



STATUTORY INSTRUMENT

No. 9 of 2010.

National Information and Communication Technology (Operator Licensing) Regulation, 2010

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STATUTORY INSTRUMENT

No. of 2010

National Information and Communication Technology (Operator Licensing) Regulation, 2010

Being a Regulation,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *National Information and Communications Technology Act, 2009*, deemed to have come into operation on 29 October 2010.

PART I. – PRELIMINARY

1. INTERPRETATION.

- (1) In this Regulation, unless the contrary intention appears –
- “Act” means the *National Information and Communication Technology Act, 2009* and any regulations made under the Act;
 - “audiotext hosting service” means an applications service which enables a caller by dialling a short code to receive a recorded message or interact with a programme for the purposes of receiving information;
 - “bandwidth service” means a network service which enables the transmission of units of information over a link within a particular unit of time;
 - “broadcasting distribution service” means a network service that distributes television programmes or radio programmes to persons having equipment appropriate for receiving that network service regardless of the means of distribution but does not include –
 - (a) a service (including a teletext service) that provides only data or text; or
 - (b) a service that makes programmes available on demand on a point-to-point basis, including a dial-up service;
 - “closed user group” shall have the meaning as provided for in Section 2(2).
 - “community service” means a service –
 - (a) provided for community purposes; and
 - (b) not operated for profit.
 - “directory service” means an applications service enabling a person to obtain the telephone number and limited information about a customer which is sought by such person and includes a directory assistance service or published directory service;
 - “district” means the area defined by reference to Section 72(4) of the *Organic Law on Provincial and Local Level Governments* in respect of which a district administrative office is established under Section 72(3) of that Organic Law;
 - “earth station” means an apparatus located either on the earth’s surface, or within the earth’s atmosphere established for communication with one or more space stations or other earth stations by means of satellites or other objects in space;

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- “international gateway” means any equipment, whether hardware or software, in a network which interfaces that network with an international network;
- “international gateway services” means a network service which provides interconnection between a domestic network and an international gateway;
- “internet access service” means an applications service whereby a person is able to access Internet services and applications;
- “IP telephony” means a packet switched applications service involving the PSTN;
- “ITU Convention” means the *Constitution and Convention of the International Telecommunication Union signed on 22 December 1992* as amended from time to time.
- “Kina Facility Rate” means the rate of that name published by the Bank of Papua New Guinea or such other rate published by the Bank of Papua New Guinea from time to time in substitution for that rate;
- “line link” means a facility that enables communication between two distinct points on a network or networks, other than a radiocommunications link;
- “messaging service” means an applications service which involves the storage or forwarding of a message whereby the message is first routed through a central management centre before it is forwarded to the addressee;
- “narrowcasting service” means an applications service that supplies content which is intended for a restricted number of viewers or listeners;
- “NICTA budget” means the budget prepared under Section 30 of the Act;
- “private use” means the use of network services by a closed user group;
- “province” has the meaning defined in the *Organic Law on Provincial Boundaries*;
- “PSTN” means a public switched telephone network;
- “PSTN telephony” means an applications service involving a PSTN;
- “public cellular mobile service” means a network service where –
- (a) an end-user can use a network service while moving continuously between places; and
 - (b) the cellular mobile access device used for or in relation to the supply of the network service is not in physical contact with any part of the facility by means of which the network service is supplied; and
 - (c) the network service is supplied by use of a facility that has intercell hand-over functions;
- “public cellular service” means an applications service involving a network of base stations and cells for the delivery of voice and data communications;
- “public payphone” means a fixed telephone located in a public place that–
- (a) is connected directly or indirectly to a network; and
 - (b) when in normal working order, cannot be used to make a telephone call (other than a free call or a call made with operator assistance) unless, as payment for the call, or to enable payment for the call to be collected –
 - (i) money, or a token or card has been put into a device that forms part of, is attached to, or is located near, the telephone; or
 - (ii) an identification number, or a code or other information (in numerical or any other form), has been input into a device that forms part of, is attached to, or is located near the telephone; or
 - (iii) a prescribed act has been done;
- “public payphone service” means an applications service that is provided by use of a public payphone;

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- “public switched data service” means an applications service for non-voice services that involves switching of data emanating from one specific facility to another, including telegram services, telex, ISDN and asynchronous transfer mode;
- “radiocommunications link” means a radiocommunications facility that enables communication between two distinct points on a network or networks; and
- “registered company auditor” means a registered company auditor for the purposes of the *Companies Act, 1997*;
- “satellite control station” means an earth station that performs the function of telemetry, telecommand and control of the operation of a space station;
- “space service” means a network service using a space station;
- “space station” means a station located on an object which is beyond, is intended to go beyond, or has been beyond, the Earth’s atmosphere and includes a satellite;
- “subscription TV broadcast” means a content applications service whereby content is made available to the general public only upon the payment of a subscription fee;
- “switching centre” means a facility that terminates many circuits and which can interconnect or route traffic between and among circuits;
- “switching service” means a network service that –
- (a) terminates many circuits; or
 - (b) interconnects or routes traffic between and among circuits including without limitation through the use of frame relay, router internetworking, multi protocol label switching, internet protocol switching, switching centres, points of presence or nodes;
- “VSAT” means Very Small Aperture Terminal.

(2) Unless the contrary intention appears, any words or phrases used in this Regulation and not defined in this Regulation but used in the Act have the same meaning or interpretation as given to them in the Act.

PART II. – OPERATOR LICENCING.

2. OPERATOR LICENCES.

- (1) Schedule 1 specifies –
- (a) the types of operator licences required to exercise facilities rights or supply ICT services; and
 - (b) the duration of those operator licences; and
 - (c) the types of ICT services and facilities rights that are subject to an individual licence and a class licence.

(2) NICTA may issue guidelines to clarify the meaning of closed user group for the purposes of determining whether a class network licence applies for private use as provided by Schedule 1.

(3) For the purposes of Section 4(1) of the Act, the reference in Table C of Schedule 1 to “content services” means –

- (a) broadcasting services; or
- (b) narrowcasting services.

3. NETWORK LICENCE EXEMPTIONS.

(1) Subject to Subsections (2) and (3), NICTA may by published declaration under Section 49(3) of the Act exempt a person from any obligation under the Act to hold a network licence.

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- (2) NICTA shall not exempt a person pursuant to Subsection (1) unless –
- (a) a network licensee has agreed in writing to assume all obligations under the Act that would apply to that person if that person were to hold a network licence; and
 - (b) the terms of the agreement referred to in Subsection (2)(a) include terms to the effect that –
 - (i) that person must comply with the Act as if they were a network licensee; and
 - (ii) the network licensee must notify that person of their obligation to comply with the Act as if they were a network licensee; and
 - (c) that person has provided NICTA with –
 - (i) a copy of the agreement referred to in Subsection (2)(a); and
 - (ii) such other information that NICTA considers relevant to exemption sought.

(3) NICTA may in its sole discretion in relation to any exemption granted under Subsection (1) –

- (a) impose conditions on the network licensee; and
- (b) vary the terms of any exemption at any time; and
- (c) suspend or revoke any exemption.

4. REGISTER OF OPERATOR LICENCES.

- (1) NICTA shall maintain a register of all –
- (a) individual licences; and
 - (b) persons registered under a class licence; and
 - (c) persons exempted under Section 3 from licensing requirements.

(2) NICTA shall promptly amend its register to record any variations to a licence or any changes to the particulars of a person registered under a class licence.

5. LOST ETC., LICENCES AND REGISTRATION NOTICES.

Where NICTA is satisfied that an operator licence issued under the Act, or a registration notice endorsed in accordance with Section 13(3), has been lost, destroyed or defaced, it may issue a replacement licence or notice on payment of the fee as prescribed in Schedule 2.

PART III. – OPERATOR LICENCE TERMS AND CONDITIONS.

6. STANDARD TERMS AND CONDITIONS FOR INDIVIDUAL LICENCES.

(1) This section applies until such time as NICTA makes rules under Section 55 of the Act setting out the standard terms and conditions for individual licences after which time this section shall cease to have effect for those individual licenses in respect of which rules have been made.

(2) An individual licence is subject to the standard terms and conditions that the individual licensee shall –

- (a) pay all applicable licence fees and levies; and
- (b) comply with –
 - (i) the Act, all applicable mandatory instruments and all other applicable laws; and
 - (ii) any radiocommunications licence issued to the licensee; and
 - (iii) any reference interconnection offer given by the licensee and accepted by NICTA in accordance with Sections 141 and 142 of the Act; and

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- (iv) the requirements of all relevant international conventions relating to ICT, including the ITU Convention and the recommendations made under that convention; and
- (c) notify NICTA within 14 days of any –
 - (i) change in the shareholding or beneficial ownership of the licensee of more than 10% in any one year or more than 25% as from the date of issue of the licence; and
 - (ii) joint ventures or consortia which the licensee enters into with any other individual licensee after the grant of the licence; and
 - (iii) restructuring or rationalisation of the licensee's corporate structure; and
 - (iv) any change of the particulars of the licensee lodged with NICTA under Section 10; and
- (d) notify NICTA before any –
 - (i) transfer of shares which would result in the direct or indirect ownership of more than one quarter of the issued voting share capital of the licensee changing hands; and
 - (ii) change in ownership of the licensee's issued voting share capital that would result in a change to the composition of more than one quarter of the licensee's board of directors; and
- (e) take all proper and adequate safety measures to safeguard life or property in respect of all apparatus, equipment and installations possessed, operated, maintained or used under the licence, including exposure to any electrical emission or radiation emanating from the apparatus, equipment or installation so used; and
- (f) take all reasonable steps to ensure that the charging mechanism used in connection with any of its facilities or services are accurate and reliable in all material aspects; and
- (g) indemnify NICTA against any claims or proceedings arising from any breaches or failings on the part of the licensee.

7. STANDARD TERMS AND CONDITIONS FOR CLASS LICENCES.

(1) This section applies until such time as NICTA makes rules under Section 63 of the Act setting out the standard terms and conditions of class licences after which time this section shall cease to have effect for those class licenses in respect of which rules have been made.

(2) A class licence is subject to the standard terms and conditions that the class licensee shall –

- (a) pay all applicable fees and levies; and
- (b) comply with –
 - (i) the Act, all applicable mandatory instruments and all other applicable laws; and
 - (ii) any radiocommunications licence issued to the licensee; and
 - (iii) the requirements of all relevant international conventions relating to ICT, including the ITU Convention and the recommendations made under that convention; and
- (c) take all proper and adequate safety measures to safeguard life or property in respect of all apparatus, equipment and installations possessed, operated, maintained or used under the licence, including exposure to any electrical emission or radiation emanating from the apparatus, equipment or installations so used; and

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- (d) take all reasonable steps to ensure that the charging mechanism used in connection with any of its facilities or services are accurate and reliable in all material aspects; and
- (e) indemnify NICTA against any claims or proceedings arising from any breaches or failings on the part of the licensee.

8. VARIATION OF INDIVIDUAL LICENCES.

An individual licensee seeking to vary an individual licence during its term shall make an application in writing submitted to NICTA stating the following matters –

- (a) the details of the proposed variation and the reasons for them; and
- (b) the proposed date when the proposed variation shall take effect; and
- (c) any other details as NICTA may require.

9. SAVING OF SPECIFIC LICENCE CONDITION.

(1) This section applies until such time as Telikom PNG Limited migrates its general carrier licence issued under the *Telecommunications Act, 1996* pursuant to Section 304 of the Act.

(2) Telikom PNG Limited shall continue to maintain and operate the National Relay Service and the National Maritime Radio Safety Service as described in Clause 15 and Clause 16 of its general carrier licence.

PART IV. – INDIVIDUAL LICENCES.

10. APPLICATIONS.

- (1) An application for an individual licence shall be in such form as NICTA may determine.
- (2) An application shall be accompanied, as applicable, by –
 - (a) the particulars of the applicant including, in the case of applicants who are individuals, evidence of their Papua New Guinean citizenship; and
 - (b) the applicant's anticipated operating and capital expenditure, projected revenues, and proposed financing plan, including the sources of financing; and
 - (c) the applicant's proposed operating procedures including, where applicable, a disaster recovery plan; and
 - (d) details of any ICT licence held by the applicant, by any related company or by any company associated with a director of the applicant;
 - (e) corporate information of the applicant including:
 - (i) its certificate of incorporation; and
 - (ii) its company constitution; and
 - (iii) a current company extract from the Companies Office; and
 - (iv) the latest annual financial statements audited by a registered company auditor or in such other form as approved by NICTA; and
 - (v) its latest annual report; and
 - (vi) a copy of any agreement between the Port Moresby Stock Exchange and the applicant or any related company of the applicant; and
 - (vii) the particulars detailing the direct and indirect shareholdings of all the shareholders of the applicant; and
 - (f) the following corporate information of any related company of the applicant and any company associated with a director of the applicant –
 - (i) its certificate of incorporation; and
 - (ii) its company constitution; and

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- (iii) a current company extract from the Companies Office; and
- (iv) a copy of any agreement between the Port Moresby Stock Exchange and the applicant or any related company of the applicant; and
- (v) the particulars detailing the direct and indirect shareholdings of all the shareholders of those companies; and
- (g) in respect of any foreign company applicant or related company, a certificate from the Investment Promotion Authority, certifying that the company may conduct business in Papua New Guinea; and
- (h) in respect of each director of the applicant, and each shareholder of the applicant who is an individual, a curriculum vitae, a police clearance check and a copy of their passport and current visas where applicable; and
- (i) the applicant's proposed technical and service roll-out; and
- (j) a description of the nature of the facilities, network service, applications service or content service and area of coverage and the types of technology to be used by the applicant; and
- (k) any additional information in the possession or control of the applicant or a related body corporate which is relevant to NICTA's decision whether to issue the licence; and
- (l) the applicable fee as set out in Schedule 1; and
- (m) such further information as NICTA requests.

(3) NICTA shall treat all information required by Subsection (2) as being the subject of a request by the applicant under Section 44(1) of the Act that the information be excluded from publication and in respect of any such information supplied Section 44(4) of the Act does not apply.

(4) An application for individual licences in relation to two or more categories of license shall be made in separate application forms and where an applicant makes more than one application at the same time, it is sufficient compliance with Subsection (2) for the required information to accompany one of those applications.

(5) Where an application for an individual licence is not accompanied by the information required by Subsection (2), NICTA may –

- (a) refuse the application; or
- (b) where it is satisfied that it is impractical to supply the information, waive the requirement.

11. GRANT OF INDIVIDUAL LICENCES.

(1) This section applies until such time as NICTA makes any rules under Section 56(4) of the Act setting out the criteria NICTA will consider when assessing applications for an individual licence after which time this section shall cease to have effect for those individual licenses in respect of which such rules have been made.

(2) Before deciding whether to grant or refuse an application for an individual licence, NICTA shall consider –

- (a) whether the applicant is eligible to apply for an individual licence under Section 48 of the Act; and
- (b) the following criteria when assessing whether the applicant is financially and technically capable of meeting its legislative and regulatory obligations as well as the obligations in the individual licence –
 - (i) financial standing; and
 - (ii) technical expertise; and

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- (iii) standards of business behaviour; and
- (iv) corporate governance framework; and
- (v) potential impact on national security; and
- (vi) the availability of spectrum required for the exercise of rights under the licence; and
- (c) the applicable licence conditions; and
- (d) the period of the licence; and
- (e) such other matters as NICTA considers relevant.

(3) NICTA shall endeavour to complete the processing of applications for individual licences and make decisions to grant or refuse such applications within 90 days of receipt of all relevant information.

12. RENEWAL OF INDIVIDUAL LICENCES.

An application for the renewal of an individual licence shall be made not later than sixty days before its expiry in such form as NICTA thinks fit and shall be accompanied by such information as NICTA may require.

PART V. – REGISTRATION UNDER CLASS LICENCES.

13. PROCEDURE.

(1) Every application for registration under a class licence submitted in duplicate shall be in such form as NICTA may determine.

- (2) The registration notice shall be accompanied by –
 - (a) the particulars of the applicant, including –
 - (i) in the case of registrants who are individuals, evidence of Papua New Guinean citizenship; and
 - (ii) in the case of any foreign company registrant, a certificate from the Investment Promotion Authority, certifying that the company may conduct business in Papua New Guinea; and
 - (b) a description of the facilities, network service, applications service or content service which will be provided by the applicant; and
 - (c) such other information or document as NICTA may require in any rules issued under Section 64 of the Act; and
 - (d) the prescribed fee set out in Schedule 1.

(3) Where NICTA accepts the registration for a class licence, NICTA shall endorse the duplicate registration notice and return it to the class licensee as soon as practicable.

(4) The endorsed registration notice shall be evidence of registration by NICTA.

(5) A class licensee shall promptly notify NICTA in writing of any change of the particulars lodged with the registration notice in accordance with Subsection (2).

PART VI. – OPERATOR LICENCE FEES.

14. LICENCE FEES.

- (1) The fees to be paid in respect of each category of operator licence are –
- (a) the applicable application fee set out in Schedule 2 to accompany the application for the licence; and
 - (b) an annual licence fee calculated in accordance with this section.

(2) The annual licence fee for an operator licence shall be an amount fixed from time to time by the Minister responsible for treasury matters in respect of that licence as an amount the Minister considers to be a reasonable contribution towards NICTA's forecast expenditure as estimated in the NICTA budget.

- (3) In fixing annual licence fees under Subsection (2), the Minister shall have regard to –
- (a) the principles specified in Section 35 of the Act; and
 - (b) the NICTA budget; and
 - (c) the information provided under Subsection (4) and
 - (d) such other matters as the Minister considers relevant.

(4) For the purposes of fixing the applicable annual licence fee payable each individual licensee shall submit to NICTA –

- (a) within three months from the end of its financial year, its latest annual financial statements audited by a registered company auditor or in such other form as approved by NICTA; and
- (b) such other information as NICTA may request.

(5) The fee to be paid for the renewal of an individual licence is the applicable application fee.

(6) Other fees payable to NICTA in connection with operator licences are set out in Schedule 2.

(7) The licence fees payable for operator licences shall be paid to NICTA by such means, at such times, and in such manner as NICTA may from time to time determine.

(8) If a person fails to pay any licence fee or levy payable under the Act by the due date, NICTA may –

- (a) impose an additional charge for late payment, calculated daily at a rate of 5 percentage points above the Kina Facility Rate per annum on the amount unpaid from the time when the fee or levy became payable until it is paid; and
- (b) suspend the licence until all outstanding payments are made.

(9) Except on payment of the applicable fee, NICTA shall not –

- (a) issue or renew an individual licence; or
- (b) register an applicant under a class licence.

15. FEES PAYABLE UNDER EXISTING LICENCES

(1) This section applies where, immediately prior to the Succession Date, an existing licence includes an obligation to pay annual licence fees determined in accordance with Subsection 19J(5) of the *Telecommunications Act, 1996* (an "existing obligation").

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(2) For the period that an existing licence continues in force, an existing obligation is replaced by an obligation to pay annual licence fees of an amount fixed from time to time by the Minister responsible for treasury matters in respect of that licence as an amount that the Minister considers to be a reasonable contribution towards NICTA's forecast expenditure as estimated in the NICTA budget.

- (3) In fixing annual licence fees under Subsection (2), the Minister shall have regard to –
- (a) the principles specified in Section 35 of the Act; and
 - (b) the NICTA budget; and
 - (c) the information provided under Subsection (4) and
 - (d) such other matters as the Minister considers relevant.

(4) For the purposes of fixing the applicable annual licence fee payable, each existing licensee shall submit to NICTA –

- (a) within three months from the end of its financial year, its latest annual financial statements audited by a registered company auditor or in such other form as approved by NICTA; and
- (b) such other information as NICTA may request.

(5) For the purposes of Section 304(4)(b) of the Act, the one or more ICT licences issued shall include an obligation to pay –

- (a) where the quantum and timing of payments are specified in the existing licence, those amounts and timing; and
- (b) where an existing licence contains an existing obligation, annual licence fees of an amount fixed from time to time by the Minister responsible for treasury matters in respect of that licence as an amount that he considers to be a reasonable contribution towards NICTA's forecast expenditure as estimated in the NICTA budget.

16. EXEMPTION FROM LICENCE FEES.

(1) Subject to Section 35 of the Act, the Minister responsible for treasury matters, acting on advice from NICTA, may by notice in the National Gazette –

- (a) exempt the payment of a fee; or
- (b) substitute a reduced fee,

otherwise payable under the Act.

(2) An exemption or a reduced fee under Subsection (2) –

- (a) may relate to –
 - (i) any type of licence or licensee specified in the notice; or
 - (ii) any use to which the licence may be put; or
 - (iii) any combination of the matters referred to in Subparagraphs (i) and (ii); and
- (b) may further be subject to compliance with any conditions as are specified in the notice; and
- (c) shall continue in force for such period as is specified in the notice or until the revocation of such notice by a subsequent notice.

17. REFERENCES TO PREVIOUS REGULATORS.

(1) Any reference in an existing licence to the ICCG in relation to any fee payable under that licence or any other matter regarding such licence shall be construed as a reference to NICTA.

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(2) Any reference in an existing licence to PANGTEL in relation to any fee payable under that licence or any other matter regarding such licence shall be construed as a reference to NICTA.

PART VII. – NUMBERING FEES.

18. IMPOSITION OF CHARGE.

(1) NICTA shall impose a charge calculated in accordance with Section 19 for the allocation of numbers.

(2) A charge imposed on the allocation of a number to an operator licensee is payable to NICTA by the licensee.

19. AMOUNT OF CHARGE.

The charge imposed on the allocation of any number shall be –

- (a) where the number is part of a group or type of numbers that is a valuable state resource within the meaning of Section 36 of the Act, calculated in accordance with Section 36 of the Act; or
- (b) in any other case, calculated in accordance with a written determination made by NICTA.

20. EXEMPTION FROM CHARGE.

The following numbers are exempt from charge –

- (a) a number specified in the numbering plan for use for an emergency or community service; and
- (b) such other numbers that NICTA, by written determination, exempts from charge.

PART VIII. – GENERAL PROVISIONS.

21. PROVISION OF BILLING INFORMATION.

(1) An access provider shall, if requested to do so by an access seeker and the access provider knows, give the access seeker the following billing information –

- (a) customer names, billing addresses and account numbers;
- (b) numbers dialled; and
- (c) time and duration of call;
- (d) geographic region call originates and terminates;
- (e) any other information reasonably required by the access seeker to bill the customer.

(2) The information specified in Subsection (1) shall be provided –

- (a) at times agreed by the access seeker and the access provider; and
- (b) in a manner and form agreed by the access seeker and the access provider, including whether the information is to be given in electronic or paper form.

22. UNIVERSAL ACCESS AND SERVICE LEVY.

For the purposes of Section 107(2)(b) of the Act, the Universal Access and Service Levy shall be set by NICTA at a level that does not exceed 2 percent of net revenues.

23. APPLICATION FOR REVIEW BY THE ICT APPEALS PANEL.

(1) A party wishing to make an application for review by the ICT Appeals Panel shall lodge an application for review with the ICT Appeals Panel in accordance with the procedure specified in Section 258 of the Act.

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- (2) For the purposes of Section 258(1)(e) of the Act –
 - (a) an application for review shall be submitted to the Department responsible for treasury matters and marked for the attention of “Chairman, ICT Appeals Panel Secretariat” (the “Secretariat”); and
 - (b) the date on which the application for review is received by the Secretariat shall, for all purposes, be deemed to be the date on which the application is lodged with the ICT Appeals Panel.

- (3) If the Secretariat is satisfied that the application for review complies with the requirements set out in Section 258(1)(a) and (b) of the Act, the Secretariat shall promptly –
 - (a) notify the Chairman of the Panel of Experts that an application for review has been received pursuant to Section 256 of the Act; and
 - (b) notify the applicant and any other person directly affected by the application for review of receipt of the application and the date of such receipt.

- (4) The Chairman of the Panel of Experts shall organise for the ICT Appeals Panel to be constituted in accordance with Section 255 of the Act and shall notify the Secretariat of the name in full and contact details of the person or persons who constitute the ICT Appeals Panel.

- (5) Upon being notified by the Chairman of the name and contact details of the person or persons who constitute the ICT Appeals Panel, the Secretariat shall promptly –
 - (a) send the documents which comprise the application for review to the ICT Appeals Panel; and
 - (b) notify the applicant and any other person directly affected by the application that it has done so.

24. FUNCTIONS OF THE SECRETARIAT.

- (1) The Secretariat is authorised to perform administrative functions on behalf of the ICT Appeals Panel and shall comply with any directions given to it by the ICT Appeals Panel pursuant to Section 260(3) of the Act.

- (2) The parties and any other person interested in the review shall comply with directions which are issued by the Secretariat on behalf of the ICT Appeals Panel.

- (3) The State is not liable for any loss, damage or injury suffered by a person as a result of any action or inaction by the Secretariat under this Part.

25. SECURITY FOR COSTS OF ICT APPEALS PANEL.

- (1) The ICT Appeals Panel may order that a party give security for that party’s share of the costs of the ICT Appeals Panel, before considering the application for review.

- (2) Where the ICT Appeals Panel makes an order for security of costs, the parties shall deposit the funds with the Department responsible for treasury matters or provide the security in such other way as the ICT Appeals Panel may direct.

SCHEDULE 1. – LICENCE CATEGORIES

Section 2.

| TABLE A. NETWORK LICENCES | | | |
|---|----------------|---------------------|-----------------|
| 1. Facilities rights | | | |
| A network licence is required to construct, maintain, own, operate or otherwise make available any or all of the following facilities – | | | |
| Facility | Market Segment | Duration of Licence | Type of licence |
| Earth stations VSATs Satellite control stations Line links Radiocommunications links Switching centres Exchange nodes Towers, masts, antennas, tunnels, ducts, pits, or poles Other (not exempt under the Act) | International | Up to 15 years | Individual |
| | National | | |
| | Provincial | | |
| | District | | |
| | Private use | N/A | Class |
| 2. Network services | | | |
| A network licence is required to supply any of the following network services – | | | |
| Network service | Market Segment | Duration of Licence | Type of licence |
| Bandwidth services Public cellular mobile services Switching services International gateway services Facilities access services Broadcasting distribution services Space services Other (not exempt under the Act) | International | Up to 15 years | Individual |
| | National | | |
| | Provincial | | |
| | District | | |
| | Private use | N/A | Class |

| TABLE B. APPLICATIONS LICENCES | | | |
|---|-------------------|---------------------|-----------------|
| An applications licence is required to supply any of the following applications services – | | | |
| Applications service | Market Segment | Duration of Licence | Type of licence |
| International connectivity services | International | Up to 15 years | Individual |
| PSTN telephony services Public switched data services Public cellular services Internet access services IP telephony services Directory services Messaging services Audiotext hosting services Public payphone services Other (not exempt under the Act) | National | | Individual |
| | Provincial | | Individual |
| | District | | Individual |
| | Community service | N/A | Class |

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| TABLE C. CONTENT LICENCES | | | |
|---|-----------------------|----------------------------|------------------------|
| A content licence is required to supply any of the following content services – | | | |
| Content service | Market segment | Duration of Licence | Type of licence |
| Free TV broadcast | National | Up to 10 years | Individual |
| | Provincial | | |
| | District | | |
| Subscription TV broadcast | National | | |
| | Provincial | | |
| | District | | |
| Radio broadcast | National | | |
| | Provincial | | |
| | District | | |
| TV or radio broadcast | Narrowcasting Service | N/A | Class |
| TV or radio broadcast | Community service | | |

SCHEDULE 2. – FEES

Sections 5 and 14.

| Item | Fee K |
|---|------------------|
| Application fee (commercial, other than not for profit) | 5000 |
| Application fee (solely not for profit) | 500 |
| Application to vary conditions of licence | 500 |
| Change of particulars of licence | 200 |
| Copies or extracts from public register | K2.50 per page |
| Replacement of licence, certificate or permit (lost, destroyed, etc) certified by NICTA | K25 per page |

MADE this *Twenty-ninth* day of *October*, 2010

Pauline Maitano
GOVERNOR GENERAL