

COMMERCE (FEES) REGULATIONS 2006

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COMMERCE ACT 1998  
(ACT NO. 50 OF 1998)

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COMMERCE (FEES) REGULATIONS 2006

In exercise of the powers conferred upon me by section 53 of the Commerce Act 1998, I make these Regulations—

*Citation*

1. These Regulations may be cited as the Commerce (Fees) Regulations 2006.

*Interpretations*

2. In these Regulations, unless the context otherwise requires—

“parties” means the access providers and third parties seeking access agreement under an access regime;

“Commission’s representative” means a person mentioned in section 24(2) of the Act.

*Costs for attending a negotiation*

3.—(1) The Commission has powers to charge \$300 per day for each Commission's representative attending—

- (a) negotiation of an access agreement; or
- (b) for varying of an access agreement.

(2) The Commission shall determine whether either or both parties are liable for the costs set out in subregulation (1).

*Costs for notification of dispute*

4.—(1) A party that refers dispute relating to an access agreement to the Commission for arbitration or for an appointment of an arbitrator shall pay the Commission \$100, as referral costs.

(2) A party that does not have access to an access agreement or access regime but wishes to have access to such agreement or regime shall pay the Commission \$350, as referral cost.

*Costs for the hearing of an arbitration*

5.—(1) The Commission shall charge either or both parties \$1000 per day as arbitration hearing costs.

(2) The Commission may waive or vary the hearing cost if a party to the dispute applies for waiver or variation on the following grounds—

- (a) the party is financially incapable of paying the costs; or
- (b) a party applies for termination of arbitration on the first day of hearing or immediately after reference for arbitration of dispute was served.

(3) For the purpose of subregulation (2) (a), the party must provide proof of financial incapability.

*Miscellaneous fees for arbitration of access disputes*

6. Additional costs for arbitration of access dispute chargeable to the parties to the proceedings are:

- (a) witnesses fees at the rate of \$50 per day if summoned by the Commission; and
- (b) \$22.50 costs for filing legal documents.

*Fees chargeable for the supply of published materials*

7.—(1) The Commission has the power to charge reasonable fee for the supply of materials or copy of such materials published by the Commission in performing its functions,

or otherwise may charge \$1 per page for the supply of the materials.

- (2) The supply of material under subregulation (1) does not include—
- (a) documents in the Commission's public register that are available for inspection; or
  - (b) documents that are declared confidential by the Commission.

*Debt owing to the Commission for failure to pay fees*

8. Any fee or cost owed to the Commission under these Regulations is a debt owed to the Commission.

Made at Suva this 13th day of February 2006.

T. VUETILOVONI  
Minister of Commerce,  
Business Development and Investment