



Government of Papua New Guinea
National Information and
Communications
Technology Authority



CONSUMER COMPLAINTS MANAGEMENT SYSTEM GUIDELINE

“The Guideline”

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1. Introduction

The National Information and Communications Technology Authority (NICTA) is responsible for ensuring that consumers in Papua New Guinea (PNG) receive fair, reliable, and high-quality ICT services. This Guideline explains how NICTA handles consumer complaints and provides a step-by-step operational framework for both consumers and NICTA staff. It aims to promote transparency, accountability, and fairness by ensuring that complaints are addressed systematically and in a timely manner.

The Guideline aligns with the *National Information and Communications Technology Act* 2009 (“the Act”) and the *Consumer Protection Rule* (CPR), ensuring that NICTA’s complaint handling framework meets both national legal requirements and international best practices.

2. Definitions

“Act” – Refers to the *National Information and Communications Technology Act* 2009.

“Authority” – Refers to the National Information and Communications Technology Authority (NICTA).

“Complaint” – Any expression of dissatisfaction made to a Service Provider related to the Service Provider’s products or services and requiring a response or resolution.

“Complainant” – A consumer, or their authorized representative, who lodges a formal complaint with a service provider or NICTA.

“Consumer” – Any individual, group, or organization that subscribes to, purchases, or uses ICT services from a licensed service provider.

“CPR” – Consumer Protection Rule, means the regulatory instrument issued by NICTA under the Act and in force at the time and providing consumer safeguards on billing, complaint handling, service quality, and accessibility.

“Determination” – A formal decision issued by NICTA under the Act using its regulatory powers in response to a complaint or investigation, which may include directives, penalties, or corrective measures.

“Dispute” – A disagreement between a Consumer and a Service Provider that remains unresolved after internal complaint handling processes and may require NICTA’s intervention.

“Guideline” – Refers to the *Consumer Complaints Management System Guideline* in force at the time, and which sets out NICTA’s processes, procedures, and standards for receiving, assessing, investigating, resolving, and monitoring consumer complaints regarding ICT services in Papua New Guinea.

“ICT” – Information and Communications Technology, including services, systems, devices, networks, and applications enabling communication and digital services.

“Inquiry” – A request for information, clarification, or guidance that does not necessarily involve dissatisfaction or require corrective measures.

“Investigation” – A formal process carried out by NICTA under the Act to determine facts regarding a complaint, dispute, or potential breach of the Act and regulations.

“ITU” – means the International Telecommunication Union, the United Nations agency responsible for global ICT standards, development, and regulations.

“Legislative” – Refers to provisions, requirements, and powers established under the Act or any other applicable legislation, which provide the legal framework for NICTA’s functions, authority, and obligations in regulating the ICT sector.

“NICTA” – means the *National Information and Communications Technology Authority* of Papua New Guinea established under the Act.

“Regulatory” – Refers to rules, standards, guidelines, determinations, or directives issued by NICTA under the Act, Consumer Protection Rules, or other mandatory instruments, which govern the operations, conduct, and compliance of a Service Provider to ensure consumer protection and sector integrity.

“Service Provider” – A NICTA-licensed ICT operator or company providing telecommunications, internet, broadcasting, or related services to consumers.

3. Legislative and Regulatory Framework

3.1 Complaints Management System Guideline

The Act empowers NICTA to develop and enforce a complaints management system for ICT services. The Guideline ensures that all consumer grievances are handled systematically, fairly, and efficiently.

Key provisions under the Act include:

- Part VII grants NICTA the authority to regulate retail service pricing, prevent anti-competitive behaviour, and protect consumers from overcharging or poor service quality. Regulatory enforcement may include issuing Retail Service Determinations under Section 158.

- Sections 9(f) and 9(i) require NICTA to develop and oversee systems for reviewing consumer complaints regarding ICT services and to monitor service quality, safety, and reliability.

3.2 NICTA's Approach to Guidelines

The development of guidelines is governed by the Act under:

- Section 218, which mandates NICTA to establish a regulatory framework for telecommunications and ICT services, including guidelines for service provision and complaint management to ensure Service Providers continue to meet standards that safeguard consumer interests.
- Section 219, which requires NICTA to conduct public consultation and stakeholder engagement when developing guidelines. Consumers, service providers, and other stakeholders provided input, ensuring development of these guidelines were participatory and were legally compliant and reflective of community expectations.

NICTA will keep the contents and operation of these guidelines under review with a view to ensuring their continued relevance and effectiveness.

3.3 Investigations Mandate

NICTA has investigative powers under Part XII, Division 4 of the Act that support complaints-handling.

Section 238 – Matters NICTA May Investigate

NICTA may, on its own initiative, investigate any matter related to the ICT industry or the performance of ICT licensees under the Act or any mandatory instrument. This provides broad discretionary authority for NICTA to initiate inquiries where it suspects non-compliance or irregularities.

Section 239 – Complaints

Any person may lodge a complaint with NICTA regarding a possible contravention of the Act or any mandatory instrument. NICTA must record and assess these complaints to determine if investigation is warranted.

Section 240 – Matters NICTA Shall Investigate

This provision obliges NICTA to investigate specific matters when directed by the Minister or where the Act expressly requires an investigation. It differentiates between discretionary and mandatory investigations.

Section 241 – Conduct of Investigations

NICTA has the power to gather information, hold hearings, and call for documents or witnesses to support an investigation. It must ensure that investigations are conducted fairly and transparently, allowing affected parties to respond to allegations or findings.

Section 242 – Report on Investigation

Upon completing an investigation, NICTA must prepare a written report outlining its findings, conclusions, and any recommendations or proposed actions. This ensures accountability and provides a documentary record for subsequent enforcement or policy decisions.

Section 243 – Public Register of Information About Investigations

NICTA must maintain a public register containing basic details of investigations (e.g., subject, date commenced, status, and outcomes). This promotes transparency while protecting confidential or sensitive information where necessary.

Section 244 – Directions for Contraventions

Where an investigation reveals a breach of the Act or a mandatory instrument, NICTA may issue directions to rectify, cease, or remedy the contravention. These directions are binding and enforceable, forming part of NICTA's compliance and enforcement measures.

Section 245 – Protection from Civil Actions

Persons (including NICTA officers or staff) who act in good faith during the course of an investigation are protected from civil liability for actions done under the authority of the

Act. This safeguard encourages diligent enforcement without fear of personal legal repercussions.

Part XII Division 4 of the Act establishes NICTA's investigative mandate and enables it to receive and act on complaints, initiate its own inquiries, compel cooperation, publish outcomes, and enforce corrective actions while balancing transparency with procedural fairness to protect consumer interests.

4. Ten-Step Consumer Complaints Handling Process

The Complaints Handling Process follows a structured 10-step process to ensure all consumer grievances are handled fairly, efficiently, and transparently.

Step 1: Initial Complaint to the Service Provider

Before approaching NICTA, consumers are required to first raise their issue with their ICT Service Provider. Service Providers are mandated to maintain a complaint handling process, and consumers should provide a clear description of their concern, allowing the Service Provider a fair opportunity to resolve it. Consumers are encouraged to keep copies of all communication, such as emails, SMS, or complaint reference numbers, to support any potential escalation. This step ensures that complaints are initially addressed at the source and helps both the consumer and the Service Provider resolve issues efficiently.

Step 2: Escalation to NICTA

If the consumer is not satisfied with the Service Provider's response or the outcome of their complaint, the matter can be escalated to NICTA. To facilitate proper handling, a consumer must provide complete details of the complaint and evidence that the issue was first raised with the Service Provider, such as a complaint reference number or a written response from the Service Provider. This ensures that NICTA is able to quickly verify the context and jurisdiction of the complaint. The expected turn-around time is 24 hours.

Step 3: Complaint Intake and Registration

Complaints can be lodged with NICTA via phone, email, online portal, or in person. Consumers are asked to provide their contact details, the name of their Service Provider, a description of the complaint, and any supporting documents such as bills or contracts. Upon receipt, NICTA will acknowledge the complaint within 24 to 48 hours and assign a unique case reference number to track the complaint throughout the process. This formal registration ensures accountability and enables efficient monitoring of all complaints.

Step 4: Initial Assessment

Once registered, NICTA assesses the complaint to determine whether it falls under its jurisdiction. NICTA's jurisdiction covers issues such as incorrect or unfair bills, sudden or unexpected price increases, misleading advertising, discrimination based on disability, and other legal or regulatory concerns related to ICT services. If the complaint is outside NICTA's mandate, it may be referred to another relevant agency. Alternatively, it will be closed if it is frivolous, vexatious, or not made in good faith. Complaints within NICTA's scope are prioritized based on urgency: high priority for urgent or serious issues, medium for billing or service disputes, and low for less pressing concerns. This assessment ensures that resources are allocated effectively and that serious issues receive timely attention. The expected turn-around time is 24 to 48 hours.

Step 5: Preliminary Investigation

For complaints involving Service Providers, NICTA contacts the provider to verify the facts and request a preliminary response. Simple issues, such as billing errors, are addressed quickly with corrective action, and the consumer is informed of the outcome. More complex complaints are flagged for escalation or full investigation. This preliminary step allows many complaints to be resolved swiftly while identifying those that require more detailed scrutiny. The expected turn-around time is 5 to 10 working days.

Step 6: Escalation (If Required)

If a complaint cannot be resolved through the preliminary investigation, it may be escalated internally or externally. Internal escalation involves senior NICTA management reviewing the case for further action, while external referral may involve sending the complaint to another relevant agency or regulatory body. NICTA continues to track and monitor escalated complaints to ensure that they are addressed appropriately and resolved in a timely manner. The expected turn-around time is 5 to 10 working days.

Step 7: Full Investigation

Complex or serious complaints undergo a comprehensive investigation by NICTA. This process may include reviewing contracts, service records, and bills; interviewing consumers, service providers, and other stakeholders; and assessing compliance with laws, regulations, and license conditions. The full investigation ensures that complaints are examined thoroughly and fairly, providing a detailed understanding of the issue before any corrective measures are recommended. The expected turn-around time is 10 to 15 working days.

Step 8: Reporting and Recommendation

Following the investigation, NICTA prepares a detailed report summarizing the complaint, the evidence gathered, and the findings. The report includes recommendations for corrective action by the service provider or measures to be taken by NICTA. Management reviews and approves the report before it is communicated to the relevant parties. This step ensures that investigation outcomes are formally documented and provide a clear path for resolution. The expected turn-around time is 5 to 10 working days.

Step 9: Complaint Resolution and Closure

Once the recommendations are implemented, the complaint is resolved either through corrective action, compensation, or other appropriate remedies. The consumer is informed in writing about the outcome, and the case is formally closed in the system. If the consumer remains dissatisfied, they may request a further review or appeal the decision in accordance with NICTA procedures within 10 working days. This ensures that all complaints reach a definitive conclusion and that consumers are kept informed throughout the process.

Step 10: Follow-up and Monitoring

After closure, NICTA may follow up with the consumer to confirm that the resolution has been implemented and that the consumer is satisfied with the outcome. The Authority also monitors complaint trends and patterns to identify systemic issues, improve service delivery, and prevent recurrence. This proactive follow-up ensures continuous improvement in the quality and reliability of ICT services across PNG.

5. Review of the Guideline

The Guideline shall be reviewed periodically to ensure compliance with legislative changes under the *National Information and Communications Technology Act 2009*, Consumer Protection Rules, and emerging challenges in the ICT industry. Reviews will incorporate lessons learned from complaint trends and international best practices to maintain effectiveness, relevance, and continuous improvement.

7. Simplified Overview

Step 1: Raise complaint with Service Provider

- Resolved → Close case
- Unresolved/ Unsatisfied → Escalate to NICTA

Step 2: Escalate to NICTA.

Step 3: Complaint Intake & Register → Acknowledge within 24 to 48hrs

Step 4: Initial Assessment → Jurisdiction check + Categorization + Priority rating.

Step 5: Preliminary Investigation → Quick resolution or escalate.

Step 6: Escalation → Internal (NICTA) or External referral.

Step 7: Full Investigation → Detailed review and evidence collection

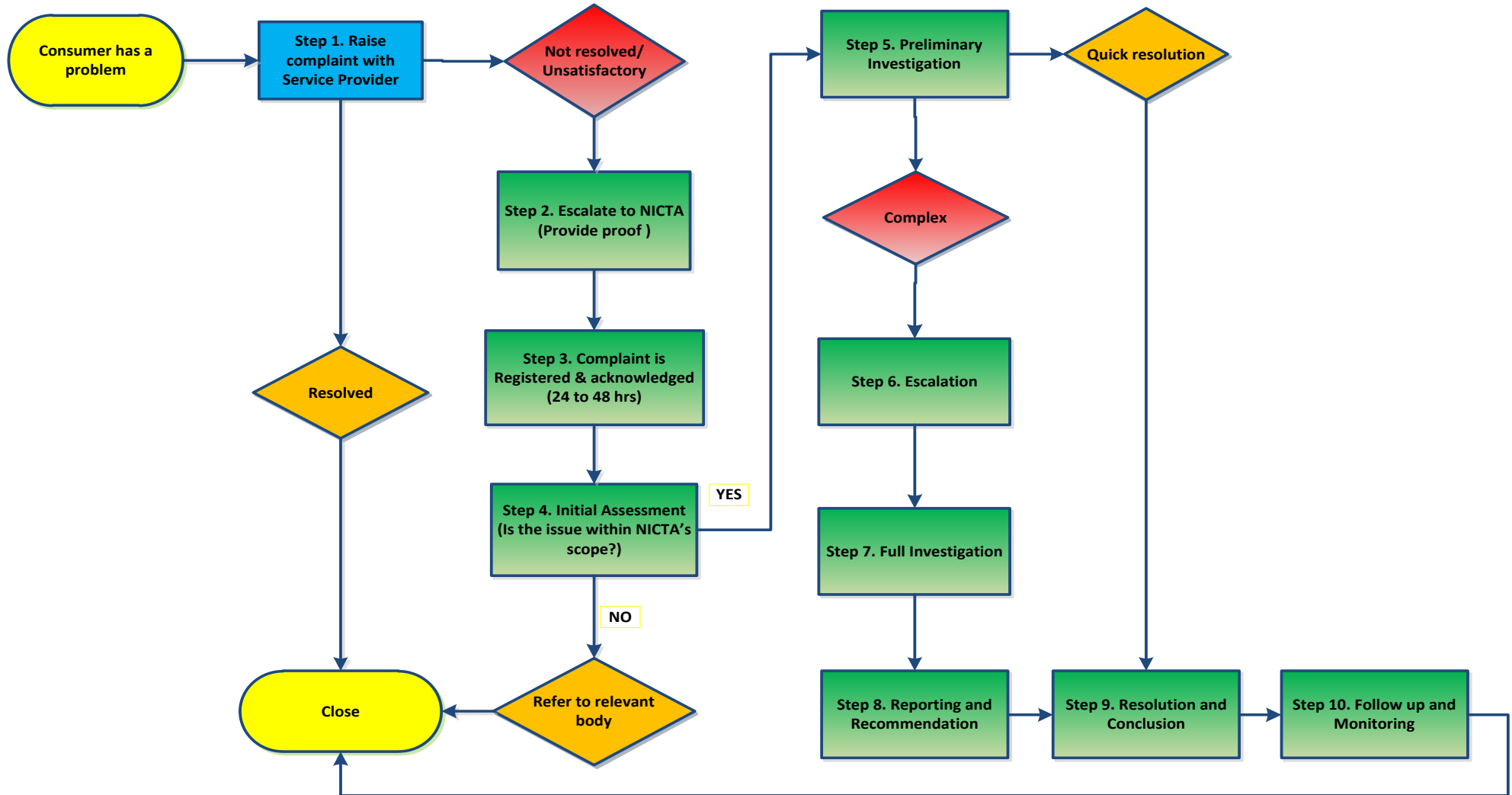
Step 8: Reporting and Recommendation → Findings + approval.

Step 9: Resolution and Closure → Action taken, consumer informed.

Step 10: Follow-up and Monitoring → Check implementation + track trends.

Annexure 1:

1.1 DIAGRAM



Annexure 2:

1.2 FLOWCHART

