



**Asia-Pacific
Economic Cooperation**

APEC WORKSHOP: PEER REVIEW ON PUBLIC CONSULTATION INITIATIVES

**17TH - 18TH
JULY 2018**

KUALA LUMPUR, MALAYSIA



Introduction

Public Consultation plays a crucial role in improving the quality of rules and regulations and in improving compliance and reducing enforcement costs for both governments and the private sector. Public consultation gathers information to facilitate governments in formulating sound policy decisions. The application of tools to formulate and review policy, such as Regulatory Impact Assessment (RIA) and Reducing Unnecessary Regulatory Burdens (RURB), has resulted in consultation increasingly being used to collect empirical and qualitative information for analytical purposes.

APEC Peer Review on Public Consultation Initiatives (this project) sets a platform for volunteer economies to undertake a peer-review on public consultation. Through this peer review mechanism, volunteer economies will have the opportunity to identify gaps in how they conduct public consultation. Addressing these gaps will assist APEC economies in applying Good Regulatory Practices and improving indicators measured by the World Bank, APEC, OECD and other relevant international organisations. It will also support public consultation reforms which will improve the formulation of business regulations.

To initiate this project in March 2018, Malaysia has engaged Ms. Sue Elaine Holmes, an APEC expert from Australia to assess Malaysia's public consultation practices through a series of interviews on peer-review public consultation initiatives with key stakeholders from business, government agencies, academicians and NGOs.

In April 2018, APEC Survey on Public Consultation Initiatives has also been circulated to all APEC economies to capture government wide practices on how governments engage with stakeholders about public consultation affecting regulatory policy and also identify best practices in public consultation. The results gathered from the responses received through the above surveys will be shared during the APEC workshop scheduled on 17-18 July 2018 at Kuala Lumpur, Malaysia.

Objectives

The main objectives of the workshop are:

- To increase participants knowledge on implementing more effective and efficient public consultation initiative for formulating regulatory policy;
- To share experiences among the participants on the implementation of good public consultation practices;
- To share the result of Malaysia's peer review assessment;
- To take stock of the APEC economies on public consultation practices; and
- To discuss and explore the way forward on governance, strategies and techniques in implementing effective and efficient public consultation for APEC economies.

Target participants

APEC member economies particularly participants as follows:

- Public sector (e.g. officials from ministries and regulatory agencies)
- Private sector (e.g. businesses, traders and commerce associations)
- Academia, civil society and interested parties

Programme details

Date : 17 – 18 July 2018
Venue : Grand Salon, Level 1, Grand Hyatt Kuala Lumpur, Malaysia
Time : 9.00am – 5.00pm

AGENDA

Day 1 : 17 July 2018 (Tuesday) <i>Open to registered participants</i>	
Session 1	Opening Remarks and Workshop Overview
8.00 a.m. – 9.00 a.m.	Registration
9.00 a.m. – 9.15 a.m.	Opening Remarks: <ul style="list-style-type: none"> Datuk Isham Ishak, Secretary General, Ministry of International Trade and Industry (MITI)
9.15 a.m – 9.30 a.m	Workshop Overview: <ul style="list-style-type: none"> Mr. Zahid Ismail, Director of Productivity and Competitiveness Development Department, Malaysia Productivity Corporation (MPC)
9.30 a.m. – 10.00 a.m.	Tea break and Group Session
Session 2	Importance on public consultation in Good Regulatory Practices (GRP) This session will dive into the importance of public consultation in GRP. The speakers shall talk about the emphasis of public consultation and why we must put a high priority on public consultation when developing or amending regulations. Participants may listen on the approach used by the economies in deciding who should be consulted, how does it define and identify stakeholders, the roles of regulators, the stages where consultation should take place throughout the regulatory cycle, and importance of public access to information, whether on-line or off-line (face to face) public consultation.
10.00 a.m. – 11.30 a.m.	Speakers: <ul style="list-style-type: none"> Mr. Paul Davidson, Policy Analyst, Measuring Regulatory Performance Programme, Regulatory Policy Division, Public Governance Directorate, OECD <i>Public consultation and GRP in the 21st century</i> Mr. Peter Ladegaard, Global Lead, Regulatory Policy and Management, Business Regulation, Macro, Trade and Investment Climate Global Practice, World Bank <i>Improving regulatory through on-line public consultation (Notice and Comment)</i> Datuk Dr. Anis Yusal Yusoff, Director-General, National Integrity and Good Governance Department (JITN) <i>Leadership and culture change to increase public consultation</i> Moderator: <ul style="list-style-type: none"> Mr. Hairil Yahri Yaacob, Senior Director of the Regional and International Relations Division, Ministry of International Trade and Industry (MITI)

	Questions and Answers (30 minutes)
Session 3	<p>The impact of public consultation on stakeholders</p> <p>This session will bring in the perspective of businesses (private sector) on why the government should put a high priority on public consultation. It will highlight and discuss the best ways to ensure all affected business, including small and medium-sized enterprises are consulted when the government is developing or reforming regulations.</p> <p>.</p>
11.30 a.m. – 1.00 p.m.	<p>Speakers:</p> <ul style="list-style-type: none"> • Tan Sri Rastam Mohd Isa, member of APEC Business Advisory Council (ABAC), Chairman and Chief Executive Institute of Strategic & International Studies (ISIS) <i>APEC businesses perspective on the consultation and engagement with stakeholders</i> • Ms. Noor Yang Azwar Kamarudin, American Malaysian Chamber of Commerce (AMCHAM) <i>Private sector perspective on the consultation and engagement with stakeholders</i> • Ar. Ezumi Harzani Ismail, President, Malaysia Institute of Architects <i>Professional sector (architect) perspective on the consultation and engagement with stakeholders</i> <p>Moderator:</p> <ul style="list-style-type: none"> • Mrs. Nuraslina Zainal Abidin, CEO, Innovation Association Consulting Sdn. Bhd. <p>Questions and Answers (30 minutes)</p>
1.00 p.m. – 2.00 p.m.	Networking Lunch
Session 4	<p>The challenge to govern better public consultation</p> <p>This session will bring in a wide topic on the challenges faced by the economies in governing better public consultation in their respective area it would also talk about strategies used by regulators in improving public consultation, providing public access and feedback to relevant information, and increased public consultation by the stakeholders.</p>
2.00 p.m. – 3.30 p.m.	<p>Speakers:</p> <ul style="list-style-type: none"> • Mr. Tobias Schroeder, Data Analyst of e-Rulemaking Program Management Office, Washington D.C., United States Environmental Protection Agency <p><i>US strategies to promote and ensuring implementation of public consultation by regulators</i></p>

	<ul style="list-style-type: none"> • Mr. Arfan Faiz Muhlizi, National Law Development Agency (BPHN), Ministry of Law and Human Rights, Indonesia <i>Indonesia's experience on conducting public consultation</i> • Mr. Laurence Todd, Director of Research & Development (R&D), Institute for Democracy and Economic Affairs (IDEAS) <i>Challenges on better public consultation from the point of view NGOs</i> <p>Moderator:</p> <ul style="list-style-type: none"> • Dr. Izhar Che Mee, Consultant, MPC Associate <p>Questions and Answers (30 minutes)</p>
<p>Session 5</p>	<p>Consultation at the ex-post evaluation: closing the policy</p> <p>This session will enlighten participants with sharing of approaches, lessons learned, best practices and/other relevant experiences by APEC economies at consultation at the ex-post evaluation, i.e. after the implementation of new regulations. Participants may also get some views on how public consultation contributes towards improving existing regulations..</p>
<p>3.30 p.m. – 5.00 p.m.</p>	<p>Speakers:</p> <ul style="list-style-type: none"> • Dr. Marcos Avalos Bracho, General Coordinator of RIA, Federal Commission of Regulatory Improvement (COFEMER) <i>Mexico's approach on engagement for ex-post RIA through Traffic Light Score Methodology (TLMS)</i> • Ms. Punita Nook Naidu, Director (Technical Standard & Compliance), National Water Service Commission (SPAN) <i>Malaysia's case example of conducting public consultation</i> • Mr. Nguyen Anh Duong, Director Department for Macroeconomic Policy and Integration Studies, Central Institute for Economic Management <i>Viet Nam's experience on conducting public consultation at ex-post evaluation</i> <p>Moderator:</p> <ul style="list-style-type: none"> • Mr. Mohd Sofiyuddin Ahmad Tabrani, Executive Partner, ZICO Law Thailand (a member of ZICO Law) and Partner, Zaid Ibrahim & Co. (ZICO Law Malaysia) (a member of ZICO Law) <p>Questions and Answers (30 minutes)</p>

Session 6	<p>Draft Findings on Public Consultation practices in Malaysia</p> <p>This session will present the findings from the interviews conducted on public consultation practices in Malaysia by Australian APEC expert. The participants will be invited to provide comments to the assessment and recommendations.</p>
5.00 p.m. – 5.30 p.m.	<p>Speaker:</p> <ul style="list-style-type: none"> • Ms. Sue Elaine Holmes, APEC expert, Australia <i>Draft Assessment of Public Consultation as Used by Malaysia to Improve Regulation</i> <p>Moderator:</p> <ul style="list-style-type: none"> • Dato' Abdul Latif Hj. Abu Seman, Deputy Director General, Malaysia Productivity Corporation (MPC) <p>Questions and Answers (30 minutes)</p>
5.30 p.m. – 6.00 p.m.	Tea Break and End of Day 1

Day 2 : 18 July 2018 (Wednesday) <i>Open to APEC Economies Delegates, speakers and invited ministries and government agencies</i>	
Session 7	Reflection of Day 1 This session will reflect views and inputs gathered from all speakers from Day 1.
8.00 a.m. – 9.00 a.m.	Registration
9.00 a.m. – 9.20 a.m.	Speaker: Mr. Zahid Ismail, Director of Productivity and Competitiveness Development Department, Malaysia Productivity Corporation (MPC)
Session 8	Public consultation practices by the APEC economies This session will share findings of the survey on “Public Consultation Initiatives” which was circulated to the members of APEC economies in April 2018. The survey covers the four key dimensions of engagement in public consultation, which are: 1) Methodology used to conduct public consultation 2) Systematic adoption - How widely has public consultation being adopted by national government 3) Transparency and inclusiveness 4) Oversight and quality control The findings will be used for drafting the Compendium Report on Public Consultation Initiatives by APEC economies.
9.20 a.m. – 10.00a.m.	Speaker: <ul style="list-style-type: none"> • Ms. Sue Elaine Holmes, APEC expert, Australia <i>APEC Survey Findings on Public Consultation Initiatives, Draft for Compendium Report</i> <p>Questions and Answers (30 minutes)</p>
10.00a.m. - 10.30a.m.	Tea Break
10.30a.m. – 12.30 p.m.	Update on recent developments on public consultation initiatives by APEC economies Selected APEC economies to present their experiences in public consultation initiatives <ul style="list-style-type: none"> • Public Consultations as one of the most important part of effective RIA in Russia • Public Consultation in Thailand • Public Consultation on Regulatory proposals and it's RIA, Mexico • Public Consultation Practices in China • Methodology Used to Conduct E-Public Consultation in National Law Development Agency, Indonesia • Philippines • Peru

	<p>Moderator: Dr. Izhar Che Mee, Consultant, MPC Associate</p> <p>Questions and Answers (30 minutes)</p>
12.30 p.m. – 2.00 p.m.	Networking Lunch
Session 9	<p>The Way Forward</p> <p>This session will collate advises and recommendations from panel experts and APEC economies on the way forward. The moderator will lead the discussion by inviting APEC panel of experts to provide insights and explore the way forward on governance, strategies and techniques for effective and efficient public consultation of APEC economies. The feedback will be used as input to the compendium write-up.</p>
2.00 p.m. – 3.00 p.m.	<p>Panel discussion by APEC economies and experts on the way forward to strengthen public consultation practices</p> <p>Key conclusions and next steps:</p> <ul style="list-style-type: none"> • What are the key take away to strengthen public consultation practices from the workshop? • What are other strategies and techniques that could be considered or implemented in improving the conduct of public consultation? • What are the next steps? <p>Moderator: Ms. Sue Elaine Holmes,</p> <p>Contributors: APEC Panel of Speakers and Participants</p>
3.00 p.m. – 3.30 p.m.	Tea break
Session 9	Wrap up
3.30 p.m. – 4.00 p.m.	Wrap up and closing by Malaysia Productivity Corporation (MPC)
End of programme	