



Asia-Pacific
Economic Cooperation

APECTEL REGULATORY TRAINING PROGRAM

Program Resource

MODULE ONE

INTRODUCTION

APEC Telecommunications & Information Working Group
Published by InfoCommunications International Pty Ltd
November 2005

November 2005

PUBLISHED BY Infocommunication International Pty Ltd

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APEC Publication Number APEC#206-TC-03.1

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MODULE SPECIFICATIONS	4
Module Description	4
Module Objectives	4
MODULE OVERVIEW	5
Introduction	5
TOPIC 1 – WELCOME & INTRODUCTIONS	6
Presenters.....	6
Participants	6
TOPIC 2 – REGULATORY TRAINING PROGRAM	7
Program Aims	7
Program Objectives	7
Program Outcomes.....	8
TOPIC 3 – APPROACH	9
Regulator Training Model	9
Module structure	10
Participation and involvement.....	10
Interaction	11
Contextual.....	11
Resources.....	11
Flexibility	11
TOPIC 4 – PROGRAM BACKGROUND	12
TELMIN Lima Declaration - Annex C.....	12
Other main documents	14

MODULE SPECIFICATIONS

MODULE CODE AND TITLE

01 Introduction Module

Module Description

This introductory module will provide participants with an overview of the Regulatory Training Program including the aims, range of modules offered and approach.

Participants, presenters and facilitators will introduce themselves and express any expectations they have of the Regulatory Training Program.

Module Objectives

For participants to:

Objective 1 - Understand and be able to describe the purpose of the Regulatory Training Program, the modules and approach taken.

Objective 2 – Understand and describe the rationale and background to the Regulatory Training Program

PRE-REQUISITES

None

SUGGESTED REFERENCES

Legislation, laws and sample regulations

USING THIS GUIDE

The facilitator or course coordinator will present and discuss the content in this module. They will also advise you on the approach and activities to undertake during the workshop.

MODULE OVERVIEW

Introduction

This module is made up of four topics:

TOPIC 1 – WELCOME AND INTRODUCTIONS

This includes an official welcome by the host economy and introduces the presenters, facilitators, workshop coordinator and participants including mutual expectations.

TOPIC 2 – REGULATORY TRAINING PROGRAM

This topic introduces the participants to the aims, objectives and expected outcomes of the workshop

TOPIC 3 - APPROACH

The program has a number of underlying processes including the adult educational processes applied in the modules. Participation, involvement, discussion and flexibility in the program are also covered.

TOPIC 4 – PROGRAM BACKGROUND

This traces the evolution of the Regulatory Training Program and the latest APEC declaration by ministers about Compliance and Enforcement following the TELMIN meeting in June 2005.

This module will require 1 to 1.5 hours to complete.

TOPIC 1 – WELCOME & INTRODUCTIONS

The workshop is officially opened by a dignitary from the host economy who welcomes participants and presenters.

Presenters

After the official opening of the workshop the presenters, facilitators and course coordinator are introduced and each provides some of their experience and background in regulatory matters

Participants

Each of the participants is asked to introduce themselves with:

- Their name, position and organisation; and
- Their expectations of what they would like to gain from the workshop

TOPIC 2 – REGULATORY TRAINING PROGRAM

Program Aims

The program aims to deliver and train staff from telecommunications regulators, departments and interested parties, such as operators and associations, in the key task skills of compliance monitoring, enforcement, public communication & inquiry, investigation, arbitration and dispute resolution to enable them to adopt and implement regulatory reforms within the context of APEC TEL adopted principles and guidelines.

Specifically the program is aimed at:

- Regulatory staff within economies who are setting up or have recently established an independent regulator and who are now facing specific and significant implementation issues.
- Regulators who wish to build their human resource capacity by enhancing the knowledge and skills of their staff by participating in APEC sponsored international training programs.
- Operators, service providers, carriers, consumer, user and industry groups or associations.

Program Objectives

InfoCommunications International Pty Ltd's agreement with the APEC Secretariat and the Department of Communications, Information Technology and the Arts requires it to provide the following:

- Two one week long workshops for regulators and industry to be held in Jakarta and Bangkok that utilises experts with regulatory experience to present the modules in the program.
- Three two day long follow workshops on related matters depending on needs mainly identified during the two five day that utilises appropriate experts to present specific regulatory related topics.
- The development of support materials which are in the form of printed program modules.

Our objective then is to deliver a regulatory training workshop that covers materials that are relevant and of importance to the participants, and which is provided in a manner that facilitates the development of the knowledge and skill set of all participants in regulatory task skills.

Program Outcomes

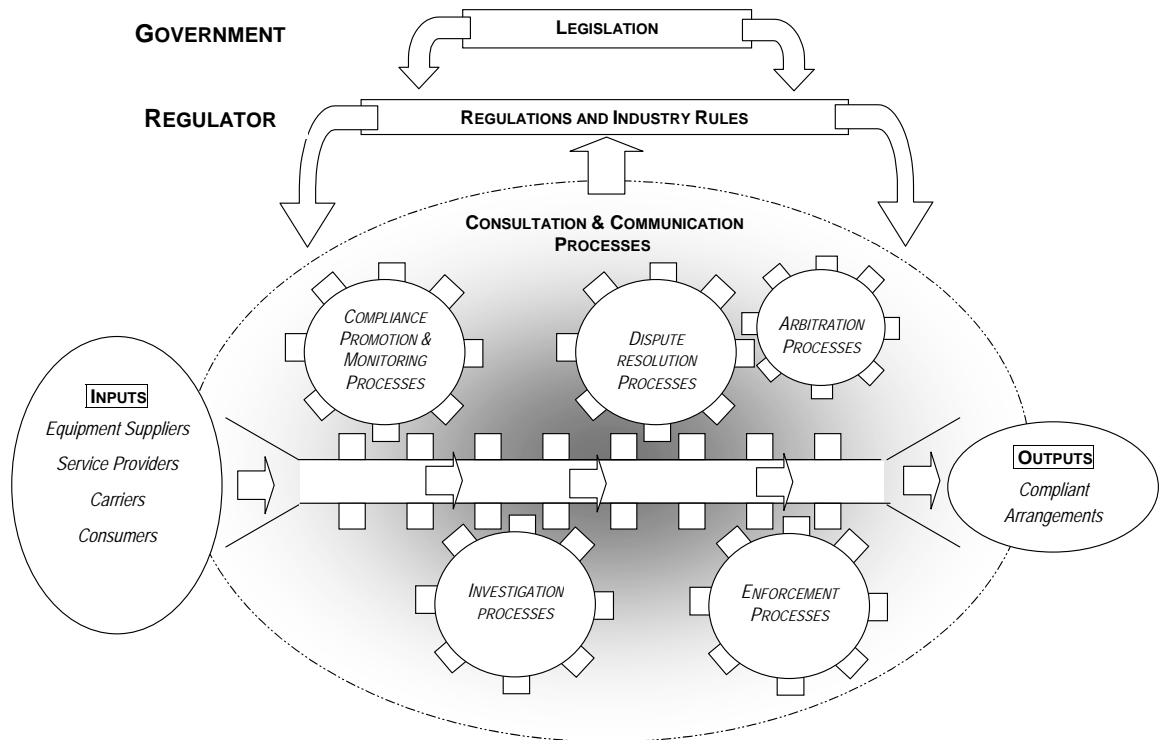
Economies will have higher levels of confidence in the implementation of telecommunications regulatory reforms especially as these relate to the Ministerial APEC Reference List, Ministers' Directives and the WTO Basic Telecommunications Reference Paper by having parties:

- share their experiences of regulatory issues and approaches in their economies,
- trained and provided with tools for effective compliance monitoring and enforcement, practices,
- clearly aware of information to be provided to internal and external interested parties,
- trained in skills to effectively disseminate information to suppliers, investors and users, and
- trained in task skills and practices to effectively carry out investigations, arbitration, settle disputes and hold public inquiries and consultations

TOPIC 3 – APPROACH

Regulator Training Model

The various training modules of the Regulator Training Model can be readily recognised in the illustrative diagram below.



The Modules in this Regulator Training Program are:

- Module 01 Introduction
- Module 02 The Independent Regulator & Public Communication
- Module 03 Compliance Promotion and Monitoring
- Module 04 Investigation
- Module 05 Dispute Resolution
- Module 06 Arbitration
- Module 07 Enforcement

Module structure

The general process followed in each of the module materials usually has five steps. There are some exceptions where it was considered that the process was becoming too predictable and possibly tiresome for participants.

Steps	Process	Activities
One	Context, preparation and pre-work as appropriate	Case studies Regulatory context Priorities and hot issues
Two	Acquire knowledge	Deliver and present principles
Three	Analysis	Case studies Share experiences and examples
Four	Application	Compare and contracts activities
Five	Synthesis	Next steps Action plans

Participation and involvement

The success of the Regulatory Training Program depends very much on the level of participation of participants. Maximum participation from participants who attend is strongly preferred.

To gain knowledge and confidence the workshop program, the modules and topics have been structured in such a way as to encourage participation and involvement.

At times there are small group activities with reporting back to the main group with findings documented for all to see and note.

Interaction

Throughout the sessions there are opportunities for discussion usually indicated in the module materials as a Discussion Point with specific instructions for participants to ask their own questions or to work through questions raised by the facilitators or in the materials.

The use of the marked Discussion Points may not all be used and will depend on the interest and needs of the participants.

To facilitate further discussion in every session, the materials have marked breaks, sometimes just a blank box, where comments or questions may be recorded and asked.

Contextual

All the modules have one or more case studies to focus the content on actual examples of both effective and poor regulatory actions.

Participants can follow the actions taken by regulators in specific issues and contexts and are able to work through simulations using the principles, tools and their own experiences.

Resources

Each of the modules included in this manual have a Program Resource for reference during the workshop and for later back in the workplace. Further references are also provided at the beginning of each module to provide access to additional resources.

The Program Resource also includes a number of tools and checklists to follow realistic steps to outcomes and help assimilate the regulatory task skills into the everyday activities of participants.

Flexibility

The presenters and facilitators recognise that the interests of participants in the content and activities of the modules, and even the modules themselves, may vary from the materials developed and included in the Program Resources.

Should this be the case the presenters and facilitators are committed to customising the module content and activities to the expressed needs and priorities of the participants.

TOPIC 4 – PROGRAM BACKGROUND

This program is based on the outcomes of the Regulatory Training Design Project Report completed in May 2004 for APEC TEL Working Group and two of the Steering Groups. The intent of the design was to fulfil the desire of APECTEL to promote good regulatory practice amongst APEC economies and assist those economies with newly independent telecommunications regulators or those that were about to establish such independent bodies.

As part of the project a Modular Regulatory Training Framework was adopted with a special feature of separating regulatory functions, such as competition monitoring and licensing, from regulatory task skills, such as compliance promotion and monitoring.

Another feature of the framework is the intent to directly link the training modules closely to the ongoing work of APECTEL. One of the key documents that provides further guidance to APEC economy regulators is “The Sixth APEC Ministerial Meeting on the Telecommunications and Information Industry (TELMIN 6) 1-3 June 2005 Lima, Peru, LIMA DECLARATION, Annex C.” For the purposes of this workshop it is worthwhile to include the text of this document in this introduction module.

TELMIN Lima Declaration - Annex C

Compliance and Enforcement Principles

Effective compliance and enforcement regimes are essential to enhancing the ICT regulatory, investment and user environment in any economy.

1. The Regulator

1.1. A regulator must be effective and empowered to convince the industry to comply with rules, and to enforce compliance:

1.1.1. The regulator should be independent -- separate and not accountable to any telecommunications supplier -- to ensure that regulated entities cannot intervene or influence decisions.

1.1.2. The regulator should be empowered with clear authority and jurisdiction over the telecommunications market.

1.1.3. The regulator should be granted a range of enforcement tools to enforce the decisions that it issues. These should include sanctions such

as financial penalties, warnings, interim directions, and modification, suspension, and revocation of licenses.

1.1.4. The regulator should be fair and transparent in its rulemaking as well as its enforcement decisions.

2. Compliance

2.1. A compliance framework promotes industry self-regulation and would include:

2.1.1. A compliance statement that explains to operators the benefits of self-regulation;

2.1.2. A transparent set of instructions informing operators what constitutes both compliance and non-compliance;

2.1.3. A set of actions to be adopted by suppliers to demonstrate compliance; and

2.1.4. A process to oversee compliance and enforcement actions.

2.2. A compliance framework, or industry self-regulation, needs to be supported by an effective enforcement regime as a means to encourage industry to comply with a set of behaviours and practices as determined by the regulator.

3. Enforcement

3.1. An effective enforcement regime should embrace four principles:

3.1.1. *Fast*: Enforcement decisions must be made quickly, decisively and clearly to reduce uncertainty in the market, and deter future violations.

3.1.2. *Firm*: Penalties must be severe enough to deter violations.

3.1.3. *Fair*: The enforcement system should be perceived as fair and transparent and decisions for enforcement action must be based on evidence and made publicly available.

3.1.4. *Flexible*: The regulator must also have a wide variety of tools available to it to ensure that the severity of the punishment matches the severity of the violation.

3.2. To let the regulator enforce its rules effectively, there should be the following provisions:

3.2.1. The regulator should have the power to investigate the actions and records of all telecommunications providers. The regulator should be able to initiate an investigation where it has complete control over the process from start to end.

3.2.2. A timely way for carriers to bring complaints against other carriers with the regulator as the adjudicator.

3.2.3. A mechanism to appeal a decision to a higher level in the hierarchy, whether within the regulatory body, or to the court system.

Other main documents

The two other APEC documents often referred to and on which most of the modules are based are:

- Effective Compliance and Enforcement Guidelines And Practices; *APEC Telecommunications and Information Working Group*, 31st Meeting 3-8 April 2005 Bangkok, Thailand
- APEC TEL Best Practices for Implementing the WTO Telecoms Reference Paper, *APEC Telecommunications and Information Working Group*, 31st Meeting 3-8 April 2005 Bangkok, Thailand
- Compliance and Enforcement Principles, Annex C; TELMIN, Lima Declaration June 2005, Lima, Peru.

In addition the development of the materials and program were first proposed in the following APEC document.

- Regulatory Training Design Report, *APEC Telecommunications and Information Working Group*, 30th Meeting 19-24 September 2004 Singapore.

These documents can be readily accessed from the APECTEL website at www.apectel.org



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APEC Publication Number [To be advised]