

SAMOA

TELECOMMUNICATIONS  
(LICENSING) RULES 2018


Arrangement of Provisions

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**PURSUANT** to section 8(1)(q) of the Telecommunications Act 2005 (“the Act”), **I, LEFAOALI’I UNUTOA AUELUA-FONOTI**, Regulator, **MAKE** these Rules:

DATED this *22<sup>nd</sup>* day of *August* 2018.



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(Lefaoali’i Unutoa Auelua-Fonoti)  
**REGULATOR**

## RULES

### PART 1 PRELIMINARY

**1. Citation and commencement-**(1) These Rules may be cited as the Telecommunications (Licensing) Rules 2018.

(2) These Rules commence on the date signed by the Regulator.

**2. Interpretation-**(1) In these Rules, unless the context otherwise requires, terms used in these Rules have the same meaning as in the Act.

(2) In these Rules, unless the context otherwise requires: “premises” includes land and a group of buildings that is located in the same vicinity.

### PART 2 TYPES OF LICENCE

**3. Individual licences -** For the purposes of section 15(2) of the Act, an individual licence shall authorise:

- (a) the supply of any telecommunications service to the public for direct or indirect compensation; and
- (b) the ownership and/or operation of any telecommunications network used to provide a telecommunications service to the public for direct or indirect compensation.

**4. Class licences-**(1) For the purposes of section 15(2) of the Act, a class Licence shall authorise:

- (a) the provision of any telecommunications service to the public for direct or indirect compensation; and
- (b) the ownership and/or operation of any telecommunications network used to provide a telecommunications service to the public for direct or indirect compensation;

where:

- (c) the service provider manages a business or other activity carried on at a particular premises; and
  - (d) that business or activity is the sole or principal use of the premises; and
  - (e) all of the customers of the telecommunications service are physically present on the premises.
- (2) A business or other commercial activity referred to in (1) includes, but is not limited to, the following:
- (a) hotels;
  - (b) motels;
  - (c) hospitals; and
  - (d) cafés.

### PART 3 LICENCE TERMS AND CONDITIONS

**5. Term of licence** - Subject to section 18 of the Act:

- (a) the term of an individual licence shall be 20 years; and
- (b) the term of a class licence shall be indefinite.

**6. Conditions of individual licences** - An individual licensee shall comply with:

- (a) the standard licence conditions specified in Schedule 1 to these Rules; and
- (b) the special licence conditions (if any) specified by the Regulator in an order under section 17 of the Act.

**7. Conditions of class licences** - A class licensee shall comply with the standard licence conditions specified in Schedule 1 to these Rules.

**SCHEDULE  
STANDARD LICENCE CONDITIONS**

- 1. Compliance with the Act and other instruments -**  
The Licensee shall comply with:
- (a) the Act;
  - (b) any Regulations; and
  - (c) any rules, orders and directions made by the Regulator under the Act.
- 2. Payment of fees -** The Licensee shall pay all applicable fees and levies.
- 3. Compliance with international conventions and agreements -** The Licensee shall perform and observe the requirements of international conventions and agreements relating to Telecommunications Networks and Telecommunications Services and radio frequency spectrum to which Samoa is a party, except to the extent that the Regulator may, by order, exempt the Licensee from that compliance.
- 4. Indemnification of the Government -** The Licensee shall indemnify the Government against any actions, suits, claims or proceedings arising out of or in relation to any breach or failings on the part of the Licensee.
- 5. Protection of life and property -** The Licensee shall, in respect of all Telecommunications Facilities under the Licensee's direct or indirect control, take all proper and adequate safety measures to safeguard life and property, including exposure of any person to any electrical emission or radiation emanating from the apparatus, equipment or installations so used.
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SAMOA

TULAFONO FAAFOE O FESOOTAIGA  
(LAISENEINA) 2018

Faatulagaina o Aiaiga

VAEGA 1  
FAATOMUAGA

1. Igoa puupuu ma le amataga
2. Faamatalaina o uiga o upu

VAEGA 2  
ITUAIGA O LAISENE

3. Laisene taitoatasi
4. Vasega o laisene

VAEGA 3  
TUUTUUGA MA AIAIGA  
O LAISENE

5. Tuutuuga o laisene
6. Aiaiga o laisene taitoatasi
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Faamatalaga

E TUSA AI ma le fuaiupu 8(1)(q) o le Tulafono o Fesootaiga 2005, O A'U, LEFAOALI'I UNUTOA AUELUA-FONOTI, Pule Faatonu, UA OU FAIA AI nei Tulafono Faafoe:

FAIA i leni aso ..... 22<sup>nd</sup> ..... o ..... August ..... 2018.



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(Lefaoali'i Unutoa Auelua-Fonoti)

PULE FAATONU

## TULAFONO FAAFOE

### VAEGA 1 FAATOMUAGA

**1. Igoa puupuu ma le amataga-(1)** E mafai ona taua nei Tulafono Faafoe o Tulafono Faafoe o Fesootaiga (Laiseneina) 2018.

(2) O nei Tulafono Faafoe e amata faamamaluina i le aso e sainia ai e le Pule Faatonu.

**2. Faamatalaina o uiga o upu-(1)** I totonu o nei Tulafono Faafoe, ae vagana ai ua manaomia e le mataupu se isi uiga e ese ai, e tutusa uiga o fuaitau o lo o faaaogāina i totonu o nei Tulafono Faafoe ma uiga ia o lo o i totonu o le Tulafono.

(2) I totonu o nei Tulafono Faafoe, ae vagana ai ua manaomia e le mataupu se isi uiga e ese ai:

“nofoaga ma fale” ua aofia ai fanua ma se vaega o fale lea ua faatu latalata ane i ai.

### VAEGA 2 ITUAIGA O LAISENE

**3. Laisene taitoatasi** - Mo faamoemoega o le fuaiupu 15(2) o le Tulafono, o le a faatagaina i lalo o se laisene taitoatasi mea nei:

- (a) o le tuuina atu o so o se auaunaga tau fesootaiga i tagata lautele mo tau i tuusao pe lē tuusao foi; ma
- (b) le pule e umia ai ma/po o le faagaoioiga o so o se fetaulaiga tau fesootaiga ua faaaogāina e tuuina atu ai se auaunaga tau fesootaiga i tagata lautele mo tau i tuusao pe lē tuusao foi.

**4. Vasega o laisene-(1)** Mo faamoemoega o le fuaiupu 15(2) o le Tulafono, o se vasega o Laisene e tatau ona faatagaina ai:

- (a) le tuuina atu o so o se auaunaga tau fesootaiga i tagata lautele mo tau i tuusao pe lē tuusao foi; ma

- (b) le pule e umia ai ma/po o le faagaoioiga o so o se fetaulaiga tau fesootaiga o faaaogāina e tuuina atu ai se auaunaga tau fesootaiga i tagata lautele mo tau tuusao pe lē tuusao foi;

pe afai:

- (c) o lo o faafoe e se kamupani o tuuina atu auaunaga se pisinisi po o isi galuega o faatinoina i se nofoaga faapitoa; ma
- (d) o lea pisinisi po o lea galuega, pau ia o vaega autu o faaaogāina le nofoaga; ma
- (e) o lo o auai uma tagata o faaaogāina le auaunaga tau fesootaiga i le nofoaga.

(2) O se pisinisi po o isi gaioioiga faapisinisi ua taua i le (1), ua faapea ona aofia ai, ae le o faatapulaaina i mea nei:

- (a) faletalimalo;
- (b) faletalimalo laiti;
- (c) falemai; ma
- (d) faleaiga laiti.

### VAEGA 3 TUUTUUGA MA AIAIGA O LAISENE

**5. Tuutuuga o laisene** - I le noatia ma le fai fuafua i le fuaiupu 18 o le Tulafono:

- (a) o tuutuuga o se laisene taitoatasi e tatau ona 20 tausaga; ma
- (b) o tuutuuga o se vasega o laisene o le a tatau ona faataatia mo se taimi.

**6. Aiaiga o laisene taitoatasi** - E tatau i se kamupani e toatasi ua laiseneina ona tausisia o:

- (a) aiaiga faatulagaina o laisene ua faamaotiina i totonu o le Faamatalaga 1 o nei Tulafono Faafoe; ma
- (b) aiaiga faapitoa o laisene (pe afai e i ai) ua faamaotiina e le Pule Faatonu i se faasologa o i lalo o le fuaiupu 17 o le Tulafono.

**7. Aiaiga o vasega o laisene** - E tatau i se kamupani ua laiseneina o se vasega ona usitaia aiaiga faatulagaina o laisene ua faamaotiina i le Faamatalaga 1 o nei Tulafono Faafoe.

## **FAAMATALAGA AIAIGA FAATULAGAINA O LAISENE**

**1. Usitaia o le Tulafono ma isi pepa faaletulafono** - E ao i se Kamupani ua Laiseneina ona usitaia:

- (a) le Tulafono;
- (b) so o se Tulafono Faatonutonu; ma
- (c) so o se tulafono faafoe, poloaiga ma faatonuga ua faia e le Pule Faatonu i lalo o le Tulafono.

**2. Totogiina o totogifuapauina** - E tatau i le Kamupani ua Laiseneina ona totogi totogifuapauina ma lafoga talafeagai ua faaee atu.

**3. Usitaia o feagaiga ma maliega faava o malo** - E tatau i le Kamupani ua Laiseneina ona faatino ma mataitu manaoga o feagaiga ma maliega faava o malo e fesootai i Fetaulaiga Tau Fesootaiga ma Auaunaga Tau Fesootaiga ma fusi o alaleo o peau-ea televavave o leitia lea o lo o avea ai Samoa ma sui auai, ae vagana ai e faapea, e ono tuusaunoa e le Pule Faatonu e ala i se poloaiga le Kamupani ua Laiseneina mai le usitaia ai o lea tulaga.

**4. Puipuigamalu o le Malo** - E ao i le Kamupani ua Laiseneina ona puipui malu le Malo mai so o se gaoioiga, tagi, talosaga po o taualumaga e faatulai mai i po o e fesootai i so o se soliga po o se tulaga ua lape ai le Kamupani ua Laiseneina.

**5. Puipuiga o le soifua ma meatotino** - E tatau i le Kamupani ua Laiseneina ona, i le amanaina ai o Nofoga ma Fale o Fesootaiga i lalo o le faafoega tuusao pe lē tuusao foi a le Kamupani ua Laiseneina, faatino faiga uma tau le saogalemu ua atoatoa ma talafeagai, e malupuipua ai le soifua ma meatotino,



e aofia ai le latalata atu o so o se tagata i so o se eletise ua  
sosolo po o aave uila malolosi ua emo mai i totonu o masini,  
meafaigaluega po o vaega ua faapipii o lo o faapea ona faaaogā.

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