

ACT NO. 41 OF 2020

I assent.

J. K. KONROTE
President

[11 December 2020]

AN ACT**TO AMEND THE TELECOMMUNICATIONS ACT 2008**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Telecommunications (Amendment) (No. 2) Act 2020.

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

(3) In this Act, the Telecommunications Act 2008 is referred to as the “Principal Act”.

Section 49 amended

2. Section 49(1) of the Principal Act is amended by deleting “, after consulting the licensees, the Minister responsible for provincial development and the members of the public in the subject area,”.

Section 50 amended

3. Section 50 of the Principal Act is amended by—

(a) in subsection (1)(a), deleting “pursuant to a tender for universal service funding”; and

(b) deleting subsection (4) and substituting the following—

“(4) When providing funding for the universal service scheme from the Fund, the Authority in consultation with the Ministry may—

- (a) for the purposes of constructing a universal service tower—
 - (i) assign a universal service area to a licensee to service based on the industry market share model; or
 - (ii) facilitate the construction for co-location and co-sharing by determining the person responsible for carrying out the construction by way of tender; or
 - (b) for the deployment of appropriate alternative technology other than constructing a universal service tower, call for tender.
- (5) An assignment made under subsection (4)(a)(i) must include—
- (a) the description of the universal service area to be served;
 - (b) the description of the 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.
- (6) A tender made under subsection (4)(a)(ii) must include—
- (a) the description of the universal service tower;
 - (b) the operations and maintenance requirements;
 - (c) the location of the site where the universal service tower is to be constructed;
 - (d) the maximum available funds for the project;
 - (e) disbursement of funds; and
 - (f) any other matters that may be prescribed.
- (7) A tender made under subsection (4)(b) must include—
- (a) the description of the universal service area to be served;
 - (b) the description of the 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.

(8) The Minister may prescribe by regulations the procedure and criteria for an assignment or tender made under this section including matters for the administration of the Fund.”

Section 62 amended

4. Section 62(1)(d) of the Principal Act is amended by deleting “either as the outcome of a tender or based on substantial degree of market power”.

Section 82 amended

5. The Principal Act is amended by deleting section 82(1)(h).

Passed by the Parliament of the Republic of Fiji this 11th day of December 2020.