

Mr. Paulus Korni

Secretary

Department of Communication and Information

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Re: Response to Proposed Amendments to NICT Act 2009

Dear Secretary

Thank you for the opportunity to comment on the proposed changes to the NICT Act. The following sections make comment and seek clarification where appropriate.

Funding of NICTA (Section 32 (2)) – it is noted that NICTA may retain all or part of a surplus (surplus is the positive amount resulting from the difference between revenues and expenditure in any fiscal year) up to 20% of the amount received as revenue in a fiscal year. This is an increase from 10%. Can the Department explain why the increase and the impact, if any, on the ability to fund the UAS?

Government Policy for Universal Access and Service Fund (Section 98) – the requirements for the composition of the UAS Board have been deleted from the current version of the Act. It is assumed that the **UAS Secretariat (Section 99)** – will have a similar role to that of the UAS Board. Can the Department advise how members of the Secretariat will be chosen, to carry out the Government Policy for Universal Access and Service Fund?

Universal Access and Service Levy (Section 107) – it is assumed that the UAS Secretariat will now advise NICTA as to the Levy requirements each year, rather than the UAS Board? Can the Department advise how operator licensees will be made aware of their Levy requirements and the what level of detail will be provided to operator licensees each year regarding the anticipated UAS project detail?

Principles of Universal Access and Service Projects (Section 107A) and UAS Projects (Section 108) – the principles of project selection are understood. It is clear that a list of projects will be developed by the UAS Secretariat, costed and ranked and submitted to the Minister. Will the UAS Secretariat or the Department seek advice from industry stakeholders such as Bmobile on the development of the list of projects and their cost and ranking? It is our view that seeking the views of industry experts such as Bmobile and other operator licensees would enhance the UAS process and contribute to equity of use of funding available from the Levy.

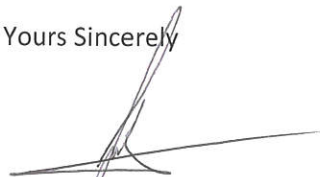
UAS Secretariat and UAS Board (eg Section 108 (1) (g) and (2) – we note the use of the terms ‘UAS Secretariat’ and ‘UAS Board’ in some areas of the proposed Act. Do these terms refer to one or two entities responsible for the UAS?

Competitive Selection Process and Alternative Mechanisms to Distribute Funds (Sections 109 and 109A) – understood. Bmobile understands that some UAS projects may not allow for competitive selection of contractors and agrees that prior public advice of the intention to not undertake competitive selection of a contractor is appropriate.

Website (Section 122) – the information required regarding the UAS planning and funding of projects on the NICTA web site is endorsed by Bmobile.

Registration of Agreements and Reference Interconnection Offer (Sections 138A and 141) – the changes to this Section are noted. It is recommended that NICTA publish all Agreements prior to registration, seeking comments via public consultation where appropriate.

Yours Sincerely



Sundar Ramamurthy
Group Chief Executive Officer