1963; LN 56 of 1981 reg 10, opn 19 June 1981]

(2) Subregulation (1) shall not apply to apparatus designed solely for the reception of domestic broadcast transmissions.

[subreg (2) subst LN 56 of 1981 reg 10, opn 19 June 1981]

(3) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence.

[subreg (3) insrt LN 56 of 1981 reg 10, opn 19 June 1981]

[TEL 12,870] Not transferable

147 Except with the consent of the Permanent Secretary no radio dealer's licence shall be transferable.

[TEL 12,875] Licence to be displayed

148 Every radio dealer licensed under these Regulations shall exhibit in a prominent position within the premises his or her radio dealer's licence.

[reg 148 subst LN 56 of 1981 reg 11, opn 19 June 1981]

[TEL 12,880] Demonstration authorised under dealer's licence

149 With the approval of the Permanent Secretary and subject to such conditions as he or she may impose, a licensed radio dealer may establish and operate, or allow to be operated for the purpose of demonstration only, at the place of business mentioned in the radio dealer's licence, or, for a period not exceeding 7 days, at the premises of a prospective purchaser, or elsewhere as may be specially authorised by the Permanent Secretary, a transmitting and receiving station although such station is not otherwise licensed.

[reg 149 subst LN 57 of 1971 reg 10, opn 7 May 1971]

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[TEL 12,885] Record of sales to be kept

150 (1) Every radio dealer shall keep at his or her place of business a separate and true record of sales of radio transmitting sets made by him or her including the date of the transaction, the name and address of the purchaser, the class and serial number of the purchaser's licence (if the set is to be used in Fiji), and sufficient particulars of the set such as type, maker's name and serial number, to enable it to be identified with reasonable certainty.

(2) The Permanent Secretary or any telecommunications officer authorised by the Permanent Secretary in writing in that behalf may require a radio dealer to produce to him or her for inspection the record required to be kept under the provisions of subregulation (1).

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(3) The Permanent Secretary may also require a dealer to submit to him or her such returns of sales at such intervals as he or she may direct.

(4) Any radio dealer who fails to comply with the provisions of subregulation (1) or who without reasonable excuse fails to produce his or her record or render sales returns when required to do so under the provisions of subregulations (2) and (3), shall be guilty of an offence.

[reg 150 subst LN 48 of 1972 reg 12, opn 30 June 1972]

[TEL 12,890] Sale only to licensee

151 (1) It shall not be lawful for a radio dealer to sell or otherwise dispose of a radio transmitting set to a person who does not hold a valid licence of the appropriate class for the set in question.

[subreg (1) am LN 57 of 1971 reg 12, opn 7 May 1971]

(2) Any dealer contravening the provisions of subregulation (1) shall be guilty of an offence. Where the offence is of selling or otherwise disposing of a radio transmitting set in contravention of the provisions of subregulation (1) the penalty shall be a fine not exceeding $200.

[subreg (2) am LN 193 of 1962, reg 3, opn 1 Jan 1963]

[TEL 12,895] Definitions

152 For the purposes of this Part, a radio transmitting set is any apparatus which, with or without the addition of external morse key, microphone, aerial or power supply, is capable of emitting radio-communications, and includes a complete set of components designed and intended to be assembled so as to become such apparatus.

[reg 152 am LN 57 of 1971 reg 13, opn 7 May 1971]

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[Pt 12 heading subst LN 116 of 1960 reg 2, opn 2 Sep 1960]

[TEL 12,900] Charges and fees

153 The charges and fees set out in the Schedules shall be payable in respect of the matters therein referred to, provided that—

(a) any fraction of a cent appearing in the total of an amount shall be rounded up to the next cent; and

(b) the telecommunication authority may remit or waive any charges or fees payable—

(i) by any Commonwealth or foreign government, or any department thereof, having a permanent or semi-permanent base in Fiji by agreement with the Government in respect of any telecommunication licence held by such government or department thereof; or

(ii) by any person in respect of any telecommunication licence held by such person in connection with any telecommunication service operated by him or her for or on behalf of, or by agreement with, the Government.

[reg 153 subst LN 38 of 1966 reg 18, opn 1 Apr 1966]

[TEL 12,905] General penalty

154 Any person guilty of an offence against these Regulations for which no specific penalty is prescribed herein shall be liable to a fine not exceeding $40.

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SCHEDULE 1

(Regulation 153)

TELEPHONE FEES AND CHARGES

[Sch 1 subst LN 74 of 1989 reg 2, opn 1 Jan 1990]

PART A — CONNECTION FEES

		$
1.	For each direct exchange connection, whether by ordinary direct line, rented coin box line, shared service line or party line.	
	(a) Where an exchange connection and the associated installation already exist and are taken over from the previous subscriber, with or without change of telephone number and without alteration or removal of telephone apparatus	20
	Where the telephone installation is required in another position in the same room or in another room in the same building, the appropriate removal fee as prescribed in Part E shall also be payable.	
	(b) Where wiring exists and only a telephone apparatus is to be installed in the original position, with or without number change	32
	(c) In all other cases	72

Provided that—

(a) no connection fee shall be payable when a transfer fee is payable under the provisions of regulation 18; and

(b) where the connection is to be provided at a building which is outside the standard rental area such additional connection fee may be charged as may be determined by the Permanent Secretary having regard to the distance of the building from the exchange and the plant and work involved in making the connection; and

(c) in areas of new development where complete underground reticulation to subscriber's building is requested by the developer, a charge of $80 per building section or such greater charge as may be determined by the Permanent Secretary having regard to the plant and additional work involved, shall be levied on and be payable by the developer, in addition to the connection fee payable by each applicant for telephone services; the applicant or the developer shall be responsible for providing a suitable conduit and draw wire from a point indicated by the Permanent Secretary at or out side the border of the section to the building where telephone service is or may be required; and

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	(d)	where an underground feed is required to a building which could normally be served by means of an overhead feed, such additional connection fee may be charged as may be determined by the Permanent Secretary having regard to the plant and additional work involved in providing the underground feed.	
2.	For each internal extension, internal extension socket or internal extension bell		30
3.	For each external extension—		
	(a)	within the same property	60
	(b)	connected via a public exchange	80
4.	For each private manual branch exchange equipped for up to—		
	(a)	2 exchange lines and 4 extensions	70
	(b)	3 exchange lines and 9 extensions	85
	(c)	5 exchange lines and 20 extensions	127
	(d)	10 exchange lines and 50 extensions	162
	(e)	10 exchange lines and 100 extensions	215
	(f)	10 exchange lines and 160 extensions	258
5.	(a)	For each electro mechanical private automatic branch exchange equipped for up to—	
		(i) 5 exchange lines and 20 extensions	172
		(ii) 10 exchange lines and 50 extensions	340
		(iii) 20 exchange lines and 100 extensions	680
	(b)	For each electronic private automatic branch exchange equipped for up to—	
		(i) 2 exchange lines and 6 extensions	60
		(ii) 4 exchange lines and 10 extensions	100
		(iii) 8 exchange lines and 32 extensions	150
		(iv) 12 exchange lines and 48 extensions	200
		(v) 16 exchange lines and 72 extensions	300
		(vi) 20 exchange lines and 96 extensions	300
		(vii) 28 exchange lines and 128 extensions	400
6.	For each small business telephone system as described in Item 7 of Part C —		
	(a)	FN 105	89
	(b)	FN 308	120
	(c)	FN 512	180
	(d)	FN 816	180
	(e)	FN 824	180
	(f)	FN 1224	240
	(g)	FN 1236	300
	(h)	each additional extension	30
	(i)	each console if not installed at the same time as the main equipment	20
7.	For a socket for connection of approved apparatus to a telephone line		25

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8.	For other facilities not specified above	Such fee as the Permanent Secretary considers necessary to cover the actual costs incurred

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PART B — ANNUAL RENTALS FOR EXCHANGE SERVICE

			$
1.	For each exchange connection where the subscriber's building is situated within the standard rental area—		
	(a)	ordinary exclusive line service—	
		business	66
		residential	51
	(b)	coin box service	
		(i) outdoor type	120
		(ii) indoor type	105
	(c)	shared service—	
		business	54
		residential	42
	(d)	party line service—	
		business	33
		residential	27
2.	(a)	For each exchange connection where the subscriber's building is situated outside the standard rental area, the rental prescribed in Item 1 shall be increased as follows for each 500 metres or part thereof of line lengths beyond the standard rental area—	
		(i) exclusive line service	5.40
		(ii) shared service	3.48
		(iii) automatic party line service	1.68
	(b)	For manual party line service outside the standard rental area, the rental prescribed in Item 1(d) shall be increased as follows—	
		(i) Up to 12 km from exchange—	
		business	7.20
		residential	4.80
		(ii) Over 12 km and up to 20 km from exchange—	
		business	15
		residential	9.60
		(iii) Over 20 km and up to 36 km from exchange—	
		business	24
		residential	19.20
		(iv) Over 36 km and in 2 km steps from exchange	As in (iii) and in addition, $4.80 for each 2 km or part thereof in excess of 32 km

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PART C — ANNUAL RENTALS FOR TELEPHONE EXTENSIONS AND PRIVATE BRANCH EXCHANGE

		$
1.	Telephone extensions—	
	The charges for telephone extensions apply whether the extension lines are connected to a main telephone, to a private branch exchange or to a private exchange not connected to the public telephone system.	
(a)	For each internal extension—	
	standard telephone instrument and wiring	27
(b)	For each external extension—	
	(i) standard telephone instrument on same property .	48
	(ii) standard telephone instrument within the same standard rental area if line is routed via the local telephone exchange	144
(c)	For each extension from a private branch exchange to the office or residence, in the same exchange area, of another person or organisation where service could be given by the public telephone system	72 in addition to the charges prescribed in (a) or (b)
	Provided that the Permanent Secretary may—	
	(i) waive this charge where he or she deems it to be in the public interest to do so;	
	(ii) refuse the service if the extension would exceed 2 km in length.	
2.	Other extension facilities—	
(a)	extension telephone in parallel with another telephone (internal only)	27
(b)	plug and socket extension, (internal only)—	
	(i) each socket after the first	6
	(ii) each plug ended telephone after the first	21
(c)	switching telephone and extension(s)—	
	(i) main telephone (in addition to rental for exchange connection)	36
	(ii) internal extension telephone	33
	(iii) external extension on the same property	54
	(iv) external extension within the same standard rental area if line is routed via the local telephone exchange	135
(d)	Special telephone instruments—	
	(i) hotel type with message waiting lamp; in addition to other prescribed rental, per annum ...	6
	(ii) NEC Envoy; in addition to other prescribed rental, per annum	30
	(iii) NEC D — Term V; in addition to other prescribed rental, per annum	120
	(iv) Mitel Superset 4; in addition to other prescribed rental, per annum	120

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	(v) Mitel Superset 1; in addition to other prescribed rental, per annum	42
	(vi) Mitel Superset 4DN; in addition to other prescribed rental, per annum	156
3.	Private manual branch exchanges	
	For each unit equipped for up to—	
	(a) 2 exchange lines and 4 extensions	105
	(b) 3 exchange lines and 9 extensions	156
	(c) 5 exchange lines and 20 extensions	267
	(d) 10 exchange lines and 50 extensions	429
	(e) 10 exchange lines and 100 extensions	468
	(f) 10 exchange lines and 160 extensions	537
4.	Private automatic branch exchanges—	
	(a) For each electro mechanical non-extensible unit equipped for up to—	
	(i) 5 exchange lines and 20 extensions	921
	(ii) 10 exchange lines and 50 extensions	1,701
	(iii) 20 exchange lines and 100 extensions	2,832
	(b) For each electronic private automatic branch exchange equipped for up to—	
	(i) 2 exchange lines and 6 extensions	264
	(ii) 4 exchange lines and 8 extensions	516
	(iii) 4 exchange lines and 10 extensions	624
	(iv) 8 exchange lines and 16 extensions	1,077
	(v) 8 exchange lines and 32 extensions	1,731
	(vi) 12 exchange lines and 48 extension	2,013
	(vii) 16 exchange lines and 72 extensions	2,745
	(viii) 20 exchange lines and 96 extensions	3,345
	(ix) 28 exchange lines and 128 extensions	4,149
	(c) For an uninterrupted power supply for use with (a) and (b) above	390
5.	For each private branch exchange operator's telephone in excess of one telephone per operating position	6
6.	For a tie line connecting 2 private branch exchanges in the same standard rental area—	
	(a) if both private branch exchanges are rented by the same subscriber	192
	(b) if the 2 private branch exchanges are rented by different subscribers	As in (a) and in addition $150
7.	Small Business Telephone Systems	
	(a) For a FN 105 basic package of one exchange line and 5 extensions capacity including one 'on hook' key station and one 'handsfree' key station	132

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(b)	For a FN 308 basic package of 3 exchange lines and 8 extensions capacity including one 'on hook' key station and one 'handsfree' key station	408
(c)	For a FN 512 basic package of 5 exchange lines and 12 extensions capacity including 2 'on hook' key stations and 2 'handsfree' key stations	543
(d)	For a FN 816 basic package of 8 exchange lines and 16 extensions capacity and including 2 'on hook' key stations and 2 'handsfree' key stations	909
(e)	For a FN 824 basic package of 8 exchange lines and 24 extensions capacity and including 2 'on hook' key stations and 2 'handsfree' key stations	1,086
(f)	For a FN 1224 basic package of 12 exchange lines and 24 extensions capacity and including 2 'on hook' key stations and 4 'handsfree' key stations	1,185
(g)	For a FN 1236 basic package of 12 exchange lines and 36 extensions capacity and including 2 'on hook' key stations and 6 'handsfree' key stations	1,398
(h)	For additional extension telephones including internal wiring;	
	(i) 'on hook' key station	84
	(ii) 'hands-free' key station	66
	(iii) Standard key station	51
(i)	For an operator's console for use with FN 824/1224/1236	66
(j)	For a call logging facility (not including printer)	72
8.	For other extension and private branch exchange facilities and apparatus	Such amount as the Permanent Secretary may determine

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PART D — CALL CHARGES

			$
1.	(a)	For a local call from a subscriber's telephone	0.10
	(b)	For a call connected by an operator which could be dialled by the subscriber	1
2.		For a local call from a public coin box telephone	0.20
3.		For an alarm call from a public exchange—	
		(i) connected by an operator at a pre-arranged time	0.40
		(ii) connected automatically (where the facility is available)	0.30
4.	(a)	For an internal trunk call dialled by the subscriber ...	As prescribed in Schedule 2
	(b)	For an internal trunk call connected by an operator which could have been dialled by the subscriber	1 in addition to any other charges payable for the call
5.		For an urgent internal trunk call connected manually by an operator	Double the normal charge plus the surcharge in Item 4(b)
6.		For an internal person-to-person trunk call	0.40 in addition to any other charges for the call
7.		For an internal collect call	0.40 in addition to any other charges payable for the call
8.		For advice of the charge of an internal trunk call—	
	(a)	Connected manually by an operator	0.40
	(b)	Dialled by the subscriber (where the facility is available)	0.30
9.		For international calls	Such charges as shall from time to time be determined by the Permanent Secretary in accordance with any agreement entered into by or on behalf of the Government

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PART E — MISCELLANEOUS FEES AND CHARGES

		$
1.	Removal of telephone lines and apparatus.	
	(a) for removal of an exchange connection or an extension, including an associated telephone instrument—	
	(i) to another position in the same room	27
	(ii) to another room in the same building	30
	(iii) to other buildings	The connection fee prescribed in Part A for a corresponding new connection in the new building
	(b) for removal of a private branch exchange or any other apparatus not specified in (a)	Such amount as the Permanent Secretary may determine
2.	For transfer of existing telephone service in terms of regulation 18	15
3.	(a) for change of serviceable apparatus or subscriber's number at subscriber's request	
	(i) telephone instrument	18
	(ii) change of number	20
	(iii) other apparatus	Such amount as the Permanent Secretary may determine
	(b) for a change of subscriber's name under the same ownership	10
4.	Reconnection fee—	
	(a) after service has been temporarily disconnected for non-payment of accounts	20
	(b) after service has been temporarily disconnected at the request of the subscriber	5
5.	Special telephones—	
	(i) for each telephone instrument fitted with a built-in locking device; per annum in addition to other prescribed rental	6
	(ii) for a cordless telephone; per annum in addition to other prescribed rental	90
	(iii) for a loud-speaking telephone; per annum in addition to other prescribed rental	90
	(iv) for a facility phone 200 or 300; per annum in addition to other prescribed rental	120
6.	Internal extension bell; per annum	6

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7.	Joint subscribers—	
	for each additional subscriber beyond the first, per annum in addition to prescribed rental for a single telephone connection	15
8.	Temporary telephone service (for which charges as follows are payable in lieu of the charges prescribed in Parts A to C)	
	(a) For an exchange connection and standard telephone instrument requiring not more than 500 metres new line construction—	
	(i) for any period up to 2 weeks	70
	(ii) for each additional period of 2 weeks or part thereof	5
	(b) for any other temporary facilities—	Such amount as the Permanent Secretary may determine
9.	For changing the class of service of an extension on a private branch exchange, per visit	12
10.	For a socket for connection of approved apparatus to a telephone line, per annum	6
11.	Verification of call charges—	
	(a) for checking call metering equipment	2
	(b) for providing daily meter reading at subscriber's request; per day	1
	(c) for providing printed record of metered calls for a temporary period, at subscriber's request	3
	and in addition, per day	1
	(d) for providing details of trunk calls connected manually by an operator, per call	0.30
	Provided that fees prescribed in this item shall be remitted if the records of the department are found to be faulty or in error.	
12.	Telephone directory entries—	
	(a) for each additional entry after the first; per issue	
	Business subscriber	10
	Residential subscriber	5
	(b) for each line of type or part thereof, additional to the first line, in a main entry or an additional entry, in the main alphabetical section of the directory; per issue ..	5
	(c) Subscribers who do not wish to have their numbers published in the directory will be required to pay an ex-directory charge shown per issue. The department will not guarantee secrecy of the number but operators will not under any circumstances divulge ex-directory numbers	30
	(d) For a bold entry in the main alphabetical section of the directory; per line per issue	60

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(e)	For a superbold entry in the main alphabetical section of the directory; per issue	120
(f)	For an advertising strip at the top of a page in the main alphabetical section of the directory; per issue ..	500
(g)	for an indented light face capitals header within a main entry; per issue	30
13.	Telephone/telegraph credit card services per annum	9
14.	For any other facility or apparatus not otherwise specified in this Schedule	Such amount as the Permanent Secretary may determine

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PART F — CHARGES FOR TELEPHONE PRIVATE WIRES (LEASED CIRCUITS)

		$
1.	For a telephone private wire (without connection to the public telephone system) provided only for the sole use of the renter and exclusively for his or her own business—	
	(a) Connection fees—	
	(i) for each line from the renter's premises within the standard rental area to the local exchange	72
	(ii) for each carrier type trunk circuit	72
	(iii) for each line interconnecting 2 exchanges	72
	(b) Annual rental—	
	(i) for a private wire between a subscriber's premises, within the standard rental area, and the local telephone exchange	81
	(ii) for each telephone, if any, directly connected to the private wire	27
	(c) annual rental for a private wire extending beyond a standard rental area or interconnecting 2 exchanges in the same unit fee area—	
	(i) using subscriber cable, per additional 500 metres or part thereof	27
	(ii) using trunk telephone cable, per radial km or part thereof	81
	(iii) using a carrier type trunk circuit	Such amount as the Permanent Secretary may determine
2.	For a telephone private wire interconnecting 2 exchanges in different charging zones or for facilities not specified in this Part.	Such amount as the Permanent Secretary may determine

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PART G — FEES AND CHARGES FOR PRIVATELY OWNED TELEPHONE SYSTEMS

A licence for a privately owned telephone system extending beyond single building will be issued by the Permanent Secretary only in exceptional circumstances, for example if the Permanent Secretary is unable to provide service, in which case the licence may be revoked when service can be provided.

			$
1.	(a)	Annual licence fee for each telephone instrument—	
		(i) not having access to the public telephone system	3
		(ii) having access to the public telephone system	15
	(b)	Annual licence fee for each private exchange—	
		(i) not having access to the public telephone system	18
		(ii) having access to the public telephone system	30
	(c)	Annual licence for a point-to-point power line carrier system per single voice grade channel	100
2.		Connection fee for connecting a private telephone system to a public telephone exchange	As prescribed in Part A for direct exchange connections
3.		Annual rental for a direct exchange connection connecting a private telephone system to a public telephone exchange	As prescribed in Part B for direct exchange connections
4.		For facilities provided in connection with privately owned telephone systems, not specified in this Part	Such amount as the Permanent Secretary may determine

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SCHEDULE 2

(Regulation 153)

TELEPHONE TRUNK CALL CHARGES

[Sch 2 subst LN 74 of 1989 reg 2, opn 1 Jan 1990]

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PART A — STD TELEPHONE TRUNK CALL CHARGES

Automatic metering rates for trunk calls originating from a telephone to an exchange with subscriber trunk dialling facilities and dialled directly by the subscriber

Time purchased for each 10c unit fee: between 6 am and 6 pm monday to friday, the time shown in this table.

: between 6 pm and 6 am each day and all day saturday, sunday and public holidays, twice the time shown in the table.

	Ba	Deuba/Navua	Dreketi	Koro	Labasa	Lakeba	Lautoka	Levuka	Lomaivuna	Lomaloma	Nabouwalu	Nadi/Namaka	Nadarivatu	Nausori/Nakasi	Navua	Qarani	Rabi	Rakiraki	Savusavu	Seaqaqa	Sigatoka	Suva	Taileu	Taveuni	Tavua/Vatukoula	Tukavesi	Vunidawa	Vunisea	Wainikoro
Ba	u.f	15	15	15	15	15	45	15	36	15	15	45	45	15	36	15	15	36	15	15	36	15	15	15	45	15	36	15	15
Deuba/Navua	15	u.f	15	15	15	15	15	15	36	15	15	15	15	36	36	15	15	15	15	15	36	45	36	15	15	15	36	15	15
Dreketi	15	15	u.f	15	36	15	15	15	15	15	36	15	15	15	15	15	15	15	36	45	15	15	15	15	15	15	15	15	36
Koro	15	15	15	u.f	15	15	15	36	15	15	15	15	15	15	15	36	15	15	36	15	15	15	15	15	15	15	15	15	15
Labasa	15	15	15	15	u.f	15	15	15	15	15	15	15	15	15	15	15	36	15	45	45	15	15	15	36	15	36	15	15	45
Lakeba	15	15	15	15	15	u.f	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Lautoka	45	15	15	15	15	15	u.f	15	15	15	15	45	36	15	15	15	15	36	15	15	36	15	15	15	36	15	15	15	15
Levuka	15	15	15	36	15	15	15	u.f	36	15	36	15	15	36	36	36	15	36	15	15	15	36	45	15	15	15	36	15	15
Lomaivuna	36	36	15	15	15	15	15	36	u.f	15	15	15	36	45	45	15	15	36	15	15	15	45	45	15	36	15	45	15	15
Lomaloma	15	15	15	15	15	15	15	15	15	u.f	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Nabouwalu	15	15	36	15	15	15	15	36	15	15	u.f	15	16	15	15	15	15	36	36	36	15	15	15	15	15	15	15	15	15
Nadi/Namaka	45	15	15	15	15	15	45	15	15	15	15	u.f	36	15	15	15	15	15	15	15	45	15	15	15	36	15	15	15	15
Nadarivatu	45	15	15	15	15	15	36	15	36	15	15	36	u.f	15	36	15	15	36	15	15	15	15	36	15	45	15	36	15	15

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	Butterbur Deutzia	Lamium Lavender	Nandina Nasturtium	Nausori/Nakasi	Navua Nayavu	Qarani	Rabi	Rakiraki	Savusavu	Seaqaqa	Sigatoka	Suva	Tailevu	Taveuni	Tavua/Vatukoula	Tukavesi	Vunidawa	Vunisea	Wainikoro
Butterbur		15	15	15	35	15	15	36	15	15	35	15	15	15	15	15	36	15	15
Deutzia	15		36	36	36	15	15	15	15	15	36	45	36	15	15	15	15	15	15
Lamium	15	36		15	15	36	15	15	36	45	15	15	15	15	15	15	15	15	15
Lavender	15	15	15		15	15	36	15	36	15	15	15	15	15	15	36	15	15	15
Nandina	15	15	15	15		15	15	15	15	15	15	15	15	15	15	15	15	15	15
Nasturtium	15	15	15	15	15		15	15	15	15	15	15	15	15	15	15	15	15	15
Nausori/Nakasi	15	36	15	15	15	15		15	15	15	15	15	15	15	15	15	15	15	15
Nayavu	35	36	15	15	15	15	15		15	15	15	15	15	15	15	15	15	15	15
Qarani	15	15	15	36	15	15	15	15		15	15	15	15	15	15	15	15	15	15
Rabi	15	15	15	15	36	15	15	15	15		15	15	15	15	15	15	15	15	15
Rakiraki	36	15	15	15	15	36	15	15	15	15		15	15	15	15	15	15	15	15
Savusavu	15	15	36	36	45	15	15	15	15	15	15		15	15	15	15	15	15	15
Seaqaqa	15	15	45	15	45	15	15	15	15	15	15	15		15	15	15	15	15	15
Sigatoka	35	36	15	15	15	15	15	15	15	15	15	15	15		15	15	15	15	15
Suva	15	45	15	15	15	15	15	15	15	15	15	15	15	15		15	15	15	15
Tailevu	15	36	15	15	15	15	15	15	15	15	15	15	15	15	15		15	15	15
Taveuni	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15		15	15
Tavua/Vatukoula	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15		15
Tukavesi	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	
Vunidawa	36	36	15	15	15	15	15	15	15	15	15	15	15	15	15	15		15	15
Vunisea	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15		15
Wainikoro	15	15	36	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	

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Rates for trunk calls, other than those originating from public telephones, connected by a operator. The standard charge is the rate shown in this table for up to the first three minutes, and one third of the rate shown for each additional minute or part thereof. Between the hours of 6pm and 6 am and all day on saturdays, sundays and public holidays the charge is one half of the standard charge, rounded up when necessary to the nearest whole cent.

	Ba	Deuba/Navua	Dreketi	Koro	Labasa	Lakeba	Lautoka	Levuka	Lomaivuna	Lomaloma	Nabouwalu	Nadi/Namaka	Nadarivatu	Nausori/Nakasi	Nayavu	Qarani	Rabi	Rakiraki	Savusavu	Seaqaqa	Sigatoka	Suva	Taileu	Taveuni	Tavua/Vatukoula	Tukavesi	Vunidawa	Vunisea	Wainikoro
Ba	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20	$0.42	$0.51	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20
Deuba/Navua	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$0.51	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20
Dreketi	$1.20	$1.20	u.f	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51
Koro	$1.20	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Labasa	$1.20	$1.20	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$0.42	$1.20	$1.20	$1.20	$0.51	$1.20	$0.51	$1.20	$1.20	$0.42
Lakeba	$1.20	$1.20	$1.20	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Lautoka	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$0.42	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20
Levuka	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	u.f	$0.51	$1.20	$0.51	$1.20	$1.20	$0.51	$0.51	$0.51	$1.20	$0.51	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20
Lomaivuna	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	u.f	$1.20	$1.20	$1.20	$0.51	$0.42	$0.42	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$0.42	$0.42	$1.20	$0.51	$1.20	$0.42	$1.20	$1.20
Lomaloma	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Nabouwalu	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Nadi/Namaka	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$1.20	$1.20	$1.20	$1.20	u.f	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20
Nadarivatu	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$0.51	$1.20	$1.20	$0.51	u.f	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20
Nausori/Nakasi	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$1.20	$1.20	u.f	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$0.42	$1.20	$1.20	$1.20	$0.42	$1.20	$1.20
Nayavu	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$1.20	$0.51	$0.51	u.f	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$0.51	$1.20	$0.42	$1.20	$1.20

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	Baitoa Beach Hotel	Denarau Island Bula Pass	Laucala Island Resort	Lomaiviti Island Resort	Nadi Airport	Nanuya Island Resort	Natadola Beach Park	Nukubolu Island Resort	Radisson Fiji Resort	Robinson Crusoe Island	Sheraton Fiji Resort	Shore Excursion	Taveuni Island Resort	Tokoriki Island Resort	Turtle Island Resort	Vatulele Island Resort	Vomo Island Resort	Wakaya Island Resort	Waya Island Resort	Westin Denarau Island Resort
Qarani	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$0.51	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Rabi	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	u.f	$1.20	$0.51	$1.20	$1.20	$1.20	$0.42	$0.51
Rakiraki	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20	u.f	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20
Savusavu	$1.20	$1.20	$0.51	$0.51	$0.42	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51
Seaqaqa	$1.20	$1.20	$0.42	$1.20	$0.42	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51
Sigatoka	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Suva	$1.20	$0.42	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$0.42	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Tailevu	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$0.42	$0.42	$1.20	$1.20	$0.42	$1.20	$1.20	$0.42	$0.51	$1.20	$0.51	$1.20	$0.42	$1.20
Taveuni	$1.20	$1.20	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20	$0.51
Tavua/Vatukoula	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$0.51	$1.20	$0.51	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20	$1.20	$1.20	$1.20
Tukavesi	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.42	$1.20	$0.51	$1.20	$1.20	$0.42	$1.20	$0.51
Vunidawa	$0.51	$0.51	$1.20	$1.20	$1.20	$1.20	$0.51	$0.42	$1.20	$1.20	$0.51	$0.42	$0.42	$1.20	$1.20	$0.51	$1.20	$0.42	$0.51	$1.20
Vunisea	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20
Wainikoro	$1.20	$1.20	$0.51	$1.20	$0.42	$1.20	$1.20	$1.20	$1.20	$1.20	$1.20	$0.51	$1.20	$0.51	$0.51	$1.20	$1.20	$0.51	$1.20	$1.20

COMMERCIAL IN CONFIDENCE DRAFT

PART C — COIN BOX CHARGES

Rates for manual trunk calls originating from public telephones. The standard charge is the rates shown in this table for each those minutes or part thereof. Between the hours of 6 pm and 6 am and all day on saturday and public holidays the charge is one half of the standard charge, rounded up where necessary to the next multiple of 10c.

	Ba	Deuba/Navua	Dreketi	Koro	Labasa	Lakeba	Lautoka	Levuka	Lomaivuna	Lomaloma	Nabouwalu	Nadi/Namaka	Nadarivatu	Nausori/Nakasi	Nayavu	Qarani	Rabi	Rakiraki	Savusavu	Seaqaqa	Sigatoka	Suva	Tailevu	Taveuni	Tavua/Vatukoula	Tukavesi	Vunidawa	Vunisea	Wainikoro
Ba	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$1.30	$0.60	$1.30	$1.30	$0.50	$0.50	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.50	$1.30	$0.60	$1.30	$1.30
Deuba/Navua	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$0.50	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30
Dreketi	$1.30	$1.30	u.f	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60
Koro	$1.30	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Labasa	$1.30	$1.30	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$0.50	$0.50	$1.30	$1.30	$1.30	$0.60	$1.30	$0.60	$1.30	$1.30	$0.50
Lakeba	$1.30	$1.30	$1.30	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Lautoka	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$0.50	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30
Levuka	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	u.f	$0.60	$1.30	$0.60	$1.30	$1.30	$0.60	$0.60	$0.60	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$0.50	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30
Lomaivuna	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	u.f	$1.30	$1.30	$1.30	$1.30	$0.50	$0.50	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.50	$0.50	$1.30	$0.60	$1.30	$0.50	1.30	$1.30
Lomaloma	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Nabouwalu	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Nadi/Namaka	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$1.30	$1.30	$1.30	$1.30	u.f	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30
Nadarivatu	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	u.f	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$1.30	$1.30	$1.30	$1.30
Nausori/Nakasi	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$0.50	$1.30	$1.30	$1.30	$1.30	u.f	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$0.50	$1.30	$1.30	$1.30	$0.50	$1.30	$1.30
Nayavu	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$0.50	$1.30	$1.30	$1.30	$0.60	$0.60	u.f	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$0.50	$1.30	$0.60	$1.30	$0.50	$1.30	$1.30
Qarani	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	u.f	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30

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	Bula	Nadi/Lautoka	Nausori/Deuba	Navua	Ono-i-Lau	Rabi	Rakiraki	Savusavu	Seaqaqa	Sigatoka	Suva	Tailevu	Taveuni	Tavua/Vatukoula	Tukavesi	Vunidawa	Vunisea	Wainikoro
Bula		$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$0.60	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30
Nadi/Lautoka	$1.30		$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60
Nausori/Deuba	$1.30	$0.60		$1.30	$1.30	$1.30	$1.30	$1.30	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Navua	$1.30	$1.30	$0.60		$1.30	$1.30	$1.30	$1.30	$0.50	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Ono-i-Lau	$1.30	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Rabi	$1.30	$1.30	$1.30	$1.30	$1.30		$0.60	$1.30	$1.30	$0.60	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30
Rakiraki	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60		$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Savusavu	$1.30	$1.30	$0.60	$0.60	$0.50	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60
Seaqaqa	$1.30	$1.30	$0.60	$1.30	$0.50	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$0.60
Sigatoka	$0.60	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Suva	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Tailevu	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$1.30	$1.30
Taveuni	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30	$0.50
Tavua/Vatukoula	$0.50	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30		$1.30	$1.30	$1.30	$1.30
Tukavesi	$1.30	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30		$1.30	$1.30	$0.60
Vunidawa	$0.60	$0.60	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30		$1.30	$1.30
Vunisea	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30	$1.30		$1.30
Wainikoro	$1.30	$1.30	$0.60	$1.30	$0.50	$1.30	$1.30	$1.30	$0.60	$1.30	$1.30	$1.30	$0.50	$1.30	$0.60	$1.30	$1.30	

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SCHEDULE 3

(Regulation 153)

TELEGRAPH FEES AND CHARGES

[Sch 3 subst LN 74 of 1989 reg 2, opn 1 Jan 1990]

PART A — TELEGRAMS

1.	Internal telegrams, other than telegrams to or from ships at sea—		
	(a)	Full rate telegrams—	$
		not exceeding 12 words	0.65
		for each additional word	0.05
	(b)	Urgent telegram	Double the rate for a full rate telegram
	(c)	Press telegram not exceeding 60 words	0.65
		for each additional 20 words or part thereof	0.20
	(d)	Phonogram	0.10 in addition to all other charges
	(e)	Greetings telegram	0.20 in addition to all other charges
2.	Telegrams to or from ships at sea, via Suva radio coast station—		
	(a)	Telegram to or from a locally registered ship operating in Fiji waters—	
		not exceeding 7 words	0.91
		for each additional word	0.12
	(b)	Telegrams to or from any other ship—	
		not exceeding 7 words	2.30
		for each additional word	0.30
3.	In addition to charges specified in items 1 and 2 above; handling charge on all telegrams		0.50
4.	International telegrams		Such charges as shall from time to time be determined by the Permanent Secretary in accordance with any agreement entered into by or on behalf of the Government
5.	Certified copy of a telegram; for each copy		0.50
6.	Abbreviated telegraph address—		
	for each address registered with the Permanent Secretary; per annum		12
7.	Telegraph/telephone credit card service per annum		9

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PART B — TELEX SERVICE

1. Annual rental—

(a) (i) For each exchange connection situated within the standard rental area of a telephone exchange including local line 360

(ii) As in (i) above and including T1000 teleprinter reperforator, tape reader and associated equipment 840

(iii) As in (ii) above but with a model 444 or 2300 teleprinter in lieu of the T1000 model 672

(iv) As in (ii) above but with an enhanced teleprinter complete with video display unit, in-built memory, automatic transmission, automatic retry and abbreviated dialling facilities in lieu of T1000 model 960

(v) As in (iv) above and in addition including a disc drive memory unit 1,068

(b) For each exchange connection where the subscriber's building is situated outside the standard rental area of a telephone exchange, the rental prescribed in (a) shall be increased as follows in respect of line length or circuit distance beyond the standard rental area—

(i) for each 500 metres or part thereof (of line length) 5.40

(ii) for each telegraph transmission channel 480

(iii) for a telephone trunk circuit ..... Such amount as the Permanent Secretary may determine

2. Connection fee; per exchange connection 80

3. For an internal telex call, the time purchased for each $0.10 unit fee shall be as shown in the following table—

	Suva Nausori Tailevu Vunidawa	Deuba Navua	Sigatoka	Lautoka Nadi Namaka	Ba Rakiraki Tavua Vatukoula	Levuka	Labasa Savusavu Taveuni
Suva Nausori Tailevu Vunidawa	90 seconds	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds
Deuba Navua	60 seconds	90 seconds	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds
Sigatoka	60 seconds	60 seconds	90 seconds	60 seconds	60 seconds	60 seconds	60 seconds
Lautoka Nadi Namaka	60 seconds	60 seconds	60 seconds	90 seconds	60 seconds	60 seconds	60 seconds

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	Suva Nausori Tailevu Vunidawa	Deuba Navua	Sigatoka	Lautoka Nadi Namaka	Ba Rakiraki Tavua Vatukoula	Levuka	Labasa Savusavu Taveuni
Ba Rakiraki Tavua Vatukoula	60 seconds	60 seconds	60 seconds	60 seconds	90 seconds	60 seconds	60 seconds
Levuka	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds	90 seconds	60 seconds
Labasa Savusavu Taveuni	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds	60 seconds	90 seconds

4.	For changing the 'Answer Back' on a telex machine at the subscriber's request	15
5.	Reconnection fee—	
	(a) after service has been temporarily disconnected under the provision of regulation 10	20
	(b) after service has been temporarily disconnected at the request of the subscriber under the provision of regulation 16(1)	5
6.	Removal of telex lines and apparatus	
	(a) for removal of an exchange connection including an associated apparatus—	
	(i) to another position in the same room	24
	(ii) to another room in the same building	27
	(iii) to another building	The connection fee prescribed in Item 2 above
7.	For international telex calls—	Such charges as shall from time to time be determined by the Permanent Secretary in accordance with agreement entered into by or on behalf of the Government
8.	For any other telex facility or apparatus not otherwise specified in this Part	Such amount as the Permanent Secretary may determine

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PART C — TELEPRINTER PRIVATE WIRES (LEASED CIRCUITS) AND OTHER TELEGRAPH FACILITIES

1.	Annual rental for a teleprinter private wire—	
	(a) for local line between a subscriber's premises within the standard rental area and the local telephone exchange	81
	(b) for line extending beyond the standard rental area of a telephone exchange or interconnecting 2 exchanges in the same unit fee area—	
	(i) using subscriber cable	27 per additional 500 metres or part thereof
	(ii) using trunk telephone cable	81 per radial km or part thereof
	(iii) using telegraph transmission equipment	Such amount as the Permanent Secretary may determine
	(c) for teleprinter and associated apparatus—	
	(i) Send/receive page teleprinter	468
	(ii) Send/receive page teleprinter with perforator and tape reader	630
	(iii) Receive only printing perforator	420
	(iv) Keyboard perforator	180
	(v) Tape reader	180
2.	Connection fees for a teleprinter private wire—	
	(i) for each send/receive teleprinter	80
	(ii) for any other machine referred to in Item 1(c)	60
	(iii) for a telegraph transmission channel	70
3.	For line interconnecting 2 exchanges in different charging zones or for facilities not specified in this Part	Such amount as the Permanent Secretary may determine

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SCHEDULE 4

(Regulation 153)

TELECOMMUNICATIONS AND RADIO-COMMUNICATIONS FEES AND CHARGES

[Sch 4 subst LN 91 of 2008 reg 2, opn 1 Nov 2007]

PART A — CERTIFICATES, PERMITS AND LICENCES

1	Certificate or permit issued under regulations 119–128	10
2	For an authorised transmitting and receiving station, other than a broadcasting station, ship station, coast station, base station, repeater station, radio station operating in a point-to-point or point to multipoint link, a hand-held transceiver operating in the 27MHz band an exterior radio paging station or a temporary radio station per annum	20
3	For a licence for a VHF maritime repeater station	125
4	For an exclusive VHF/UHF repeater station	125
5	For a privately operated coast station in the VHF or MF band given under special approval; per annum	125
6	For a privately operated coast station given under a special approval in the HF band below 8MHz; per annum	625
7	For a VHF/UHF repeater station used on a shared basis, per annum	100
8	To operate a hand-held transceiver operating in the 27MHz band with an RF output power up to and including 50mW per annum	5
9	To operate a hand-held transceiver operating in the 27MHz band with an RF output power exceeding 50Mw (But not exceeding 12W for land use of 25W for marine use); per annum	20
10	For a radio station operating in a point-to-point or point-to-multipoint link issued within terms of regulation 138, having an occupied spectrum bandwidth of—	
	(a) up to 16Hz, per annum	65
	(b) above 16kHz and up to 400kHz, per annum	125
	(c) above 400kHz and up to 2800kHz, per annum	320
	(d) above 2800kHz and up to 7000kHz, per annum	625
	(e) above 7000kHz, per annum and up to 40MHz. per annum	1,570
	(f) above 40MHz, per annum	1,875
	For cellular mobile networks—	
	(a) operating in the 900MHz band, per 1MHz pair	37,500
	(b) operating in the 1800MHz/3GHz bands, per 1MHz pair	15,000

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11	For an authorised broadcast station— (a) for AM sound broadcasting, per annum ..... (b) for FM sound broadcasting, per annum	 100 200
12	For an exterior radio paging station including paging receivers operating from the station, per annum	125
13	For a temporary radio station established for a period not exceeding 3 months	25% of annual fee
14	For a radio dealer	20
15	For an Approval of Contractor	1,000
16	For an Approval of Apparatus	100
17	For a Land Earth Station	1,250
18	For a Ship Station	100
	Annual Operating Licence Fee	
19	For an Internet Service Provider (ISP)	10,000 or 1.5% of AGR whichever is greater
20	For Sound Broadcasting service	10,000 or 1.5% of AGR whichever is greater
21	For a Voice over the Internet Protocol Provider (VOIP)	10,000 or 1.5% of the AGR whichever is greater
22	For a Cellular Mobile Operator	$1 million or 1.5% of the AGR whichever is greater.
23	For a Telecommunication Service Provider (excluding Mobile); (eg Fintel, TFL)	$1 million or 1.5% of the AGR whichever is greater
	Annual Survey Fees	
24	For Ship Station Survey per visit within Fiji	125
25	For a Ship Station Survey out of Fiji	500
	Application Fees (one-off)	
26	For processing applications	50
27	For single assignment of frequencies in the same band plan	120
	Examination and Certification Fees	
28	To hold an examination for competency in radio-communication	50
	Radio-communication import fees (one-off)	
29	For a single request to import radio-communication	10

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	Duplication Charges	
30	Duplicate any certificate, permit, invoice or licence	5

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SCHEDULE 5

(Regulation 153)

DATA SERVICE FEES AND CHARGES

[Sch 5 subst LN 74 of 1989 reg 2, opn 1 Jan 1990]

PART A — CONNECTION FEES

		$
1.	For each direct exchange connection of a modem—	
	(a) where the modem is provided by the department	125
	(b) where the modem is privately owned	225
2.	For connection of a data line connecting 2 exchanges	72
3.	For connection of splitting/combining facilities (for each splitting/combining point)	$70 for each 5 splits/combinations or part thereof

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PART B — ANNUAL RENTALS

1.	Standard modem, including leased data lines within the standard rental area—	
	(a) transmission speed 2,400 bits per second	927
	(b) transmission speed 4,800 bits per second	1,788
	(c) transmission speed 9,600 bits per second	1,980
2.	Short-haul modem (adjustable speed), including leased data lines within the standard rental area	657
3.	Leased data lines (other than data lines to which Item 4 relates); being either data lines (single cable pair) outside the standard rental area or data lines connecting 2 exchanges in the same unit fee area—	
	(a) using subscriber cable, per additional 500 metres or part thereof	27
	(b) using trunk telephone cable per radial km or part thereof	81
	(c) using a carrier-type trunk circuit	Such amount as the Permanent Secretary may determine
4.	Leased data lines to which, but for this Item, Item 3 would apply, being lines for use with privately-owned modems, where the department has not declined to provide standard modems	125% of the charge that, but for this Item, would be applicable under Item 3
5.	Splitting/combining facilities (for each splitting/combining point)	$96 for each 5 split combinations or part thereof
6.	Data line (one cable pair), within the standard rental area, providing the direct exchange connection of a privately-owned modem	81

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PART C — OTHER SERVICES AND FACILITIES

1.	Data services and facilities not specified in Part A or B ..	Such amounts as the Permanent Secretary may determine

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Telecommunications (Licensing) Regulations 2012

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6	Eligible persons	[TEL 14,050]
7	Matters relevant to the grant of a licence	[TEL 14,055]
8	Payment of annual charge for first year of licence	[TEL 14,060]
9	Grant of licence	[TEL 14,065]
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	PART 4 — LICENCE CONDITIONS	
11	General conditions	[TEL 14,075]
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	PART 5 — ANNUAL CHARGES FOR LICENCE FEES	
13	Financial year for calculation of annual gross revenue	[TEL 14,085]
14	Maximum and minimum licence fees	[TEL 14,090]
15	Annual return to be filed by licensee	[TEL 14,095]
16	Invoice for annual charge	[TEL 14,100]
17	Determination of annual gross revenue of a licensee	[TEL 14,105]
18	Payment on account of annual charge for first year of licence	[TEL 14,110]
19	Audit requirements	[TEL 14,115]
	PART 6 — VARIATION, RENEWAL ETC OF LICENCES	
20	Variation of conditions of a licence	[TEL 14,120]
21	Renewal of licence	[TEL 14,125]
22	Change of other particulars of licensee	[TEL 14,130]

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Regulation	*Title*	*Paragraph*
23	Application to assign or transfer a licence	[TEL 14,135]
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24	Licensee responsible for apparatus	[TEL 14,140]
25	Records relating to facilities	[TEL 14,145]
26	Regular inspection and correction of dangerous facilities .	[TEL 14,150]
	PART 8 — MISCELLANEOUS	
27	Register	[TEL 14,155]
28	Licensee ownership and structure	[TEL 14,160]
29	Notification of agreement with other licensee	[TEL 14,165]
30	Minister and Authority not liable	[TEL 14,170]
31	Savings	[TEL 14,175]
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Telecommunications (Licensing) Regulations 2012

TABLE OF AMENDMENTS

Telecommunications (Licensing) Regulations 2012 (LN 18 of 2012) commenced on 31 January 2012, as amended by:

Amending Legislation	Date of Commencement
Revised Edition of the Laws (Consequential Amendments) Regulations 2016 (LN 99 of 2016)	1 December 2016
Commerce Commission (Budget Amendment) Act 2017 (No 41 of 2017)	1 August 2017

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[TEL 14,025] Short title and commencement

1 These Regulations may be cited as the Telecommunications (Licensing) Regulations 2012 and shall commence on the date of its publication in the Gazette.

[TEL 14,030] Interpretation

2 (1) In these Regulations, unless the context otherwise requires—

Authority means the Telecommunications Authority of Fiji established by section 5 of the Telecommunications Act 2008;

[def insrt LN 99 of 2016 reg 260, opn 1 Dec 2016]

charge payable means the charge that has been determined by the Authority under section 24(1) of the Act in respect of the matter;

fee payable means the fee that has been determined by the Authority under section 24(1) of the Act in respect of the matter;

financial year in relation to a licensee, means the period of a year ending on the date specified in the licensee's application for a licence, or on such other date as may be notified to the Authority, in accordance with regulation 19, as the date on which the licensee's financial year ends;

general licence condition in relation to a telecommunications services licence, means a condition of the licence described in regulation 10 of these Regulations;

licence in relation to an existing licence, means a licence issued under Part 3 of Division 1 of the Act;

Register means the register kept by the Authority under section 38(1) of the Act; and

special condition in relation to a licence, means a condition specified by the Authority in respect of that particular licence only.

(2) In these Regulations, unless the context otherwise requires, reference to a document being signed by a licensee or an applicant for a licence is a reference to the document being signed where the licensee or applicant is—

(a) a company, by an authorised representative of the company;
(b) an individual, by that individual;
(c) a sole proprietorship, by the person who is the proprietor; or
(d) a partnership, by any one of the partners.

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[TEL 14,035] Service providers to be licensed

3 Every service provider who provides telecommunications services must hold a licence issued by the Authority under the Act.

[TEL 14,040] Types of licences that may be issued

4 (1) A single type of licence shall be issued by the Authority under Part 3 of the Act to persons eligible to provide telecommunications services in Fiji.

(2) The licence referred to in subregulation (1) shall cover all or any telecommunications services that the licensee may currently provide, and all or any telecommunications services that the licensee may provide in the future, subject to general and special licence conditions.

(3) For the avoidance of doubt—

(a) a licence to provide telecommunications services shall cover the operation of telecommunications facilities necessary or desirable to provide such services;

(b) persons operating equipment and systems that are not associated with the provision of telecommunications services, such as billing systems, may not be licensed under these Regulations; and

(c) a person or an enterprise, such as a hotel, who resells the telecommunications services of a licensee without change or modification to the services, need not be licensed in respect of such resale activities.

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[TEL 14,045] Applications

5 (1) A service provider must apply to the Authority for a licence to provide telecommunications services.

(2) Every application must be—

(a) made by an eligible person in accordance with regulation 6;

(b) in accordance with the form in Schedule 1;

(c) accompanied by a police clearance showing, in accordance with regulation 7, whether the applicant has—

(i) prior infringements and non-compliance with the conditions of a licence; and

(ii) been convicted of unlawful conduct relating to dishonesty in the provision of telecommunications services; and

(d) accompanied by the application fee in Schedule 4 or a document evidencing payment of any fee payable in respect of the application.

[TEL 14,050] Eligible persons

6 The following are eligible persons for the purposes of regulation 5(2)(a)—

(a) a company incorporated under the Companies Act 2015;

(b) a natural person over 18 years of age and a resident of Fiji;

(c) a sole proprietorship, the proprietor of which is over 18 years of age and a resident of Fiji;

(d) a partnership, one of the members of which is a person over 18 years of age and a resident of Fiji and whose principal place of work is in Fiji;

(e) an educational institution registered under the applicable laws of Fiji; or

(f) a Fijian Government agency or an organisation or a statutory body created pursuant to the laws of Fiji.

[reg 6 am LN 99 of 2016 reg 260, opn 1 Dec 2016]

[TEL 14,055] Matters relevant to the grant of a licence

7 (1) Without prejudice to the application of section 3 of the Act, the Authority, in considering whether an application for a licence should be granted, shall have regard to the suitability of the applicant to be the holder of a licence in terms of prior—

(a) infringements and non-compliance with the conditions of a licence; and

(b) convictions for unlawful conduct relating to dishonesty in the provision of telecommunications services.

(2) For the avoidance of doubt—

(a) prior infringements and prior convictions of the kind referred to in regulation 7(1) refer to prior infringements and prior convictions of any relevant kind and shall not be limited to prior infringements and prior convictions in Fiji; and

(b) where the applicant is a partnership or company, prior infringements and prior convictions of the kind referred to in regulation 7(1) shall include prior infringements and prior convictions of the partnership or company, and of the partners, owners and directors.

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[TEL 14,060] Payment of annual charge for first year of licence

8 Where an application for a licence is to be granted, the grant of the licence shall not come into effect until the applicant has provided the Authority with payment of the annual charge for the licence, or a document evidencing payment of the amount payable, under regulation 17.

[TEL 14,065] Grant of licence

9 (1) The Authority may, in its discretion, grant a licence to an eligible person unless there is one or there are more specific reasons for not granting the licence, including the failure to provide a complete application with all the necessary information.

(2) The Authority shall notify the licensee of the granting of a licence by issuing to the licensee a certified copy of an extract of the relevant entry in the Register.

[TEL 14,070] Refusal of licence

10 If the Authority refuses to grant a licence, the Authority must immediately notify the applicant in writing of the decision, including the reasons for the refusal.

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[TEL 14,075] General conditions

11 It is a condition of every licence that the licensee comply with—

(a) the laws of Fiji, including the Fijian Competition and Consumer Commission Act 2010;

(b) the Act and any Regulations and Orders made under the Act, including any provision relating to the payment of fees or charges;

(c) decisions and determinations made by the Authority, whether alone or jointly with the Fijian Competition and Consumer Commission, in the lawful exercise of its powers under the Act, including but not limited to—

(i) determinations made by the Authority;

(ii) technical rules and standards issued by the Authority;

(iii) orders, directions or requirements lawfully given or issued by the Authority;

(iv) conditions and penalties imposed by the Authority; and

(d) decisions and determinations of the Fijian Competition and Consumer Commission in the lawful discharge of its functions under the Fijian Competition and Consumer Commission Act 2010.

[reg 11 am Act 41 of 2017 s 25, opn 1 Aug 2017]

[TEL 14,080] Special conditions to prevail

12 (1) The Authority may impose special conditions in a particular licence in accordance with these Regulations in order to pursue the objectives of the Act.

(2) Special conditions specified by the Authority in respect of a particular licence, whether expressly or by implication, may vary the application of any general licence conditions in respect of the particular licence.

(3) In the event of any inconsistency between a special condition of a licence and any general condition applying to the licence, the former condition shall prevail and the latter condition shall be suspended in its operation to the extent of the inconsistency.

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[TEL 14,085] Financial year for calculation of annual gross revenue

13 For the purpose of calculating the annual amount of a licence fee as provided in section 24(1)(c) of the Act, the annual gross revenue referred to in that provision shall be the gross revenue for the financial year of the licensee ending during the 12 months immediately prior to the beginning of the period to which the annual fee relates.

[TEL 14,090] Maximum and minimum licence fees

14 (1) The maximum percentage of annual gross revenue which must not be exceeded for the purpose of section 24(1)(c) of the Act is set out in Part 1 of Schedule 2.

(2) The minimum levy below which the annual charges for licence fees shall not be charged for the purpose of section 24(1)(c) of the Act is set out in Part 2 of Schedule 2.

[TEL 14,095] Annual return to be filed by licensee

15 (1) A licensee shall, within 3 months from the end of the licensee's financial year, lodge with the Authority a—

(a) return in respect of that financial year reporting the—

(i) amount of the annual gross revenue of the licensee;

(ii) amount of settlement charges payable to or receivable from other licensees; and

(iii) method by which the amounts in (i) and (ii) were calculated and a replication of the actual calculations used; and

(b) statement showing a calculation of the annual charge for the licence fee that would be payable in respect of the annual gross revenue net of settlements as set out in the return.

(2) The return must include a certificate stating that it is true and correct in all respects and signed by the licensee.

(3) If the licensee is unable to lodge a final return within 3 months of the conclusion of the licensee's financial year, he or she may lodge a provisional return instead within the same 3 months provided the licensee—

(a) clearly identifies its return as a provisional return; and

(b) submits a final return within 6 months of the conclusion of the licensee's financial year.

(4) In the case of a licensee that is required by law to produce an annual report, the information on which the calculation in the return is based must be verifiable by reference to the annual report last issued before the filing of the return.

(5) Subregulation (1) does not apply to a licensee whose annual gross revenue net of settlement charges is less than the amount specified in Schedule 3.

(6) Where 2 or more licensees are companies that are so associated with each other through common or familial ownership, arrangements or control that they should in the view of the Authority be treated as a single entity for the purposes of the assessment of the annual charge, the Authority may require those licensees to lodge a consolidated return and statement under subregulation (1), in addition to any requirement to lodge individual returns or statements.

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(7) A licensee who, in a return, falsely reports or fails to report revenue that is required to be reported commits an offence and is liable to a fine not exceeding $5,000 or 2 years' imprisonment.

[TEL 14,100] Invoice for annual charge

16 (1) The annual charge for a licence fee is payable not later than 30 days after the issue by the Authority to the licensee of an invoice specifying the amount payable in accordance with the annual charges for licence fees as determined by the Authority under section 24(1)(c) of the Act.

(2) Where the invoice referred to in subregulation (1) is received more than 3 days after the date of issue, the annual charge for the licence fee is payable not later than 30 days after the receipt of the invoice from the Authority.

(3) The onus of proving that the receipt of the invoice in subregulation (2) has occurred more than 3 days after the issue of the invoice and the actual date of receipt in those circumstances shall be on the licensee.

[TEL 14,105] Determination of annual gross revenue of a licensee

17 (1) In determining a licensee's annual gross revenue or annual gross revenue net of settlements for the purposes of the calculation of annual charges for licence fees under section 24(1)(c) of the Act, the Authority may have regard to the amount reported by the licensee, in a return lodged with the Authority under regulation 15(1), as being the annual gross revenue or annual gross revenue net of settlements of the licensee.

(2) Where—

(a) a return required under regulation 15(1) to be lodged by a licensee has not been lodged; or

(b) the Authority does not accept as accurate or complete the amount of annual gross revenue or annual gross revenue net of settlements reported in such a return lodged by a licensee,

the Authority may make an estimate of the annual gross revenue or annual gross revenue net of settlements based on such matters or information as it reasonably considers to be relevant including but not limited to previous returns lodged by the licensee, returns lodged by other licensees, or market information, and may base its invoice on such an estimate.

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[TEL 14,110] Payment on account of annual charge for first year of licence

18 (1) A licensee shall pay on account an annual charge for the first year of its licence based on the greater of the—

(a) licensee's estimate of its annual gross revenue net of settlements for the first year of its licence; and

(b) Authority's estimate of its gross annual revenue net of settlements under regulation 17(2), if the Authority has made such an estimate.

(2) Payments made on account in accordance with subregulation (1) shall be subject to adjustment in invoices for annual charges for the next year following the first year of licence.

[TEL 14,115] Audit requirements

19 The auditing of a licensee's annual gross revenue or annual gross revenue net of

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settlements for the purposes of section 24(1)(c) of the Act shall be carried out by an accountant registered under the Fiji Institute of Accountants Act 1971.

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[TEL 14,120] Variation of conditions of a licence

20 (1) The Authority shall only vary the terms of an existing licence after following the procedure set out in section 18 or section 36 of the Act.

(2) A licensee may apply to vary the terms of a licence by initiating the procedure under section 18(1) of the Act.

[TEL 14,125] Renewal of licence

21 (1) For the purposes of section 35(2) of the Act, an application by a licensee for the renewal of a licence shall be made by submitting to the Authority, not later than 60 days before the expiry of the licence, at the same time—

(a) a notice in writing signed by the licensee requesting such renewal; and

(b) payment of the fee payable in respect of such applications or a document evidencing payment of the fee payable in respect of such applications.

(2) Upon receipt of an application for renewal the Authority shall carry out such investigations as it considers necessary and appropriate to determine whether—

(a) the licence is a licence that must be renewed on substantially similar conditions pursuant to section 35(2) of the Act; or

(b) in accordance with section 35(3) of the Act, the—

(i) licence should be renewed but on new conditions; or

(ii) application to renew the licence should be denied.

[TEL 14,130] Change of other particulars of licensee

22 (1) A licensee, being a company or incorporated partnership, must notify the Authority in writing, within 14 days of any change to its ownership that affects the control of the licensee.

(2) The notice must be accompanied by such fee as may be determined by the Authority under section 24(1) of the Act or a document evidencing payment of such a fee.

[TEL 14,135] Application to assign or transfer a licence

23 (1) An application to the Authority for its approval to the transfer, assignment, ceding, pledging or other disposal of a licence for the purposes of section 37 of the Act must be in writing and must be accompanied by—

(a) the particulars of the proposed transfer, assignment, ceding, pledging or other disposal; and

(b) such fee as may be determined by the Authority under section 24(1) of the Act in respect of such applications or a document evidencing payment of such a fee.

(2) Before making any decision on the application under subregulation (1), the Authority shall consult the Fijian Competition and Consumer Commission.

[subreg (2) am Act 41 of 2017 s 25, opn 1 Aug 2017]

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[TEL 14,140] Licensee responsible for apparatus

24 (1) A licensee must, in respect of all telecommunications equipment and apparatus possessed, operated, maintained or used by the licensee in connection with the provision of services under the licence, take all reasonable measures to prevent injury to persons or damage to property, including the exposure of persons to any electrical emission or radiation emanating from the equipment or apparatus.

(2) A licensee must, in respect of all telecommunications equipment and apparatus possessed, operated, maintained or used by the licensee in connection with the provision of services under the licence, take all reasonable measures not to cause interference or physical obstruction to other telecommunications equipment or apparatus operating in the same band or in other bands.

(3) A licensee must, in respect of all telecommunications equipment, apparatus and telecommunications network possessed, operated, maintained or used by the licensee in connection with the provision of services under the licence, take reasonable measures to ensure that its equipment, apparatus and network are adequately resistant to or protected from interference that may be caused by other equipment, apparatus and networks operating in the same band or in other bands.

(4) A licensee must take all reasonable steps to ensure that any metering and charging apparatus or mechanism used by the licensee in connection with the provision of telecommunications services is accurate and reliable.

[TEL 14,145] Records relating to facilities

25 A licensee who, in connection with the provision of telecommunications services, owns or operates overhead lines, telecommunications transmitter towers or underground facilities must keep and maintain accurate records of the kind, usage and capacity, and location of that equipment and apparatus.

[TEL 14,150] Regular inspection and correction of dangerous facilities

26 (1) A licensee who, in connection with the provision of telecommunications services, owns or operates any telecommunications equipment, apparatus or facility must inspect the equipment or apparatus and any facility in which it is kept regularly in accordance with good engineering practice to ensure that it is operating in a safe manner.

(2) When a licensee is made aware by whatever means that any telecommunications equipment, apparatus or a facility poses or may pose a danger to the health or safety of persons or property, the licensee shall investigate promptly the condition of the equipment, apparatus or facility and shall take any remedial action that is reasonably required.

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[TEL 14,155] Register

27 (1) The Authority shall maintain a Register of all applications received for licences under these Regulations.

(2) The Authority shall acknowledge, in writing, receipt of each application for a licence under these Regulations within 7 days of such receipt.

(3) The details of a licence and of an application for a licence that are to be entered in the Register shall be those set out in Schedule 5.

(4) A document purporting to be a copy of an extract from the Register and purporting to be certified as such by an authorised member or officer of the Authority shall be admissible in evidence in any court or legal proceedings without further proof and shall be, in the absence of evidence to the contrary, proof of the matters stated in the document.

[TEL 14,160] Licensee ownership and structure

28 A licensee that is a company shall—

(a) at all times comply with any requirement stipulated by Investment Fiji; and

(b) notify the Authority of any change in its shareholding which under any law it is required to notify to the Government or any statutory authority.

[TEL 14,165] Notification of agreement with other licensee

29 (1) A licensee who enters into an agreement with another licensee or another telecommunications service provider relating to the provision of any telecommunications service shall notify the Authority in writing, within 30 days of that agreement, and shall provide a copy of the agreement to the Authority if requested to do so.

(2) A licensee shall disclose to the Authority any agreement with another licensee or an unlicensed telecommunications service provider relating to the provision of any telecommunications service when requested to do so by the Authority.

(3) Subject to subregulation (4) neither the Authority nor any of its officers or employees shall disclose to third parties including other agencies of the Government the existence or content of an agreement referred to in subregulations (1) and (2) without the written permission of the parties to the agreement.

(4) The Authority may disclose the existence and contents of an agreement referred to in subregulations (1) and (2) to the Fijian Competition and Consumer Commission without the approval or permission of the parties to the agreement.

[subreg (4) am Act 41 of 2017 s 25, opn 1 Aug 2017]

[TEL 14,170] Minister and Authority not liable

30 For the avoidance of doubt, neither the Minister nor the Authority shall be liable in any respect whatsoever arising out of the actions of a licensee in exercise of its licence or in breach of its licence.

[TEL 14,175] Savings

31 Nothing in these Regulations is to be taken as discharging or excusing a licensee from any obligation, under any other law in force in Fiji, to obtain any licence, permit or approval.

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[TEL 14,180] Service of notices

32 A notice to be given to a licensee under these Regulations or under the licence must be in writing and is deemed to have been—

(a) given if it has been delivered by hand and receipt has been signed for by the intended recipient or his or her agents or servants or sent by pre-paid post or by facsimile to the licensee's address as recorded in the Register; and

(b) received by the licensee on the date and at the time the actions of the Authority in sending the documents have been completed or, if receipt is signed for, on the date of such signature.

[TEL 14,185] Transitional arrangements — Applications for replacement licences

33 (1) This regulation applies to an application for a licence where, for the purposes of paragraph 2 of the Schedule to the Act, the—

(a) applicant is the holder of a prior licence; and

(b) application is for the grant of a replacement licence.

(2) An application for such a licence may be made by letter signed by the applicant and attaching—

(a) audited accounts for the purposes of calculating licence fees under these Regulations;

(b) a copy of the prior licence; and

(c) any agreements entered into by the holder of a prior licence with any other telecommunications service provider, whether licensed or not, up to the date of the application.

(3) These Regulations and this regulation in particular do not apply to an application for allocation of additional frequency spectrum.

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SCHEDULE 1

PARTICULARS OF APPLICANT FOR LICENCE

PART 1 — ALL APPLICANTS

1. Overview of the applicant —
   (a) Name of applicant;
   (b) Address, telephone number and e-mail address of applicant;
   (c) Legal status of applicant including age, citizenship and residency status;
   (d) A contact name, telephone number, fax number and e-mail address for the licensee;
   (e) Date of the end of the financial year used by the applicant;
   (f) Prior infringements and non-compliance with the conditions of a telecommunications service licence in any country by the applicant;
   (g) Prior convictions for unlawful conduct relating to dishonesty in the provision of telecommunications services in any country by the applicant.
2. Statement as to whether the application has been made in conjunction with a related application for a spectrum licence under Division 2 of Part 3 of the Act.
3. Statement describing the types and coverage of the telecommunications services to be provided under the licence in the first 3 years after the issue of the licence.
4. Statement containing information sufficient to allow the calculation of a payment on account of the annual charge for the licence fee in respect of the first year of the licence.
5. Signature, name and position of the signatory.
6. Date of application.

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PART 2 — WHERE THE APPLICANT IS A COMPANY

In addition to the information required in Part 1 of this Schedule, applicants who are companies shall provide the following information —

(a) Date and place of incorporation and Business Registration Number;

(b) Registered address;

(c) Business and mailing address in Fiji;

(d) Names and addresses of directors at the date of the licence application;

(e) A statement in relation to each director and of their prior —

(i) infringements and non-compliance with the conditions of a telecommunications service licence in any country; and

(ii) convictions for unlawful conduct relating to dishonesty in the provision of telecommunications services in any country, if any;

(f) Latest financial statements;

(g) Names of shareholders holding more than 5% of shares held, and the number and percentage of shares at the date of the licence application.

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PART 3 — WHERE THE APPLICANT IS A PARTNERSHIP OR AN UNINCORPORATED ORGANISATION

In addition to the information required in Part 1 of this Schedule, applicants who are partnerships or unincorporated organisations shall provide the following information —

(a) Date and place of formation of the partnership or organisation;

(b) Business and mailing address in Fiji;

(c) Names and addresses of partners or, in the case of other organisations, of senior managers at the date of the licence application;

(d) A statement in relation to each partner or other person listed in response to Item 3 of this Part in relation to their —

(i) prior infringements and non-compliance with the conditions of a telecommunications service licence in any country; and

(ii) prior convictions for unlawful conduct relating to dishonesty in the provision of telecommunications services in any country,

if any

(e) Latest financial statements;

(f) Names of shareholders holding more than 5% of shares held, and the number and percentage of shares at the date of the licence application.

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SCHEDULE 2

MAXIMUM AND MINIMUM ANNUAL CHARGES FOR LICENCE FEES

PART 1 — MAXIMUM VALUE FOR ANNUAL CHARGE FOR LICENCE FEE

The prescribed maximum annual charge for a licence fee for the purposes of section 24(1)(c) of the Act shall be 5% of audited annual gross revenue calculated net of settlements with other licensees in Fiji.

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PART 2 — MINIMUM VALUE FOR ANNUAL CHARGE FOR LICENCE FEE

The minimum levy prescribed for the purposes of section 24(1)(c) of the Act shall be $1,000.

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[TEL 14,295] SCHEDULE 3

THRESHOLD AMOUNTS

The annual gross revenue for the purposes of exemption under regulation 15(5) from requirement to lodge a return reporting annual gross revenue shall be $5,000.

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SCHEDULE 4

APPLICATION FEE

The application fee referred to in regulation 5 shall be a non-refundable fee of an amount set by the Authority from time to time, as authorised in section 24(1)(a) of the Act.

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SCHEDULE 5

REGISTER

The information listed below shall be entered into the Register in respect of each application for a licence and for each licence, respectively.

PART 1 — APPLICATION FOR LICENCE

(a) Applicant's name;

(b) Applicant's address;

(c) Applicant's contact details;

(d) Whether the applicant is an individual, a company, a partnership or unincorporated organisation;

(e) Date of application;

(f) Date of receipt of application by the Authority;

(g) Whether each relevant information required by these Regulations has been provided with the application;

(h) Whether a payment in accordance with regulation 5 and Schedule 4, or evidence of such a payment, has been received;

(i) Date and reference number of acknowledgement of receipt of application in accordance with regulation 27;

(j) Name and signature of authorised officer of the Authority making the entry into the Register;

(k) Date of entry into the Register.

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PART 2 — LICENCE

(a) Licensee's name;

(b) Licensee's address;

(c) Contact person for the licensee, including name, address, telephone, e-mail and fax details;

(d) Date of effect (commencement) of licence;

(e) Name and signature of authorised officer of the Authority making the entry into the Register;

(f) Date of entry into the Register.

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Telecommunications (Trust Fund) Regulations 2016

TABLE OF PROVISIONS

Regulation	*Title*	*Paragraph*
1	Short title and commencement	[TEL 16,310]
2	Interpretation	[TEL 16,315]
3	Levies	[TEL 16,320]
4	Telecommunications Development Trust Fund	[TEL 16,325]

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Telecommunications (Trust Fund) Regulations 2016

TABLE OF AMENDMENTS

Telecommunications (Trust Fund) Regulations 2016 (LN 39 of 2016) commenced on 1 August 2008, as amended by:

Amending Legislation	Date of Commencement

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[TEL 16,310] Short title and commencement

1 (1) These Regulations may be cited as the Telecommunications (Trust Fund) Regulations 2016.

(2) These Regulations are deemed to have come into force on the date the Telecommunications Act 2008 came into force.

[TEL 16,315] Interpretation

2 In these Regulations, words and phrases have the same meaning as under the Telecommunications Act 2008 unless the context otherwise requires.

[TEL 16,320] Levies

3 (1) The Minister may impose a levy on interconnection to fund national developments in telecommunications and a carrier is liable to pay to the Ministry a levy at such rate as may be specified by order to be published in the Gazette; and different rates may be specified in respect of different types of interconnection.

(2) The amount of any levy payable under this regulation is recoverable as a civil debt due to the Ministry.

[TEL 16,325] Telecommunications Development Trust Fund

4 (1) This section establishes a trust fund called the Telecommunications Development Trust Fund, which the following money is to be paid into—

(a) any money appropriated by Parliament for the purposes of the Telecommunications Development Trust Fund;

(b) any grant, contribution or loan from any international organisation or donor;

(c) any money paid to the Ministry in relation to a levy imposed under regulation 3;

(d) such sums of money as accrue from interest and profits from money placed in the Telecommunications Development Trust Fund; and

(e) such sums of money received for the purposes of the Telecommunications Development Trust Fund from any other source approved by the Minister.

(2) Money which has accumulated in the Telecommunications Development Trust Fund may be invested by the Ministry in such manner as may be determined by the Ministry.

(3) Money from the Telecommunications Development Trust Fund may be utilised for national development in relation to information, communication and technology projects as approved by the Minister.

(4) The permanent secretary of the Ministry must authorise all payments from the Telecommunications Development Trust Fund.

(5) The management and administration costs of the Telecommunications Development Trust Fund are to be paid from the Telecommunications Development Trust Fund, or if there are insufficient funds from the annual budget of the Ministry.

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Telecommunications (Interconnection Levy) Order 2016

TABLE OF PROVISIONS

Rule	*Title*	*Paragraph*
1	Short title and commencement	[TEL 17,325]
2	Interconnection levy	[TEL 17,330]

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Telecommunications (Interconnection Levy) Order 2016

TABLE OF AMENDMENTS

Telecommunications (Interconnection Levy) Order 2016 (LN 40 of 2016) commenced on 17 November 2010, as amended by:

Amending Legislation	Date of Commencement
Commerce Commission (Budget Amendment) Act 2017 (No 41 of 2017)	1 August 2017

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[TEL 17,325] Short title and commencement

1 (1) This Order may be cited as the Telecommunications (Interconnection Levy) Order 2016.

(2) This Order is deemed to have come into force on 17 November 2010.

[TEL 17,330] Interconnection levy

2 For the purpose of regulation 3 of the Telecommunications (Trust Fund) Regulations 2016, a carrier is liable to pay to the Ministry the levy at the maximum rate specified by the Fijian Competition and Consumer Commission from time to time.

[O 2 am Act 41 of 2017 s 25, opn 1 Aug 2017]

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Telecommunications (Declaration of Universal Service Areas) Order 2013

TABLE OF PROVISIONS

Rule	*Title*	*Paragraph*
1	Short title and commencement	[TEL 18,305]
2	Declaration of universal service areas	[TEL 18,310]

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Telecommunications (Declaration of Universal Service Areas) Order 2013

TABLE OF AMENDMENTS

Telecommunications (Declaration of Universal Service Areas) Order 2013 (LN 29 of 2013)[1] commenced on 14 May 2013, as amended by:

Amending Legislation	Date of Commencement

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[1] This was rectified by the Corrigendum published on 24 May 2013.

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[TEL 18,305] Short title and commencement

1 This Order may be cited as the Telecommunications (Declaration of Universal Service Areas) Order 2013 and shall come into force on the date of its publication in the Gazette.

[TEL 18,310] Declaration of universal service areas

2 For the purposes of section 49 of the Telecommunications Act 2008, I hereby declare the following areas as universal service areas—

Province	Locality
Ba	Bukuya, Nanoko, Draiba, Navala, Navai, Nadrau, Davota and Waya Island
Bua	Wainunu and Kubulau
Cakaudrove	Udu Point, Cikobia Island, Tawake, Koroalau, Saqani, Natewa and Parts of Taveuni (Navakaweu and Salialevu)
Lau Group	Ono, Totoya, Nayau, Matuku, Tuvuca, Kabara and Namuka-i-Lau
Macuata	Namuka, Dogotuki and Kia Island
Nadroga/Navosa	Keiyasi, Nalebaleba, Nadevu, Vatubalavu and Nawairabe
Naitasiri	Nabukaluka, Nauvucini and Matainasau
Namosi	Namuamua, Salidrau and Wainimakutu
Ra	Barotu and Nalawa

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