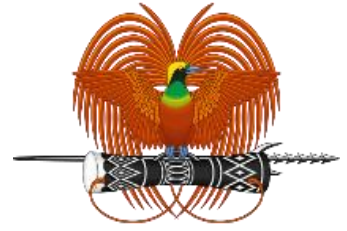




Government of Papua New Guinea  
National Information and  
Communications  
Technology Authority



## PUBLIC CONSULTATION PAPER

### OPERATOR LICENSING (SPECIAL TEMPORARY AUTHORISATIONS) RULE

Issue Date: 30/09/25

## 1. EXECUTIVE SUMMARY

The *National Information and Communications Technology Act 2009 (the Act)* at Section 47(2) provides for NICTA to “make, and thereafter keep updated, rules setting out - (c) the terms and conditions for granting special temporary authorisations for testing purposes, demonstrations and research and development.”

NICTA has to date not exercised this power to make such rules. However, there is an increase in the level of interest within the sector to undertake testing, demonstrations and research and development of a kind contemplated in Section 47(2)(c). In part this increased interest has been associated with the use of LEO satellite services, but it extends to all ICT technologies.

Under the circumstances NICTA considers that it is timely to exercise the power and to make appropriate rules.

NICTA adopted a *Standard and Special Conditions of Individual Licences Rule* in 2011, and this has recently been amended in 2025. Consideration has been given to extending that particular rule further to include special temporary authorisations. NICTA considers that a separate rule might be desirable to avoid any confusion between the terms and conditions of individual licences, with temporary authorisation terms and conditions.

This Discussion Paper includes a draft Operator Licensing (Special Temporary Authorisations) Rule for comment. The main features and provision of the draft Rule are:

- (1) To clarify eligibility conditions for a person to be granted a special temporary authorisation;
- (2) To give some basic meaning to “temporary” but to provide a discretion to NICTA for its determination in individual cases, within a maximum period;
- (3) To give some sense of how the phrases “testing purposes”, “demonstrations”, and “research and development” which appear in Section 47(2)(c) of the Act will be applied by NICTA; and
- (4) To outline terms and conditions that will protect the interests of potentially affected parties, including other licensees, relevant ICT users, and other agencies with responsibilities in the subject matter of Section 47(2)(c).

The draft proposed Rules are annexed at Annex A.

## 2. PROPOSED RULE TERMS AND CONDITIONS

Key issues covered in the draft Rule are discussed below.

### **(1) Eligibility to apply for and be granted a Special Temporary Authorisation, (paragraph 5(2))**

It is not intended that just anybody can apply and be granted a Special Temporary Authorisation. It is reasonable to expect that an applicant should be a person with some familiarity with the circumstances of the ICT sector and be able to understand and comply with obligations that relate to the needs of the sector. For that reason, it is proposed that a Grantee should be either an existing Operator Licensee or a person who is eligible to be an Operator Licensee under the Act.

### **(2) “Grantee”**

To avoid any confusion between the terms and conditions of an Operator Licence, and the terms and conditions of a Special Temporary Authorisation, the term “Grantee” has been used for a person who is awarded a Special Temporary Authorisation. In any case, the term “licensee” would be incorrect, since not all grantees are necessarily licensees at the time of the grant of the Special Temporary Authorisation, or even after that.

### **(3) Implications of the word “special”**

This word is used in Section 47(2)(c). It suggests that each case is an individual case and needs to be considered individually. The possible circumstances in which a Special Temporary Authorisation may be sought are potentially varied and wide. The draft Rule has been written with that in mind. For this reason, a class approach, along the lines of a class licence, has not been considered.

### **(4) Duration of Special Temporary Authorisation, (paragraphs 5(3), 5(4) and 5(5))**

An authorisation is intended to be temporary, which means that there can be no expectation of renewal and continuity as in the case of an operator licence. The period for which an authorisation is required will depend on the precise activities that the applicant has in mind. The standard time has been set in the draft Rule as 12 months, but if the testing, research or whatever the Grantee has planned to do has not been completed within 12 months then an extension might be sought. Alternatively, there may be a case for a Special Temporary Authorisation of more than 12 months at the outset. The applicant will have to make the case. The outside duration consistent with the notion of being temporary has been set at three (3) years from the date of original grant. Respondents may like to consider whether that duration is about right and, if not, what other duration might be substituted in the Rule.

### **(5) Spectrum Permits (paragraph 6)**

Many Grantees of temporary authorisations may also need spectrum permits, if the tests, demonstrations or research and development involve radio apparatus. There already exists in the Section 29 of the Radio Spectrum Regulations 2010, giving NICTA the power to issue a spectrum permit for short term use. This will require a separate application, but the applications for a Special Temporary Authorisation can be linked to an application for a short period permit, and the reference in this Rule serves as a reminder for applicants and Grantees. The permit and the authorisation will be issued for the same period, unless there are good reasons to do otherwise.

### **(6) Only one category of Special Temporary Authorisation**

Although there are three purposes mentioned in Section 47(2)(c) of the Act, it is proposed that there be a single category of Special Temporary Authorisation to cover them all. No sub-categories are proposed. The applicant will undoubtedly indicate what activity the Special Temporary Authorisation is being sought to cover. It is possible that the activities that the applicant intends to undertake have elements of testing, demonstration, and research and development, or of two of these. If so, only a single Special Temporary Authorisation will be needed, but it will have the special conditions attached to it that are relevant to the combination of activities to be authorised.

### **(7) Standard obligations, (Schedule 1, paragraph 2)**

The standard obligations have been framed taking into account the standard terms and conditions of Individual Licences.

### **(8) Safety measures, (Schedule 1, paragraph 2(d))**

The Grantee needs to be obliged to take whatever precautions and other measures for the safety of those who may be adversely affected by the Grantee’s authorised activities.

### **(9) Claiming force majeure, (Schedule 1, paragraph 2(f))**

The same reporting requirements that apply to Operator Licensees also apply to the Grantee if the Grantee wishes to have non-compliance with terms and conditions excused because of force majeure events, and for as long as those events persist. In addition, the Grantee must do whatever it reasonably can to mitigate the impact of the force majeure events.

**(10) Commercial operation, (Schedule 1, paragraph 2(l))**

The Special Temporary Authorisation is not an Operator Licence, and does not give the Grantee authority to do more than test, demonstrate and/or research and development activities. In particular, the Special Temporary Authorisation does *not* grant permission or give approval for the Grantee to include the equipment, network, systems, software, procedures or whatever is within the coverage of the Special Temporary Authorisation in commercial ICT service offerings. For that to happen, separate approval from NICTA is required, and that is the reason why NICTA shall, as a special condition mentioned in later Schedules of the draft Rule, require appropriate reports from the Grantee on progress with the testing, demonstration or R&D. NICTA's interest is not in the commercial prospects resulting from the authorised activities, but in conformity with technical requirements and in the safety of persons and impact on networks and services.

**(11) Schedule 2: Testing Purposes (Schedule 2)**

A wide meaning has been given, deliberately, to “testing purposes” and the examples set out are not intended to be comprehensive. NICTA considers that the objective of the Act in respect of Special Temporary Authorisations is to facilitate ICT sector development and the provision of new and better services to ICT users. This aligns with the whole tenor of the Act, but, in particular, with Section 2 (Objective of Act) which includes the following in the long-term economic and social development of PNG:

- “(c) promoting the development of an ICT industry in Papua New Guinea that is efficient, competitive and responsive to the needs of Papua New Guinea and its people; and
- (e) promoting the development of the technical capabilities and skills of the ICT industry in Papua New Guinea; and
- (f) providing appropriate community safeguards in relation to ICT activities and to regulate adequately participants in sections of the ICT industry in Papua New Guinea; ...”

**(12) Schedule 3: Demonstrations**

A wide meaning is intended to apply to “demonstrations” as well, for the reasons given above. In particular, NICTA considers it important not to limit Special Temporary Authorisations to one-time demonstrations, although these are covered, but to on-going demonstrations that might be required to demonstrate capabilities for marketing purposes.

**(13) Schedule 4: Research and Development**

A wide meaning is also intended for “Research and Development”. Research and development might require extended effort, and that is a key reason why limiting a Special Temporary Authorisation to a life of only one year in all cases is not proposed in the draft Rule.

### 3. INVITATION TO MAKE SUBMISSIONS

NICTA invites all stakeholders and the interested members of the public to make submissions on their views in relation to the draft Operator Licensing (Special Temporary Authorisations) Rule annexed to this Discussion Paper.

NICTA does not have specific questions that submissions might address in relation to each section of the draft Rule. In relation to each and all sections of the draft Rule the issues to be considered are:

- (1) Is each of the existing terms and conditions appropriate in the current circumstances of the ICT sector in PNG in 2025, and if so why, or if not, why not?
- (2) Could the obligations covered by the terms and conditions be better expressed, having regard to the objects of the Act?
- (3) Are there additional terms and conditions that should be considered in relation to any category of licence, and if so, what are they and why should they be added?

Respondents are requested to identify the part of the draft Rule they are referring to in their comments, including the schedule and paragraph number if applicable.

Submissions should be addressed to NICTA at [starule@nicta.gov.pg](mailto:starule@nicta.gov.pg) and be received no later than **4 pm on 27 October 2025**.

Procedural information on submissions to NICTA is set out in the 'Guidelines on the submission of written comments to Public Consultations and Public Inquiries', which are also available at NICTA's Public Register.

Should you require further information or clarification in relation to this consultation, please contact Mr Gibson Tito, Manager Licensing and Business Relations, NICTA on 303 3275 or via email [gtito@nicta.gov.pg](mailto:gtito@nicta.gov.pg).

## ANNEX A: DRAFT OPERATOR LICENSING (SPECIAL TEMPORARY AUTHORISATIONS) RULE

### 1. Name of rule

- (1) This rule is the Operator Licensing (Special Temporary Authorisations) Rule, 2025.

### 2. Preliminary

- (1) This Rule is made by NICTA pursuant to its powers and responsibilities under Section 47 of the *National Information and Communications Technology Act 2009*.

### 3. Commencement

- (1) This Rule commences on the date on which it is notified in the National Gazette.

### 4. Interpretation

- (1) In this Rule, unless the contrary intention appears:

“Act” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;

“Demonstration” means a demonstration of the kind described in Schedule 3 of this Rule;

“Force Majeure Event” means:

- (a) a cyclone, storm, earthquake, volcanic eruption, tidal wave, landslide or other natural disaster; or
- (b) an act of public enemy, war (declared or undeclared), sabotage, blockage, revolution, riot, insurrection, civil commotion, civil disturbance or any violent or threatening act; or
- (c) any other event which NICTA and a licensee agree in writing to be a Force Majeure Event for the purposes of section 6 of this Rule.

“Grantee” means a person to whom NICTA has granted a Special Temporary Authorisation;

“Research and development” means research and development of the kind described in Schedule 4 of this Rule;

“Rule” means the Operator Licensing (Special Temporary Authorisations) Rule, 2025, unless the context clearly indicates otherwise;

“Special Temporary Authorisation” means a special temporary authorisation in Section 47(2)(c) of the Act, granted subject to the terms and conditions set out in this Rule;

“Telecommunications Subscriber” means a customer of an Operator Licensee who is connected to a Network Service in Papua New Guinea;

“Terminal” means a customer equipment used by a User to access the Telecommunications Service provided by the Licensee;

“Testing purposes” means purposes of the kind set out in Schedule 2 of this Rule;

“User” means a user of Telecommunications Services; and

“Working Day” means a full day that is not a Saturday, Sunday or a public holiday.

- (2) Each of the following terms used in this Rule has the meaning given to it by the Act:

- Existing Licence
- Existing Licensee
- Facility
- Individual Licensee
- ICT
- Network
- Operator Licence
- Operator Licensee
- NICTA
- Regulations

## **5. Conditions for the granting of Special Temporary Authorisations**

- (1) All Special Temporary Authorisations are subject to the standard terms and conditions specified in Schedule 1 to this Rule.
- (2) Special Temporary Authorisations shall only be granted to a person who -
  - (a) is the holder of an individual operator licences issued by NICTA; or
  - (b) is eligible to be the holder of an individual operator licence, in accordance with Section 47(1) of the Act.
- (3) Except as provided in (4), Special Temporary Authorisations shall be granted subject to expiry within 12 months of the date of grant.
- (4) Where the applicant seeks a Special Temporary Authorisation to undertake extended testing or complex and protracted research and development, NICTA may grant a Special Temporary Authorisation for a period of up to but not exceeding three (3) years.
- (5) The Grantee may apply for an extension to the term of a Special Temporary Authorisation, but in no case may the term, including any extension or extensions, exceed three (3) calculated from the date of the original grant.

## **6. Spectrum Permits**

- (1) Where the tests, demonstrations and/or research and development authorised by the Special Temporary Authorisation involves radio apparatus, the Grantee may also need to apply for a permit pursuant to Section 29 of the Radio Spectrum Regulations, 2010. If so, that will need to be a separate, but related, application.
- (2) Where NICTA issues a permit under Section 29 of the Radio Spectrum Regulations 2010, in the circumstances described in subsection (1), the period specified in the permit will be the same as the period specified in the Special Temporary Authorisation, unless there are compelling reasons submitted by the Grantee to do otherwise.

## **7. Force majeure**

A Grantee shall not be liable for a breach of a condition of its licence arising under this Rule if the Grantee is able to demonstrate to the satisfaction of NICTA that:

- (a) the breach was caused by a Force Majeure Event; and
- (b) the Grantee has taken all reasonable steps open to it to rectify the circumstances that led to the breach of a licence condition.

## **Schedule 1: Standard terms and conditions of Special Temporary Authorisations**

### **1. Application**

This Schedule applies to all Special Temporary Authorisations.

### **2. Standard obligations**

A Grantee shall:

- (a) Pay all applicable regulatory fees and charges associated with the Special Temporary Authorisation, when they fall due;
- (b) Comply with:
  - (i) the Act, all applicable mandatory instruments and all other applicable laws of the Independent State of Papua New Guinea;
  - (ii) Any radiocommunications licence issued to the Grantee; and
  - (iii) The requirements of all relevant international conventions relating to ICT, including the ITU Convention and the recommendations made under that convention, that are notified to the licensee by NICTA;
- (c) Notify NICTA within 14 days of any change of the particulars of the Grantee lodged with NICTA, including changes in the information contained in the application for the Special Temporary Authorisation;
- (d) Take all proper and adequate safety measures to safeguard life or property in respect of all apparatus, equipment and installations possess, operated, maintained or used under the Special Temporary Authorisation, including exposure to any electrical emission or radiation emanating from the apparatus, equipment or installation so used;
- (e) Indemnify NICTA against any claims or proceedings arising from any breaches or failings on the part of the Grantee;
- (f) Advise NICTA at the earliest practicable time of any force majeure event that prevents the Grantee from complying with all or any of its Special Temporary Authorisation obligations, to the extent that the effects of such an event cannot be ameliorated or reduced in their impact by any action within the reasonable control or capacity of the licensee, and which will be used by the Grantee as a reason for NICTA to excuse the non-compliance in whole or in part;
- (g) Comply with emergency service provision arrangements currently in force, including, but not limited to, the mandatory provision of direct access by end-users, free of charge, to emergency call services and auxiliary arrangements for emergency call handling;
- (h) Comply at all times with protection of communications requirements currently in force, including, but not limited to:
  - (i) the protection of the confidentiality information that relates to content of communications;
  - (ii) the identity and personal details of users of the Grantees services; and
  - (iii) the protection of community values and standards of decency and civility in relation to online content.
- (i) Comply with requirements to protect the national Interest and to ensure security in the operation of the licensee's networks and the provision of services, including, but not limited to, taking all reasonable measures to prevent their networks and services from being used to commit criminal offences, giving law enforcement agencies such help as reasonably

necessary for the purposes of safeguarding national security, protecting public revenue, and enforcing the criminal law;

(j) Maintain lawful interception capability in relation to the Grantee's network and services, and lodge annual Interception Capability Plans as required;

(k) Comply with Defence requirements and current disaster plans, including, but not limited to, supplying carriage and other services for defence purposes or for the management of natural disasters; and

(l) Shall **not** make the subject-matter of the Special Temporary Authorisation available for sale to, installation by or for, or use of customers or end-users of ICT services on a commercial basis without receiving the explicit permission in writing from NICTA to do so.

## **Schedule 2: Special Conditions relating to Special Temporary Authorisations for Testing Purposes**

### ***1. Application***

This schedule applies to Special Temporary Authorisations which have been applied and granted for testing purposes.

### ***2. Testing purposes***

For the purposes of this Rule testing purposes may include, without limitation:

- (a) Testing and/or trialling equipment and systems under different circumstances to determine operational adequacy;
- (b) Testing and/or trialling equipment and systems to determine how they interwork with existing systems;
- (c) Testing and/or trialling equipment and systems to determine the extent to which existing procedures and processes may need to be changed to accommodate them or to ensure that they operate as required; and
- (d) Testing the impact of equipment, software, procedures or other circumstances on existing services provided to wholesale customers or end-users.

### ***3. Special Conditions relating to testing***

NICTA may include special conditions to which the grant of a Special Temporary Authorisation for testing purposes is subject, which require the Grantee -

- (a) to directly notify potentially impacted ICT users of the testing that is to be conducted by the Grantee, the timing and nature of the testing, and the likely impact they will perceive in relation to their services;
- (b) to provide ICT users with the details of a contact in the Grantee's organisation that they may access to report service issues, complain or ask questions about testing on a 24/7 basis;
- (c) to directly notify other licensed operators who could be potentially impacted by the testing of the dates and times when testing will occur and of the arrangements that the Grantee has in place to enable such other licensed operators to contact the Grantee to report service issues, complain or ask questions about testing on a 24/7 basis;
- (d) to notify all other relevant agencies and organisations of the testing and of potential effects within their jurisdictions or areas of responsibility;
- (e) to provide reports to NICTA on the progress of testing as agreed or requested by NICTA during and/or at the conclusion of the authorisation period; and
- (f) to comply with such other conditions that, based on the application for testing purposes, NICTA considers to be appropriate and reasonable in the overall interest of ICT licensed operators, ICT users and the public at large.

## **Schedule 3: Special Conditions relating to Special Temporary Authorisations for Demonstrations**

### ***1. Application***

This schedule applies to Special Temporary Authorisations which have been applied and granted for demonstrations.

### ***2. Demonstrations***

For the purposes of this Rule, demonstrations may include, without limitation -

- (a) the demonstration of equipment, networks, systems, software and similar ICT components to show how they work and how they work in contexts of interest to potential clients, associates, customers or users; and
- (b) demonstrations that have been established to present the capabilities of equipment, network, systems, software and similar IVT components to invited audiences, or for as standing presentations to support marketing and future sales.

### ***3. Special Conditions relating the Demonstrations***

NICTA may include special conditions to which the grant of a Special Temporary Authorisation for demonstrations is subject, which require the Grantee -

- (a) to directly notify potentially impacted ICT users who are not the intended audience of the demonstrations of any impact on the demonstrations on their services and the time and anticipated nature of that impact;
- (b) to directly notify licensed operators who could be potentially impacted by the demonstrations of the dates and times when such demonstrations will occur and of the arrangements that the Grantee has in place to enable such other licensed operators to contact the Grantee to report service issues, complain or ask questions about the impact of the demonstrations; and
- (c) to comply with such other conditions that, based on the application for the Special Temporary Authorisation, NICTA considers to be appropriate and reasonable in the overall interest of ICT licensed operators, ICT users and the public at large.

## **Schedule 4: Special Conditions relating to Special Temporary Authorisations for Research and Development**

### ***1. Application***

This schedule applies to Special Temporary Authorisations which have been applied and granted for research and development.

### ***2. Research and Development***

For the purposes of this Rule, research and development shall be construed broadly and, without limitation, shall mean innovative activity to create new ICT products, services or processes, or to improve existing ones, and shall include activities designed to adapt ICT products, services or processes to the circumstances of PNG and to the needs of PNG ICT customers and users.

### ***3. Special Conditions relating the Research and Development***

NICTA may include special conditions to which the grant of a Special Temporary Authorisation for research and development is subject, which require the Grantee -

- (a) to directly notify potentially directly impacted ICT users of the research and development activity planned to be conducted by the Grantee, the timing and nature of the activity, and the likely impact they will perceive in relation to their services;
- (b) to provide ICT users with the details of a contact in the Grantee's organisation that they may access to report service issues, complain or ask questions about any research and development activity that directly impacts on the customers or their ICT services on a 24/7 basis;
- (c) to directly notify licensed operators who could be potentially impacted by the research and development activity of the Grantee of the dates and times when the activity will occur and of the arrangements that the Grantee has in place to enable such other licensed operators to contact the Grantee to report service issues, complain or ask questions on a 24/7 basis;
- (d) to notify all other relevant agencies and organisations of the research and development activity and of potential effects within their jurisdictions or areas of responsibility;
- (e) to provide reports to NICTA on the progress of the research and development as agreed or requested by NICTA during and/or at the conclusion of the authorisation period; and
- (f) to comply with such other conditions that, based on the application for research and development purposes, NICTA considers to be appropriate and reasonable in the overall interest of ICT licensed operators, ICT users and the public at large.