

BILL NO. 27 OF 2019

A BILL

FOR 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) Act 2019.
- (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”.

Division 4A inserted

2. The Principal Act is amended in Part 3 after section 53 by inserting the following new Division—

“Division 4A—Levies

Levy on data services

53A.—(1) A levy at the rate prescribed in subsection (2) shall be levied on data services.

(2) The levy payable by a service provider is \$0.10 for every gigabyte of data used by a customer of the service provider.

- (3) The service provider is liable to pay the levy to the State.
- (4) The amount of any levy payable under this section is recoverable as a civil debt due to the State.”.

Section 82 amended

3. Section 82(1) of the Principal Act is amended after paragraph (g) by inserting the following new paragraph—

- “(ga) prescribe the method for calculating and collecting the levy payable under section 53A;”.

Office of the Attorney-General
Suvavou House
Suva

August 2019

TELECOMMUNICATIONS (AMENDMENT) BILL 2019

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Telecommunications Act 2008 (**‘Act’**) provides for the regulation of the telecommunications industry in Fiji.
- 1.2 The Telecommunications (Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Act to introduce a levy of \$0.10 for every gigabyte of data used by a customer of a telecommunications service provider.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends Part 3 of the Act by inserting a new Division 4A to provide for levies. Under the new Division 4A, a new section 53A is inserted to provide for a levy of \$0.10 that must be paid by a telecommunications service provider to the State for every gigabyte of data used by a customer of the telecommunications service provider.
- 2.3 Clause 3 of the Bill amends section 82(1) of the Act to empower the Minister responsible for communications to prescribe the method for calculating and collecting the levy on data services.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for communications.

A. SAYED-KHAIYUM
Attorney-General