

**EXTRAORDINARY  
GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**

No. 28

WEDNESDAY, 7th AUGUST

2019

[LEGAL NOTICE NO. 67]

TELECOMMUNICATIONS ACT 2008

**Telecommunications (Fibre Cable Management  
Trust Fund) Regulations 2019**

IN exercise of the powers conferred on me by section 82(1) of the Telecommunications Act 2008, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Telecommunications (Fibre Cable Management Trust Fund) Regulations 2019.

(2) These Regulations come into force on a date or dates appointed by the Minister by notice in the Gazette.

*Interpretation*

2. In these Regulations, unless the context otherwise requires, “Fund” means the Fibre Cable Management Trust Fund established under regulation 3.

*Establishment of the Fibre Cable Management Trust Fund*

3.—(1) This regulation establishes the Fibre Cable Management Trust Fund consisting of—

- (a) any amount appropriated by Parliament for the purposes of the Fund;
- (b) any grant, contribution or donation to the Fund;
- (c) any interest accrued from money deposited in the Fund;
- (d) monies received for the purposes of the Fund or any other written law;
- (e) monies received by the Ministry for the utilisation of the Savusavu spur; and
- (f) monies received from any other source approved by the Minister.

(2) No part of the Fund may be transferred or assigned to any person other than in accordance with these Regulations.

(3) The Trustee Act 1966 does not apply to this Fund.

*Purposes of the Fund*

4. The purposes of the Fund are—

- (a) to receive monies from donors and other sources subject to regulation 3(1) for the development of a fibre cable system;

- (b) to provide funding for the payment of—
  - (i) maintenance and operational costs of fibre cable systems and the cable station;
  - (ii) the cost of the repair to fibre cable systems in the event of the failure of fibre cable systems;
  - (iii) the cost associated with fibre cable systems including research, development and training;
  - (iv) the future expansion of fibre cable systems and the cable station; and
  - (v) other costs related to the management of fibre cable systems; and
- (c) any other fibre cable systems related purpose in Fiji approved by the Minister.

*Application of the Fund*

5.—(1) The Ministry must only expend the money in the Fund for the purposes provided under regulation 4.

(2) The management and administration costs of the Fund established under regulation 4 are to be paid from the Fund or if there are insufficient funds, from the annual budget of the Ministry.

(3) Subject to the provisions of these Regulations, the permanent secretary of the Ministry must authorise all payments from the Fund.

*Accounts and audit*

6.—(1) The Ministry must keep accounts and records of transactions of the Fund and its activities and must prepare financial statements and accounts for each financial year.

- (2) The accounts of the Fund must be audited annually by an independent auditor who—
  - (a) is a chartered accountant registered under the Fiji Institute of Accountants Act 1971;
  - (b) holds a certificate of public practice as required under section 36 of the Fiji Institute of Accountants Act 1971;
  - (c) is not employed in the civil service; and
  - (d) is approved by the Minister.

*Income tax*

7. The income of the Fund is exempt from income tax.

Made this 6th day of August 2019.

A. SAYED-KHAIYUM  
Attorney-General and Minister for Communications