

EXTRAORDINARY



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## GOVERNMENT OF FIJI

OMNIBUS ELECTRONIC FARE TICKETING DECREE 2014  
(DECREE NO. 8 OF 2014)

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SCHEDULE—MINIMUM STANDARD REQUIREMENTS

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009 and section 165(2) of the Constitution of the Republic of Fiji, I hereby make the following Decree—

A DECREE TO REGULATE OMNIBUS ELECTRONIC FARE TICKETING AND RELATED MATTERS

PART 1—PRELIMINARY

*Short title and commencement*

1. This Decree may be cited as the Omnibus Electronic Fare Ticketing Decree 2014, and shall come into force on a date appointed by the Minister by notice in the *Gazette*.

*Interpretation*

2. In this Decree, unless the context otherwise requires—

“applicant” means a company registered under the Companies Act (Cap. 247) who applies to be a Solution Provider;

“associate”, in relation to a person, means—

- (a) the person’s spouse, *de facto* spouse or relative;
- (b) a relative of the person’s spouse or *de facto* spouse;
- (c) if the person or another person who is an associate of the person under another paragraph receives benefits or is capable of benefiting under a trust, the trustee of the trust;
- (d) a person, whether a company or not, who—
  - (i) acts, or is accustomed to act; or
  - (ii) under a contract or an arrangement or understanding, whether formal or informal, is intended or expected to act,
 

in accordance with the directions, instructions or wishes of, or in concert with, the first-mentioned person or of the first-mentioned person and another person who is an associate of the first-mentioned person under another paragraph; or
- (e) if the person is a company, another company if the other company is a related entity or a related body corporate of the person;

“authorised officer” means a person appointed as such under section 9;

“back office” means infrastructure that has the necessary applications and databases for the omnibus electronic fare ticketing system;

“Buscard” means a plastic card with or without magnetic stripe which follows Near Field Communication standards and possesses a built-in microprocessor for storing cash value data, and which is capable of—

- (a) storing information for authentication which has to be encrypted;
- (b) making contactless transactions;
- (c) recording the details of travel in an omnibus for which payment has been made;
- (d) storing at least 10 most recent transactions;

- (e) read and write functionality including recording and storing the cash value of the Buscard reflecting the deduction of fares for each journey made by the passenger; and
- (f) transferring information to other electronic devices so as to monitor and store payments made using the system and to reflect payment of travel in a passenger vehicle;

“Buscard reader” means a machine that is designed and intended to be used electronically to read and deduct omnibus fares from a Buscard;

“Buscard validating machine” means a machine which is designed and intended to be used electronically to record information and add value to and top up a Buscard when the card is scanned on the machine upon payment by the person;

“Bus Fare Assistance Scheme” means the assistance provided to a student who qualifies for free omnibus fare to the primary or secondary school he or she attends because his or her parents’ combined annual income is less than \$15,000;

“Commission” means the Fiji Commerce Commission established under the Commerce Commission Decree 2010;

“commissioning” has the meaning given to it under the National and Trade Measurement Regulations 1989;

“*de facto* relationship” means the relationship between a man and a woman who live with each other as spouses on a genuine domestic basis, although not legally married to each other;

“*de facto* spouse” means a person in a *de facto* relationship;

“designated area” means an area of land or within premises owned or occupied by a highway authority that has been designated by means of signs in or near where the Buscard validating machine is installed;

“e-money” means any funds stored electronically in exchange of funds paid to a Solution Provider and which is used for the payment of omnibus fares;

“existing Solution Provider” means a person that was granted accreditation prior to the commencement of this Decree;

“faulty Buscard” means a Buscard that is unable to be topped up or unable to be used for travel on an omnibus other than due to inadequate funds on it;

“financial institution” has the meaning given to it under the Banking Act 1995;

“FRCA” means the Fiji Revenue and Customs Authority established under the Fiji Revenue and Customs Authority Act 1998;

“highway authority” has the meaning given to it under the Land Transport Act 1998;

“IP” means internet protocol;

“LTA” means the Land Transport Authority established under the Land Transport Act 1998;

“MSR” means the Minimum Standard Requirements set out in the Schedule;

“message specifications” means a standardised format of messages to be exchanged among the back offices of different Solution Providers to allow for interoperability;

“Minister” means the Minister responsible for Communications;

“Ministry” means the Ministry of Communications;

“omnibus” has the meaning given to it under the Land Transport Act 1998;

“omnibus company” has the meaning given to it under the Land Transport Act 1998;

“omnibus operator” means the owner of an omnibus;

“other passenger” means a person who is not a subsidised student or subsidised senior citizen or person with disability;

“pattern” has the meaning given to it under the National and Trade Measurement Regulations 1989;

“pattern approved” has the meaning given to it under the National and Trade Measurement Regulations 1989;

“Permanent Secretary” means the Permanent Secretary responsible for Communications;

“person” means a natural person or any company, association or body of persons, corporate or unincorporate;

“point of sale” means either a place designated by a Solution Provider or a Buscard validating machine installed in a designated area;

“principal” has the meaning given to it under the National and Trade Measurement Regulations 1989;

“promoter” means a person who supports or advocates for a body corporate, and who assumes the financial responsibilities of an event for a body corporate;

“Proof of Concept” means an applicant’s demonstration of its ability or capability to comply with and fulfill the requirements of this Decree;

“related body corporate” means, where a body corporate is a holding company of another body corporate or a subsidiary of another body corporate or a subsidiary of a holding company of another body corporate, the first-mentioned body and the other body are related to each other;

“related entity”, in relation to a body corporate, means a—

- (a) promoter of the body;
- (b) spouse, *de facto* spouse or relative of such a promoter;
- (c) relative of a spouse, or of a *de facto* spouse, of such a promoter;
- (d) director or member of the body or of a related body corporate;
- (e) spouse, *de facto* spouse or relative, of such a director or member;
- (f) relative of a spouse, or of a *de facto* spouse, of such a director or member;
- (g) body corporate that is related to the first-mentioned body;
- (h) beneficiary under a trust of which the first-mentioned body is or has at any time been a trustee;
- (i) spouse, *de facto* spouse or relative of such a beneficiary;
- (j) relative of a spouse, or of a *de facto* spouse, of such a beneficiary;
- (k) body corporate, one of whose directors is also a director of the first-mentioned body; or
- (l) trustee of a trust under which a person is a beneficiary, where the person is a related entity of the first-mentioned body because of any other application or applications of this definition;

“relative”, in relation to a person, means—

- (a) a parent, grandparent or step-parent of the person;
- (b) a son, daughter, grandchild or stepchild of the person;
- (c) a brother, sister, half-brother, half-sister, step-brother or step-sister of the person;
- (d) an uncle or aunt of the person;
- (e) a nephew or niece of the person;
- (f) a cousin of the person;
- (g) if the person is or was married, a person who is or was a relative, of the kind described in paragraphs (a) to (f) of the person’s spouse; or
- (h) if the person is or was in a *de facto* relationship with another person, a person who would be a relative of the kind described in paragraphs (a) to (f) if the persons in that *de facto* relationship were or had been married to each other;

“repairer” has the meaning given to it under the National and Trade Measurement Regulations 1989;

“Social Welfare Bus Fare Concession Scheme” means the assistance provided to a senior citizen or person with disability by the Department of Social Welfare;

“Solution Provider” means a company registered under the Companies Act (Cap. 247) that—

- (a) has been granted a Certificate of Accreditation by the Permanent Secretary;
- (b) is responsible for the—
  - (i) supply or sale of Buscards and Buscard readers, and the installation and connectivity of Buscard readers; and
  - (ii) maintenance and management of information generated from Buscard readers;

“spouse”, in relation to an individual, means an individual who is legally married to the first-mentioned individual;

“student” means a person who is studying at a primary or secondary school;

“subsidised senior citizen or person with disability” means a senior citizen or person with disability who qualifies for the Social Welfare Bus Fare Concession Scheme;

“subsidised student” means a student who qualifies for the Bus Fare Assistance Scheme;

“supply” means to provide a free good or service;

“VAT” means Value Added Tax; and

“VIP” means VAT inclusive price.

#### *Objectives*

3. The objectives of this Decree are to—

- (a) ensure improved collection of revenue and reduce fare evasion and the risks for passengers carrying cash;
- (b) remove revenue losses for omnibus operators and the State; and
- (c) prescribe conditions and enforcement powers in relation to the use of Buscards and Buscard readers.

### PART 2—BUSCARDS AND BUSCARD READERS

#### *Omnibus to have Buscard reader*

4.—(1) Subject to sections 10 and 14, an omnibus operator must ensure that all omnibuses are fitted and operational with a Buscard reader at a place easily accessible by passengers boarding and disembarking an omnibus within 60 days from the commencement of this Decree.

(2) Any omnibus operator who operates an omnibus without a Buscard reader which is operational following the expiration of the period specified in subsection (1) commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or imprisonment for a term not exceeding 10 years or both.

(3) If an omnibus operates without a Buscard reader, the omnibus driver must allow a passenger boarding the omnibus to travel on the omnibus without paying for his or her omnibus fare, and any omnibus driver who contravenes this subsection commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

#### *Process of payment of omnibus fares*

5.—(1) A passenger must ensure that he or she has sufficient funds in his or her Buscard before boarding an omnibus.

(2) A passenger travelling in an omnibus shall pay for his or her omnibus fare through a valid Buscard.

(3) An omnibus driver must ensure that all omnibus fares are paid through a Buscard used on a Buscard reader, and any omnibus driver who contravenes this subsection commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

(4) Notwithstanding anything contained in this section, a passenger may only use cash or voucher for the payment of his or her omnibus fare within 60 days from the commencement of this Decree.

(5) Nothing in this Decree prevents a person from using his or her Buscard to pay the omnibus fare of another person.

*Inspection of Buscard*

6.—(1) The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer may request any person, in possession of a Buscard, to produce that Buscard for inspection.

(2) Any person who has been requested to provide his or her Buscard under subsection (1) must provide his or her Buscard.

(3) Any person who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding 5 months or both.

(4) The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer may use the Buscard reader on the omnibus or a hand held Buscard reader to inspect any Buscard.

*Buscard to be surrendered*

7.—(1) Pursuant to section 6, the Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer may direct the holder of a Buscard or purported Buscard to surrender such card if he or she believes, on reasonable grounds, that such card may be required as evidence or that its surrender is otherwise necessary for the enforcement of this Decree.

(2) The holder of a Buscard or a purported Buscard must comply with the direction made under subsection (1).

(3) The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer to whom a Buscard or purported Buscard has been surrendered under subsection (2) must—

(a) obtain personal details of the holder of the Buscard or purported Buscard; and

(b) give a receipt, which identifies himself or herself as the person who has received the Buscard or purported Buscard, to the holder of the Buscard or purported Buscard.

(4) The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer must ensure that the holder of a surrendered Buscard or purported Buscard is given a replacement card that contains funds equivalent to the funds in the surrendered Buscard or purported Buscard, to use.

(5) The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer must confirm the progress or the results of the surrendered Buscard or purported Buscard, with the holder of the Buscard or purported Buscard, within twenty four hours from the time the Buscard or purported Buscard was surrendered.

(6) The holder of the Buscard or purported Buscard who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding 5 months or both.

*Obligation to display identification card*

8. The Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer must display his or her identification card when performing his or her functions under this Decree.

*Appointment of authorised officers*

9.—(1) The Permanent Secretary shall appoint, by notice in the *Gazette*, authorised officers to perform such functions or exercise such powers as may be conferred upon them in this Decree or as specified by the Minister by notice in the *Gazette*.

(2) An authorised officer shall provide a written report to the Permanent Secretary as deemed necessary by the Permanent Secretary.

### PART 3—ACCREDITATION AND INTEROPERABILITY

*Testing and certification of Buscard readers*

10.—(1) The Department of National Trade Measurement and Standards shall be responsible for testing and certifying Buscard readers.

(2) An applicant must ensure that every Buscard reader is pattern approved, tested and certified by the Director appointed under the National and Trade Measurement Decree 1989 prior to submitting an application for accreditation to the Ministry.

(3) The fees and charges prescribed in the National and Trade Measurement Regulations 1989 shall apply in respect of subsection (2).

*Testing and certification of interoperability*

11.—(1) The Ministry shall be responsible for testing and certifying the interoperability of Buscard readers and back offices.

(2) An applicant must apply in writing to the Permanent Secretary with an application fee of \$5,000VIP.

(3) Subject to subsection (4), an applicant must, no later than 15 days from the date of its application, adequately demonstrate to the Ministry through a Proof of Concept the ability of its—

(a) Buscard readers to acquire or read any Buscard to be supplied or sold by another applicant, or supplied or sold by another Solution Provider; and

(b) back office to interoperate with the back office of another applicant or Solution Provider.

(4) If there is no other applicant or Solution Provider in existence at the time of an application, the applicant must, no later than 15 days from the date of its application, adequately demonstrate to the Ministry through a Proof of Concept the capability of its—

(a) Buscard readers to acquire or read other Buscards; and

(b) back office to interoperate with other back offices.

(5) The Ministry may, prior to any accreditation or during a Solution Provider's accreditation period, request for any document or information from an applicant or Solution Provider, as the case requires, and the applicant or Solution Provider must provide or allow full access to all the documents or information so requested.

(6) If an applicant's Buscard readers are unable to acquire or read any Buscard to be supplied or sold by another applicant, or its back office is unable to interoperate with the back office of that other applicant, the Permanent Secretary shall not grant accreditation to both applicants.

(7) If an applicant's Buscard readers are unable to acquire or read any Buscard supplied or sold by a Solution Provider, or its back office is unable to interoperate with the back office of that Solution Provider, the Permanent Secretary shall not grant accreditation to the applicant and both the applicant and the Solution Provider shall pay a penalty of \$25,000 to the Ministry for each day until such time interoperability is achieved.

(8) Any applicant or Solution Provider under subsections (6) and (7) who, with intention,—

(a) prevents or obstructs a Buscard reader from acquiring or reading a Buscard, or a back office from interoperating with another back office; or

(b) damages, removes, tampers with, touches or in any way whatsoever interferes with the ability of a Buscard reader to read or acquire a Buscard, or a back office to interoperate with another back office,

commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or imprisonment for a term not exceeding 10 years or both.

(9) The Permanent Secretary shall, no later than 15 days from the date of an application, grant or refuse accreditation to an applicant.

(10) Any applicant or Solution Provider, including any director or chief executive officer, who contravenes subsection (5) commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or imprisonment for a term not exceeding 10 years or both.

(11) Any accreditation granted to an existing Solution Provider is void and of no legal effect upon the commencement of this Decree, and any such existing Solution Provider must re-apply for accreditation under this Decree.

*Certificate of Accreditation*

12.—(1) The Permanent Secretary shall, following the Minister's approval, grant accreditation to those applicants who comply with this Decree.

(2) Upon accreditation by the Permanent Secretary, an applicant shall be issued with a Certificate of Accreditation.

(3) The accreditation period shall be for 5 years from the date the Certificate of Accreditation is issued to the Solution Provider, and any re-issue or renewal at the expiration of the accreditation period shall incur a fee of \$20,000VIP that must be paid by the Solution Provider.

(4) The Solution Provider shall not pay any annual fee following any re-issue or renewal of accreditation.

(5) If an applicant is not granted accreditation, the Permanent Secretary shall provide written reasons to the applicant for the refusal.

*Revocation of Certificate of Accreditation*

13.—(1) Subject to subsections (2) and (3), the Permanent Secretary may revoke the Certificate of Accreditation of a Solution Provider—

- (a) who supplies or sells Buscard readers that are not interoperable and cannot acquire or read any Buscard supplied or sold by another Solution Provider;
- (b) whose back office is not interoperable and cannot interoperate with the back office of another Solution Provider;
- (c) who breaches any agreement it has entered into with another Solution Provider on the interoperability of Buscard readers and back offices; or
- (d) who has not complied with any provision of this Decree.

(2) The Permanent Secretary shall only revoke a Certificate of Accreditation if the Solution Provider had been notified in writing by the Permanent Secretary to provide reasons for or rectify a breach in subsection (1), as the case requires, within a specified period and the Solution Provider failed to do so.

(3) The Permanent Secretary shall provide written reasons to the Solution Provider for the revocation of its Certificate of Accreditation.

*Approval and installation of Buscard reader*

14. A Buscard reader shall only be installed in an omnibus if the Buscard reader has been—

- (a) pattern approved for trade use pursuant to the National and Trade Measurement Decree 1989;
- (b) tested and certified by the Director appointed under the National and Trade Measurement Decree 1989 and a certificate in the prescribed form to the effect that the Buscard reader has been tested and certified for use is issued by the Director; and
- (c) supplied or sold, and installed by a Solution Provider.

*Installation of Buscard validating machine*

15.—(1) The Permanent Secretary may, upon the written request of a Solution Provider, approve the installation of a Buscard validating machine in any designated area.

(2) Notwithstanding subsection (1), any Buscard validating machine installed in a designated area under the Land Transport (Omnibus Electronic Fare Ticketing) Regulations 2011 shall continue as such under this Decree.

*Interoperability of Buscard readers*

16.—(1) A Solution Provider must—

- (a) supply or sell a Buscard reader that is interoperable and can acquire or read any Buscard supplied or sold by another Solution Provider; and
- (b) have a back office that is interoperable and can interoperate with the back office of another Solution Provider.



(2) A Solution Provider must provide, upon written request, information relevant to the interoperability of Buscard readers and back offices including message specifications to other Solution Providers.

(3) If a Buscard reader supplied, sold or installed in an omnibus by a Solution Provider is not interoperable and a Buscard supplied or sold by another Solution Provider cannot be acquired or read on that Buscard reader, the omnibus driver must allow the passenger in possession of the Buscard to travel on the omnibus without paying any omnibus fare.

(4) Any Solution Provider who contravenes subsection (1) shall pay a penalty of \$25,000 to the Ministry for each day until such time interoperability is achieved.

(5) Any Solution Provider, including any director or chief executive officer, who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding \$25,000 or imprisonment for a term not exceeding 10 years or both.

(6) Any omnibus driver who contravenes subsection (3) commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

*Inoperable Buscard reader*

17.—(1) If a Buscard reader in an omnibus is or becomes inoperable, the omnibus driver must allow any passenger who has not paid his or her omnibus fare as a result of the inoperable Buscard reader to travel on the omnibus to his or her intended destination without paying his or her omnibus fare.

(2) Any omnibus driver who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

PART 4—MANAGEMENT OF INFORMATION AND TRUST ACCOUNTS

*Information management and disclosure of information*

18.—(1) A Solution Provider must maintain, for a period of not less than 7 years, all information recorded by a Buscard reader, including but not limited to—

- (a) the number of passengers travelling in an omnibus;
- (b) the omnibus fares paid by the passengers travelling in an omnibus;
- (c) information on the omnibus driver; and
- (d) serial numbers of the Buscard and Buscard reader.

(2) A Solution Provider must ensure that the information in subsection (1) can be accessed by the Ministry at all times.

(3) A Solution Provider, who has been requested by the Ministry for any information as provided for in subsection (2), must disclose the information to the Ministry either electronically or manually, as determined by the Ministry.

(4) Any Solution Provider who knowingly –

- (a) provides or supplies information which is false or inaccurate; or
- (b) makes or causes to be made any entry in a record which is false or inaccurate,

commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both.

*Data accessibility and provision*

19.—(1) A Solution Provider must provide FRCA with full and unrestricted access to all the data, including all the reports generated from all the data, on the central storage server.

(2) A Solution Provider must provide the Ministry, the Ministry of Finance and LTA with access to the data, including the reports generated from the data, on the central storage server except for data and reports on the revenue or finances of omnibus operators.

(3) A Solution Provider must provide the—

- (a) Ministry of Education with access to the data, including the reports generated from the data, on subsidised students; and
- (b) Department of Social Welfare with access to the data, including the reports generated from the data, on subsidised senior citizens or persons with disabilities.

(4) Subject to subsections (1), (2) and (3), Solution Providers must ensure that the data and reports –

- (a) are accessed by authorised persons of the various organisations and that secure logins are provided for the access of such information; and
- (b) include, but are not limited to the following—
  - (i) all classes of passenger details;
  - (ii) all classes of passenger travel details and Buscard usage;
  - (iii) revenue and loading reports;
  - (iv) loading statistics and reports;
  - (v) top up reports on all passengers;
  - (vi) omnibus registration number and identification reports;
  - (vii) blacklist and Buscard status reports;
  - (viii) reports of Buscard readers;
  - (ix) such other information as may prescribed by Regulations.

(5) Any Solution Provider who contravenes this section commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both.

(6) An omnibus operator shall, upon the direction of the Chief Executive Officer of FRCA, submit data and reports on its revenue or finances.

(7) Any right to access data, information or reports under this section does not include the right to alter such data, information or reports.

*Trust account*

20.—(1) A Solution Provider shall establish and keep a trust account with a financial institution for the purpose of safeguarding funds collected in exchange of e-money.

(2) A Solution Provider shall take reasonable steps to ensure that funds in the trust account in subsection (1) are equivalent to the amount of e-money remaining in circulation at any given time.

*Payment of funds from trust account*

21. A Solution Provider shall ensure that funds from the trust account established in section 20 shall only be used for refund payments to users.

*Trust account records*

22.—(1) A Solution Provider shall keep all accounting and other records relating to the trust account.

(2) A Solution Provider shall, at the end of each calendar month, provide to the Ministry a—

- (a) list of transactions of all funds exchanged for e-money, including the Buscard number and location of exchange; and
- (b) bank statement of the trust account established in section 20.

(3) The accounting and other records referred to in this section shall be retained by the Solution Provider for a period of not less than 7 years or such longer period as the Ministry may direct.

*Audit of trust account*

23.—(1) A Solution Provider shall appoint any person as auditor to audit the trust account, accounting and other records required to be kept by the Solution Provider.

(2) Notwithstanding subsection (1), the Permanent Secretary may appoint an auditor to audit the trust account, accounting and other records required to be kept by the Solution Provider.

(3) A Solution Provider, in appointing an auditor, shall ensure that the auditor holds a Certificate of Public Practice issued under the Fiji Institute of Accountants Act (Cap. 259).

(4) A Solution Provider shall, in respect of each financial year, cause the trust accounts, accounting and other records to be audited by the auditor and a copy of the auditor's report shall be submitted to the Minister, the Minister responsible for Finance and the Chief Executive Officer of FRCA within 2 months after the end of the financial year.

*Limitation of Solution Providers*

24.—(1) Any omnibus operator, including any associate or related entity of the omnibus operator, shall not at any time be a Solution Provider.

(2) Any omnibus operator, including any associate or related entity of the omnibus operator, who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding \$50,000.

*Minimum Standard Requirements*

25. For the purposes of this Decree, every person to whom the MSR applies must comply with the MSR.

*Offence and penalty*

26.—(1) A person who damages, manipulates or interferes with the operations of a Buscard reader commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

(2) Any person who contravenes a provision of this Decree for which a penalty has not been prescribed commits an offence and is liable upon conviction to a fine not exceeding \$10,000.

PART 5—MISCELLANEOUS

*Students receiving assistance*

27.—(1) The Ministry of Education shall ensure that every student eligible under the Bus Fare Assistance Scheme has his or her—

(a) personal details included on his or her Buscard; and

(b) Buscard credited by the primary or secondary school he or she attends.

(2) Any student eligible under the Bus Fare Assistance Scheme shall not transfer his or her Buscard to another person.

(3) The Ministry of Education may request the Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer to inspect the Buscard of any student eligible under the Bus Fare Assistance Scheme.

*Senior citizens or persons with disabilities receiving assistance*

28.—(1) The Department of Social Welfare shall ensure that any subsidised senior citizen or person with disability has his or her personal details included on his or her Buscard.

(2) Any subsidised senior citizen or person with disability shall not transfer his or her Buscard to another person.

(3) The Department of Social Welfare may request the Chief Executive Officer of LTA or any person authorised by the Chief Executive Officer to inspect the Buscard of any subsidised senior citizen or person with disability.

*Other passengers*

29. A person who is not a subsidised student or subsidised senior citizen or person with disability shall not be required by a Solution Provider to be registered or to provide any information for the purposes of registration in order to purchase a Buscard.

*Complaints process*

30.—(1) A passenger may lodge a complaint, in relation to this Decree, in writing to the Permanent Secretary.

(2) The Permanent Secretary shall, upon receipt of a complaint in subsection (1), investigate the complaint in a manner as he or she determines and shall notify the complainant in writing, of his or her decision.

(3) Any person aggrieved by the decision of the Permanent Secretary may be appeal that decision to the Minister.

(4) An appeal in subsection (3) must be made in writing within 14 days from the date of the decision of the Permanent Secretary.

*Fees and charges*

31.—(1) For the purposes of this Decree, the Minister shall have the power to prescribe fees and charges, excluding fees and charges related to the—

- (a) interconnectivity and integration of back offices; and
- (b) pattern approval, testing and certification of Buscard readers by the Department of National Trade Measurement and Standards.

(2) The fees and charges related to the interconnectivity and integration of back offices shall be prescribed by the Commission following the approval of the Minister responsible for the Commerce Commission Decree 2010.

(3) The fees and charges related to the pattern approval, testing and certification of Buscard readers by the Department of National Trade Measurement and Standards shall be as prescribed in the National and Trade Measurement Regulations 1989.

(4) Any fee or charge prescribed under any provision in this Decree, excluding any fee or charge under subsections (2) and (3), may be amended by the Minister.

*Power to amend Schedule*

32. The Minister shall have the power to amend the Schedule by notice in the *Gazette*.

*Regulations*

33. The Minister may make Regulations to give effect to the provisions of this Decree.

*Connection to the National Switch*

34. Every Solution Provider shall be required to connect to the National Switch upon its implementation.

*Repeal*

35. The Land Transport (Omnibus Electronic Fare Ticketing) Regulations 2011 is repealed.

Given under my hand this 14th day of March 2014.

EPELI NAILATIKAU  
President of the Republic of Fiji

SCHEDULE

(Section 2)

MINIMUM STANDARD REQUIREMENTS

**1. BUSCARDS**

**1.1 ENCODING, PRINTING AND ISSUANCE OF BUSCARDS**

**1.1.1 Subsidised Students**

If a student qualifies under the Bus Fare Assistance Scheme, the student must be issued with a new Buscard for his or her entire school life in so far as the student is eligible for the assistance.

Only Solution Providers are authorised to encode, print and issue the Buscards for subsidised students to the Ministry of Education. The Buscards are only to be issued after receiving authorisation from the Ministry of Education and shall only be issued to the Ministry of Education for the students that are eligible for the Bus Fare Assistance Scheme by the Government. The criteria for gaining assistance may vary from time to time and Solution Providers shall accommodate for any changes to the scheme.

**1.1.2 Subsidised Senior Citizens or Persons With Disabilities**

A senior citizen or person with disability shall apply and if he or she qualifies under the Social Welfare Bus Fare Concession Scheme, the subsidised senior citizen or person with disability shall be issued with a new Buscard for his or her entire life in so far as the subsidised senior citizen or person with disability is eligible for the assistance.

Only Solution Providers are authorised to encode, print and issue the Buscards of subsidised senior citizens or persons with disabilities. The Buscards are only to be issued after receiving authorisation from the Department of Social Welfare.

**1.1.3 Other Passengers**

Only Solution Providers are authorised to encode, print and issue the Buscards for other passengers. Other passengers shall be issued with a new Buscard after payment of necessary fees.

Solution Providers must maintain records for the encoding, printing and issuance of all Buscards in its central storage server.

**1.2 DISTRIBUTION OF BUSCARDS**

**1.2.1 Subsidised Students**

The authority for the distribution of Buscards to subsidised students shall remain with the Ministry of Education at all times. It shall be the responsibility of the Ministry of Education to distribute the Buscards to School Principals or Head Teachers who are then responsible for the distribution of the Buscards to the students. The Ministry of Education must maintain records of all subsidised students distributed with Buscards.

**1.2.2 Subsidised Senior Citizens or Persons With Disabilities**

The authority for the distribution of Buscards to subsidised senior citizens or persons with disabilities shall remain with the Department of Social Welfare. It shall be the responsibility of the Department of Social Welfare to distribute the Buscards to subsidised senior citizens or persons with disabilities. The Department of Social Welfare must maintain records of all subsidised senior citizens or persons with disabilities distributed with Buscards.

### 1.2.3 Other Passengers

Only Solution Providers or their Buscard issuing agents are authorised to distribute and top up the Buscards of other passengers.

Aside from Solution Providers and Buscard issuing agents, an omnibus driver may sell a new Buscard to a passenger boarding an omnibus for the prepaid amount contained therein.

## 1.3 REPLACEMENT OF LOST OR STOLEN BUSCARDS

### 1.3.1 Subsidised Students

In the case of lost or stolen Buscards for subsidised students, the subsidised student must report the matter to his or her school teacher who must report the matter to the Ministry of Education. The Ministry of Education must then advise the Solution Provider, who must blacklist the Buscard in their system and block the Buscard from any further transaction. The Solution Provider must, within forty-eight (48) hours, issue a new Buscard to the school through the Ministry of Education.

All other Solution Providers must blacklist the Buscard in their systems and block the Buscard from any further transaction.

The reissuance of Buscards must follow the channel of communication and distribution from the Solution Provider to the Ministry of Education to School Principals or Head Teachers to students.

The cost of a replacement Buscard shall be borne by the student. It shall be the responsibility of the student's parents to pay for the replacement Buscard and the student's omnibus fare to and from the school during such period until they receive the new Buscard.

### 1.3.2 Subsidised Senior Citizens or Persons With Disabilities

In the case of lost or stolen Buscards for subsidised senior citizens or persons with disabilities, the subsidised senior citizen or person with disability must inform the Solution Provider and report the lost or stolen Buscard to the Department of Social Welfare. The Solution Provider must blacklist the Buscard in their system and block the Buscard from any further transaction, and must, within forty-eight (48) hours, issue a new Buscard to the Department of Social Welfare.

All other Solution Providers must blacklist the Buscard in their systems and block the Buscard from any further transaction.

The cost of a replacement Buscard shall be borne by the Department of Social Welfare.

## 1.4 REPLACEMENT OF FAULTY BUSCARDS

### 1.4.1 Subsidised Students

If a subsidised student's Buscard is faulty, the student must report the matter to his or her school teacher who must report the matter to the Ministry of Education. The Ministry of Education must then advise the relevant Solution Provider who must blacklist that Buscard in their system and block the Buscard from any further transaction.

Provided that the faulty Buscard is returned to the Solution Provider, the Solution Provider shall provide a replacement Buscard within forty-eight (48) hours to the Ministry of Education who shall then distribute that Buscard to the school's Principal or Head Teacher to the student.

It shall be the responsibility of the student's parents to pay the student's omnibus fare to and from the school during such period until such time the replacement Buscard is received.

#### 1.4.2 Subsidised Senior Citizens or Persons With Disabilities

If a subsidised senior citizen or person with disability's Buscard is faulty, the subsidised senior citizen or person with disability must report the matter to the Department of Social Welfare. The Department of Social Welfare must then advise the Solution Provider who must blacklist that Buscard in their system and block the Buscard from any further transaction.

Provided that the faulty Buscard is returned to the Solution Provider, the Solution Provider shall provide a replacement Buscard within forty-eight (48) hours to the Department of Social Welfare who shall then distribute that Buscard to the subsidised senior citizen or person with disability.

It shall be the responsibility of the subsidised senior citizen or person with disability to pay his or her omnibus fare during such period until such time the replacement Buscard is received.

### 1.5 PRINTED INFORMATION ON BUSCARDS

#### 1.5.1 Subsidised Students and Subsidised Senior Citizens or Persons With Disabilities

The Buscard must contain the name of the subsidised student or subsidised senior citizen or person with disability and the Identification Number of the subsidised student or subsidised senior citizen or person with disability issued by the Ministry of Education and Department of Social Welfare, the Contact Centre details of the Solution Provider and the Unique Card Number issued by the Solution Provider. Additional details such as photograph, etc. may be added or removed from time to time.

The Buscards must be non-transferrable. Solution Providers may print their company logos and other information only after obtaining approval from the Ministry.

#### 1.5.2 Other Passengers

Solution Providers shall not be required to print the details of other passengers on the Buscard.

Solution Providers shall also not require other passengers to be registered or to provide information for the purposes of registration.

Solution Providers may print their company logos and other information only after obtaining approval from the Ministry.

### 1.6 BUSCARD TYPE

The Buscard must be without contact (i.e. contact less) with encryption technology to be able to encrypt data. Other advanced technologies such as Near Field Communication and future smartphone technology are encouraged to be used. The Buscard must be able to store data and provide read and write memory that can be updated and loaded as many times securely.

All Buscards must support contact less power and data interface that complies with the relevant parts of ISO14443.

### 1.7 ENCODED INFORMATION IN BUSCARD OR IN BACK OFFICE

The following are the minimum information that need to be stored either on the Buscard of a subsidised student or subsidised senior citizen or person with disability or the Solution Provider's central storage server: Card Unique/Serial Number, Name of the Subsidised Student or Subsidised Senior Citizen or Person With Disability, Passenger Type and Identification Number.

For subsidised students, the following are the additional information that need to be stored either on the Buscard or in the Solution Provider's central storage server: the school the student is attending, date of birth, balance remaining on the Buscard, Solution Provider's ID and Tax Identification Number (TIN) of the student's parents.

## 1.8 BUSCARD ALLOWED USAGE

The Buscards must be allowed to be used on all omnibuses.

The Buscard readers must support the use of Buscards through restrictions in time, days and number of transactions, if required.

On special occasions where there is a change in restriction and allowed usage of the Buscard, the Ministry of Education shall make a decision with the Ministry from time to time and advise the Solution Provider and schools, and the Solution Provider shall accommodate the request. The Ministry of Education through their school Principals or Head Teachers shall be responsible for advising their subsidised students of these special occasions.

## 2. OMNIBUS FARE

### 2.1 LOADING AND TOPPING UP OF OMNIBUS FARE

#### 2.1.1 Subsidised Students

It shall be the responsibility of the Ministry of Education to ensure that the omnibus fare is correctly loaded onto the Buscard for a subsidised student on a termly basis or as and when required. The Buscard reader on the omnibus must be able to load the Ministry of Education subsidised student's money onto the Buscard at the start of the school term or as and when required by the Ministry of Education. However, if the omnibus fare is not fully subsidised then it shall be the student's parents' responsibility to top up the Buscard and pay the remaining omnibus fare.

#### 2.1.2 Subsidised Senior Citizens or Persons With Disabilities

It shall be the responsibility of subsidised senior citizens or persons with disabilities to top up their Buscards.

#### 2.1.3 Other Passengers

For other passengers, it shall be the responsibility of the passengers to top up their Buscards.

2.1.4 Solution Providers must ensure that a Buscard contains not more than \$100 at any given time.

2.1.5 Solution Providers must not transfer funds from one Buscard to any other Buscard at any given time, unless it is for the purpose of replacing a Buscard.

## 3. BUSCARD READER

### 3.1 INSTALLATION

The Buscard reader is the console that is installed in an omnibus for reading, writing and validating all Buscards. This must be installed by the Solution Provider's registered repairers under registered principals and at an appropriate location visible and convenient for both the passenger and the omnibus driver. The Buscard reader may use the omnibus' power for its operation or for backup service.

### 3.2 AUTHENTICITY OF THE BUSCARD READER

The Buscard reader must be authenticated and turned on through a driver card or other medium prior to the commencement of a trip and turned off at the terminating point of the trip. The Buscard reader must be validated and only authorised Buscard readers must be allowed for validating Buscards.



### 3.3 TESTING AND CERTIFICATION BY DEPARTMENT OF NATIONAL TRADE MEASUREMENT AND STANDARDS

An applicant must apply in writing to the Department of National Trade Measurement and Standards for the pattern approval, and testing and certification of all Buscard readers before they can be used. The Director must issue a certificate to the applicant following any testing and certification of a Buscard reader.

All Buscard readers must be verified every year thereafter or depending on the requirements from the Department of National Trade Measurement and Standards and the durability of the machine in relation to, *inter alia*, Fiji's road and climatic conditions.

The commissioning, installation, calibration and repairs of Buscard readers shall only be carried out by registered repairers under registered principals.

The certificate of registration of all principals and repairers shall, unless sooner revoked or suspended, be in force for a period of 1 year and, upon payment of the prescribed fee, may be renewed by the Department of National Trade Measurement and Standards.

### 3.4 CERTIFICATION OF BUSCARD READERS BY THE MINISTRY

Once an applicant attains certification from the Department of National Trade Measurement and Standards, the applicant must then apply to the Permanent Secretary for the testing and certification of the interoperability of Buscard readers and back offices. The Ministry shall issue its certification once all inspection and testing criteria have been met.

### 3.5 TAP ON AND TAP OFF

Buscard readers shall be of type tap on and tap off to be able to accurately determine the travelled distance and omnibus fare of a passenger.

### 3.6 DISPLAY OR INDICATION FROM THE BUSCARD READER

The Buscard reader must be able to provide visual display of the status of the Buscard and play sound for valid and invalid Buscards. The Buscard reader must also display the omnibus fare paid, the balance remaining on the Buscard and the appropriate stage.

The Buscard reader must be able to check and show a Buscard's validity with the balance on the Buscard.

### 3.7 UPDATING BALANCE ON THE BUSCARD

The Buscard reader shall update the balance on the Buscard after it has determined that the Buscard is valid and the balance amount is shown in the Buscard reader.

### 3.8 DATA STORAGE AND TRANSMISSION

The Buscard reader shall store all transactions carried out and are yet to be transferred to the Solution Provider's central storage server.

The following shall be stored in the Buscard reader: ID/Serial Number, Omnibus Registration Number, details of subsidised students and subsidised senior citizens or persons with disabilities, including travel details.

The data shall be uploaded to the central storage server on a real-time basis.

### 3.9 HAND HELD BUSCARD READER

A hand held Buscard reader may be available to check and verify Buscards inside the omnibus for correct and lawful payments. This may also be used by authorised officers.

### 3.10 OMNIBUS BREAKS DOWN

If an omnibus breaks down, the omnibus operator and the omnibus driver must ensure that the passengers travel on other arranged omnibuses without any additional costs or charges.

### 3.11 OMNIBUS WITHOUT BUSCARD READER

It shall be the responsibility of omnibus operators to fully comply with the installation requirements of the Buscard reader.

## 4. SOLUTION PROVIDERS

- 4.1 The Ministry shall, on a yearly basis during the accreditation period, carry out all checks and inspection on Solution Providers.
- 4.2 Solution Providers shall be responsible for the transactions and payments made to omnibus operators.
- 4.3 Solution Providers shall work out the payment of transactions made through its systems for Buscards supplied or sold by other Solution Providers.
- 4.4 Solution Providers shall ensure that refunds are readily available to customers and this may take place automatically through a system or a process devised by omnibus operators and Solution Providers that are conducive to customer requirements.
- 4.5 Solution Providers shall have a minimum of 1200 top up agents throughout Fiji as follows—
  - (i) Central/Eastern Division – 500 top up agents;
  - (ii) Western Division – 500 top up agents;
  - (iii) Northern Division – 200 top up agents.

## 5. COMMUNICATION

- 5.1 Data communication between a passenger's Buscard and a Buscard reader and between the Buscard reader and the Solution Provider's central storage server must be made.
- 5.2 The originator of the data must retain the data until a positive acknowledgement is received from the receiver. If such acknowledgement is not received within a specified and agreed period of time, then the original message must be retransmitted.
- 5.3 The communication medium must be designed to use secure end to end transmission.
- 5.4 All Buscard readers must be installed with communication devices with a minimum of 2.5G mobile communication. The data from the Buscard reader must be securely transmitted via mobile networks of the country to the central storage server.
- 5.5 The data that is transmitted must be encrypted. The Solution Provider must have an agreement with the network provider to be able to send updates at regular intervals to the central storage server, and any such agreement must comply with the requirements stipulated under the Commerce Commission Decree 2010 and must be made available to the Commission upon the request of the Commission.

## 6. CENTRAL STORAGE SERVER

- 6.1 The Solution Provider must, at every hour or less, upload all the details of transactions carried out by all Buscard readers. All transfers of data must be accessible by FRCA.
- 6.2 The Solution Provider shall retain all the historical data until such time it is agreed by all the relevant agencies and stakeholders that the data can be archived and taken offline.

#### 6.4 AVAILABILITY

The data must be stored in a fully redundant hardware and software environment with 99.9% uptime. The data must be replicated to the secondary server either as warm or cold standby. A tertiary server which must be located off site shall also be replicated and updated with data every hour at the maximum.

#### 6.5 DATA CREATION, CHANGES AND SYSTEM ADMINISTRATION

All data creation and changes to the data shall only be carried out by the Solution Provider.

#### 6.6 BACKUPS

Regular backups shall be automated and monitored and the data shall either be backed up or maintained on a Network Attached Storage (NAS), backup tapes or optical media or other reliable medium.

The minimum backup of the central storage server shall be as follows:

Daily → retained for 1 year (365 backups)

Weekly → retained for 2 years (104 backups)

Monthly → retained for 5 years (60 backups)

Yearly → 7 years (7 yearly backups)

This shall be reviewed and revised from time to time.

#### 6.7 AUDIT TRAIL

The system must maintain audit trail of all the records that are created or modified. The audit trail shall contain the IP Address, Computer Name, Agency or Organisation Name, Username, application name or device name, date and timestamp and whether the record has been created or modified. For modified records, the old and new records must be maintained. Records must not be deleted but can be made void.

### 7. TRAINING

7.1 The Solution Provider must provide trainings to the omnibus operators and omnibus drivers on the operation of Buscard readers and related functions.

7.2 The Solution Provider shall provide trainings to the Ministry, the Ministry of Education, the Department of Social Welfare and other authorised agencies on accessing the back office and carrying out report generation operation.

7.3 It shall be the responsibility of the Solution Provider to provide all the trainings, including training to teachers and students in schools with the assistance of the Ministry of Education on the usage of Buscards and other related services.

7.4 Similar trainings must also be provided by the Solution Provider to the Department of Social Welfare on the usage of the Buscards and other related services. It shall be the responsibility of the Department of Social Welfare and the Solution Provider to assist and train all subsidised senior citizens or persons with disabilities issued with Buscards.

### 8. SUPPORT, MAINTENANCE AND CONTACT CENTER

8.1 It shall be the responsibility of the Solution Provider to provide regular maintenance to Buscard readers and back offices to prevent any disruption. Support to systems provided by the Solution Provider must be covered with support services.

- 8.2 The Solution Provider must have contact centres that operate throughout the day on a daily basis to facilitate the requests from Buscard holders, Government authorities, omnibus operators or agencies. The contact centres shall also facilitate the processing of lost or stolen Buscards, faulty Buscards, or the blacklisting of Buscards and printing of Buscards. The Solution Provider must verify the informant before revealing any information on Buscard details.

## **9. INTEROPERABILITY**

- 9.1 All Buscards must be registered in the Solution Provider's central storage server before it is issued for use.
- 9.2 A Solution Provider must ensure that the use of multiple Buscard readers interconnect and upload to the Solution Provider's central storage server. Appropriate Buscard readers, communication and security standards must be established together with the Ministry to ensure seamless integration and operation between multiple Solution Providers.
- 9.3 A Solution Provider must ensure that Buscard readers and back offices are capable of operating both as an online and offline system. This means that the system is able to work with and without a mobile network.

## **10. INTERCONNECTIVITY FEES AND CHARGES**

- 10.1 The fees and charges related to the interconnectivity and integration of back offices shall be prescribed by the Commission following the approval of the Minister responsible for the Commerce Commission Decree 2010.

## **11. BLACKLISTING**

- 11.1 Blacklisting of Buscards must be effected across all consoles within 10 minutes of receiving the proper and valid notification.

## **12. MINIMUM BALANCE**

- 12.1 A Buscard must have a minimum balance of funds equivalent to the omnibus fare for stage one of the passenger's travel.