



ICCC brief

OUR COMPETITION WATCHDOG. SHAPING OUR MARKET ECONOMY AND PROTECTING OUR CONSUMERS

The Quarterly Newsletter of the Independent Consumer and Competition Commission

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Wholesaler to pay K750,000 fine

THE Waigani National Court has ordered Freedom Apex Limited, to pay K750,000 penalty fee to the Independent Consumer & Competition Commission (ICCC) for failing to seeking prior clearance before acquiring

another business entity. Presiding Judge, Justice Thomas Anis ordered that the defendant will pay the default penalty of K750,000 for contravening Section 81(1)(a) of the ICCC Act. "This was an enforcement pro-

ceeding in which the ICCC was exercising its powers under sections 81 of the ICCC Act and this decision should set as a deterrence to the business community," Justice Anis said.

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From the Commissioner's Office

As I take my leave, I do so with confidence in the people who carry this institution forward.

Over the past ten years, I have consistently reminded you to remember those house-keeping principles, maintain those small rules.

They may seem simple, but they are the foundation of discipline, integrity, and excellence.

Equally important is the call that you must all work together and continue to work as a team.



Mr. Paulus Ain

respect.

More importantly, you must all work together and continue to work as a team.

The strength of ICCC has never been

The success and credibility of the ICCC have always depended on collective effort, shared responsibility, and mutual

in one individual, but in our shared commitment to serve.

As you move forward, I encourage each officer to reflect on the most fundamental question: *what best can you do for this country as an ICCC officer?* Let that question guide your decisions, your conduct, and your service to the nation.

I thank you all for your commitment and dedication, and I remain confident that the ICCC will continue to uphold its mandate with distinction.

BT Luxembourg to acquire shares in SLP, SLT

The Independent Consumer and Competition Commission (ICCC) has given clearance to BT Luxembourg (Boluda) to indirectly acquire 100 percent (%) shares in Smit Lamnalco Projects and directly acquire 100% shares in Smit Lamnalco Towage.

Acting chief executive officer, Mr. Brian Ivosa said the acquisition is part of a whole transaction involving the acquisition of subsidiaries of Boskalis Westminster Dredging Limited- operating in Australia.

"The ICCC noted that the acquirer does not have any business operation in any markets in PNG," Mr. Ivosa said.

"Its entry into PNG market is through this acquisition and as such, the acquisition would only result in a change of ownership of SLP and SLT from Boskalis to Boluda.



"ICCC considers that the acquisition would not impede competition – the current structure of the market, the level of competition and the current position of SLP and SLT would remain the same after the acquisition.

"The acquisition would not enhance the market position of Boluda in

terms of control, in any markets in PNG. It was also noted that the acquisition is part of a whole transaction involving subsidiaries in various jurisdiction hence the impact on respective markets that the subsidiaries, such as SLP and SLT operate in would not be detrimental," he added.

The *ICCC Brief* is the quarterly newsletter of the Independent Consumer and Competition Commission. All information in this newsletter has been verified before publication. We welcome your feedback and suggestions for the *ICCC Brief*.

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Top: ICCC officers carrying out a price enforcement exercise in one of the Freedom Apex shops in the Highlands region. Bottom left: Freedom Apex Limited shop location in Mt. Hagen, Western Highlands Province. Right: ICCC Commissioner & Chief Executive Officer, Mr. Paulus Ain, right, speaking at a media briefing announcing the court decision. He's accompanied by ICCC Senior Legal Officer, Mr. Allen Puk. — ICCC Media.

Court orders Freedom Apex to pay penalty fine

■ FROM PAGE 1

The court heard that the ICCC commenced proceedings against the defendant in 2023 after establishing that it acquired the business of another entity through a lease agreement for the properties and acquisition of inventory stocks through a payment schedule agreement in 2021.

The ICCC through its investigations established that the business transaction value exceeded the mandatory notifica-

tion threshold of K50,000,000 thus Freedom Apex failed to comply with the ICCC Act.

ICCC Commissioner and Chief Executive Officer, Mr. Paulus Ain welcomed the decision saying this is the first court decision under the ICCC Act 2002 since the establishment of the ICCC in 2002.

"The ICCC will not hesitate to take legal actions against any business who do not adhere and comply with the ICCC Act," Mr. Ain said. "We are aware of few acqui-

sitions in the economy that have gone through without seeking the approval of the ICCC under section 81 and 82 of the ICCC Act and it is currently undertaking its own investigation.

"The ICCC will take appropriate legal actions against these businesses as soon as we establish our findings. It is therefore incumbent on the acquirers to submit their "Clearance or Authorization" application to the ICCC to avoid legal challenges."



The ICCC carries out the routine fuel inspection to avoid the risk of excessive fuel prices charged at the fuel stations.— *ICCC Media*.

Proposed NEA Bill concerning: Regulator

THE proposed National Energy Authority (NEA) (Refined Petroleum Product Supply) Bill could have serious implications for businesses, consumers and the wider economy, says Independent Consumer and Competition Commission (ICCC) boss.

ICCC Commissioner and Chief Executive Officer, Mr. Paulus Ain said while the draft aims to centralize control over the importation, storage, distribution and pricing of refined petroleum products, it may inadvertently reduce market competition, increase the cost of doing business, inflate retail fuel prices and undermine investor confidence in the sector.

"At the crux of its submission, the ICCC strongly opposes Section 5 of the proposed bill which states that "Part VI of the ICCC act does not apply to and in relation to the refined petroleum products retail market."

The ICCC considers this provision to be deeply problematic as it seeks to exclude the retail petroleum market

from the application of the ICCC Act, effectively removing vital competition oversight and price regulation mechanisms that currently serve to protect consumers and promote fair market conduct.

Part VI of the ICCC Act outlines the competitive market conduct rules and it broadly applies across all markets and industries including the retail market for refined petroleum products. Exempting this part of the ICCC Act will hinder the ICCC's ability to intervene on any matters regarding anti-competitive business behaviors in the industry, which will be at the detriment of both the suppliers and the consumers.

Some of the key implications of such an exemption include:

- The absence of regulatory oversight on anti-competitive mergers and acquisitions, which could lead to a highly concentrated or monopolistic market structure;
- The inability to prevent or pe-

nalize the abuse of substantial market power by dominant players, thereby undermining competitive dynamics and,

- A higher risk of excessive fuel prices, reduced innovation and declining service quality to the detriment of consumers and downstream industries.

Mr. Ain reiterated that the proposed Bill also includes unjustified fees, charges and levies which if implemented would ultimately be passed through higher retail fuel prices.

"These economic regulatory functions have been operating well and any sudden changes in the administration of these roles may cause regulatory fragmentation, which may lead to inefficiencies, increased costs for businesses and consumers, complicated compliance processes and inconsistencies in regulatory enforcement," Mr. Ain added.

ICCC clears TOR Investment Management

THE Independent Consumer and Competition Commission (ICCC) has cleared Tor Investment Management (Hong Kong) Limited for the restructure of Twinza Oil Limited.

ICCC Commissioner and chief executive officer, Mr. Paulus Ain said Tor is an alternative asset manager based in Hong Kong and Singapore, investing in credit and fixed income assets across the Asia-Pacific region.

"Tor does not operate in PNG and has no petroleum equity interests here. By contrast, Twinza has been active in PNG's upstream oil and gas

sector with Twinza PNG operating the Pasca A offshore gas field, while Twinza Pandora is inactive following the loss of its license," Mr. Ain said.

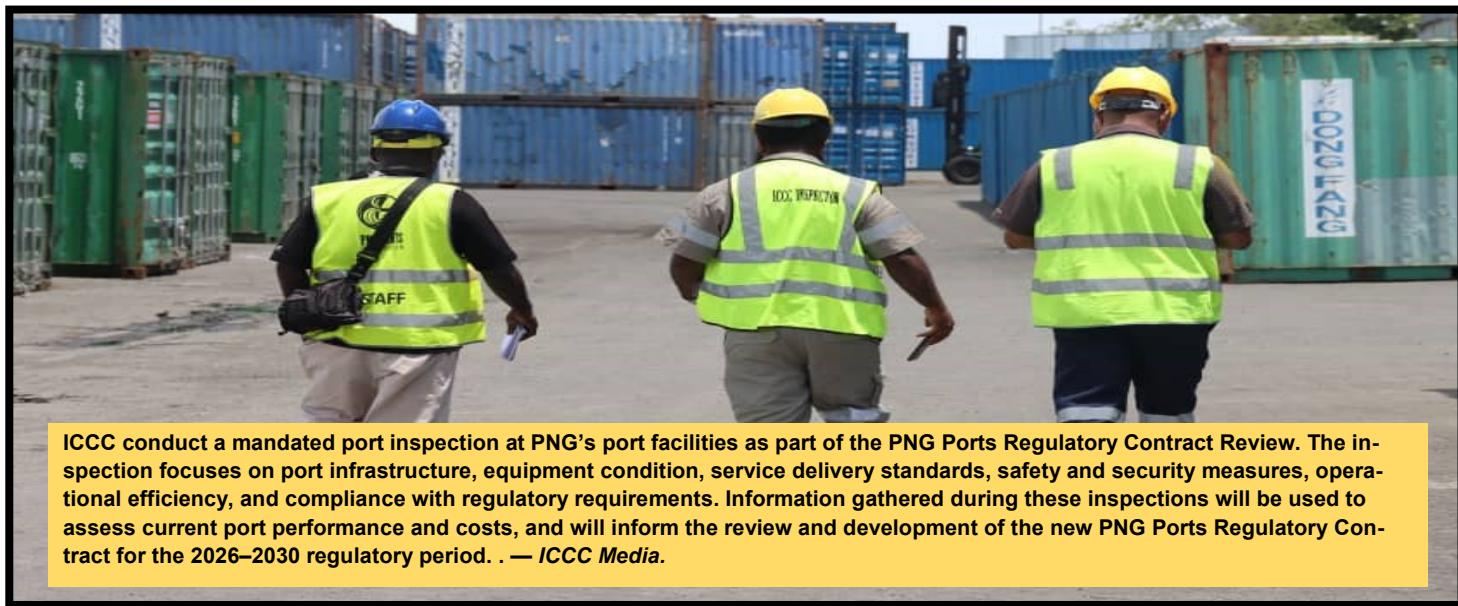
Mr. Ain reiterated that the restructure is being implemented in Australia through a court-supervised scheme of arrangement under which Twinza lenders will convert their debt into equipment.

"As the senior lender, Tor will acquire more than 75 percent (%) of the equity shares in Twinza, giving it majority ownership and indirect control of Twinza's PNG subsidiaries in-

cluding Twinza and Twinza Pandora.

The assessment established that Tor and Twinza do not have any overlapping products nor any vertical supply relationships. The restructure effectively represents a change in ownership and control, with Twinza PNG maintaining its operations at the Pasca A project.

"Therefore, the ICCC concluded that the restructure would not have, or would not be likely to have the effect of substantially lessening competition in any market in PNG," Mr. Ain added.



ICCC conduct a mandated port inspection at PNG's port facilities as part of the PNG Ports Regulatory Contract Review. The inspection focuses on port infrastructure, equipment condition, service delivery standards, safety and security measures, operational efficiency, and compliance with regulatory requirements. Information gathered during these inspections will be used to assess current port performance and costs, and will inform the review and development of the new PNG Ports Regulatory Contract for the 2026–2030 regulatory period. — ICCC Media.

ICCC releases PNG Ports contract report

THE Independent Consumer and Competition Commission (ICCC) has formally released the revised Draft Final PNG Ports Regulatory Contract and Review Report for public consultation.

The ICCC said the current five-year Regulatory Contract between the Commission and PNG Ports is due to end on 31 December 2025. The contract, which was previously extended, is now under review to allow for a new agreement covering the next regulatory period from 2026 to 2030.

According to the ICCC, an Issues Paper and an initial Draft Report were released earlier on 31 March 2024 and 1 July 2024.

However, several complex issues were identified during the review process, requiring further examination and validation.

In response, the Commission assessed feedback from key stakeholders and carried out its own independent analysis.

This process resulted in the preparation of a revised Draft Final Regulatory

Contract and an updated Review Report.

The ICCC said these documents are now available for stakeholders and the general public to review.

A one-month public consultation period has been set to allow interested parties to submit their comments and views.

The Commission noted that feedback received during this consultation period will help shape the final PNG Ports Regulatory Contract for the 2026–2030 period.

Ain applauded for outstanding work

THE importance of the work of Independent Consumer and Competition Commission (ICCC) and Mr. Paulus Ain's contribution to it can be told by many in different versions, no doubt but here's ICCC's Associate Commissioner—Non-Resident, Mr. Marcus Bezzi had to share.

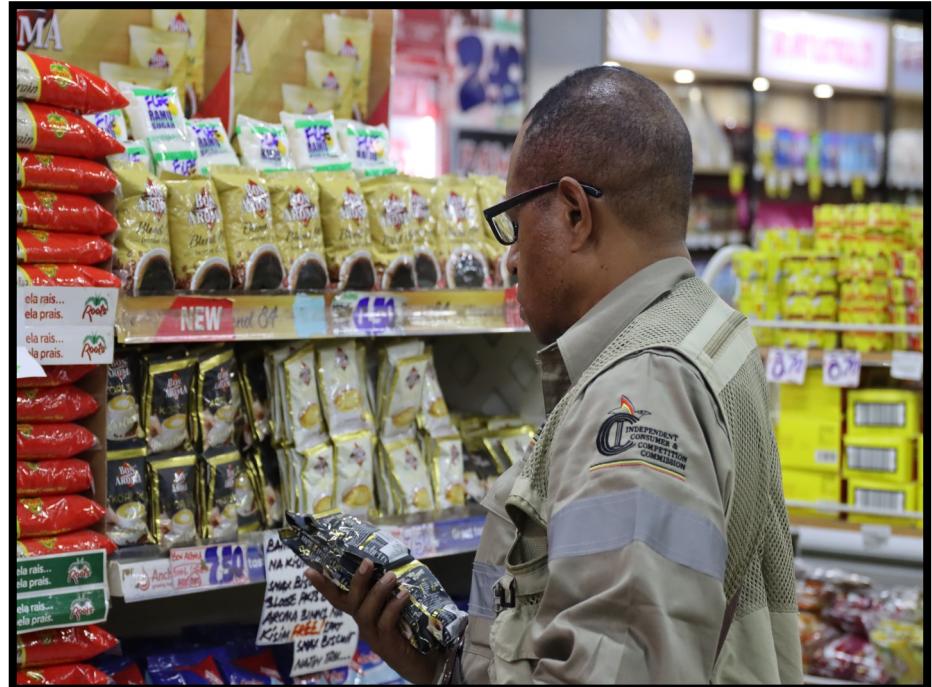
As we travelled the Highlands region, even in remote areas without power lines, many people have mobile phones. There are also many mobile phone towers in many remote locations. Mobile phone network outside of Port Moresby was enabled because of competition in the telecommunication sector and the work of the ICCC under the then commissioner Thomas Abe.

I know Paulus was a critical part of commissioner Abe's team, who bravely worked to bring about competition in the Papua New Guinea (PNG) mobile telecommunications market. This work dramatically improved telecommunication within PNG, enabling commerce and connection between people.

In Mr. Ain's decade as commissioner, there are many things that could be said about his contributions, not least is his work overseeing the development of the people within the agencies and improving their expertise and capabilities like knowledge as an important aspect in this regard.

However, I would like to highlight particularly three areas in which Mr. Ain has worked to build a stronger agency that can promote competition for the better for PNG consumers.

- Regulatory oversight – Mr. Ain has been committed to ensuring appropriate regulatory compliance among regulated industries and enti-



ties, aiming to make market more competitive and more transparent. He has supported the development of specialist, regulatory experts within the ICCC. We now have skilled professional analysts and regulators within the commission whose skills match those in many of those overseas agencies within which I'm familiar of. I have witnessed these skills most directly in our work with PNG Ports.

- Mandatory Merger notification – another huge achievement. In my last role in the Australian public service, I was responsible for merger project in treasury. I know what an important reform it is. Under Mr. Ain's leadership, the ICCC transitioned from a voluntary to a mandatory pre-merger notification regime. This change enacted through amendments to the ICCC Act in 2018, required businesses to notify the ICCC if the transaction value exceeded K50million or the merger would result in a market share of 50% or more. This reform

aimed to prevent anti-competitive mergers and improve compliance among businesses. Mr. Ain's advocacy within government was clearly very successful.

- Strong advocate for legislative reform – He's pushed for alignment of legislation related to competition and consumer protection recognizing the scattered responsibility across departments that hindered effective enforcement. He's also advocated for stronger consumer protection powers working within government with the support from experts to promote reform. The government has agreed to an important package of legislation, its development is in progress and I expect that to provide a very strong foundation for the next phase of the commission's development.

Thank you, Paulus, and I wish you all the very best for the next phase of your career, good health and good fortune.

A recollection of Mr. Ain's moments

Farewell Mr. Ain ... In a most memorable event, the ICCC staff along with their spouses bid Commissioner Ain after he bowed out following a long 10-year journey of strong leadership and mentorship to the commission and the country as a whole. It was a time to reflect on how the last 10 years have been for both the effective operation of ICCC and towards the economic regulation, competition and consumer awareness. Pictured are some of the moments Mr. Ain was caught up in during field inspections and other events.

— ICCC Media.





Mr. Paulus Ain officiating Memorandum of Understanding between the Internal Revenue Commission PNG and Fiji's Competition and Consumer Commission. Both MoU's provided ICCC an avenue to share information and work together in addressing respective issues. — ICCC Media



The watchdog's decade: Ain's legacy

FOR more than a decade, the name Paulus Ain resonates well with Papua New Guinea's economic regulator, the Independent Consumer and Competition Commission (ICCC).

Appointed as Commissioner and chief executive officer in 2015, Ain wasn't an outsider, he was a pioneer employee of the commission since its inception.

A seasoned regulator who dedicated his career in ensuring a fair and competitive market for the people of PNG.

Mr. Ain has more than 20 years of experience in consumer protection, competition and economic regulation.

He began his career with the then Consumer Affairs Council than transitioned into ICCC in 2002.

As publicly known, Mr. Ain has played an important role in the evolution of effective competition regulation in PNG since the introduction of the competi-

tion framework. His early years saw him in senior roles including being the executive manager of the Regulated Industries Division in which gave him an upper-hand in understanding the challenges within the state-owned-enterprises (SOEs).

When he took office as the Commissioner, his main focus was to protect consumers, foster pro-competition environment and ensure regulated entities operate efficiently.

He has immensely contributed not only to the effective operation of the commission but towards economic regulation, competition and consumer awareness.

He takes lead in addressing consumer issues, regulatory enforcement in line with limitation of powers, transparency and awareness as well as managing mandate overlaps.

On a personal level, Mr. Ain leaves behind a legacy which many of the ICCC staff holds close to heart.

Many described him as a 'giant of a leader', he was someone who would take his time to do a full office tour every morning to check on individual staff and ensuring that house-keeping matters are maintained at all times.

"Remember those house-keeping principals that I always encouraged you to keep in the last 10 years. Maintain those small rules," he encouraged his staff one last time during his farewell speech.

"You must all work together and continue to work as a team.

The most fundamental question you should ask yourself is what best can you do for this country as an ICCC officer and not the other way around," he added.

Quarterly fuel update for July – September

THE indicative retail fuel prices for petrol, diesel and kerosene increased on average despite a slight decrease in August and September throughout the country.

According to the monthly fuel prices, July saw an-all increase on prices for petrol, diesel and kerosene.

In August, petrol prices slightly dropped while diesel and kerosene saw an increase.

The upwards movement in diesel and kerosene prices is primarily driven by reduced production levels and increased demand in the Asian region.

The domestic retail fuel prices for this quarter are inclusive of the Import Parity Prices (IPPs) or the imported costs for each petroleum product, domestic sea and road freights.

The following prices are the maximum indicative retail prices for Petrol, Diesel and Kerosene to apply at service stations at the centres identified. These prices will take effect from 12:01am on Tuesday, 8th July 2025, and reflect the Import Parity Prices (IPP) that will apply for the month until the next price change.

Centres	Petrol (toea/litre)	Diesel (toea/litre)	Kerosene (toea/litre)
Port Moresby	433.10	408.34	373.35
Kwikila	448.74	423.99	389.00
Alotau	508.73	483.98	448.99
Popondetta	540.48	515.73	480.74
Madang	471.82	447.07	412.08
Wewak	483.16	458.40	423.41
Lae	449.03	424.27	389.29
Bulolo	434.95	410.20	375.21
11 Mile/Nadzab/40 Mile	445.96	421.20	388.42
Ramu	441.17	416.42	379.01
Goroka/Bena/Asaro	448.49	423.73	388.74
Kainantu	464.01	439.25	404.26
Kundiawa	447.64	422.89	387.90
Mt Hagen	494.70	469.95	434.96
Minj/Banz/Kindeng/Kumdi/Aviamp/Kaupena/Togoba	496.90	472.15	437.16
Mendi/Ialibu	500.29	475.53	440.55
Wabag/Wapenamanda	506.75	481.99	447.00
Pogera	505.10	480.34	445.35
Tari	531.32	506.56	471.57
Rabaul	538.51	513.76	478.77
Kokopo	437.60	412.84	377.85
Toma/Kerevat	441.89	417.13	382.14
Warongoi	442.38	417.63	382.64
Kimbe	493.16	468.41	433.42
Kavieng	519.03	494.28	459.29
Namatanai	511.59	486.83	451.85

The following prices are the maximum indicative retail prices for Petrol, Diesel and Kerosene to apply at service stations at the centres identified. These prices will take effect from 12:01am on Friday, 8th August 2025, and reflect the Import Parity Prices (IPP) that will apply for the month until the next price change.

Centres	Petrol (toea/litre)	Diesel (toea/litre)	Kerosene (toea/litre)
Port Moresby	428.41	419.96	382.35
Kwikila	441.78	433.33	395.72
Alotau	490.01	481.56	443.95
Popondetta	524.55	516.10	478.49
Madang	435.14	426.69	389.08
Wewak	478.48	470.03	432.42
Lae	443.36	434.91	397.30
Bulolo	441.27	432.82	395.22
11 Mile/Nadzab/40 Mile	436.48	428.04	392.63
Ramu	442.37	433.92	393.89
Goroka/Bena/Asaro	462.84	454.39	416.78
Kainantu	443.07	434.62	397.01
Kundiawa	475.17	466.72	429.11
Mt Hagen	491.23	482.78	445.17
Minj/Banz/Kindeng/Kumdi/Aviamp/Kaupena/Togoba	496.04	487.60	449.99
Mendi/Ialibu	509.21	500.76	463.15
Wabag/Wapenamanda	500.41	491.96	454.35
Pogera	509.91	501.46	463.85
Tari	546.43	537.98	500.37
Rabaul	441.05	432.60	394.99
Kokopo	438.63	430.18	392.57
Toma/Kerevat	437.70	429.25	391.64
Warongoi	437.15	428.70	391.09
Kimbe	484.54	476.09	438.48
Kavieng	490.40	481.96	444.35
Namatanai	522.13	513.68	476.07

The following prices are the maximum indicative retail prices for Petrol, Diesel and Kerosene to apply at service stations at the centres identified. These prices will take effect from 12:01am on Monday, 8th September 2025, and reflect the Import Parity Prices (IPP) that will apply for the month until the next price change.

Centres	Petrol (toea/litre)	Diesel (toea/litre)	Kerosene (toea/litre)
Port Moresby	429.42	407.92	375.61
Kwikila	442.79	421.29	388.98
Alotau	491.02	469.52	437.20
Popondetta	525.56	504.06	471.75
Madang	436.15	414.65	382.33
Wewak	479.49	457.99	425.67
Maprik	498.99	476.39	444.07
Lae	444.37	422.87	390.55
Bulolo	442.28	420.78	388.47
11 Mile/Nadzab/40 Mile	437.49	415.99	385.88
Ramu	443.38	421.88	387.15
Goroka/Bena/Asaro	463.85	442.35	410.04
Kainantu	444.08	422.58	390.26
Kundiawa	476.18	454.68	422.36
Mt Hagen	492.24	470.74	438.42
Minj/Banz/Kindeng/Kumdi/Aviamp/Kaupena/Togoba	497.05	475.55	443.24
Mendi/Ialibu	510.22	488.72	456.41
Wabag/Wapenamanda	501.42	479.92	447.61
Pogera	510.92	489.42	457.10
Tari	547.44	525.94	493.62
Rabaul	442.06	420.56	388.25
Kokopo	439.64	418.14	385.82
Toma/Kerevat	438.71	417.21	384.89
Warongoi	438.16	416.66	384.35
Kimbe	485.55	464.05	431.74
Kavieng	491.41	469.91	437.60
Namatanai	523.14	501.64	469.32

The ICCC mandatory fuel inspection—a routine check carried out to ensure service providers do not charge more than the approved ICCC prices. ICCC Media



ICCC hosts Govt, private partners meeting



Partners and stakeholders from both government and business houses who turned up for the Consumer protection and Competition consultative workshop at Lamana Hotel in Port Moresby. An avenue where they discuss and debate consumer protection and competition matters relating to ICCC Act, its enabling legislation and the work of ICCC and how best those concerns can be addressed. — ICCC Media



IN a commitment to address consumer welfare and fair marketplace, the Independent Consumer and Competition Commission (ICCC) held yet another consumer protection and competition consultative committee workshop for both public and private

partners in Port Moresby recently.

According to ICCC Commissioner and Chief Executive Officer, Mr. Paulus Ain, this forum serves as a crucial avenue to address the evolving challenges in PNG's business environment and reinforce collective responsibility of safe-

guarding the citizen's interest.

"This workshop is often held as part of an ongoing regulatory reviews and consultation processes. It's a shared vision to enhance the welfare of consumers," Mr. Ain said.

The one-day workshop saw representatives from various government departments and agencies as well as private sector engaged in meaningful discussions on consumer protection and competition issues.

Mr. Ain added that CPCCC has always been around and there's a need to find a way around some of those discussions and issues to address them.

ICCC recognizes, donates to city wardens

IN an effort to ensure a safe space for its staff, the Independent Consumer and Competition Commission (ICCC) management has taken the initiative to support the work of the city wardens around the Boroko area.

ICCC Commissioner and Chief Executive Officer, Mr. Paulus Ain recently directed kind-assistance to the National Capital District Commission-led city wardens in Boroko through loud-hailers.

Mr. Ain said this initiative stemmed from the idea of creating a safe space for ICCC staff and other government agencies' who access Boroko.

"We want to partner with you for

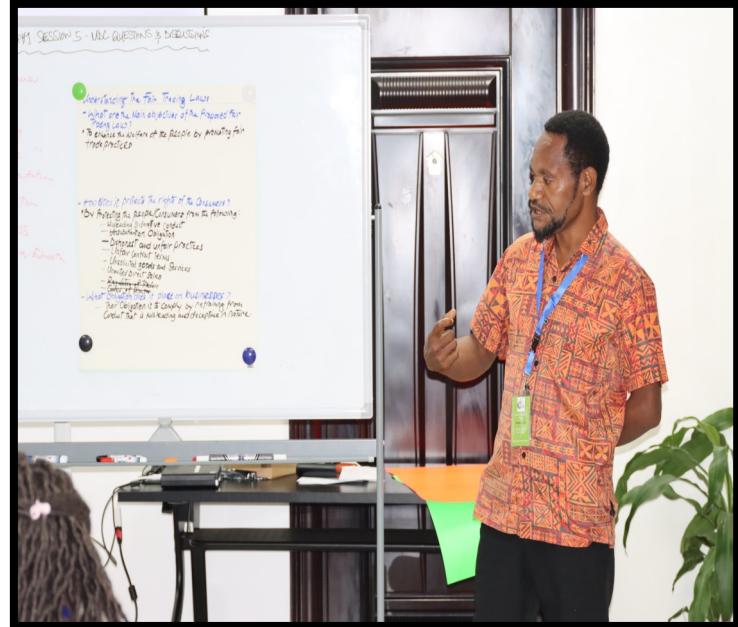


Commissioner Ain presents the hailer to the Boroko area, City warden team leader at the ICCC Head Office in Port Moresby. — ICCC Media

our staff safety, also there are public servants around Boroko area. Many a times, when our staff walk to the bus stop, they get held up, their bilums are snatched, I thought this is a good approach and we are happy to support you in ensuring our community is safe," Mr. Ain said.

"Our mandate calls for us to help consumers and while we go about helping people, we want to ensure that we are safe as well.

"This loud-hailers will assist you in your public awareness in creating safe bus stops, shopping areas for my staff and other people."



Investigation officers from ICCC's Consumer Protection Division engaging in group discussion and presentation on various roles and functions of ICCC mandated by the ICCC Act. — *ICCC Media*

CPD holds staff refresher training

Capacity building, enhance knowledge and promoting information sharing was the main driving force behind the Consumer Protection Division internal staff refresher training.

The week-long training was aimed to better equip staff to effectively carry out their delegated duties which stemmed from the overall roles and

functions of the ICCC mandated by the ICCC Act.

The training participants comprised of staff from the Southern, Momase, Islands regional offices including the divisional staff from the ICCC head office, totaling to 19.

"The training was a valuable tool to enhance knowledge in certain areas of CPD scope of

work and also an avenue to shed light on some important expectations from the other divisions," some staff said.

"It was timely for such a training to occur as a refresher for existing officers however, the new CPD staff to their fellow colleagues and their delegated roles as investigation offices."



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CONSUMER COMPLAINT

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Thank you for taking time to read about some of our stories for this quarter and we hope you find them interesting and insightful.

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