



**DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY**

**Office of the Secretary**

**NOTICE 02/2022**

**8 August 2022**

**SUBJECT: NOTICE IN RELATION TO THE APPROVAL OF AN ICT PROJECT DESIGN FOR ADOPTION OR PURCHASE**

**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 Governments,

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 for adoption or purchase**

Consistent with Section 14 of the DGA, a public body shall not adopt, purchase or use an ICT Project Design unless a request is made in writing to the DICT Departmental Head for approval of the ICT Project Design. A public body that intends to adopt, purchase or use an ICT Project Design shall obtain written approval from the DICT Departmental Head. On receipt of an approval request from a public body, the DICT Departmental Head must respond in writing to the public body within 30 days after the date of receipt of the request or within such period extended by the DICT Departmental Head in writing.

The DICT Departmental Head shall approve or reject an ICT Project Design originating from a public body:

- (a) if the sum of the projected cost of the Project Design in a year is K5,000,000.00 or more, based on the recommendation of the Public Service ICT Steering Committee; or
- (b) if the sum of the projected cost of the Project Design in a year is less than K500,000.00, based on his or her assessment of the Project Design.

If the DICT Departmental Head approves the ICT Project Design, the DICT Departmental Head shall issue a Certificate of Compliance to the public body making the request within 10 working days after the date of the decision. If the DICT Departmental Head rejects the ICT Project Design, the DICT Departmental Head shall issue a written notice of rejection to the public body within 10 working days after the date of the decision. If the decision is not communicated to the public body making the request within the required 10 working days, the request is deemed to be rejected.

#### **3.3 Does the *National Procurement Act 2018* apply?**

Yes, it does. Section 14(8) of the DGA makes it clear that section 14 of the DGA applies to the approval of an ICT Project Design before the procurement process under any law may take effect. A law would include the *National Procurement Act 2018*.

**3.4 Is a public body required to obtain a Certificate of Compliance from the DICT Departmental Head before complying with a procurement process under any other law?**

Yes, a public body must obtain a Certificate of Compliance from the DICT Departmental Head prior to complying with a procurement process under any other law. This means that any procurement process for an ICT Project Design on or after 8 August 2022 requires a Certificate of Compliance from the DICT Departmental Head before any procurement process under any other law commences.

**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.

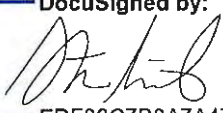
For the purpose of this Notice, the offence provisions under section 59 are applicable.

**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](mailto:helpdesk@ict.gov.pg)

DocuSigned by:  
  
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**STEVEN MATAINAHO**  
Secretary of DICT  
Date: 12 September 2022

