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[2009

Notice Pursuant to Clause 9.1 (b)(i)(A) of the PNG Harbours Regulatory Contract

VARIATION OF CLAUSE 4.2 OF THE PNG HARBOURS REGULATORY CONTRACT

THE Independent Consumer and Competition Commission ('Commission') wishes to inform the relevant industry stakeholders and members of the general public, that PNG Ports Corporation Limited ('PNG Ports') and the Commission have agreed to amend the PNG Harbours Regulatory Contract ('Contract').

Any such variation must follow the prescribed procedure stipulated under Clause 9.1 of the Contract. Hence, as part of this process, the Commission provides notice of the proposed variation of Clause 4.2 of the Contract.

Existing Clause 4.2	Proposed Amendments to Clause 4.2
(a) PNG Harbours may, in accordance with clause 4.2(b), submit to the Regulator a draft PNG Harbours Regulatory Contract which PNG Harbours considers should bind it for a period of five years commencing with effect from (and including) 1st January, 2012 and any written submission as to its form and content that considers appropriate PNG Harbours.	(a) PNG Ports may, in accordance with clause 4.2(b), submit to the Regulator a draft PNG Ports Regulatory Contract which PNG Ports considers should bind it of a period of five years commencing with effect from (and including) 1st January, 2010 and any written submission as to its form and content that PNG Ports considers appropriate.
(b) The draft PNG Harbours Regulatory Contract and any submissions, as referred to in clause 4.2(a), must be given to the Regulator by 31st December, 2010.	(b) The draft PNG Ports Regulatory Contract and any submissions as referred to in clause 4.2(a), must be given to the Regulator by 30th May, 2009.
(c) After considering:..... the Regulator must publish a draft PNG Harbours Regulatory Contract that is proposed to bind PNG Harbours for a period of five years commencing with effect from (and including) 1st January, 2012.	(c) After considering:..... the Regulator must publish a draft PNG Ports Regulatory Contract that is proposed to bind PNG Ports for a period of five years commencing with effect from (and including) 1st January, 2010.
(f) The Regulator must publish the draft PNG Harbours Regulatory Contract referred to in clause 4.2(c) by 30th June, 2011.	(f) The Regulator must publish the draft PNG Ports Regulatory Contract referred to in clause 4.2(c) by 31st August, 2009.
(h) The Submissions referred to in clause 4.2(g) must be given to the Regulator by 31st July, 2011.	(h) The Submissions referred to in clause 4.2(g) must be given to the Regulator by 30th September, 2009.
(i) After considering:..... the Regulator must publish a final draft of the PNG Harbours Regulatory Contract referred to in clause 4.2(c) by not later than 30th November, 2011.	(i) After considering:..... the Regulator must publish a final draft of the PNG Ports Regulatory Contract referred to in clause 4.2(c) by no later than 18th December, 2009.
(k) In addition, the final draft of the PNG Harbours Regulatory Contract referred to in clause 4.2(i):.....	(k) In addition, the final draft of the PNG Ports Regulatory Contract referred to in clause 4.2(i):.....

Variation of Clause 4.2 of the PNG Harbours Regulatory Contract:—continued

Existing Clause 4.2	Proposed Amendments to Clause 4.2
(iii) must be for a period of five years commencing with effect from (and including) 1st January, 2012.	(iii) must be for a period of five years commencing with effect from (and including) 1st January, 2010.

Public Submissions

The Commission now seek comments and submissions from all industry stakeholders and the general public on the proposed variation to the Contract. The due date for all submissions must be forwarded to the Commission on 8th April, 2009.

Copies of the draft Contract on this proposal can be obtained from the Commission's office located on the 1st Floor Garden City Complex or downloaded from the Commission's website at www.iccc.gov.pg or emailed to you.

All written submissions should be addressed to Thomas Abe, Commissioner & CEO, Independent Consumer and Competition Commission, 1st Floor, Garden City Complex, Angau Drive, P.O. Box 6394, Boroko, National Capital District. Telephone: (675) 325 2144, Facsimile: (675) 325 3980.

All enquiries in relation to any aspects of this variation should be directed to either Fego Ota Kiniafa or Samson Rowaro at the above office and contact details or on email fota@iccc.gov.pg or srowaro@iccc.gov.pg.

Dated this 9th day of March, 2009.

Authorised by:

T. ABE,
Commissioner & CEO.