


ANNEX 2- PRESENTATION SLIDES

Review of the ICT Regulatory Framework in the Kingdom of Tonga

Public Consultation on Licensing Regime in Tonga
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Summary

1. Regulation
2. Legislation
3. Licensing Framework
4. Future Trends
5. Regulatory Resource Requirements
6. Conclusions



1 REGULATION

- Regulation of the sector in Tonga is hampered by outdated legislation and under resourced Ministry charged with responsibility
- The framework needs revision including revised ICT Policy implemented and Act(s) reviewed and revised
- A properly resourced regulator should be made a priority services
- Stakeholders should be involved in the review and revision to ensure buy in
- A multi-sector regulator could be considered but at a later date




2 Legislation

- **A task force with broad representation should be provided the mandate to provide oversight of the review process**
- *Communications Act 2000 and Corporation Act should be reviewed and revised*
 - New Act should be in keeping with international best practice
 - Should formally establish an independent regulatory body
 - Principles of fairness, transparency and accountability to be enshrined.
- **Independent Regulator**
 - Critical for the new environment



3 Licensing Framework

- **The revised licences would need for the implementation of a revised ICT Policy and Act**
- **Licences should be technology neutral and perhaps unified to allow for convergence**
- **Licensing criteria be established and published**
- **Licensing to be issued by independent regulator subject to ministerial approval for major licences**
- **Rules for licensing to be developed and published**



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Future Trends

- Important to design “future proof” legislation and regulations
- The future focus is mobility and broadband
- The access device of choice is the mobile phone
- Primary International trend is for mobile with broadband access
- Social networking is growing in use and influence
- Trends in reform are for markets to be competitive
- Regulators are being established worldwide
- Trend for privatization of infrastructure



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Regulatory Resource Requirements

- Regulatory body to be independent needs to be properly resourced (Staffing, financing and training)
- Regulator to be autonomous, financially secure, and competent
- Staffing would depend on mandate and functions
- In addition to engineering and economic and financial expertise there will be need for legal expertise
- Training would be critical to allow for reasoned decisions



6

Conclusion

- In keeping with international trends the regulatory framework in Tonga requires reform
- The Acts needs to be revised
- An independent well resourced Regulator should be established
- The benefits of the ICT sector would best be obtained from a truly competitive sector



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Conclusion

Assistance from ITU and PIRRC to be sought for

- Establishment of the Regulator in Tonga;
- Infrastructure and colocation regulations;
- National Telecommunications Emergency Telecommunications Plan (NETP) for Tonga;
- Evaluation of the business plan for an IXP for Tonga
- Revision of the spectrum management plan for Tonga.
- Development of a National Broadband Plan for Tonga;
- Training for various stakeholders to ensure capacity building for the sector.

