



9 May 2025

MS. Kimberly Kanimba

Corporate Secretary

National Information and Communications Technology Authority

Email: [kkanimba@nicta.gov.pg](mailto:kkanimba@nicta.gov.pg)

### Submission of proposed changes to National ICT Act of 2009

Dear Ms Kanimba,

Vodafone PNG (Digitec Communications Limited) welcomes the opportunity to respond to NICTA's consultation on proposed amendments to the National ICT Act of 2009 published on the NICTA Website on 4<sup>th</sup> April 2025 .

#### Comments on Proposed Act Amendments

NICTA proposes 14 categories of amendment to the NICTA Act 2009. Vodafone has views on a small number of the items listed but offers no specific comment on **items 1-8**, other than to note that Vodafone supports the functions of an independent regulatory that is somewhat insulated from the political process. This provides confidence to investors that they will be treated in a just and consistent manner over time – important where investments are made with return windows of 10 years and more.

Other comments on specific matters are listed below.

Item No.	Provisions	NICTA Identified Problems with current laws	Vodafone comment
9	Section 89(2) - Universal Access and Service Fund.	89 The UAS Fund has already been established, so the new revision to the Act needs to acknowledge its existence and refer to the UAS Policy, including its Objectives.	Vodafone agrees that it is important to resolve legislative inconsistencies. Vodafone also considers that any interest accruing on Universal Service Funds should accrue to the fund itself, to further support UAS projects rather than support consolidated revenue.
10	Section 92 - Composition of the UAS Board.	No provision for proxy to vote; Chairman same for both NICTA and UAS. Less presentation from the private sector- private sector drives the industry	Given that UAS payments are effectively a tax on Vodafone's revenues, Vodafone is keen to ensure that the fund supports UAS projects and that funds are disbursed in ways that actually benefit PNG citizens. Effective governance is critical to this function. Vodafone supports the proposed changes to improve the operation of the UAS board and to facilitate more private sector involvement.



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11	Section 108(6) and (7) - UAS Projects.	All projects for that year are rejected All the hard work put into preparation are wasted	Vodafone strongly agrees with the amendment of clause (6) and removal of clause (7). The involvement of the Minister in UAS projects is undesirable given the role and composition of the UAS board. Deeming projects as approved is also supported.
12	Section 109 - Competitive selection process.	Only allows for competitive bidding leaving no other options to deploy projects	Vodafone agrees that while the policy of competitive selection is sound in principle, requiring a competitive selection process can be an unnecessary burden in certain circumstances. It may also reduce the benefits of innovative solutions which could otherwise be proposed by service providers. Vodafone would suggest that the 'default' be competitive selection but that NICTA be able to bypass this process on provision of written reasons. This would ensure transparency of decision making to provide comfort that funds are being used for appropriate purposes. Guidelines could be developed to describe circumstances under which NICTA would exercise such powers.
13	New Part on Emergency Services	Not contained in the act and should be added	Vodafone does not object in principle to the provision of certain powers for NICTA to facilitate responses to emergency situations. However, Vodafone cautions that such powers should not be used to force providers to provide certain services without compensation in the absence of an analysis of the costs and benefits of doing so. NICTA's primary role should be to facilitate greater coordination to assist responses to emergencies rather than directing networks how to operate their services.
14	New Part on Cybersecurity and Resilience	Needs to be added to the Act This proposed new section would address issues relating to cybersecurity, Data Privacy and Data Protection in PNG, including NICTA's potential role in supporting and enforcing laws and regulations in this area.	Vodafone notes that it has strong commercial incentives to ensure that its networks and infrastructure are resilient and protected from cyber attacks. That may be observed from cyber-related incidents in other jurisdictions where operators have greatly suffered from attacks as a result of a loss of public confidence.  Further clarity on NICTA's roles in relation to cybersecurity would be beneficial. While Vodafone does not specifically object to NICTA having some powers in relation to cybersecurity and resilience, NICTA should avoid obligations that are overly prescriptive





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		Although primary responsibility for cybersecurity resides with the National Cyber Security Agency, NICTA plays an integral role in ensuring that the Mobile Operators and other licensed providers maintain a high level of cyber security in all their ICT infrastructure.	and primarily provide a framework that supports operators' efforts to increase cybersecurity and resilience, rather than simply imposing new regulations. Consultation and dialogue with operators will also be crucial to ensure that any obligations are proportionate and do not overlap with existing laws and regulations. This seems particularly relevant given the wide range of bodies and legislation now involved in cyber-security issues, as referenced by NICTA.

### Other matters

In addition to the proposed amendments contained in Annexure A of the , NICTA's specific questions that submissions may address are:

- a) **What do firms in the industry feel are the most pressing issues they are facing, in terms of sector policy, laws, and regulations, which affect their ability to innovate and thrive in delivering ICT services and products to the market?**

#### **Response:**

As NICTA is aware, Vodafone PNG has invested heavily in network deployment as part of its entry as a mobile network operator. This has transformed the market in PNG with 80% reductions in mobile retail prices, thereby contributing significantly to NICTA's vision of increased affordability and connectivity.

Vodafone also wishes to highlight that there are significant challenges and complexities in extending and upgrading coverage in rural areas. These complexities have been accentuated by:

- Vodafone's continued lack of access to 900MHz spectrum – a key low bandwidth spectrum that is most suitable to providing wide mobile network coverage. Vodafone emphasizes that fair access to 900MHz or other low band spectrum is critical for mobile operators to maximise the benefits of the solution deployed. Without a level playing field for spectrum allocation, Vodafone expects that it would not be able to put in compelling bids for UAS projects, and that the issue of fair access to spectrum would need to be resolved on a timely basis to provide an opportunity to bid for UAS Projects for 2025.
- Current proposals to increase fees paid by Vodafone for numbering services and spectrum. Both kinds of fees will harm Vodafone's ability to increase its network coverage.
- The lack of connection between policies designed to enhance coverage, such as licence obligations, UAS funding and infrastructure sharing. Further collaborative discussions between Government and key industry stakeholders are required to maximise coverage using existing infrastructure and funding.



**b) What specific issues, topics, or clauses do the industry and others feel are missing from the Act and should be added to a new revision?**

**Response:**

Respectively as NICTA is aware, Vodafone PNG continues to highlight the following items and encourage the NICTA Act to be more supportive to fulfill this.

- Fair allocation of Frequency Spectrum essential to support effective competition.
- Mobile Number Portability (MNP)
- Infrastructure Sharing (Tower Colocation)

**c) What issues or topics are currently covered, but need to be revised or expanded, and in what ways?**

**Response:**

Please see our responses above.

**d) Do the proposed amendments alleviate a few concerns that you may have as industry participants?**

**Response:**

Please see our responses above.

Vodafone PNG fully supports NICTA's intention to review the National ICT Act of 2009 undertaken with the aim of promoting sustainable competition as a mechanism to drive the long-term development of the sector in PNG. We look forward to future updates on our submission and the changes that will be captured moving forward.

For any queries, please contact, Mr. Ateen Kumar, Regional Chief Information Officer at Vodafone PNG, through email to [ateen.kumar@vodafone.com.pg](mailto:ateen.kumar@vodafone.com.pg) or cell phone (675) 81100008.

Yours sincerely

Pradeep Lal

**Regional Chief Executive Officer**