

REPUBLIC OF VANUATU

BILL FOR THE TELECOMMUNICATIONS, RADIOCOMMUNICATIONS AND BROADCASTING REGULATION (AMENDMENT) ACT NO. OF 2018

Explanatory Note

The Bill amends the Telecommunications, Radiocommunications and Broadcasting Regulation Act No. 30 of 2009 (“the Act”) to provide for the following:

- (a) the restructure of the current administrative structure established by the Act to an independent regulatory commission consisting of 5 members; and
- (b) implementation of Government policy and representation of other stakeholders in decision making process; and
- (c) operator’s access and infrastructure sharing provisions to ease interconnection.

1 Restructuring of the current administrative structure

This amendment is necessary to meet good governance and accountability practices to allow for checks and balance to decisions released by the Office of the Regulator in relation to the competition between the service providers.

This is to ensure good governance principles within the decision making process of this institution and to ensure that all decisions are:

- (a) in the best interest of the consumer and the service providers; and
- (b) in-line with and achieve Government National Policies.

In the past, there have been numerous issues encountered from this institution compared to any other independent regulatory agency. The current Act does not require the Regulator to comply with the National Sectorial Policies determined by the Minister and endorsed by the Council of Ministers.

The proposed amendment establishes an independent regulatory Commission. The functions and powers of the Regulator are now going to be vested on the Commission

The Commission consists of the following members:

- (a) the Director-General of the Ministry; and
- (b) the Chief Information Officer; and
- (c) a person with background in economics or law to check on the competitive assessments and the legal instruments made by the body; and
- (d) service providers nominated by the Vanuatu Chamber of Commerce; and
- (e) consumers in Vanuatu nominated by the National Youth Council.

The amendments further provide for the appointment of the Chief Executive Officer and other staff of the Commission. The Chief Executive Officer is to be appointed by the Commission as the main administrator of this Act.

The current Regulator will serve as Acting Chief Executive Officer after this amendment takes effect until such time the Commission appoints a person as the Chief Executive Officer pursuant to the requirements set out in this amendment. All current staff of the Regulator will continue to be employed on an acting basis after the commencement of this amendment until such time the Commission makes a decision on the appointment of persons into these positions.

2 Implementation of Government Policy

Given the current provisions of the Act, the Ministry cannot provide instructions to the Regulator to implement Government Sectoral Policies.

The proposed amendment will ensure representation of consumers and service providers in all decision making process of the Commission and will further ensure that the Commission's decision are aligned with the Government National Sectoral Policies to best address telecommunications, radiocommunications and broadcasting issues in Vanuatu.

This amendment will also ensure that decisions are based on technical knowledge, transparency and good governance principles which will contribute to a strong institution which will deliver the support and services to all citizens of Vanuatu.

3 Operator's infrastructure access and sharing provisions to ease interconnection

Amendments are made to provide for infrastructure access and sharing provisions. These provisions will ensure that the service providers provide wider coverage of service and connectivity to the people of Vanuatu and to geographical locations of the archipelago of Vanuatu, and therefore providing for competition and fair access to all people of Vanuatu.

Prime Minister



REPUBLIC OF VANUATU

**BILL FOR THE
TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND BROADCASTING
REGULATION (AMENDMENT)
ACT NO. OF 2018**

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REPUBLIC OF VANUATU

**BILL FOR THE
TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND BROADCASTING
REGULATION (AMENDMENT)
ACT NO. OF 2018**

An Act to amend the Telecommunications, Radiocommunications and Broadcasting Regulation Act No. 30 of 2009.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Telecommunications, Radiocommunications and Broadcasting Regulation Act No. 30 of 2009 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

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AMENDMENTS OF TELECOMMUNICATIONS, RADIOCOMMUNICATIONS AND BROADCASTING REGULATION ACT NO. 30 OF 2009

1 Title of the Act

Delete “Regulation”, substitute “Regulatory Commission”

2 References to “Regulator”

Delete all references to “Regulator” (wherever occurring in the Act), substitute “Commission”

3 Subsection 2(1)

Insert in their correct alphabetical positions:

“**CEO** means the Chief Executive Officer of the Telecommunications, Radiocommunications and Broadcasting Regulatory Commission appointed undersubsection 11G(1);

Commission means the Telecommunications, Radiocommunications and Broadcasting Regulatory Commission established under subsection 4(1);

Director General means the Director General of the Ministry responsible for Telecommunications, Radiocommunications and Broadcasting;”

4 Part 2

Repeal the Part, substitute

**“PART 2 TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND
BROADCASTING REGULATORY COMMISSION**

**Division 1 Telecommunications, Radiocommunications and
Broadcasting Regulatory Commission**

**4 Establishment of the Telecommunications, Radiocommunications and
Broadcasting Regulatory Commission**

- (1) The Telecommunications, Radiocommunications and Broadcasting Regulatory Commission is established.
- (2) The Commission:
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and may be sued in its own name.

5 Composition of the Commission

- (1) The Commission consists of the following members:
 - (a) the Director General; and
 - (b) a staff of the Office of the Government Chief Information Officer:
 - (i) nominated by the Chief Information Officer; and
 - (ii) who has at least 6 years’ experience in the field of information and communications technology or broadcasting; and
 - (c) a person who must:
 - (i) be a citizen of Vanuatu; and
 - (ii) have a law degree or a degree in economics; and

- (ii) have at least 3 years' experience in a management position;
and
 - (d) a member of the private sector nominated by the Vanuatu Chamber of Commerce and Industry who must:
 - (i) be a citizen of Vanuatu; and
 - (ii) have at least 6 years of experience in that sector; and
 - (iii) not have a business interest or share in any service provider; and
 - (e) a representative of consumers:
 - (i) nominated by the National Youth Council; and
 - (ii) who has not been actively involved in politics for the last 2 years.
- (2) The Minister is to appoint the members under paragraphs (1)(b),(c),(d) and (e) by Order.
- (3) The members of the Commission appointed under subsection (2), are to hold office for a term of 2 years and may be reappointed only once.

6 Chairperson and Deputy Chairperson

- (1) The Director General is the Chairperson of the Commission.
- (2) The Deputy Chairperson is to be elected from amongst the members of the Commission for a period of 2 years.

7 Eligibility of becoming a member of the Commission

- (1) A person is not eligible to be appointed as a member of the Commission if that person:
 - (a) has been convicted for an offence, in Vanuatu or elsewhere:
 - (i) involving dishonesty or corruption; or

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AMENDMENTS OF TELECOMMUNICATIONS, RADIOCOMMUNICATIONS AND
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- (ii) where the applicable penalty includes imprisonment for one year or longer (irrespective of whether such penalty has been imposed); or
 - (b) is an undischarged bankrupt, in Vanuatu or elsewhere; or
 - (c) is unable to perform his or her responsibilities, functions, duties and powers due to any physical or mental incapacity; or
 - (d) is a member of Parliament; or
 - (e) is a member of a Municipal Council or Provincial Government Council; or
 - (f) is an office-bearer or employee of any political party; or
 - (g) is an immediate family member of a person referred to in paragraph (d), (e) or (f); or
 - (h) has any pecuniary or proprietary interest in:
 - (i) a service provider; or
 - (ii) a manufacturer or supplier of equipment, except where the supply is incidental to the general merchandising of goods by wholesale or retail,

either directly or indirectly, as owner, shareholder, director, officer, partner or otherwise; or
 - (i) does not have tertiary education qualification; or
 - (j) is actively involved in politics for the last 2 years.
- (2) A person is not eligible to be appointed as a member under paragraphs 5(1)(a),(b),(c) or (d) unless he or she has a background in the field of telecommunications, radiocommunication or broadcasting.
- (3) A person ceases to be a member of the Commission if circumstances arise that, if he or she were not a member of the Commission, would disqualify him or her for such appointment.

8 Termination and resignation of a member of the Commission

- (1) The Minister must, by 28 days' notice in writing to a member of the Commission, terminate the appointment of a member of the Commission if he or she is satisfied that the member of the Commission:
 - (a) is physically incapacitated to the extent that his or her ability to discharge the functions as a member of the Commission is significantly impaired; or
 - (b) becomes mentally incapacitated; or
 - (c) fails to attend or remain present for the duration of any two meetings of the Commission in any 6 months period; or
 - (d) ceases to be a citizen of Vanuatu; or
 - (e) does not perform his or her duties and obligations; or
 - (f) commits a serious breach of his or her duties under this Act.
- (2) A member of the Commission may resign by notice in writing to the Minister.

9 Meetings of the Commission

- (1) The Commission is to meet twice a quarter annually on the request of the Chairperson and at such other times as is necessary for the proper performance of the functions of the Commission under this Act.
- (2) The Chairperson is to preside at all meetings of the Commission and in his or her absence, the Deputy Chairperson is to preside at these meetings.
- (3) The quorum of the Commission is 3 members of the Commission present at the meeting.
- (4) A member of the Commission present at a meeting of the Commission has one vote and questions arising at a meeting are to be decided by a majority of votes.
- (5) If the voting at the meeting is equal, the Chairperson or the Deputy Chairperson (if he or she is presiding at the meeting) has a casting vote.

- (6) The CEO has no voting rights at any meeting of the Commission.
- (7) Subject to this Act, the Commission may determine and regulate its own procedures.

10 Sitting allowance for a member of the Commission

- (1) A member of the Commission is entitled to a sitting allowance of VT10,000 for each day he or she is present at a meeting of the Commission.
- (2) To avoid doubt, a member of the Commission including the Chairperson and Deputy Chairperson is not entitled to any allowance if he or she is not present during a meeting of the Commission.

Division 2 Functions and Powers of the Commission

11 Functions of the Commission

- (1) Subject to the provisions of this Act, the Commission is to regulate telecommunications, radiocommunications and broadcasting.
- (2) Without limiting the generality of subsection (1), the Commission is to:
 - (a) advise the Minister on:
 - (i) policy; and
 - (ii) Regulations; and
 - (iii) such other matters as the Minister may request; and
 - (b) implement, facilitate and enforce the provisions of this Act; and
 - (c) implement and facilitate:
 - (i) compulsory call sharing; and
 - (ii) caller location information by service providers; and
 - (iii) sim registration by all service providers; and

- (d) grant, suspend, vary and revoke licences, exceptions and exemptions for which this Act provides; and
 - (e) allocate telephone number blocks and other telecommunication system numbers as administered by the ITU; and
 - (f) allocate, assign and manage the radio spectrum; and
 - (g) to advise the Minister on network access and any related matters.
- (3) The Commission must act independently and impartially in performing the functions and exercising the powers set out in this Act and in any other Act.
- (4) To avoid doubt, this Act does not prevent the Commission from:
- (a) having regard to such policies as may be developed by the Minister or the Government; or
 - (b) consulting with or obtaining advice from, any person on any matter; or
 - (c) acting in co-ordination with other countries, international agencies or international standards; or
 - (d) making a decision that will or might have a differential or prejudicial impact on a service provider or any other person.
- (5) Any licence, exception, approval, determination, contract, appointment, acceptance, notice, exemption, finding or order which is to be given by, or entered into, by the Commission under the provisions of this Act, must be given or entered into writing.
- (6) The Commission must release publications of explanations to all its decisions.

11A Powers of the Commission

The Commission has the power to do all things that are necessary or convenient to be done for, or in connection with the performance of its functions under this Act or any other Act.

11B Power of the Commission to enter into contracts

- (1) The Commission must ensure that any contract with a value exceeding or that is likely to exceed VT5,000,000 in any 12 months period is concluded as a result of a competitive process and that legal advice is obtained from the State Law Office.
- (2) A contract concluded in contravention of subsection (1) is void and is deemed to be a serious breach of duty by the Commission.

11C Power to collect information

- (1) If the Commission is of the opinion that a person has information or documents relevant to the exercise of any of the Commission's powers or performance of the Commission's functions, the Commission may require the person:
 - (a) to produce such documents; and
 - (b) to make copies of such documents for the Commission; and
 - (c) to require the service provider to furnish such information.
- (2) A person must comply with a requirement imposed under subsection (1) within such period as the Commission may require, being not less than 14 days.
- (3) A person must not, in relation to any requirement imposed under subsection (1), provide any document or information which is false or misleading.
- (4) The Commission must compensate a person for the reasonable costs of making copies of the documents under paragraph (1)(b).
- (5) A person is not excused from:
 - (a) giving information; or
 - (b) producing a document; or
 - (c) making copies of a document,

under this section on the ground that the information or documents to be given, produced or copied is likely to incriminate the person or expose the person to a penalty under this Act.

- (6) Information or documents obtained under this section are not admissible in evidence against a person in any criminal proceedings.
- (7) Information or documents provided under this section must not be disclosed by the Commission except:
 - (a) with the written permission of the person from whom it has been obtained; or
 - (b) in the course of proceedings under Part 9; or
 - (c) as required by a court order; or
 - (d) where, in the opinion of the Commission, the information comprises, or will be reproduced in, aggregated data so that it does not identify any particular service provider; or
 - (e) where such disclosure is required by this Act or any other Act.

11D Delegation of functions and powers

- (1) The Commission may, in writing, delegate to the CEO or any staff of the Commission, any of its functions or powers under this Act other than the power of delegation.
- (2) The delegation may be made generally or in respect of a particular matter or class of matters.
- (3) The Commission may at any time revoke or vary a delegation.
- (4) A delegation does not prevent the Commission from performing the function or exercising the power that it has been delegated.

11E Equipment inspection

- (1) If the Commission reasonably believes that any person has in their control or is using any equipment contrary to this Act or a Regulation, the Commission may:

- (a) search any premises, vehicle, ship or aircraft for the equipment and may be accompanied by a police officer; and
 - (b) inspect, take photographs or make sketches of the equipment; and
 - (c) operate the equipment, if necessary to ascertain its nature or the manner of its use.
- (2) The Commission is not liable to pay compensation in respect of the exercise or purported exercise of any of its powers under this section.
- (3) Despite subsection (2), the Commission is to compensate for any loss or damage to equipment which results from the negligence of the Commission.

11F Annual report

- (1) The Commission must provide the Minister with an annual report including, but not limited to:
- (a) a summary of the activities of the Commission; and
 - (b) such financial statements and independent auditor's reports as are required by this Act or any other Act; and
 - (c) all entries and deletions to the Register in the preceding year; and
 - (d) a summary of all litigation matters involving the Commission; and
 - (e) a list of consultants and advisors retained by the Commission and a description of the matters in relation to which they have consulted or advised; and
 - (f) a report of the delivery of the annual work plan of the Commission; and
 - (g) a report on the implementation of Government National Policies.
- (2) A contravention of subsection (1) is deemed to be a serious breach of duty by the Commission.

Division 3 Chief Executive Officer

11G Appointment of the CEO

- (1) The Commission is to appoint a CEO on the recommendation of the Evaluation Committee after consulting the Minister.
- (2) The Evaluation Committee consists of:
 - (a) the Governor of the Reserve Bank of Vanuatu, who is the Chairperson of the Evaluation Committee; and
 - (b) an individual, who is not actively involved in the politics of any political party, appointed by the Judicial Services Commission; and
 - (c) an individual, who is not actively involved in politics of any political party, appointed by the Public Service Commission with a background knowledge in the telecommunications, radiocommunications or broadcasting sector.
- (3) In recommending an individual in respect of a vacancy in the position of CEO, the Evaluation Committee must ensure that its recommendations are based on merit.
- (4) The Evaluation Committee must not recommend an individual as CEO unless that individual has consented to his or her appointment.
- (5) The Evaluation Committee may be convened by the Commission to carry out its responsibilities, wherever there is a vacancy in the office of the CEO.
- (6) The Evaluation Committee is to:
 - (a) evaluate all candidates for the position of CEO according to merit; and
 - (b) recommend to the Commission not more than two candidates, and if two are recommended, the order of preference.
- (7) The Evaluation Committee must not recommend a candidate who does not primarily reside in Vanuatu or who does not intend primarily to reside in Vanuatu during the term of appointment.

- (8) The Evaluation Committee may obtain advice from the Director General in the evaluation of candidates.
- (9) The Commission is to:
- (a) negotiate with such candidates as the Evaluation Committee may recommend with a view to concluding satisfactory terms and conditions of appointment; and
 - (b) appoint a person in writing, where it is satisfied with the terms and conditions of his or her appointment.
- (10) The Commission must not appoint any person not recommended by the Evaluation Committee.
- (11) A CEO may be appointed for a period not exceeding 3 years.
- (12) The Commission may extend at the end of the period referred to in subsection (11), the period of appointment for the CEO for a further 6 months after consulting and obtaining approval of the Minister, in writing.
- (13) The decision of the Commission to extend the period of appointment of the CEO for a further 6 months must be based on the following:
- (a) the Commission and the Minister are satisfied on the satisfactory performance of the CEO during the three years term in the Office; and
 - (b) a National or International event which requires the participation and the knowledge of that CEO; and
 - (c) in the event of a State of Emergency lawfully declared; and
 - (d) any other urgent matters to be approved by the Minister that requires presence of that CEO.

11H Disqualification

- (1) A person is not eligible to be appointed as CEO if that person, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, has any pecuniary or proprietary interest in:

- (a) a service provider; or
 - (b) a manufacturer or supplier of equipment, except where the supply is incidental to the general merchandising of goods by wholesale or retail.
- (2) A person is not eligible to be appointed as the CEO if that person:
- (a) has been convicted for any offence, in Vanuatu or elsewhere:
 - (i) involving dishonesty or corruption; or
 - (ii) where the applicable penalty includes imprisonment for one year or longer (irrespective of whether such penalty has been imposed); or
 - (b) is an undischarged bankrupt, in Vanuatu or elsewhere; or
 - (c) is unable to perform the CEO's responsibilities, functions, duties and powers due to any physical or mental incapacity; or
 - (d) is a member of Parliament; or
 - (e) is a member or officer of a Municipal Council or Provincial Government Council; or
 - (f) is an office-bearer or employee of any political party; or
 - (g) is an immediate family member of a person referred to in paragraphs (d), (e) or (f).
- (3) A person ceases to be a member of the Commission if circumstances arise that, if he or she were not a member of the Commission, would disqualify him or her for such appointment.

11I Termination and resignation of a member of the Commission

- (1) The Commission must, by 28 days' notice in writing to a CEO, terminate the appointment of a CEO if he or she is satisfied that the CEO:
- (a) is physically incapacitated to the extent that his or her ability to discharge the functions as a CEO is significantly impaired; or

- (b) becomes mentally incapacitated; or
 - (c) fails to attend or remain present for the duration of any two meetings of the Commission in any 6-months period; or
 - (d) ceases to be a citizen of Vanuatu; or
 - (e) does not perform his or her duties and obligations; or
 - (f) is insubordinate; or
 - (g) commits a serious breach of the terms and conditions of his or her appointment; or
 - (h) persistently breaches one of the terms and conditions of his or her appointment.
- (2) A CEO may resign by notice in writing to the Commission.

11J Functions of the CEO

- (1) The CEO has the following functions:
- (a) to be responsible for the day to day administration of the Commission; and
 - (b) to convene meetings of the Commission at the request of the Commission; and
 - (c) to prepare and circulate agendas and issue papers for meetings of the Commission; and
 - (d) to coordinate, facilitate and implement the decisions of the Commission; and
 - (e) to attend, take, keep and maintain a proper record of the minutes of all meetings of the Commission and circulate them within 3 weeks after each meeting; and
 - (f) to act on any matter that the Commission directs him or her to do in relation to matters of the administration of the Commission; and

- (g) to mobilise appropriate resources for the efficient implementation of all decisions of the Commission; and
 - (h) to make recommendations to the Commission on all contracts for the Commission to consider and conclude, providing for the payment of subsidies aimed at the provision of telecommunications service in accordance with the UAP contracts; and
 - (i) to ensure that meetings are held in accordance with the approved schedule of the Commission's meetings; and
 - (j) to prepare annual work plans of the Office; and
 - (k) to implement the policies of the Government; and
 - (l) to facilitate the implementation of this Act; and
 - (m) such other functions that may be conferred or delegated on the CEO by the Commission; and
 - (n) such other functions as may be conferred on the CEO by this Act or any other Act.
- (2) The CEO must attend all meetings of the Commission and if he or she is unable to attend a meeting, he or she is to nominate a staff of the Commission to attend on his or her behalf.
- (3) The provisions of the Leadership Code Act [CAP 240] apply to the CEO and all members of the Commission in relation to the discharge of their functions and the exercise of their powers under this Act.
- (4) The provisions of the Public Service Act [CAP 246] do not apply to the CEO.

11K Other staff of the Commission

- (1) The Commission may employ other staff as it considers necessary for the proper and efficient performance of its functions.
- (2) The Commission is to determine the terms and conditions of employment of the persons employed under subsection (1).

- (3) The appointment of other staff of the Commission, must follow a fair and transparent selection process and must be based on merit.”
- (4) The provisions of the Public Service Act [CAP 246] do not apply to the other staff of the Commission.”

5 Subsection 19(3)

Repeal the subsection.

6 After subsection 19(7)

Insert

“(7A) A licensed service provider under subsection (6) must submit to the Commission, copies of its audited books at the end of each financial year.”

7 At the end of section 20(3)

Add

“(4) This section does not empower the Commission to set prices for the telecommunication market and does not limit the Commission from intervening when market forces fail to provide sufficient bases for fair and non-discriminatory competition.”

8 Subsection 25(1)

Delete “control of”

9 Subsection 27(1)

Delete “may”, substitute “must”

10 At the end of section 27

Add

“(9) A service provider must provide other service providers with access to telecommunications sites and towers and underground facilities.

(10) Subsection (9) applies only in the following circumstances:

- (a) the access is provided to enable another service provider to provide competitive services and to establish its own facilities; and
- (b) the access seeker provides a roll out plan to extend coverage to other underserved areas of Vanuatu; and

- (c) the request is reasonable and a reasonable notice has been provided; and
 - (d) the Commission certifies by an Order under this section approving the access requested; and
- (11) The Commission must undertake checks on the technical and competitive feasibility of this access to telecommunication facilities prior to its approval under paragraph (10) (d).
- (12) The Commission may set the terms and conditions including price access in the event that the service providers have not agreed on a price access.”

11 Section 56

Repeal the section, substitute

“56 Regulations

- (1) The Commission may on the approval of the Minister, make such Regulations as may be necessary or convenient to give effect to the provisions or objectives of this Act.
- (2) Without limiting subsection (1), the Commission may make Regulations to regulate the following:
- (a) the prices for the Reference Interconnection Offer; and
 - (b) consumer related matters including regulating the tariffs to be imposed on consumers by the service providers; and
 - (c) matters relating to interconnection; and
 - (d) the safety standards in relation to the regulated services; and
 - (e) to make orders to properly implement the roles and functions and objectives of this Act; and
 - (f) market competition; and
 - (g) infrastructure and site sharing, network access, intercommunication and network co-sharing and any related matters; and

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- (h) prescribing standard terms in various licences and exemptions; and
- (i) prescribing procedures, forms and fees in respect of any licence or exception or anything which might be done by any person under this Act; and
- (j) providing for the methodology by which any calculation is required to be made under this Act; and
- (k) establishing and managing a national numbering plan and allocating blocks of numbers in accordance with this plan; and
- (l) the management and administration (including the exclusive management and administration) of country code top level domain names for Vanuatu and domain name registration for Vanuatu; and
- (m) imposing restrictions or limitations upon the importation, sale or use of any equipment used or likely to be used in connection with radiocommunications, telecommunications or broadcasting; and
- (n) prescribing the type of information required to be included in invoices for customers; and
- (o) imposing restrictions or limitations upon the use or disclosure of various types of personal end-user information; and
- (o) requiring a service provider to introduce and facilitate number portability; and
- (q) to inform the public about matters relating to telecommunications, radiocommunications and broadcasting matters; and
- (r) requiring licensees individually or by class, to keep and retain records and the nature and form of these records; and
- (s) requiring a service provider to introduce and facilitate selection or pre-selection of service providers, being a telecommunications service provided by a service provider to another service provider which:

- (i) in the case of service provider selection, requires a call made by an end user of the first service provider with one of the second service provider's toll access codes prefixed to be delivered to the second service provider; and
 - (ii) in the case of service provider pre-selection, requires one of the second service provider's toll access codes being automatically prefixed to a call made by an end user of the first service provider and the delivery of that call to the second service provider.
- (3) The Commission must ensure that consultation is undertaken with all stakeholders before executing these Regulations.”

12 Transitional provisions – Regulator and staff

- (1) The person who occupies the position of Regulator immediately before the commencement of this Act, is to continue to hold office as the Acting CEO on the same terms and conditions of employment with the same accrued or accruing entitlements.
- (2) The person employed as a staff by the Regulator immediately before the commencement of this Act, is to continue to hold office, on an acting basis, on the same terms and conditions of employment with the same accrued or accruing entitlements.
- (3) The persons under subsections (1) and (2) are to continue on an acting basis until such time the Commission appoints persons to the relevant positions.
- (4) This section does not apply to any person who entered into a contractual obligation for service with the Regulator immediately before the commencement of this Act.

13 Transitional provisions -Funds, assets, liabilities and contractual obligations

- (1) The funds, assets, liabilities and contractual obligations of the Regulator immediately before the commencement of this Act, are transferred upon the commencement of this Act, to the Commission.
- (2) To avoid doubt, contractual obligations under subsection (1) do not include contractual obligations for service.

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- (3) Any act or thing done in the name of the Regulator immediately before the commencement of this Act is taken to have been done in the name of the Commission.