

Consumer Protection Rule (Amendment) 2025

CONSULTATION PAPER

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1. Introduction

In accordance with the National Information and Communications Technology Act 2009 (the Act), NICTA established the Consumer Protection Rule 2014. This Rule outlined specific requirements for telecommunications licensees to protect and promote the interests of consumers. Since its adoption, NICTA has observed a wider range of Consumer Protection issues and concerns emerging within the industry, necessitating an expansion of the rules, regulations, and practices designed to protect, inform, and support all consumers.

Consumer Protection is increasingly important in the telecommunications sector, as individuals ' households, and businesses rely upon voice and data services in nearly all aspects of their personal, family, and economic lives. As technology's benefits have grown, so as the associate risks and challenges for consumers. Telecom service users expects value for their money, protection of their personal information and privacy, and freedom from deceptive marketing, fraud, and abuse. Under the Act, NICTA is responsible for safeguarding consumers and ensure fair and equitable treatment across all facets of this critical and expanding industry.

To fulfil these responsibilities NICTA now proposes amending the Consumer Protection Rule 2014 to incorporate a range of topics and licensee requirements. These amendments will ensure that the core consumers' rights and principles are adequately addressed and updated

This Consultation Document describes and highlights the key consumer rights and principles that NICTA oversight must assure. It discusses the full range of such concerns and provides the foundation for their inclusion in the amended Consumer Protection Rule. Stakeholders are encouraged to review and comment on these provisions, to propose additions or changes, and to raise any concerns related to effective NICTA regulation of consumer interests.

2. Background

2.1 History, Legal & Legislative Framework

The Consumer Protection Rule (CPR), 2014 was adopted on July 25, 2014. CPR 2014 addresses a limited set of requirements. Specifically, it mandates that Service Providers must (1) publish terms and conditions of supply for the services they offer, and (2) prepare a Consumer Guide, which offers users information on service choices, using data, complaint procedure, and other support resources.

In recent years, the increasing prevalence of ICT services in Papua new Guineans has led to a wide range of consumer-related issues and concerns. Those growing concerns encompass costs, marketing practices, deceptive tactics, fair and equitable treatment, customer privacy, protection from abuse, and effective complaint resolution, among others. Consequently, NICTA has undertaken to update and expand the CPR 2014 to address these issues and better protect consumer interests in the ICT sector.

- NICTA's authority and responsibility to establish this Rule are derived from the following sections of the Act:Sec. 2(b): Ensuring efficient and economical supply of socially important ICT services, meeting the reasonable performance standards for the social, industrial, and commercial needs of Papua New Guinea and its people.
- Sec 2(d): Promoting and maintaining fair and efficient market conduct.
- Sec 2(f): Providing appropriate community safeguards related to ICT activities.
- Sec 9(f): Developing and monitoring a system for reviewing and responding to complaints from retail customers regarding ICT services.
- Sec 9(g): Consulting with commercial, industrial, and consumer organizations, where appropriate, on matters relating to the ICT industry or the Act.
- Sec 9(1): Making general information available to the public regarding matters affecting the interests of retail customers of ICT services.
- Sec 218(1)(b): Making rules and guidelines relating to the conduct, operations, or regulation of an ICT licensee."

2.2 Consumer Complaints and Concerns

Over the past several years, NICTA has received numerous consumer complaints regarding various behaviors and actions by licensees. Recurring issues affecting consumers relate to cost, marketing practices, deceptive tactics, fair and equitable treatment, customer privacy, protection from abuse, and effective complaint resolution. Some prominent examples are illustrated below:

Торіс	Issues/Complaints
Customer access to detailed billing and usage information	Missing Credits and Data: Consumers observe unexplained deductions of mobile credits and data from their accounts, without any corresponding usage. Ambiguous Terms and Conditions: Misleading or unclear advertising misinforms consumers about the applicable terms and conditions of retail offers, leading to unexpected charges.
Protection from fraud, deceptive advertising, inappropriate sales techniques	Ambiguous Terms and Conditions: Misleading or unclear advertising misinforms consumers about the applicable terms and conditions of retail offers, leading to unexpected charges.

Protection against "bill shock," unreasonable charges, price increases, bait-and-switch	Exceeded Bundle Provisions: A consumer uses more voice, SMS, or data services than what is included in their bundle, resulting in significantly higher charges. Unauthorized Value-Added Services: Subscribers experience deductions for value- added services they did not subscribe to, due to insufficient information on opting out.
Billing and Metering Audit NICTA support for complaint resolution	Audits are proposed for the purpose of ensuring billing accuracy for end users
Protection from abuse, mistreatment, unauthorized use of data	A growing number of social media users, particularly those less aware of online threats, are falling victim to various scams/abuse. The most prominent of these involve phishing attacks, where unsuspecting individuals are manipulated into sharing sensitive information such as their account credentials or Facebook reset codes. Once access is gained, scammers take control of these accounts, leading to identity theft and further exploitation. There is a significant surge in incidents of online abuse, more prevalent on social media platforms like Facebook and WhatsApp. The mainstream media has increasingly covered cases of defamatory publications and cyber harassment, reflecting a growing concern over online safety.
Activation and Deactivation of Value-Added Services	Unauthorized Value-Added Services: Subscribers experience deductions for value- added services they did not subscribe to, due to insufficient information on opting out.

3. Key Consumer Rights and Principles

This section outlines the key Rights and Principles underpinning Consumer Protection in PNG's telecommunications sector, and details how NICTA intends to integrate these into the new Consumer Protection Rule. We'll explore ten main categories, highlighting the proposed terms for inclusion in the fully revised and amended Rule. These categories are:

- 1. Informed Consumer Choice
- 2. Fair and Reasonable Pricing
- 3. Regulation of Mobile Data
- 4. Roaming, Switching Providers, and Portability
- 5. Equitable Access and Treatment
- 6. Service Disruptions
- 7. Protection and Safety
- 8. Use of Artificial Intelligence in Customer Services
- 9. Complaint and Redress
- 10. Compliance

Each category encompasses several key rights and principles that the Rule will address. The draft Rule Outline in the Annex follows this structure, providing further detail on the proposed content of each clause designed to tackle these issues.

After each section summary, we've included a series of Questions to guide stakeholders in providing their feedback during this Consultation.

3.1 Informed Consumer Choice

3.1.1 Right to full information on service choices and costs/prices

Customers have the right to expect and receive complete, easily accessible and understandable information about the service packages offered by telecommunications providers. This includes clear details on the cost of different services, including any additional fees and illustrative example of per-use pricing.

Provisions to be included in Rule:

To ensure informed consumer choice, the revised Consumer Protection Rule will include the following provisions:

• Information to be Provided by the Telecommunications Service Providers to Retail Customers:

- o Clear, accurate, and readily available information on all services.
- o Comprehensive details on features, costs, and fees.
- Provision of usage data, including credit or data consumption, and an itemized 6month usage history.
- o Advance notification of auto-renewing subscriptions.
- <u>Critical Information Summary</u>:
 - o Provision of a free CIS to all customers.
 - Clearly formatted and accessible in person and online.
 - Inclusion of additional specified information, including options for customers with disabilities.
 - o App-based usage data and alerts for real-time monitoring

3.1.2 Protection from fraud, deceptive advertising, inappropriate sales techniques Telecommunications Service Providers will be forbidden from misleading or deceiving consumers regarding their products and services. Pricing must be transparent, and the capabilities and coverage offered must be realistically represented. Advertisements and sales staff must be honest and accommodating to consumers, ensuring they can make informed purchase decisions.

Provisions to be included in Rule:

To prevent deceptive practices and ensure fair treatment, the revised Consumer Protection Rule will include the following provisions regarding:

- Advertising, Sales, Contracts, and Customer Service:
 - Prohibition of plan or service activation/deactivation without explicit customer permission.
 - o Mandatory inclusion of service conditions and restrictions in all advertisements.
 - o Prohibition of untrue, impossible, or highly improbable advertising claims.
 - o Requirement for clear and detailed advertisements.
 - o Transparent terms and conditions for all special offers.
 - Mandatory inclusion of the price per megabyte (MB) of data in advertisements for internet-only plans.

3.1.3 Right to customer assistance with purchase and service options

Customers are entitled to guaranteed support from carrier staff who can clearly explain service options and offer honest guidance to help make personal purchase decision.

Provisions to be included in Rule:

Facility to Provide Information on Retail Customer Account:

- o Sales Representatives must promote and sell products clearly and responsibly.
- o Sales Representatives shall be thoroughly trained and monitored.
- o Must offer information about what device offers will best satisfy customer's need.
- High-quality customer service, prominent hours of availability, low average wait times, significant first-contact resolutions, and thorough record-keeping.
- o Obtain customer feedback and address any systemic issues
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3.1.4 Customer's right to access detailed information about billing and usage

Customers should have easy access to clear information about past and upcoming service bills, and their service usage. Service providers must make available detailed usage and cost information in easily accessible formats, including in-phone applications.

Provisions to be included in Rule:

- Data Usage Alerts and Notifications:
 - Offer Spend-Management Tools to help customers budget usage.
 - o Provide Usage Notifications relative to Data allowances and additional fees.
- Detailed Bill Breakdown:
 - All bills, whether for postpaid or prepaid services, must include a clear and itemized breakdown of all charges.
 - Bills must explain how each charge is calculated.
 - Post-paid bills must be available within 10 days of the Billing Period.
- <u>Credit and Debt Management</u>:
 - Undertake Credit Assessment before providing Post-Paid Service greater than one month.
 - \circ $\;$ Inform customers about any restrictions on service and how to remove.
 - Provide information about terms of any Security Deposit requirement.
 - Adequate notice regarding decision to Restrict, Suspend or Disconnect service for Credit/Debt reasons.
 - o Treat Customers with fairness in relation to the Credit Management process.

Questions on Informed Consumer Choice:

- What are some of the key problems and challenges with consumer choice, advertising, and marketing for communication services?
- Do the proposed Rule provisions adequately address consumers' information needs to allow for informed choice that will ensure they can purchase the services and features

best for them?

- Should any additional provisions or requirements be mandated?
- Do the provisions impose any unreasonable burdens upon Service Providers to comply?

3.2 Fair and Reasonable Pricing

3.2.1 Publicly available Tariff plans

Telecommunications Service Providers must publish all tariffs and pricing plans, and make them readily available to customers through on-line, point-of-sale, and other means.

Provisions to be included in Rule:

- Filing of Tariff Plans with NICTA:
 - File all tariff plans with NICTA promptly upon introduction or changing of any tariff plan.
- <u>Publication of Tariff Plans</u>:
 - Publicly publish all tariff plans and make them available for all customers.
- Transparent Advertisement of Tariffs:
 - Clearly and prominently communicate all tariffs through public advertising and on-line channels.

3.2.2 Affordable service pricing options

Telecommunications Service Providers must offer clear descriptions of pricing options, as well as a variety of service options to suit the full range of users and their incomes.

Provisions to be included in Rule:

- Affordable Pricing Options:
 - Service Providers shall ensure that there are service and pricing options available that will be reasonably affordable to all customers, with appropriate levels of use and options.

3.2.3 Protection against "bill shock," including unreasonable charges, price increases, bait-and-switch

Customers must feel confident about purchasing services that have a consistent, predictable price. Service Providers must be discouraged and penalized against suddenly raising prices, having unfairly high costs, or misrepresenting what they charge.

Limitations and Notification Regarding Price Changes:

- Rules will specify minimum notice and limitations on timing and amounts of price changes. Customers will be offered the option to cancel services without penalty. The service provider will also offer an example of how any price increase would impact a typical customer's bill.
- <u>Activation and Deactivation of Value-Added Services</u>:
 - Full, clear control over activating and deactivating value-added services.

3.2.4 Notification and assistance regarding price or usage changes

Telecommunications Service Providers will provide clear, early notification to customers if provider prices are going to change, or if new customer usage dramatically change the costs they must pay.

Provisions to be included in Rule:

- Billing and Metering Audit:
 - Provide notifications about price or usage changes, including offering billing and metering audits.

Questions on Fair and Reasonable Pricing:

- Do customers find that the prices for voice and data services are fair and reasonable, and if not, in what ways?
- Are customers able to learn fully about prices, cheaper pricing options, and price changes when they occur?
- How common and excessive are unexpected price changes and extra charges for customers? Which types of services and providers most often result in such unanticipated excessive charges?
- What steps do service providers currently take to ensure that customers are well informed of prices, possible unanticipated charges, and price changes?
- Do the proposed provisions adequately ensure greater transparency and protection against bill shock, and awareness of price changes? What else should be required?

3.3 Regulation of Mobile Data

3.3.1 Fair Mobile Data Practices

Service Providers must offer fair and transparent mobile data service options which ensure that customers may manage their data usage and costs, and that they will be fully aware of their usage.

Provisions to be included in Rule:

- Service Providers will not slow down mobile data speeds except in cases where a customer has used up their data or as a means of preventing congestion during peak usage times.
- Service Providers must offer a means for customers to track their data usage.
- Service Providers must offer a variety of data packages with clear terms, data limits, and costs.

3.3.2 Mobile Data Network Management

Service Providers must have reasonable and transparent means for dealing with network congestion, and must treat all customers equally.

Provisions to be included in Rule:

- Service Providers must make it easy for customers to turn their data on and off at will.
- Service Providers must maintain net neutrality.

Questions on Regulation of Mobile Data:

- Do customers have concerns and difficulties tracking and limiting their mobile data use and costs?
- Which methods, such as more notification, data caps, or other assistance will be help manage data usage and costs?
- Are data packages and plans available from Service Providers sufficient? What other options should be available?
- How easy or difficult is it for Service Providers to assist customers to avoid excess data charges?

3.4 Roaming, Switching Providers, and Portability

3.4.1 Roaming Rules Applicable to Consumer Protection

Service Providers must have clear practices, with adequate customer notification, for when customers roam onto other providers' networks.

Provisions to be included in Rule:

• Service Providers must offer clear notifications, prices, and data limits for customer roaming. The customer must offer explicit consent for roaming fees.

3.4.2 Mobile Number and Data Portability

Consumers shall have the right to switch Service Providers while retaining their number and

data.

Provisions to be included in Rule:

- Switching providers must be straightforward, transparent, and efficient. There must be no disruption of service, and no fees.
- There shall be no restrictive contracts, consumers shall be notified of their right to switch plans or providers, with transparent instructions.
- o Customers must give consent to Service Providers initiated transfers.

Questions on Roaming, Switching Providers, and Portability:

- How often do customers find that they have been charged for roaming services without their knowledge? How much do these charges exceed their normal charges?
- Are customers able to know in advance and provide consent for roaming fees? What would make this requirement more transparent?
- How much difficulty do customers encounter in switching to new Service Providers?

3.5 Equitable Access and Treatment

3.5.1 Services and access support for persons with disabilities

Service Providers will supply aid and accessible variations on typical products and services for persons with disabilities, with the intent of making equitable use possible.

Provisions to be included in Rule:

- <u>Persons with Disabilities</u>:
 - Provide reasonable accommodation and assistance for Persons with Disabilities, to enable them to obtain the full benefits of utilizing telecommunications services.
 - Mobile handset providers must import handsets that support Persons with Disabilities.
 - Communicate with Consumers in plain language and offer support for Consumers who do not speak English.

3.5.2 Vulnerable Consumer Support

Service Providers must implement accessible processes to assist vulnerable consumers (e.g., lowincome individuals, persons with disabilities, the elderly, or consumers with low literacy skills)

Provisions to be included in Rule:

• Provide accessible communication materials and dedicated support channels with appropriately trained staff.

• Offer affordable plans and financial assistance for low-income consumers.

3.5.3 Non-discrimination, equal treatment of all customers

Service Providers will be required to treat all customers fairly and equally.

Provisions to be included in Rule:

- <u>Non-Discrimination</u>:
 - Ensure that Sales Representatives and staff are able to interact with disadvantaged or vulnerable Consumers appropriately.
 - Ensure that a Consumer can appoint an Authorized Representative to act on their behalf.
 - Provide internal and external support, training, and promotion of equitable service and access for all customers.
 - Service Providers must ensure services are available to all regions, including underserved or remote areas, without discrimination.

Questions on Equitable Access and Treatment:

- What are the main barriers and challenges faced by Persons with Disabilities and other vulnerable customers in utilizing telecommunications services? What are their greatest needs?
- How can telecommunications Service Providers help accommodate PWDs and improve their experience, in terms of devices, services, content, and assistance?
- What rules and requirements should NICTA adopt to support the needs of different types of Persons with Disabilities?
- What forms of inequality, discrimination, and other unfair treatment do vulnerable customers of telecommunications services face? How can NICTA best address these inequities?
- What should Service Providers be required to do to ensure equitable treatment for all Customers?

3.6 Service Disruptions

3.6.1 Service Disruptions and Downtime Notifications

Service Providers must inform customers about any service disruptions.

Provisions to be included in Rule:

Notifications and Transparency:

- Service Providers must inform customers about any service disruptions, including any disruption's cause, nature, area, estimated duration, and contact information for customer service. There must also be real-time updates on the status of the disruption. Notice must also be provided when service resumes.
- Customers must have at least 48 hours' notice for any planned service disruptions. This notice will be especially important in any cases where service might be disrupted for critical services.
- Service Providers must offer customers compensation, such as discounts or reimbursements after service disruptions longer than 24 hours.
- Service Providers must make available to customers a publicly accessible service disruption history.

Questions on Service Disruptions:

- How often do customers encounter service disruptions? How inconvenient or costly are these disruptions?
- What policies do Service Providers follow to notify customers of service disruptions?

3.7 Protection and Safety

3.7.1 Protection of customer privacy, unauthorized use of data

Service Providers will work to protect customer data, including identifying information, financial and billing information, and customer data usage.

Provisions to be included in Rule:

- <u>Customer Privacy, Confidentiality Rules</u>:
 - Ensure that all customers' Personal Information is protected from unauthorized use or disclosure.
 - Make available, at no cost, information about tools to prevent unauthorized access to the customer's account, services, or data.

3.7.2 Protection from abuse, mistreatment

Service Providers will protect customers' data from misuse, such as harassment, stalking, phishing, unsolicited communication, or scam services.

Provisions to be included in Rule:

- <u>Rules on Protection from Abuse</u>:
 - Ensure that Customers are protected from abusive treatment by other users or providers.

- Develop investigation procedures and criteria to identify and prevent abusive treatment, including requirements for Service Providers to assist.
- Public Awareness Campaigns:
 - NICTA shall conduct public campaigns to educate consumers on their rights to fair access to services, non-discriminatory practices, and how to report abusive behavior.

3.7.3 Data Privacy and Security in AI Systems

Service Providers must ensure that any data collected via AI systems is secure, transparent, and accessible to customers.

Provisions to be included in Rule:

- AI and Data Collection, Transparency, and Protection
 - Service Providers must inform customers about the types of data collected by AI systems, and they must have the option to access, modify, or delete such data.
 - o Service Providers must institute strict data security systems for AI systems.

Questions on Protection and Safety:

- What types of misuse of customer information and invasion of privacy experiences have Customer had, and how have these affected people's lives and safety?
- How should NICTA address privacy concerns, with what types of obligations, rules, and sanctions?
- How prevalent is on-line abuse and mistreatment among Customers? How do Service Providers work to limit and respond to such cases?
- What specific rules and requirements should NICTA and the Government adopt to address concerns and risks relating to AI-generated information content? Which information services and providers should be responsible for addressing these concerns?

3.8 Rules Regarding Use of Artificial Intelligence in Customer Services

3.8.1 Protection of customer privacy, unauthorized use of data

Service Providers which utilize Artificial Intelligence systems as part of their Customer Service functions must adhere to strict rules and requirements concerning such AI systems and their potential impact on customers.

Provisions to be included in Rule:

<u>General AI Usage Guidelines</u>:

- Service Providers must inform customers about the types of data collected by AI systems.
- Service Providers must disclose clearly and transparently when AI systems are being used in customer interactions.
- AI systems used in customer service must provide accurate, relevant, and up-todate information to the customer.
- If the AI system is unable to resolve a customer's issue, it must have a clear mechanism to escalate the case to a human customer service agent.
- Service providers must collect customer feedback on AI-driven interactions to evaluate the effectiveness and satisfaction of AI-powered support systems.
- Customers must be given control over personalization settings, including the option to opt-out of AI-driven recommendations or to modify their preferences.
- Service Providers must inform customers about how AI systems are used to personalize services and what data is considered when making recommendations.
- AI systems used in customer service must be designed and regularly audited to ensure they operate in a non-discriminatory manner.
- Service Providers must have a protocol in place for reporting AI system failures.
- Service Providers must report to NICTA if any AI systems cause significant disruption to customer services or violate consumer rights.

Questions on Artificial Intelligence in Customer Services:

- How worried or concerned are customers about the use of Artificial Intelligence in provision of customer service?
- Do customers have experiences of incorrect information or poor treatment by AI-based customer service systems? Please elaborate.
- How extensive are Service Providers' current use of AI systems? What plans do they have to expand these? How will these rules affect those plans?

3.9 Complaint and Redress

3.9.1 Procedures and criteria for filing complaints

Service Providers will have codified processes for filing customer complaints and explicit standards for how to evaluate and categorize different forms of complaints.

Provisions to be included in Rule:

• <u>Complaint Handling</u>:

- The Rules that apply to Consumer complaints handling are currently set out in the NICTA Consumer Complaints Handling Guidelines. These may be updated under this rule.
- Service Providers must resolve complaints within a reasonable time frame.
- In the event of an unresolved dispute, consumers must have access to an independent arbitration mechanism that is free from any bias or influence by the Service Provider.
- Service Providers must keep detailed records of all consumer complaints for a minimum of two years after the complaint is resolved. These records must easily available for consumers to access.
- Service Providers must ensure that their employees and contractors have the right to report non-compliance, consumer mistreatment, or unethical behavior without fear of retaliation. This must also come with protections for any employee or contractor whistle-blower.

3.9.2 Operator obligations for responding to and redressing complaints

Service Providers will be responsible for quickly responding to customer complaints, offering immediate or imminent explanations and satisfying solutions to customer issues.

Provisions to be included in Rule:

- <u>Responding to and Redressing Complaints</u>:
 - Service Providers shall establish clear and transparent procedures for receiving and responding to customer complaints.
 - In the event of non-resolution of complaints, NICTA may intervene to support resolution.
 - NICTA shall have authority to audit Service Providers and issue fines.

3.9.3 Whistleblower Protections

Service Providers must ensure that their employees and contractors have the right to report noncompliance without fear of retaliation.

Provisions to be included in Rule:

- o Employees who report non-compliance must be protected from retaliation.
- Service Providers must establish an anonymous reporting system through which employees can confidentially report any violations of consumer protection regulations.

Questions on Complaint and Redress:

• How effective and responsive are telecommunications Service Providers in resolving

Customer complaints? Where are the greatest flaws and needs for improvement?

• How and when should NICTA intervene to address complaints?

3.10 Compliance

3.10.1 Rule Compliance and Monitoring

NICTA shall monitor compliance with these regulations, and may impose penalties for noncompliance.

Provisions to be included in Rule:

- <u>Compliance</u>:
 - NICTA shall monitor compliance with these regulations. Pursuant to the NICT Act, 2009, NICTA has the power to investigate complaints, conduct audits, and request information from telecom and ICT service providers.
- <u>Penalties</u>:
 - Any Telecommunications Service Providers who fail to comply with or observe any regulations of this Rule will be subject to the penalties of the National Information and Communications Act 2009, including severe fines, cease and desist orders, and in severe cases a suspended or revoked service provider license.

Questions on Compliance:

• How effective are NICTA's compliance monitoring and penalties in ensuring Service Provider compliance with its regulations? How can NICTA be more effective?

4. Consumer Protection Rule Outline

The Annex includes an annotated Outline of the proposed amended Rule, which follows the structure and content of this Consultation Paper. Stakeholders are encouraged to review and comment on this Outline as well.

5. Consultation

The Act provides for NICTA to seek comments, suggestions and/or proposals from the industry, customers, and general public at large on proposed Rules that NICTA intends to adopt. Therefore, NICTA invites Customers, Licensed Service Providers, and all other stakeholders to submit comments on this Consultation Paper and the draft Consumer Protection Rule Outline. We particularly encourage commenters to address the Questions provided in the preceding sections, as well as any other relevant issues and concerns.

NICTA is available to meet with stakeholders, including consumer representatives, Service Providers, and Government departments and agencies, to discuss this consultation paper upon request.

All submissions received will be published on NICTA's Public Register. Additional procedural information can be found in the Guidelines on the submission of written comments to public consultations and public inquiries, also available on NICTA's Public Register.

Deadline for submission of written comments is 27 June 2025

6. Contact

Any enquiries relating to this consultation should be addressed to the following persons:

Name: Mr Polume Lume, Director Economic,

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Annex

Annotated Outline of Consumer Protection Rule (Amendment) 2024