



TELIKOM PNG LIMITED
“our communication company”

**NICTA CONSULTATION PAPER:
DRAFT RULE ON ESTABLISHING ANNUAL ICT DATA COLLECTION
REGIME**

Date: 06/05/2014

DRAFT RULE ON ESTABLISHING ANNUAL ICT DATA COLLECTION REGIME

A. GENERAL

1. Telikom acknowledges NICTA's powers under section 218 of the National Information Communication Technology Act 2009 (the Act) on making, varying or revoking rules and guidelines.
2. Telikom also notes NICTA's intention to make a draft rule under section 218 of the Act to establish a framework for the regular collection of key ICT data from licensees.
3. We note in the consultation paper NICTA's opening remark in its introduction and agree in general that appropriate time-series data is essential for evidence based regulation and decision making in relation to policy matters within the ICT industry. We note also the necessity of such data in supporting NICTA's functions.
4. The ICT sector has over a short period of time become a catalyst as well as an effective cross-industry tool that is constantly enhancing social development and economic growth throughout the countries in today's information society. Telikom, therefore recognizes the importance of being able to "effectively" measure the growth and development of ICT in PNG, and as such, its role in aiding ICT policy development.
5. Telikom, however, notes that in attempting to effect such new rules on a relatively new and developing competitive industry, careful considerations should be taken by NICTA on industry best practices with regard to the subject of this consultation.
6. Telikom notes with regard to Schedule 1 that the indicators listed are more focused on supply-side data from ICT providers. Further we note also that the indicators have been predetermined by NICTA.
7. To foster a more transparent process, Telikom would urge that a separate consultation should have sufficed with a closer collaborated approach with ICT operators, who in this matter would be the chief ICT data producers, to determine the type of indicators to be measured as well as importantly the particular use of those measurement indicators in achieving NICTA's functions.
8. Further, in terms of providing advice to the Minister in the formulation of Government Policy NICTA may also consider carrying out its own studies and research through ICT user/customer and household surveys or even conducting an interagency effort with the National Statistics office to also effectively measure demand-side ICT data.



B. COMMENTS ON THE NICTA'S DRAFT RULE AND ICT STATISTICS DATA COLLECTION IN PNG

9. PNG's ICT landscape is one that is relatively new and still developing. The recent introduction of competition through liberalization as well as regulatory reforms in the ICT industry calls for more effective methods for monitoring and measuring ICT indicators and the overall development ICT statistics in the country for use in developmental of Government Policy matters.
10. Telikom notes that while the concept of ICT data collection in the PNG ICT industry is still developing at this stage, we recognize NICTA's recent efforts in this area through its collaboration with the International Telecommunications Union (ITU) in conducting the ITU long questionnaire data collection exercise in PNG. This exercise is conducted on a more voluntary and flexible basis in collaboration ICT service providers in the country.
11. Telikom notes that while we recognize the importance of having effective measurements for ICT development in PNG, we would also like to urge NICTA that the exercise of ICT data collection from ICT data producers should remain on a voluntary and cooperative basis while working in close consultation and collaboration with ICT operators' in the industry.
12. The introduction of a rule to establish an ICT data collection regime may pose more as a regulatory obstacle to ICT service providers in the country by imposing regulatory guidelines on ICT data measurements and information relating to ICT service providers operational activities in the industry.
13. Also in terms of practicality, NICTA's proposed draft rule itself does not mention the imposition of any penalties, for instances, non-compliance by operators.
14. Telikom also notes that NICTA mentioned in the consultation paper its publication intentions regarding the data covered by the proposed regime as an entirely separate matter from the establishment of the data collection regime. The issue of confidentiality of commercially sensitive data is a paramount concern for Telikom PNG. Although NICTA states that it will not publish (individually) the data it receives per licensee, the concern here for Telikom in regards to the confidentiality of information (s.44 of the Act) is that there are no clear provisions in the Act for penalizing NICTA should there be any breach in conduct. It would be appropriate for NICTA to set out a rule that applies to itself should it fail to comply with disclosure of



confidential matters, although we are aware that it will be addressed in the Guidelines on Submission Paper that is currently being developed.

15. Further, with regard to Schedule 1, it is Telikom's view that the indicators highlighted should have been determined in a separate consultation with all ICT stakeholders and operators, taking into consideration both PNG's current ICT environment, as well as, international benchmarking procedures and best practice to not only determine "what" indicators best to use, but also how effectively PNG's ICT development can be benchmarked with neighboring countries on an international level.
16. Telikom urges that NICTA must take these concerns raised into consideration for review before making its draft rule on establishing an Annual data collection regime under section 218 of the Act.

C. SUGGESTIONS AND CLOSING REMARKS

17. Telikom urges that NICTA should foster a more cooperative and collaborative approach with ICT operators with regard to the collection of ICT supply-side data as opposed to heavy-handed regulatory tactics imposed on ICT service providers and their operations.
18. NICTA should also strongly consider conducting household and ICT user surveys with other government bodies such as the National Statistics Office, Department of Planning..etc, for the purpose of collecting demand-side ICT data which would also play an important part in the formulation of Government policies.
19. Finally, Telikom is of the view that NICTA should firstly conduct a separate consultation with all ICT services providers and operators with regards to the "indicators" of measurement prior to introducing an ICT data collection regime. This will be for the purpose of having a more transparent and a consultative process for the operators to have a say in determining what indicators exactly should be measured, and how these indicators will help foster an effective ICT development benchmark.
20. That transparent and consultative process between the operators and the regulator has been hijacked and the indicators included requires immediate review. Hence, Telikom requests that a review of the indicators should take precedence and the consultation process in train should be slightly delayed to allow for this review to occur. If NICTA is of the view that a review of the indicators is not necessary then NICTA should inform the operators the process it adopted in accepting the indicators and what transparent process it carried out to include the indicators.

