

GOVERNMENT OF THE
REPUBLIC OF VANUATU

OFFICE OF THE VANUATU
INTERIM
TELECOMMUNICATIONS
REGULATOR

PO Box 3547, Port Vila
Tel: 27621/27487
Fax: 27440
enquiries@telecomregulator.gov.vu



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Rekuleta blong Telekomunikesen Consultation Guidelines

A Consultation document issued by the Telecommunication and Radiocommunications Regulator (TRR)

12th November 2010

The e-mail address for responses to this document [≤ >](#)

for attention of:

Rekuleta blong Telekomunikesen blong Vanuatu

PO Box 3547

Port Vila

Ph + 678 27621 or +678 27487

consult@telecomregulator.gov.vu

Please visit our website for details of the new telecommunication law and other
news

<http://www.telecomregulator.gov.vu>

The deadline for responses is **4pm on 16th December 2010**

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1. This draft Consultation Guideline has been produced with the objective of informing all stakeholders of the process by which the Telecommunications and Radiocommunications Regulator (TRR) will develop Regulations, Orders, Determinations and Decisions enabling stakeholders to input Comments on Draft documents before the TRR issues its Final version in carrying out the duties as set out in the Telecommunications and Radiocommunications Regulation Act 2009 in a Transparent manner.
2. In setting out the Draft Consultation Guidelines international best practice has been drawn upon.
3. The Vision, Mission and Values of the Telecommunications and Radiocommunications Regulator, are set out below and articulate the view TRR holds of the future.

VISION

A communications environment that enriches the social, cultural, customs and commercial fabric of Vanuatu

MISSION

*To develop a competition led market for the provision of innovative information and communications services, available to all, which: **encourages** sustainable, economically efficient investment; **respects** the interests of consumers; **fosters** ecologically friendly initiatives; and **supports** the social, cultural, customs and commercial welfare of Vanuatu.*

*To continue to build as an exemplar regulator within the region through thought leadership and to be the employer of choice by: **investing** in our people to develop a professional, passionate team; **transparency** and **fairness** in operations; and **adherence to quality assurance.**"*

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VALUES

Inspiring: *Our imagination, clarity of thought and clear leadership stimulates innovative thinking that meets the needs of tomorrow.*

Commitment: *Our drive and determination to achieve excellence, our discipline in the execution of our duties, our focus on the development of our team, and our sense of responsibility instil passion for the development of Vanuatu.*

Respect: *Our respect for each other is ensured by listening, collaborating and having consideration for each other, the public and licensees we work for, the rule of law, confidentiality, intellectual property, customs, environment, future generations.*

Balanced: *Our evidence based approach to decision making and our adaptability ensure that we remain proportionate, consistent, fair and just*

Transparency: *Our open and inclusive approach to regulation ensures that we are held responsible and our actions and decisions are understood.*

- Comments can be submitted by filling in a response form that attached in the Appendix and emailed to consult@telecomregulator.gov.vu for the attention of the Telecom Regulator, P.O. Box 3547, Port Vila, Vanuatu.
- Unless submissions are marked "confidential", TRR reserves the right to make all submissions available to the public. If a submission is marked "confidential", reasons should be given which TRR will evaluate. TRR may publish or refrain from publishing any document or submission, at its sole discretion
- Comments should be submitted before 4p.m. on ??.

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Draft Consultation Process

A Guideline issued by the Office of the
Telecommunications and Radiocommunications
Regulator

12th November 2010

Guideline No 1, 2010

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Purpose: To set out the process that the Office of the Telecommunications and Radiocommunications Regulator will follow in Consulting interested parties in developing its Regulations, Decisions and Orders.

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GUIDELINE PURUSANT TO SECTION 7 OF THE TELECOMMUNICATIONS & RADIOCOMMUNICATIONS REGULATION ACT No 30 OF 2009

CONSULTATION GUIDELINE – REF: 1/2010

1. Definitions

- a. Any word, phrase or expression used in this Guideline shall, unless the context requires otherwise or it is expressly defined herein have the same meaning as it has in the Telecommunications and Radiocommunications Regulation Act No 30 of 2009 (the “Telecommunications Law”).

2. Application

- a. To support good Governance and Transparency of actions, in carrying out the duties set out in the Telecommunications Law the Telecommunications and Radiocommunications Regulator (“TRR”) may issue Invitations to interested parties to submit Comments on Draft Guidelines, Regulations, Orders, Determinations and Decisions, before the Final version is issued.
- b. This Guideline shall apply to all Comments made by and opinions of interested parties.

3. Publication of Invitation to Comment

- a. The preferred method of publishing an Invitation to Comment on Draft Regulations, Opinions or Decisions, by TRR, is by doing so on its website (the “Website”) (currently www.telecomsregulator.gov.vu). Interested parties in the telecommunications industry in Vanuatu are encouraged to consult the Website on a frequent basis. TRR may (but shall not be obliged to):
 - a) publish an Invitation to Comment that relates to a measure of



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particular importance in the general media in Vanuatu and elsewhere; and/or

- b) send Invitations to Comment to potential interested parties then known to TRR.
 - b. This second category will concern matters which are directly between the Regulator and the party concerned and contains confidential information. However in the interest of Transparency a version of the final Decision or Order will be published omitting any confidential information ("Expurgated" version)
4. Format of Comments
- a. Comments shall be in writing and shall be submitted in such format as TRR may specify in the Invitation or, if an Invitation does not specify a format, in such format as specified from time to time on the Website. Unless otherwise specified in the relevant Invitation, TRR's preferred means of receiving Comments is by e-mail to consult@telecomsregulator.gov.vu. If Comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by a disk containing the Comments in electronic format.
5. Language
- a. The working language of the TRR is English, French & Bislama. TRR will accept Comments in either French, Bislama or English.
6. Deadline for Submissions and Timescales
- a. Comments shall be submitted on or before the deadline specified in the relevant Invitation.
 - b. If an interested party requests an extension of the deadline for good cause or an extension is granted by TRR on its own accord, TRR shall publish details of such extension in accordance with Section 3 above.
 - c. TRR may in its sole discretion consider late Comments upon good cause



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shown by the interested party submitting such Comments.

- d. Unless otherwise specified in the relevant Invitation or not practicable, TRR shall endeavour to allow interested parties at least 28 days from the date of the Invitation to submit Comments.

7. Standing and Contact Details

- a. All Comments shall contain a brief statement explaining the interest of the party submitting the Comments in relation to the particular measure that forms the subject-matter of the Invitation. In addition, an interested party shall include as part of the Comments its:
 - a) Name;
 - b) Name of the principal contact person;
 - c) Physical address;
 - d) Telephone number; and
 - e) e-mail address.

8. Unsolicited Comments

- a. An interested party may submit Comments in the absence of an Invitation where such party can show that the particular measure that forms the subject-matter of the Comments will have a material effect on a particular telecommunications market. However, where TRR has invited Comments by way of an Invitation, interested parties must submit their Comments pursuant to the Invitation.

9. Duty to Consult Website

- a. TRR's preferred information source for any consultation is the Website. The onus is on interested parties to consult the Website on a regular basis for developments regarding any consultation. TRR may (but shall not be obliged to) also use other means to keep the public informed of ongoing consultations,



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including, without limitation, by way of

- a) publishing an Invitation that relates to a measure of particular importance in the general media in Vanuatu and elsewhere; and/or
- b) sending Invitations to potential interested parties then known to TRR.

10. Confidentiality of Comments

- a. TRR may (but shall not be obliged to) make Comments public and invite interested parties to comment on any Comments.
- b. An interested party may request TRR to treat all or part of its Comments as confidential by clearly demonstrating to TRR the commercial sensitivity of the relevant part(s) and also providing TRR with a version of the Comments (clearly marked on each page as “for public circulation”) that excludes the parts that the interested party believes are commercially sensitive.
- c. Only if TRR finds that commercial sensitivity exists shall it exclude the relevant parts from public scrutiny.
- d. For purposes of this regulation, “commercially sensitive” shall not include any information that is in the public domain or must be disclosed under applicable law.
- e. TRR may categorise confidential information as either:
 - a) “Telecoms Regulator Only Information”, being commercially sensitive information only appropriate for review by TRR and its advisors on a “need to know” basis; or
 - b) “Restricted Information” being information of a party which should be available only to a limited number of designated persons within another party, such as the appropriate legal advisors, regulatory personnel and outside experts.

11. Public Hearings

- a. TRR may (but shall not be obliged to) hold a public hearing in respect of any Invitation or Comments. Details of such public hearing shall be made available on the Website.

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- b. TRR may on its own initiative or at the request of an interested party establish working groups to meet, examine and take other action related to the telecommunications industry. Each working group shall appoint its own chairperson, failing which TRR may appoint the chairperson. Working groups shall present progress reports to TRR, working groups members and other parties.

12. Additional Comments

- a. In general, TRR plans to invite only a single round of Comments in relation to each measure that forms the subject matter of an Invitation. However, under exceptional circumstances TRR may (but shall not be obliged to) invite additional Comments, particularly to invite the opinions of other interested parties in relation to the Comments received from specific interested parties.

13. Final Measures

- a. In general, TRR plans to publish the relevant final measure, if any, that formed the subject-matter of an Invitation as soon as practicable following receipt of the Comments and, if applicable, the public hearing and additional Comments. TRR may (but shall not be obliged to) respond to some or all of the Comments received, including by way of an explanatory note, when it publishes the relevant final measure.



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Appendix

RESPONSE FORM

CONSULTATION ON CONSULTATION GUIDELINES

This form should be emailed to < > by **4 p.m. on** < >.

Alternatively, responses may be sent to TRR by facsimile to +678 27440.

TRR will use the responses to this consultation to refine the Draft Consultation Guidelines.

Contact details of the interested party responding:

Name: _____

Principal contact person: _____

Physical address: _____

Telephone: _____

Fax: _____

E-mail: _____

Questions:

1. TRR seeks your Comments on the proposed Language to be used:



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2. Should any additional steps be added? If so what?

3. Other Comments:
