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**APT GUIDELINE ON**

**GOOD PRACTICES FOR PUBLIC CONSULTATION**

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# **1. INTRODUCTION**

The purpose of public consultation is to gather information to facilitate the drafting of higher quality policies, legislation and regulation, and plays an important role in ensuring that those impacted by policies are able to provide their input to decision-making processes. Stakeholders and those closest to a problem often suggest useful ways to solve it, and consultation is important in helping understand the potential impacts of proposed measures across communities.

Good planning is essential to successful consultation. A consultation plan should cover the whole policy making process and identify the objective of consultations, relevant target groups, appropriate forms of consultation and consultation timelines. However, consultation should remain proportionate to the potential impacts of the proposal. While the quantity of consultation is important, the emphasis should be on achieving high-quality, meaningful consultation.

The consultation process should not be a formality. It should allow for discourse in terms of the range and quality of input collected – from the form, language, duration, audience and documentation of consultation. The output of the consultation and how the responses are taken into account in the final decisions are also important components of the process.

A genuine consultation process ensures that the real-world impact of policy options have been considered. This is likely to lead to better outcomes and greater understanding of the outcomes sought and options considered.

To this end, this Guideline provides a summary of good practices for undertaking public consultations, separated into three stages: pre-consultation stage, consultation stage, and post‑consultation stage. A summary of good practices for engaging stakeholders and on communications and feedback mechanism are also provided.

Case studies on public consultation efforts by country are also provided for reference.

## **1.1 DEFINITIONS**

|  |  |
| --- | --- |
| **Public consultation:** | A consultation process that provides the public (all stakeholders) with the opportunity to provide input and feedback on decisions and matters (e.g. policies, programs, legislation, etc.) that impact them. |
| **Pre-consultation stage:** | The period before the main consultation (e.g. before feedback is requested to a particular process/policy via submission, survey, etc.), where preparatory efforts are undertaken to facilitate the consultation.  |
| **Consultation stage:** | The period during consultation where feedback has been requested, and main consultation efforts are underway. Activities such as written submissions, public hearings, working groups and focus groups usually take place during this period. |
| **Post-consultation stage:** | The period after the main consultation (i.e. after feedback has been received by participants to a particular process/policy via submission, survey, etc.), where next steps following the consultation are undertaken.  |

# **2. OBJECTIVES OF PUBLIC CONSULTATION**

* To establish a platform for gathering diverse perspectives and insights from the public
* To make fair and effective decisions.
* To receive constructive ideas for addressing flaws and imperfections,
* To ensure transparency and openness in the decision-making process.
* To involve people in significant decisions to safeguard public rights.

# **3. GOOD PRACTICES FOR PUBLIC CONSULTATION**

## **3.1 PRE-CONSULTATION STAGE**

Pre-consultation involves the first steps of the public consultation process. This includes preparations for the main consultation, such as determining your audience and undertaking preliminary engagement with stakeholders to ensure a smoother consultation process.

At this stage, it is important to consider the following:

* **What to consult on**: There should be clarity on what is necessary to be consulted on – this may be defined in law or clearly outlined by Authorities.
	+ Typically, all matters, especially with a significant impact or of significant interests to the sector or to the public, should be consulted on.
	+ If proposed legislation/regulation/policy is being consulted on, the main issues for consultation should be specifically identified.
	+ In some cases where there are a range of topics to be considered, it may be useful to have an open discussion with stakeholders to define the scope of the consultation.
* **Define the purpose and objectives of consultation**: The specific issues, policies, or projects that will be the focus of the consultation need to be identified, and clear and measurable objectives should be set for what you aim to achieve through consultation.
* **Who should be consulted and the form of consultation**: Consider who needs to be consulted to ensure that the consultation captures the diversity of stakeholders affected by a proposal, and how to identify relevant stakeholders. The appropriate form of consultation will depend on the issues under consideration, the nature of the group/s being consulted, the time available, the feedback required and confidentiality requirements. Advice on best practices for engaging stakeholders, as well as communications and feedback mechanisms, are summarised under section 3.4 and 3.5.

Following the above considerations, the pre-consultation stage can include, though is not limited to, the following good practices:

* **Establish a consultation team and develop a consultation plan:** Form a team to lead consultation efforts and develop a consultation plan to support the consultation process.
	+ Form a dedicated consultation team with defined roles and responsibilities. Ensure that the team has the necessary skills, expertise, and resources to manage the consultation process effectively.
	+ Train team members who will be involved in conducting the consultation, ensuring they understand the process, objectives, and guidelines.
	+ Develop a comprehensive consultation plan that document all aspects of the planning stage, including objectives, timelines, budgets, communication plans, and consultation methods.
	+ Create a detailed timeline that outlines key milestones, deadlines, and deliverables throughout the consultation process, and make sure the timeline is practical to those who will be involved (i.e. key stakeholders who will be involved and respective organisations/communities who will be consulted).
	+ Review the consultation plan and timeline with the consultation team, stakeholders, and experts, and make necessary revisions based on feedback and insights before implementation.
	+ The consultation team can assess the results of the public opinion poll based on pre‑defined criteria and decide whether to accept or deny as necessary.
* **Allocate resources:** Determine the budget required for the consultation, considering expenses required (e.g. outreach, materials, facilitation, transport, etc.) and allocate resources and secure funding, if necessary, to support the consultation process.
* **Adopt a multi-stakeholder approach to consultation:** Adopt a multi-stakeholder approach, which enables individuals and organisations from different sectors to share ideas and develop consensus-based strategies and policies.
	+ Ensure that those driving the consultation process have a common understanding of the multi-stakeholder approach and apply a holistic approach to consultation (i.e. examine the entire ecosystem).
	+ Develop and present a value proposition to ensure that the multi‑stakeholder process is productive by outlining to stakeholders why they should participate and what they would gain from being part of the policymaking process.
	+ Factor in additional costs for implementing a multi-stakeholder approach in budget plans, such as advocacy campaigns and more regional consultations.
* **Undertake continuous and early engagement**: Consultation with key stakeholders should be continuous and start as early as possible to promote transparent and comprehensive participation.
	+ Informal consultation may take place prior to the main consultation to ensure that stakeholders are engaged early, have a better understanding of the proposal, and can assist in defining the scope and focus of the main consultation.
	+ When consulting on issues such as policy, consultation should continue through all stages of the policy development cycle.
* **Conduct a pilot test of the consultation:** It is crucial to conduct a pilot or test phase of the consultation to identify any logistical, technical, or operational issues that need to be addressed before the official launch.

## **3.2 CONSULTATION STAGE**

The consultation stage involves actively seeking the opinions of interested and affected groups. This includes activities as part of the main consultation, such as making the consultation exercise known to relevant stakeholders, clearly articulating expectations, providing information papers and templates to enable feedback, and developing submission deadlines.

This stage can include, though is not limited to, the following good practices:

* **Publicise the public consultation widely:** Wide publication across relevant avenues will assist in promoting the opportunity for consultation with relevant stakeholders to ensure an effective consultation process.
	+ Avenues for publicising the consultation should take account for the nature of the groups being consulted.
	+ Avenues for publicising consultations include but are not limited to: Authority websites, e‑bulletins, social media, press/newspaper advertisements, emails, post, public hearings, community consultations and other public domains.
	+ Corresponding announcements on any updates to the public consultation should also be shared widely.
	+ Automatic notifications to stakeholders in areas where they have registered an interest through websites may also be a cost-effective way of alerting stakeholders to consultations.
* **Be transparent and clearly communicate expectations:** The objectives of the consultation and its context should be as open as possible to allow for widest discourse and deliberation and clearly explained, including when and how a final decision will be made.
	+ To avoid creating unrealistic expectations, clearly state what specifically views are being sought on and any aspects of the proposal that have already been finalised and will not be subject to change.
	+ Informal consultation, community consultations or public hearings may take place to ensure that stakeholders have a better understanding of the proposal.
* **Support a consultation process that respects confidentiality**: Public consultations should respect confidentiality and sensitivity of information shared by respondents during the consultation processes. Stakeholders should be informed upfront of the option to request confidential treatment of part/all of their response.
	+ Submissions and comments from respondents should generally be treated as public documents and made public to maintain the openness of a consultation process.
	+ If a respondent requests confidential treatment in relation to part/s or all of their response (e.g. if it is considered proprietary, confidential, or commercially sensitive), information may be redacted and the Authority can release the relevant submission or parts of the submission, as appropriate.
	+ Authorities should reserve the right to reject claims for confidentiality of responses or to not take information into account in decision-making in the case information does not appear to be confidential or if it would be unfair to rely on confidential information when other stakeholders have not had the chance to review it.
* **Provide public consultation papers:** When seeking feedback on an issue, draft papers and information documents should be provided to explain the relevant issues and provide stakeholders with an opportunity to comment directly on draft text.
	+ A public consultation paper should outline the preliminary viewpoints of the Authority concerning the subject matter and scope under consideration, and serve as an invitation for input and feedback from stakeholders.
	+ The publication of a public consultation paper also serves to reinforces transparency and predictability within the Authority’s regulatory procedures.
	+ Issues papers (e.g. draft white papers, policy options papers, exposure drafts of legislation) should, wherever possible and appropriate, be made easily available to stakeholders so they can make informed comments directly on proposals.
	+ A template of response may be provided to facilitate the responses.
* **Implement submission deadlines that are not burdensome:** Consultation documents should be published in good time to allow adequate time for respondents to submit well considered responses and seek any necessary clarifications. Be aware of the effort required from people and businesses to participate in consultations, and implement realistic timeframes for responses. Be mindful of other consultation processes planned or underway to limit the impost on stakeholders.
	+ Prepare a consultation plan with adequate timelines to allow stakeholders sufficient time to provide informed and considered responses - 8 to 12 weeks is recommended by the World Bank.
	+ Timelines may differ depending on relevant needs and requirements.
		- Where stakeholders are being asked to consider the whole proposal and there has been little previous consultation, a longer round is appropriate.
		- Similarly, a longer round is appropriate where those with limited resources, such as individuals and small businesses, are being consulted.
		- Authorities may extend consultation timeframes when necessary, and all interested stakeholders should be notified of such extensions and the reasons for doing so.
	+ Unreasonable submission deadlines during the consultation process should be avoided - many people who may require consultation have full-time jobs or business commitments, or may already take part in frequent consultation efforts.
	+ Avoid concurrent or back-to-back consultation processes if possible to limit the impost on stakeholders, particularly those with broad interests.
	+ Internal governance requirements of stakeholders should be considered - where large businesses or community organisations are being consulted on particularly significant issues, the consultation period may need to include time for a response to be considered and agreed by a board or other complex management structure.
	+ The duration of consultation should take into account major holidays.
* **Expect consultation plans to go off track:** The consultation process may notwork as expected (e.g. timelines not met, difficult to contact relevant stakeholders). Consultation team members should accept this likelihood and apply the following: flexibility and adaptability; understanding; patience always; and expect the unexpected.
* **Conflict resolution:** Provide guidance on managing conflicts and resolving disputes that may arise during the consultations.

## **3.3 POST CONSULTATION STAGE**

Post consultation processes follow the conclusion of the main consultation, and close the loop on main consultation activities. It often includes the summary of the results of the consultation process, providing answers to pending questions from stakeholders, and explaining how the feedback collected will be taken into account to formulate positions/decisions.

To assist in this process, comments/feedback received through post consultation is generally made publicly available. This is not necessarily the final step in the consultation process - post consultation discussions to discuss outcomes with stakeholders and additional consultation should be undertaken wherever needed.

This stage can include, though is not limited to, the following good practices:

* **Be able to provide justification of decisions and positions**: An Authority should duly consider all contributions in a consultation and be able to clearly explain how the results of the consultation will be taken into account in formulating its position or decision.
	+ Authorities should be able to demonstrate to stakeholders how consultation responses have been taken into consideration and welcome feedback and respond to it, even if it is not adopted.
	+ Consider the role of public feedback in shaping the final decision-making process. This may involve showcasing examples of how public input has influenced policy decisions and legislative outcomes, highlighting the impact of meaningful consultation.
	+ A public consultation report or summary of input received can be provided to stakeholders, offering an overview of the consultation process outcomes, how inputs received will refine draft proposals, and encapsulating the stance adopted by the Authority on the topic of consultation.
		- Such a report or summary should be easily accessible to the public through official channels, such as the Authority’s official website.
* **Undertake follow-up consultations where necessary**: In cases where further input is required or a second draft document is developed, a second round of consultation should be undertaken.
	+ It is encouraged for Authorities to set up meetings and/or working groups to further discuss all the contributions submitted.
* **Review the consultation process and its effectiveness**: There is value in continued testing of existing approaches to ensure they remain fit for purpose and best meet the goals of information gathering and transparency, while remaining alert to the consultation load on stakeholders.

## **3.4 BEST PRACTICES FOR ENGAGING STAKEHOLDERS**

This section includes a summary of strategies for identifying key stakeholders in the consultation process. This can include, though is not limited to, the following good practices:

* **Undertake a wide consultation**: Wide consultation is necessary to ensure that consultation captures the diversity of stakeholders affected by a proposal.
	+ The more important the topic and the larger the potential impact on industry, economy and/or society, the wider the audience for the consultation should be.
	+ Relevant individuals and groups for consultation include but are not limited to: the general public; the private sector, consumers, consumer advocacy groups, unions, environmental groups and other interest groups (e.g. non-governmental organisations); governmental organisations (e.g. state, local, statutory authorities) and boards; and academia and the technical community.
	+ Business, community organisations and consultative bodies may be able to help in identifying individuals, target groups and those with subject matter expertise.
* **Proactively identify stakeholders and enable accessibility and inclusion:** Interested stakeholders and those the proposal will likely affect should be proactively identified for consultation, and strategies should be developed for their engagement.
	+ Make a concerted effort to be inclusive and make sure everyone can take part in the consultation, including minority communities, youth, and people with disabilities, language barriers, and limited resources.,
	+ A range of strategies should be considered to assist stakeholders who are expected to be significantly affected, but who do not have the resources or capability to participate in the consultation process. For example:
		- Conduct face-to-face public consultations at local levels to engage rural and harder-to-reach stakeholders.
		- Work with consumer advocacy groups to better understand how to reach and engage with vulnerable consumers.
		- Engage industry peak bodies, advocacy groups or similar organisations to solicit deeper insights.
		- Offer alternative formats, translations and reach out to marginalised relevant stakeholders and groups.

## **3.5 COMMUNICATION AND FEEDBACK MECHANISM**

This section includes guidance on effective communication channels and methods for receiving feedback from the public. This can include, though is not limited to, the following good practices:

* **Choose the consultation methods that best suit your target audience and objectives:**
	+ Forms of consultation can be verbal or written, and can include but are not limited to: questionnaires, surveys, written submissions, public hearings/community consultations, working groups, focus groups, and web forums.
	+ The use of technology and digital platforms such as online surveys and interactive applications can facilitate public consultation and engage a wider audience to collect feedback from diverse, relevant stakeholders, while ensuring data security and privacy in online consultations.
	+ Choose the appropriate consultation methods and techniques that will best suit the target audience and objectives of the consultation – the method of consultation can be tailored based on the group/s being consulted.
	+ A combination of methods of consultation may be the best strategy to ensure effective consultation with individuals.
	+ For example, a public hearing or community consultation may be suitable if there is a need to explain approaches or where discussions need to first take place to decide consultation questions. Written consultations may be suitable when the topic for consultation is clear and comments are being sought on specific documents.
	+ Tailor the consultation process to the culture of those being consulted (i.e. at the national, regional, and community levels). This can be done by offering multiple ways for individuals to voice their concerns, such as:
		- Allow anonymous feedback through surveys.
		- In working groups, divide participants into small groups that are less intimidating, allowing young and shy participants to share their ideas.
* **Provide easy to understand and accessible information:** To ensure consultations receive the greatest response, clear, user friendly, and easily available information materials should be provided to participants as part of the consultation process.
	+ Documentation and information related to the public consultation should be made easily available (e.g. published on the Authority’s website, shared and discussed at community halls), along with clear instructions on how to respond, who the consultation is open to, and the associated timelines.
	+ Information should be in an easily understandable format, use plain language and clarify key issues, particularly if the consultation topic is on complex subject matter.
	+ Documentation and information should be available in local, official and national languages (written or verbal as required).
	+ If consultation is being sought from the broader international community, documentation and information should be available in English.
* **Be responsive to queries and requests from stakeholders:** Queries from stakeholders should be responded to quickly to support their input and ensure a robust and responsive consultation process.
	+ A single point of contact should be clearly identified.
	+ Queries from stakeholders should be responded to promptly - the use of social media, inbound calling numbers or face-to-face meetings can make this easier.
	+ Email receipts should be provided as acknowledgement of online written submissions.
	+ Stakeholder mailing lists should be compiled and notified when new submissions are made public. It is critical that any group emails include an unsubscribe option.
	+ A respondent should be able to withdraw a submission that has been made to a consultation at any time prior to the specified deadline for receipt of submissions.
	+ Engage a documenter to capture in writing all inputs from stakeholders, particularly during public hearings, community consultations, working groups and focus groups.

# **4. DIAGRAM OF CONSULTATION PROCESS**



# **5. CASE STUDIES BY COUNTRY**

## **5.1 AUSTRALIA**

The Australian Communications and Media Authority (ACMA) published 32 consultations in 2022–23, covering a range of issues including spectrum and radiocommunications, content, community radio broadcasting and telecommunications. Consultations typically include:

* a consultation paper setting out the issue and options available and, if relevant, may include draft instruments;
* generally open for 4 to 6 weeks;
* e-bulletins or social media or both are used to alert stakeholders and seek their input.

After the consultation closes, ACMA publishes the submissions received (providing confidentiality has not been claimed) and an outcome statement on the ACMA website to support transparency.

The ACMA’s [‘Have Your Say’ webpage](https://www.acma.gov.au/have-your-say)[[1]](#footnote-1) contains the public-facing information about public consultations. It notes that the page allows users to:

* Browse a list of important topics we need you to voice your opinion on;
* Tell us what you think – have your say on the issues that are important to you;
* View the outcome – follow the progress of your chosen topic and view the outcome of submissions.

The ACMA consults extensively with industry through both formal public and targeted informal industry consultation processes. This not only meets various legislative obligations but also assists us to obtain industry views as well as key technical and industry information.

The information and views obtained through the consultation process are essential inputs to informing our decision-making and the development of appropriate regulation. Consultation processes also provide transparency to industry, both about our thinking and decision-making, but also to the views and evidence put forward by other parts of industry.

While our approach to consultation is well established, we consider there is value in continued testing of existing approaches to ensure they remain fit for purpose and best meet the goals of information gathering and transparency, while remaining alert to the consultation load on industry.

**5.1.1: Case study of public consultation of the ACMA’s Five-Year Spectrum Outlook**

Australia’s radiocommunications legislation requires the ACMA to determine a work program in relation to its spectrum management functions each year.

The work program is included as part of ACMA’s [*Five-Year Spectrum Outlook*](https://www.acma.gov.au/five-year-spectrum-outlook) (FYSO)[[2]](#footnote-2). The FYSO describes ACMA’s spectrum management priorities for the next 5 years. It considers developments in the environment that impact on future spectrum demand and provides a broad overview of trends and factors used to inform the ACMA’s planning and spectrum allocation processes.

The FYSO is updated annually, in consultation with government, industry and the public. In updating the FYSO, ACMA generally follows the same process. The process undertaken for [FYSO 2022-27](https://www.acma.gov.au/consultations/2022-03/draft-five-year-spectrum-outlook-2022-27-consultation-122022) is described below.

* In March 2022, ACMA released the draft FYSO 2022-27, which included the proposed work program for 2022-23, for consultation.
* The consultation was promoted through ACMA’s website, social media channels and through e-bulletins targeted to specific industry sectors.
* Submissions were invited for a 6-week period until end April 2022.
* 38 written submissions were received from members of industry, industry representatives and peak bodies, government agencies and the public.
* The submissions provided feedback about priorities and suggestions for inclusion of additional activities in the work program.
* ACMA considered the submissions and, in response to the feedback received, adjusted the 2022-23 spectrum work program to:
	+ add the 4500-5800 MHz band to the monitoring stage of its band planning process o include work on arrangements for terahertz spectrum.
	+ confirm regulatory arrangements for non-geostationary satellite orbit systems.
* ACMA prepared the final draft FYSO 2022-27 and a document outlining its response to submissions.
* Consistent with the radiocommunications legislation, ACMA consulted with the Minister for Communications on its spectrum management priorities and proposed 2022-23 work program.
* In September 2022, ACMA published the final [FYSO 2022-27](https://www.acma.gov.au/publications/2022-09/plan/five-year-spectrum-outlook-2022-27), together with a copy of the submissions received and the detailed [response to the submissions](https://www.acma.gov.au/publications/2022-09/plan/five-year-spectrum-outlook-2022-27)[[3]](#footnote-3).

**5.1.2. Case study of the public consultation of the ACMA’s consumer vulnerability statement of expectations for the telecommunications industry**

The ACMA is the primary sector-specific regulator for telecommunications, with responsibility for administering key consumer safeguards. This includes registering industry codes, making standards and determinations, addressing issues of non-compliance, and fulfilling reporting requirements under the Telecommunications Act 1997.

The ACMA has a key role in fostering conditions to assist telecommunications services to meet the specific needs of people across a range of personal and market circumstances so they can confidently and fairly access and use these services.

The ACMA expects people experiencing vulnerability to receive a level of customer care that enables them to effectively select and manage telecommunications products and services suited to their need. The ACMA supports a telecommunications sector that is respectful of community standards and diligent in responding to community concerns.

To improve outcomes for vulnerable consumers buying telecommunications products and accessing services, the ACMA developed a statement of expectations for the telecommunications industry in dealing with consumer in vulnerable circumstances. Consultation was a critical factor in developing the statement of expectations, which sets goals and expected outcomes for telecommunication service providers in five priority areas – internal business practices, selling and contracting, customer service, financial hardship and disconnection.

The process undertaken to develop the statement of expectations is described below.

* In July 2021, the ACMA invited public comment on the draft statement of expectations and our proposal to set expectations for the telecommunications industry on its interactions with consumers in vulnerable circumstances.
* The draft statement of expectations was published within a consultation paper which asked specific questions about particular issues. The ACMA asked that responses to these questions be supported by evidence or reasoning, including where relevant, examples of existing practices in the Australian telecommunications sector or in other jurisdictions or sectors.
* The public consultation was promoted through ACMA’s website, social media channels and through e-bulletins targeted to specific industry sectors.
* The ACMA also worked with consumer advocacy groups to better understand how to reach and engage with vulnerable consumers, noting that this audience has different communication needs to industry audiences, and would be unlikely to make a formal submission using the standard process. For example, advocacy groups used their own channels to promote the consultation and invited their audiences to submit comments and suggestions directly to the organisation.
* Submissions were invited for an 8-week period until early September 2021.
* In August 2021 we conducted workshops with industry members and consumer advocacy groups.
* The workshop discussions and feedback worked to inform and encourage submissions, and added to our considerations of the proposed approach to statement of expectations itself.
* 22 written submissions were received from industry representatives and peak bodies, government agencies and the public. Submissions were published in October 2021.
* The submissions provided feedback on the proposed approach to identifying consumers in vulnerable circumstances, the proposed priority areas and practical examples of actions providers could take to meet the expectations.
* The ACMA considered the submissions and, in response to the feedback received, adjusted the statement of expectations.
* In May 2022, following Authority approval, the ACMA published the [final statement of expectations](https://www.acma.gov.au/publications/2022-05/report/consumer-vulnerability-expectations-telecommunications-industry)[[4]](#footnote-4), together with a [media release](https://www.acma.gov.au/articles/2022-05/acma-sets-out-expectations-telcos-dealing-vulnerable-consumers)[[5]](#footnote-5), social media posts and e-bulletins targeted to specific industry sectors.

## **5.2 BANGLADESH**

In order to perform the functions and duties vested upon the Bangladesh Telecommunication Regulatory Commission (BTRC/the Commission) in The Bangladesh Telecommunication Act, 2001 (Act), BTRC needs to conduct public consultations for various purposes. These purposes include formulation of any Policy, Guidelines, Directives, determining tariff for any service etc. BTRC considers public consultation as one of the regulatory tools to ensure transparency, effectiveness and efficiency. As part of the consultation process, the following steps are usually undertaken before, during and after a public consultation:

1. Several formal and informal meetings are arranged with the concerned stakeholders and their comments are taken into consideration where the Commission feels appropriate.
2. The draft document is then posted on BTRC’s website requesting for public opinion.
3. Usually, a significant amount of time is given so that interested group(s) can go through the document and comment.
4. Stakeholders directly involved with the issue are also informed through email and post regarding the consultation.
5. Usually, the comments are received through email and post.
6. Upon request of the concerned stakeholders, BTRC reserves the right to extend the deadline for sending comments.
7. The received comments are then summarised and the outcome is discussed with concerned stakeholders.

**5.2.1 Public Hearing of BTRC in Bangladesh**

Aside from the above steps, BTRC also undertakes public hearings. In the clause 87(1) of Bangladesh Telecommunication Regulation Act 2001 (ACT), there is a reference of public hearing and its procedure. According to the said ACT, the Commission can take measures to hold public hearings if they think it is necessary.

For this BTRC publishes a notice in at least two well published newspapers mentioning the time, date, venue and procedure of registration to attend the hearing. The notice is also posted on the Commission’s website[[6]](#footnote-6). Normally 30 days’ time is given for registration purpose. The online platform Zoom is also made available for participants to attend the hearing online.

At the public hearing, in the presence of high-ranking officials of BTRC, the Commission answers the various questions of the registered participants. Also, general consumers including government/semi-government/autonomous organisations related to telecommunication, service providers, phone users, consumer rights organisations, professionals, law enforcement agencies, mobile phone consumer associations, telecom license holders of BTRC and their association officers also present at the public hearing. After finishing the hearing, BTRC officials made a report for further necessary action.

## **5.3 KIRIBATI**

The planning stage for public consultations is a crucial phase that sets the foundation for a successful engagement process. But priorities, either policy or legislative development, should be directed from the government of the day. Once Cabinet approves a concept note, policy or legislative instructions, the respective organisation will begin public consultations throughout a nation.

1. **Define the Purpose and Objectives:**
* Clearly articulate the purpose of the consultation. What specific issues, policies, or projects will be the focus?
* Set clear and measurable objectives for what you aim to achieve through the consultation.
1. **Identify Stakeholders:**
* Identify all relevant stakeholders who should be involved in the consultation process. This includes individuals, community groups, organisations, government agencies, and other key stakeholders.
* Consider the diversity of perspectives and interests among stakeholders.
1. **Establish a Consultation Team:**
* Form a dedicated consultation team with roles and responsibilities defined. Ensure that the team has the necessary skills, expertise, and resources to manage the process effectively.
1. **Set a Budget and Allocate Resources:**
* Determine the budget required for the consultation, taking into account expenses related to the following: outreach, materials, facilitation, and transports to be used on the islands, technology, customary gifts (number of communities to be visited), any courtesy call fees and unforeseen circumstances.
* Allocate resources and secure funding, if necessary, to support the consultation process.
1. **Select Consultation Methods:**
* Choose the appropriate consultation methods and techniques that will best suit the objectives and target audience. Common methods include surveys, meetings or workshops, focus groups, online platforms, written submissions and community consultations.
* The most common method is what we called “te marooro”, workshop kinds, or face to face community consultation.
* Tentative program should be ready and sent to communities beforehand.
1. **Develop a practical timeline:**
* Create a detailed timeline that outlines key milestones, deadlines, and deliverables throughout the consultation process.
* Ensure that the timeline aligns with the objectives and overall project schedule.
* Make sure the timeline is practical to those who will be involved: key stakeholders who will be involved in consultations and respective organisations/communities who will be consulted.
1. **Define the Scope and Boundaries:**
* Clearly define the geographical scope of the consultation, specifying the islands, communities, or areas that will be included.
* Set boundaries on the issues or topics that will be addressed during the consultation.
1. **Create Information Materials:**
* Prepare a clear and accessible information materials, such as background documents, policy proposals, or project plans, to provide to participants.
* Design user-friendly materials that help participants understand the consultation process and the issues at hand.
1. **Train Facilitators and Staff:**
* Train facilitators, team members who will be involved in conducting the consultation, ensuring they understand the process, objectives, and guidelines.
1. **Pilot Test the Consultation:**
* It is so crucial to conduct a pilot or test phase of the consultation to identify any logistical, technical, or operational issues that need to be addressed before the official launch.
1. **Document the Plan:**
* Document all aspects of the planning stage, including objectives, timelines, budgets, communication plans, and consultation methods, in a comprehensive plan.
1. **Review and Revise:**
* Review the entire planning stage with the consultation team, stakeholders, and experts, and make necessary revisions based on feedback and insights before implementations.
1. **Communication & Notification to stakeholders/islands/communities/NGOs**
* Develop comprehensive communication and outreach plans that outline how you will inform and engage stakeholders.
* Clear notification and communication beforehand is key.
* Communicate with key stakeholders to inform them about the upcoming consultation and seek their input on the planning process.
* When the plan is to visit outer islands, the Island Clerks should be the focal contact who can advise further on the context of the island. Seek availability of Mayor for Courtesy call for the blessing of consultations on the island. Not forgetting sitting allowance or courtesy call fee to be paid to Island Council Mayor.
* For Kiritimati Urban Council, Secretary of the Line and Phoenix Islands (Linnix) will be the focal point for communications and Courtesy call meeting should be done with the Minister Line and Phoenix Islands.
* For NGOs, communicate the plan to the Leader of that respective organisation.
* Other means of notifications may include email, phone calls, radio or even social media.
1. **All set before time (Check lists)**
* Everything and everyone should be ready before time.
	+ 1. Tentative Program or agenda
		2. Transports
		3. Venue
		4. Catering arrangements
		5. Contingency cash (customary gifts)
		6. Internet connectivity if needed
		7. Materials required (projector/ stationaries/power/ PA systems/etc
		8. Remember your audience’s needs
1. **Expect the unexpected**
* Sometimes, plan may not work as expected, hence consultation team members should apply:
	+ 1. Flexibility and adaptability
		2. Understanding
		3. Patience always
		4. Expect the unexpected

The planning stage is a critical step in ensuring that a public consultation is well-organised, inclusive, and effective in achieving its objectives. It sets the stage for successful engagement with the public and stakeholders in subsequent stages of the consultation process.

## **5.4 MALAYSIA**

The process of conducting a Public Consultation (PC) by the Malaysian Communications and Multimedia Commission (MCMC) in accordance with the provisions of the Communications and Multimedia Act 1998 (CMA) unfolds as follows:

1. **Notification and Data Gathering:** The industry stakeholders are officially notified of an impending Public Consultation via email communication. This notice is followed by a formal request for data collection, typically in the form of questionnaires. The purpose of these questionnaires is to gain insights into the critical operational challenges prioritised by the industry. The gathered data plays a pivotal role in shaping the scope and direction of the Public Consultation process.
2. **Data Submission:** Industry participants are allotted a designated timeframe, usually spanning 2 to 3 weeks, within which they are expected to submit the requested data to the Malaysian Communications and Multimedia Commission (MCMC).
3. **Data Analysis**: The MCMC initiates an internal review process, involving an in-depth analysis of the collated industry data.
4. **Release of Public Consultation Paper**: The Public Consultation Paper is unveiled, outlining the preliminary viewpoints of the MCMC concerning the subject matter and scope under consideration. This document serves as an invitation for input and feedback from industry stakeholders, interested parties, and the general public. The overarching goal is to harness a comprehensive consultative approach in accordance with the tenets of the CMA. The publication of this paper reinforces transparency and predictability within the MCMC's regulatory procedures.
5. **Preparation of Industry Responses:** Industry representatives undertake the task of formulating their responses. During this phase, provision is made for potential clarification sessions between the industry and the MCMC, should the need arise. Industry stakeholders are granted a span of 45 days from the launch date of the Public Consultation Paper to compile and submit their responses.
6. **Issuance of Public Consultation Report and Determination**: The Public Consultation Report is presented, offering a comprehensive overview of the consultation process outcomes, notably encapsulating the final stance adopted by the MCMC pertaining to the identified scope. The report is made accessible to the public through official channels, primarily the MCMC's official website. Subsequent to the report's release, the MCMC formalises its Determination, leveraging insights gleaned from the Public Consultation Report. This Determination specifies an effective date and duration extending until the next scheduled Public Consultation, in compliance with regulatory mandates. It is imperative to underscore that certain materials are excluded from the report, encompassing content of a confidential nature, information that could prejudice a fair trial, and details entailing unwarranted disclosure of personal data, even for deceased individuals. This periodic review, mandated every three years, underscores the MCMC's commitment to ensure that the regulatory framework remains timely and optimally aligned with its intended purpose.

The illustration of the above is summarised in Diagram 1 below:



An example of public consultation exercises related to spectrum matters are provided online[[7]](#footnote-7). All other public consultation exercises conducted by MCMC are also available online[[8]](#footnote-8).

## **5.5 PAPUA NEW GUINEA**

The ICT Regulator of Papua New Guinea (PNG), the National Information and Communications Technology Authority (NICTA) conducts public consultation or inquiry regularly to make Rules, Guidelines, to Declare a Wholesale Services or to make a Retail Services Determination for a retail service. NICTA is required under the National ICT Act 2009 to conduct a public consultation/inquiry:

1. to investigate an issue via a complaint from a consumer (retail or wholesale);
2. correct market failure or make a rule, guideline or regulation on its own motion; or
3. upon instruction from the Minister for ICT to investigate an issue.

The public consultation is either written submissions or public hearing. To date no public hearing has been conducted by NICTA. The respondents are either are encouraged to rebut or agree to each other’s comments. NICTA reviews the comments and the counter comments and provides its Response to Comments Report.

NICTA prepares its Recommendation to the Minister whether to declare a wholesale service or to make a retail services determination on a retail service. The Regulations, Rules and Guideline making follow the similar process. It is up to the Minister to accept or reject NICTA’s recommendations.

There are statutory timelines to the public consultation processes. Normally the public consultations take at least 6 months to complete depending on the complexity of the issue.

A public consultation/inquiry are public process and all documents including comments and responses are available for the public viewing.

Example(s) of public inquiries are provided online[[9]](#footnote-9). NICTA has also prepared a Guidelines on the submission of written comments to public consultations and public inquiries (October 2014), which is available online[[10]](#footnote-10).

## **5.6 PHILIPPINES**

**Case study of public consultation of the National ICT Ecosystem Framework**

**5.6.1 Introduction**

The Philippines’ Department of Information and Communications Technology (DICT) was established through Republic Act No. 10844 in 2016, and is the primary policymaking, planning, coordinating and implementing body for ICT use and development in the Philippines.

DICT, with support from the Internet Society, developed the National ICT Ecosystem Framework (NICTEF) – a successor to the Philippine Digital Strategy 2011-2016.

A multi-stakeholder approach was adopted, and over a one-year period, DICT engaged with an array of stakeholders throughout the country, encouraging them to set the goals and agenda for the nation’s new digital strategy.

**5.6.2: Multi-stakeholder approach**

There is no single model for the multi-stakeholder process. The approach can be considered a [toolbox of practices](https://www.internetsociety.org/resources/doc/2016/internet-governance-why-the-multistakeholder-approach-works/)[[11]](#footnote-11) that individuals and organisations from different sectors can use to share ideas and develop consensus-based strategies and policies.

The multi-stakeholder model lends itself to ideal use in policymaking for the digital era - an environment that is increasingly made up of various actors that have a direct stake in how ICTs develop. As policymakers and regulators cope with the breakneck speed of technological advancement, the approach is viewed by a growing number of governments as an innovative means of ensuring that public policies remain forward-thinking, inclusive, and suited to the needs of a steadily interconnected world.

In this case study, we detail how the Philippines localised the multi-stakeholder approach as it developed its NICTEF, a roadmap that sets out the direction of ICT development in the country

**5.6.3: Development of NICTEF**

Government agencies in the Philippines are mandated by law to hold open consultations as a means of improving transparency and encouraging public involvement in the policymaking process. This includes issuing a public notice for comments on the draft policy- announced through government websites and social media pages - and conducting consultations to gather input from interested and affected groups.

In developing NICTEF, the DICT took the consultation process further in several ways. Recognising the broad scope of the Framework, the DICT sought to solicit input from different stakeholders, including the private sector, academia, civil society and the technical community; and across age groups and levels of expertise - from senior executives, middle‑management staff to students and young people.

DICT organised a series of thematic focus group discussions and regional consultations in each of the country’s major island groups to bring their needs, and perspectives to the fore. In between formal discussions and consultations, DICT opened its doors to input from those who could not make it to the consultations.

The development of NICTEF can be divided into four stages:

1. **Preliminary activities:** A series of activities was organised in preparation for developing the Framework, including a “footprinting”[[12]](#footnote-12) event, two awareness-raising workshops, and a training course for civil servants to broaden their understanding of the principles that underpin the architecture and continued evolution of the Internet.
	* The footprinting event held on December 17, 2017 in Cebu City brought together a small but diverse group of stakeholders from the public and private sectors to brainstorm on the scope and direction of NICTEF, and the process for developing it. This included the exploration of global best practices in ICT policymaking.
	* Next, academia and the youth were gathered at workshops meant to broaden awareness of DICT’s activities in educational institutions. These involved electronics engineering and computer engineering students and faculty members of ICCT Colleges (in March 2018, in Rizal, Luzon) and electronics engineering students of the University of Cebu (in September 2018, in Cebu, Visayas).
2. **Focus group discussions:** Six focus group discussions were conducted in participatory e-governance; industry and countryside development; resource sharing and capacity building through ICT; improved public links and connectivity; ICT user protection and information security; and enabling and sustainable ICT environment (the Framework’s proposed thematic areas).
	* These were held in the capital, Metro Manila between May and July 2018, and were attended by national government agencies, the private sector and academia. Each began with a series of presentations on pertinent concerns, on the current state of ICT development in the Philippines, and on good practices that could be adopted under NICTEF. Participants identified actions and projects to address key issues, providing substance to the Framework’s strategic thrusts. A short online survey was conducted to solicit views from citizens on what the priorities of NICTEF should be. Survey responses were used to initiate and facilitate detailed discussions among the focus groups.
	* A three-day writeshop was subsequently organised in October to bring together staff from relevant departments within the DICT, along with external consultants, to draft the NICTEF. The initial content included NICTEF’s values, vision and mission statement, and priorities for each strategic thrust based on consensus-driven outcomes from the focus group discussions.
3. **Regional consultations:** Regional public consultations were organised in the three major island groups of the Philippines as well as in Metro Manila to gain a better understanding of the needs and concerns of constituencies across the archipelago.
	* These were held between October and December 2018 in Iloilo City for the Visayas; Cagayan de Oro City for Mindanao; Malolos City for Luzon; and Manila for the National Capital Region. Participants were from national and local government agencies, the private sector, academia, civil society, and the technical community.
	* An overview of the Framework’s objectives was presented, followed by an interactive discussion on each section during which participants, divided into small groups, offered feedback and proposed revisions.
4. **Online public survey:** An online public survey was conducted for a month, from October to November, both in the national language, Filipino, and in English to further solicit input from citizens on the ICT issues that affect their day-to-day lives. About 200 respondents completed the survey, which was publicised through social media platforms.



**5.6.4 Key takeaways**

1. Ensure that the team responsible for adopting the multi-stakeholder approach has a common understanding of what it is, and commitment to stand by its key attributes.
2. Make a concerted effort to be inclusive.
3. Conduct face-to-face public consultations at regional levels to hear from rural and harder-to-reach stakeholders.
4. Focus on the entire ICT ecosystem, not just what the government or the ICT sector is doing.
5. Engage a facilitator with experience in adopting the multi-stakeholder approach, as well as knowledge of national ICT policymaking.
6. Tailor the multi-stakeholder process to the culture of the country.
7. Develop and clearly present a value proposition to ensure that the multi-stakeholder process is productive, and outcome driven.
8. Factor in additional costs for implementing a multi-stakeholder approach in budget plans.
9. Build strategic and sustainable partnerships for the implementation of the collaborative, multi-stakeholder model.
10. Engage a documenter to capture in writing all inputs from stakeholders.
1. <https://www.acma.gov.au/have-your-say> [↑](#footnote-ref-1)
2. <https://www.acma.gov.au/five-year-spectrum-outlook> [↑](#footnote-ref-2)
3. https://www.acma.gov.au/publications/2022-09/plan/five-year-spectrum-outlook-2022-27 [↑](#footnote-ref-3)
4. https://www.acma.gov.au/publications/2022-05/report/consumer-vulnerability-expectations-telecommunications-industry [↑](#footnote-ref-4)
5. https://www.acma.gov.au/articles/2022-05/acma-sets-out-expectations-telcos-dealing-vulnerable-consumers [↑](#footnote-ref-5)
6. <http://btrc.gov.bd/> [↑](#footnote-ref-6)
7. https://www.mcmc.gov.my/en/spectrum/consultation [↑](#footnote-ref-7)
8. https://www.mcmc.gov.my/en/resources/reports/information-paper [↑](#footnote-ref-8)
9. <https://www.nicta.gov.pg/category/consultations-inquiries/> [↑](#footnote-ref-9)
10. <https://www.nicta.gov.pg/downloads/download-category/guidelines/> [↑](#footnote-ref-10)
11. https://www.internetsociety.org/resources/doc/2016/internet-governance-why-the-multistakeholder-approach-works/ [↑](#footnote-ref-11)
12. "Footprinting," done through site visits and interviews, aims to gather primary data on the ICT ecosystem of an economic area [↑](#footnote-ref-12)