



PUBLIC NOTICE

PUBLIC CONSULTATION ON WHOLESALE AND RETAIL SERVICES DEMARCATION

BACKGROUND

The *National Information and Communications Technology Act 2009* (Act) defines wholesale ICT services and retail ICT services in terms of whether the customer is an operator licensee or not, and, if the customer is an operator licensee, whether the service is to be used as an input to further ICT services provided by that purchaser, or, to put it another way, whether the services are for personal or internal use.

Demarcation in these terms is standard in telecommunications legislation around the world, and not in any sense unique to Papua New Guinea.

However, various parties have suggested from time to time that other characteristics should be imported into the distinction, such as minimum volumes or technical characteristics.

These suggestions are incompatible with the scheme in the Act, and, even if they were, they are impractical and otherwise inappropriate.

Therefore, it is timely for NICTA to issue a guideline on the matter to explain what is already in the Act and to advise how it intends to proceed to implement the demarcation in practice.

It is proposed to issue a Guideline, rather than some other instrument, because it is intended to do no more than explain existing arrangements that are in the Act, and to indicate the practice that NICTA has and will continue to adopt in relation to monitoring and enforcing the distinction. The draft Guideline does not impose any new or additional administrative or substantive obligation on operator licensees or others.

PURPOSE OF THIS PUBLIC NOTICE

This public notice is published in compliance with the requirements of Section 229 of the Act. In particular:

- (a) NICTA hereby announces the fact that it is holding a public consultation;
- (b) The public consultation shall be for the period from Friday 5th November to Monday 5th December 2021;
- (c) The public consultation relates to the Draft Guideline published on NICTA's website (www.nicta.gov.pg) on 5th November 2021, and specifically, to whether NICTA should finalise the draft as it stands or with amendments proposed by stakeholders in their comments; and
- (d) The deadline for submissions to be received shall be 4 pm on Monday 5th December 2021.

Contact

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