



DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

Office of the Secretary

NOTICE 01/2022

8 August 2022

SUBJECT: NOTICE IN RELATION TO CERTIFICATE OF COMPLIANCE FOR PUBLIC INVESTMENT PROGRAM AND STATE GUARANTEED FUNDING FOR AN ICT PROJECT DESIGN

1.0 JURISDICTION

1.1 Authority

The Papua New Guinea Parliament enacted the *Digital Government Act 2022* (DGA) on 21 April 2022 and the DGA came into force on 8 August 2022. Pursuant to Section 5 of the DGA, the Departmental Head of the Department of Information and Communications Technology (DICT) is to administer the DGA.

1.2 Notice

This Notice is issued under Section 54 of the DGA whereby the Departmental Head of the DICT may issue Notices to support enforcement of the DGA.

2.0 APPLICATION

2.1 Public bodies

This Notice applies to a 'public body' within the meaning of the DGA. Under Section 2 of the DGA, a public body means:

- (a) any agency which is part of the state services established under Part VII and Part VIIA of the Constitution; and
- (b) any statutory body as defined under the Public Finances (Management) Act 1995; and
- (c) a Provincial Government or Local-level Government established under the Organic Law on Provincial Governments and Local-level Government,

but does not include a majority owned state-owned enterprise.

3.0 PURPOSE

3.1 What is an 'ICT Project Design'?

Under Section 2 of the DGA, an ICT Project Design means an ICT Infrastructure plan of a public body to deliver digital government.

3.2 Approval of an ICT Project Design requiring development budget funding from government or State-guaranteed funding

Section 15 of the DGA applies to an ICT Project Design proposed by a public body where it requires:

- (a) development budget funding from the government; or
- (b) State-guaranteed funding.

An ICT Project Design must comply with the Digital Government Plan formulated under section 10 of the DGA or the relevant ICT Sector plan, the ICT policies of the government and the DGA.

3.3 Does the *Papua New Guinea Planning and Monitoring Responsibility Act 2016* apply?

Yes, Section 15(4) of the DGA provides that an approved ICT Project Design is deemed to form part of the National Planning Framework under the *Papua New Guinea Planning and Monitoring Responsibility Act 2016* for funding consideration.

3.4 Is a public body required to obtain a Certificate of Compliance from the DICT Departmental Head prior to complying with the *Papua New Guinea Planning and Monitoring Responsibility Act 2016*?

Yes, a public body must obtain a Certificate of Compliance from the DICT Departmental Head prior to complying with the *Papua New Guinea Planning and Monitoring Responsibility Act 2016*. This means that, on and after 8 August 2022, a public body that seeks development budget funding or State-guaranteed funding and that is not issued with a Certificate of Compliance by the DICT Departmental Head for an ICT Project Design shall not be considered for development budget funding or State-guaranteed funding.

The head of a public body who fails to obtain a Certificate of Compliance before seeking development budget funding or State-guaranteed funding commits an offence.

4. ENFORCEMENT

Under Section 58(3) of the DGA, a person who fails to comply with a provision of the DGA for which no specific penalty is provided, is guilty of an offence.

Upon conviction for the offence, a court may impose a penalty:

- (a) in the case of an offence by a natural person, a fine not exceeding K5,000.00, or imprisonment for a period not exceeding 12 months, or both; and
- (b) in the case of an offence by a body corporate, a fine not exceeding K10,000.00.

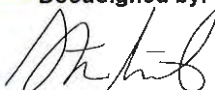
For the purpose of this Notice, Section 59 of the DGA also applies.

5.0 EFFECTIVE DATE

This Notice is deemed to have taken effect on 8 August 2022.

6.0 HELP DESK

Should you require further information, please send an email to helpdesk@ict.gov.pg

DocuSigned by:

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STEVEN MATAINAHO
Secretary of DICT
Date: 12 September 2022

