


National ICT Policy & Licensing Public Consultations

NIUE



Agenda

1. **Introduction and Background:**
 - ICB4PAC for the Pacific and ICB4PAC for Niue
2. **What has been completed for Niue?**
 - Draft National ICT Policy
 - Draft Report on Niue's Licensing Framework
 - Cyber Security
3. **Current Status**
 - TOR for this mission
 - Public consultations
4. **What happens after the public consultations?**
 - Feedback summarized and incorporated into final reports



ICB4PAC

ICB4PAC


- **objectives**
Develop and promote capacity building in ICT policies, regulatory and legislative frameworks through a range of targeted interventions.
- **Methodology**
A bottom-up-approach, where the countries would identify the interventions to be undertaken after an initial assessment.
- **Governance structure etc.**
National Focal Points who will be the representatives of the ICB4PAC in country and also is the contact person for the project.



ICB4PAC

ICB4PAC

- **7 ICT policies**
 - National ICT Policy
 - Interconnection and Cost Modeling
 - Cyber-security
 - Licensing
 - Universal Access
 - Numbering
 - International Mobile Roaming




ICB4PAC - NIUE

Priorities addressed under ICB4PAC for NIUE

1. National ICT Policy
2. Licensing
3. Cyber Crime

Intervention methodology

- Phase 1 – Desk Review
- Phase 2 – Public Consultations
- Phase 3 – Finalization of report based on feedback from public consultations.



Proposed National ICT Policy

Key Issues to discuss



1. *Vision Statement*
2. *Targeted benefits*
3. *Objective*
4. *Key Themes*
5. *National Development ICT Goals*
6. *Work Plan*
7. *Summary of Feedback and Key Recommendations.*

Proposed National ICT Policy for NIUE



Vision Statement

The Government has a vision of “ICT for all”. That vision describes the Government’s ambition to foster greater utilization of ICT by all Niueans, in all communities, and in all aspects of their life to enhance their circumstances, opportunities and interactions.

Proposed National ICT Policy for NIUE



Targeted benefits

The expansion, diversification and effective application of ICT in Niue would have many benefits. Among other things, it would:

- foster an information society, where the creation, use and distribution of information is a significant economic, social and cultural activity;
- provide enhanced opportunities for education, health and other public services;
- enhance social equity;
- promote greater transparency, responsiveness and accountability within government;
- provide a cost-effective means of delivering various government and commercial services throughout Niue.

Proposed National ICT Policy for NIUE



Objective

The proposed National ICT Policy attempts to set out the Government’s over –arching goals for ICT-based development over the next five years. It is intended to provide a framework within which the ICT needs and priorities of various industry sectors can be addressed in a coordinated and harmonious manner.

Key Themes



Key Themes for National ICT Development Goals for 2012-2016

- Accessibility, which describes the Government’s desire to maximize the availability and affordability of ICT and of opportunities to use ICT;
- Capacity, which reflects the Government’s desire to ensure that all Niueans acquire and continually develop the skills necessary to use ICTs effectively to access and share information; and
- Community, which reflects the Government’s intention to work in partnerships with the private sector and with community organisations to achieve its vision of “ICT for all”.

National ICT Development Goals



Goal 1: Achieve Accessible, Secure and Affordable Communications for All

We will achieve this goal by:

- identifying and removing the barriers to greater adoption and use of ICT services;
- increasing awareness of ICT and developing ICT literacy
- putting in place appropriate laws, policies and practices to ensure that everyone has equal opportunity to access ICT regardless of level of income, education, age, gender and people with special needs;
- encouraging private sector investment in ICT infrastructure;
- establishing multipurpose telecentres to provide access and training opportunities ;
- working in collaboration with existing community groups, such as churches, women groups, and schools to provide outreach to their constituents in raising the awareness of ICT benefits and providing opportunities for hands-on training;
- ensuring that ICT initiatives and programs are integrated into the developmental plans and policies of all relevant sectors (such as education and health); and
- examining ways to reduce the costs of ICT equipment for underserved communities and public service sectors (such as health and education).

National ICT Development Goals



Goal 1: Achieve Accessible, Secure and Affordable Communications for All

Development Indicators.

- the number of mobile telephones per capita;
- the number of new telecentres established and the number of users per telecentre ;
- the proportion of the population that regularly use broadband internet access (wireless or fixed); and
- changes in the prices for ICT services and equipment . Proposed that it be noted that there are technical, financial and human capacity barriers to be considered under this goal. And any proposed study look at each of these barriers and proposed solutions for each.
- Some are doubtful that telecentres would work given that they have not in the past. However, majority acknowledges that telecentres are vital channels for raising awareness and training in the health sector, education and ICT. Therefore, it was recommended that the feasibility of putting up telecentres be re-examined given that they could operate as centres of information and training and given that it could mean increased access in some areas.
- Subject to an initial study to look at the feasibility of putting up telecentres
- It was raised that it be noted this proposed deliverable is dependent on a range of other factors as well such as price of supplier from abroad, cost of transportation etc...that maybe beyond the control of the Government of Niue.

National ICT Development Goals



Goal 2: Strengthen ICT human resources and increase human resource development opportunities through the use of ICT

We will achieve this goal by:

- fully integrating the use of ICT into school curricula;
- ensuring teachers receive appropriate training so that they have the skills and confidence to incorporate the use of ICT into lessons;
- making opportunities available for people to acquire the skills and confidence to use ICT to access and share information and further their education;
- appointing an ICT Champion to promote awareness of ICT, how it can be accessed and used, and its potential; and
- obtaining baseline information to understand the precise ICT needs and priorities of the community ;

Development Indicators.

- the proportion of schools that integrate ICT into their curricula ;
- the proportion of all teachers have completed ICT education and training requirements;
- the proportion of schools that incorporate multi-media educational materials in the classroom ; and
- the proportion of the population that regularly use broadband internet access (wireless or fixed).
- Recommended that Niue Telecom look at the data to confirm teledensity
- There are only 3 schools in Niue located all in the same compound. Niue's curriculum is based on NZ's.
- The Education Department is already working on incorporating multi media education into the classrooms for all 3 schools.

National ICT Development Goals



Goal 3: Improve Economic Growth and Sustainable Development through ICT

We will achieve this goal by:

- identifying ways to lower the costs for businesses to utilize ICT to improve their productivity and the marketing and distribution of goods and services;
- working with the private sector to develop e-commerce systems that facilitate financial transactions using ICT;
- developing and implementing an ICT plan for the health sector that focuses on utilizing ICT to improve the delivery of health services and the recording and exchange of health related information ;
- integrating ICT into disaster management and recovery systems, particularly to enhance predictive capabilities and the management of disaster and post-disaster situations through access to real time information by government officials ;
- supporting the implementation of ICT systems to improve fisheries management in the interests of sustainability and food security ;
- encouraging the creation of local and locally-relevant internet content and websites .

Development Indicators.

- the percentage increase in healthcare services utilising ICT, including telehealth and telemedicine;
- the number of local (.nu) websites and the proportion with e-Commerce facilities;
- the incorporation of ICT into the national disaster strategy;
- the percentage increase in e-commerce and related electronic financial transactions.

National ICT Development Goals



Goal 4: Utilize ICT for Good Governance

We will achieve these by:

- developing an e-Government strategy to improve government processes and the delivery of public services through the use of ICT ;
- delivering public services to citizens through creative uses of ICT such as a government web portal, one-stop service counters and helpdesks;
- using ICT to facilitate the sharing of relevant data and information between government ministries and public service providers ;
- developing an internet usage policy to cover all government departments and agencies ;
- Encouraging all government bodies and social and economic organisations to make greater use of ICT in their interactions with stakeholders and customers . NPSC already has a policy in place that reflect these under the Code of Conduct for Public Service Delivery.
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Development indicators.

- The breadth and currency of the information on the websites of government ministries;
- The proportion of government ministries and agencies that have an internet usage policy .
- NPSC already has a policy in place that reflect these under the Code of Conduct for Public Service Delivery.

National ICT Development Goals



Goal 5: Create an enabling environment for the development and adoption of ICT through policy reform and improvements in legal frameworks.

This will be achieved by:

- reviewing and if necessary updating the existing legislation that governs the ICT sector to ensure that it is fit for purpose and draws on international experience;
- putting in place suitable laws, policies and practices that ensures access to ICT infrastructure, services and training is equitable and non-discriminatory;
- identifying and developing policies and laws to address the socially undesirable and illegal applications of ICT and protect the interests and privacy of all Niueans; and
- establishing safe and secure environments for children to use ICT.

Development Indicators.

- the Communications Act 1989 and related laws are reviewed and updated as necessary;
- the number of new businesses established within the ICT sector.

National ICT Work Plan



National ICT Work Plan for 2012-2016

Key questions to raise:

- Is the proposed work plan achievable
- If not why?
- What other amendments, additions should the work plan reflect ?
- Are the proposed dates achievable or should they be revised?
- Any comments on the designated parties responsible for each role?

Refer to distributed Table and the group will go through each goal and targeted activities one by one.

Proposed Licensing Regime



Key Issues to discuss



1. Current Regime.
2. International Best Practice principles considered in the review of Niue's licensing regime.
3. Summary of review of relevant documentations relevant to licensing.
4. Assessment of existing Niue licensing framework together with proposals for an improved framework
5. Proposed licensing guidelines
6. Initial assessment on skills and capacity requirements to fulfill the licensing tasks in Niue.

Current Regime



- Telecom Niue (Niue P&T) provides fixed, mobile and international gateway services in accordance with the Communications Act. Internet services are provided by a private company, the Internet Users Society of Niue ("IUS-N"), under a MOU with the Government. Internet services have been provided by IUS-N using WiFi technology free of charge since 2003.
- There are no licensed operators in Niue. Telecom Niue is directly authorised by the Communications Act, 1989, and the authority under which the IUS-N operates is entitled "Memorandum of Understanding". It functions as a licence even though it does not have the form of a licence under Section 9 of the Act.
- The latest statistics for Niue telecommunications are:

Main telephone lines in use	...	1,200
Mobile services	...	600
Internet users	...	1,100

Documentations relevant to Niue's existing licensing



- Niue Documents Reviewed & Summary of assessment of licensing regime based on best international practices principles.
 - Communications Act 1989
 - SPAM BILL
 - Cyber Law
 - IUS-N-MOU

International best practices for licensing



- The telecommunications industry is characterised by technological innovation, changing cost structures and relationships, service innovation and increasing demand, but the present is a time of exceptional change resulting from:
 - The widespread adoption of ubiquitous packet-based technologies
 - Technological change and innovation substantially increasing the processing capacities within the industry
 - Convergence at technology, market, service and service provider levels
 - Substantially greater and increasing competition at national and global levels
 - Lower costs and increased affordability with consequent increased participation and overall demand
- It is becoming increasingly apparent that in economies where there are legislative, regulatory or policy barriers to these global trends playing out, that the benefits of higher quality, lower priced, new and innovative services will be delayed or denied.

What does this mean for licensing



- There are many different objectives that regulators might seek to achieve through licensing, including:
- The allocation of scarce resources
 - Expansion of networks and services
 - Privatisation and commercialisation
 - Regulatory certainty
 - Establishing a competitive framework
 - Consumer protection
 - Regulating market structure
 - Generating government revenue

What do we want the licensing regime to do now?



International Best Practice requirements for licensing regimes considered in the review of Niue's licensing regime:

- Pro-competitive
- Consumer welfare oriented
- Transparency of process
- Pro-investment
- Certainty and clarity
- Independent regulatory processes
- Accountability

International Best Practice Principles



Best practice characteristic	1989 Act	IUS-N MOU	Overall comment	Possible solution
Pro-competitive	No mention	No mention	The framework is consistent with competition but the reality of free services from IUS-N works to deter it.	Make pro-competitive policy explicit in the Act and in Licensing Regulations
Consumer welfare oriented	No mention	Promotion of the welfare of the Domain name country is mentioned	Consumer welfare will be advanced through the promotion of competition and of choice	Explicit mention of consumer welfare and the manner of its achievement in the new legislation.
Transparency of process	The Act is without guidelines on transparency of process or criteria.	Processes for revision, amendment, and accountability are not mentioned	The regime totally fails on this dimension.	Clear processes and criteria to be set out in Act or regulations.
Pro-investment	No mention.	Minor references in terms of consideration from IUS-N	Greater accountability under the MOU and monitoring of investment by IUS-N and Telecom Niue is needed.	The new Act should make specific provision in relation to licenses.
Certainty and clarity	Fails. Criteria and procedural certainty are lacking.	Fails. Important MOU terms are missing - especially relating to term and amendment of the agreement.	Greater clarity can be provided for.	Process and criteria certainty for licensing to be provided for in the new Act and regulations.
Independent regulatory processes	The Director and Telecom Niue are part of the Ministry.	The MOU stands outside the process set out in the Act.	There is no actual or perceived independence or secured integrity of regulatory activity.	Create a new independent regulatory agency - using the Director's position as the centrepiece.
Accountability	Cabinet has no accountability for its decisions.	IUS-N appears to be entirely non-accountable under the MOU	The framework fails on accountability	New Act or regulations are needed setting out the processes that the Regulator including written reasons where licence decisions are made.

Summary of Recommendations for Improvement



1. A New Act

The key recommendations for the content of the new Act are:

- Establish a new independent regulatory agency as a statutory body or a statutory position.
- Separate Telecom Niue out of the Department with a corporate form suited to its role as a commercial and operating entity.
- Repeal the current Act or at least repeal the sections that relate to operator licensing, and replace them with new legislation.
- Establish clear statutory goals or objectives for telecommunications in Niue, and link these to the objectives to be pursued by the new Regulator Position or Regulatory Agency.
- Some guidelines, such as those relating to licensing, might be best contained in Regulations. The role of the Regulator in regulation-making needs to be set out. For example, the Regulator might have the function of developing drafts and recommending their adoption to the relevant Minister or to the Cabinet, possibly after a public consultation on the issues covered.

Summary of Recommendations for Improvement



- The Act should indicate the categories of operator licence available and the eligibility criteria for each category. Alternatively the categories could be left, fully or in part, to the Minister or Head of State on the recommendation of the Regulator. Supplementary eligibility criteria, which might be licence category specific, could be included in regulations made from time to time.
- The legislation might reserve the issuing of particular categories of individual licence to the Minister. If so, this should be after formal advice has been sought from the Regulator.
- Basic licence conditions and the principles on which licence fees shall be determined
- Bases on which licences can be suspended and revoked, or on which conditions might be changed
- Appeal rights and processes
- In the absence of a separate competition authority or of an economy-wide competition law in Niue, the regulation of anti-competitive conduct and of abuse of dominance will fall on the Regulator, and the specific anti-competitive conduct categories should be set out in the Act and the Regulator should be empowered to take appropriate ex post action.

Summary of Recommendations for Improvement



2. Operator Licensing Regime

It is likely that the following matters will need to be included in regulations:

- Application forms and processes for initial licences and licence renewal
- Supplementary conditions augmenting those set out in the Act
- Licence terms – if not covered in the Act
- Licence fees – application fee and on-going licence fees (in a suitable schedule that can be separately updated more frequently than the main body of regulations are likely to be reviewed and amended)
- Administrative targets for handling and determining applications and other licensing processes
- Administrative processes and standards – such as providing written reasons for licence application denials
- Status of pre-existing licences and licence migration processes

Summary of Recommendations for Improvement



- Reports and information required of licensees & Appeals against licensing decisions
- Reasonable expectations of renewal when a licence expires, if not covered in the Act
- Migration of current licences. Note that there are no licences at present. However, the IUS-N MOU is sufficiently like a licence (and also like a contract) that it should be carefully migrated into the form required by the new Act.

Summary of Feedback and Recommendations



- High cost, billing system
- Quality of service
- Deteriorating infrastructure -should be upgraded
- When will access be extended to ALL villages

-Human resources capacity constraints, regional sharing of ITC experts
-Pricing - PLEASE LOOK AT THE PRICING MIKE!
- Maintenance service quality

- outsourcing service delivery possibility
- how to improve service delivery through ITU.

Summary of Feedback and Recommendations



- High cost, billing system
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- When will access be extended to ALL villages

-Human resources capacity constraints, regional sharing of ICT experts
-Pricing - PLEASE LOOK AT THE PRICING MIKE!
- Maintenance service quality

- outsourcing of ICT service delivery possibility
- how to improve service delivery through ITU.

Summary of Feedback and Recommendations



Goal 3.
• feasibility to look at options of exploring effective ICT technological means to improve service delivery.

Inclusion of ICT in curriculum
Training
capacity development - seek assistance through financial support and sharing of regional experts when needed in coordination with NT.

Protection awareness program should be in place to address cyber crime and risk management. To be implemented in schools and community levels. NGO and community roles in risk management.

Community based learning centre = for training and learning for all in the community.

Customer training training.