



Asia-Pacific
Economic Cooperation

APECTEL REGULATORY TRAINING PROGRAM

Final Report

APEC Telecommunications & Information Working Group

Published by InfoCommunications International Pty Ltd

April 2006

EXECUTIVE SUMMARY	3
REGULATORY TRAINING PROJECT OVERVIEW	5
Introduction	5
Regulatory Training Program Aims.....	6
Regulatory Training Program Structure	6
Regulatory Training Modules & Model.....	6
Participation and involvement.....	7
Program Delivery Flexibility	8
Regulatory Training Program Resources	8
REGULATORY TRAINING PROGRAM DELIVERY	9
Workshop Locations	9
Participants	10
Presenters.....	11
WORKSHOP SUCCESS FACTORS	12
REGULATORY TRAINING PROJECT OUTCOMES	14
Workshop findings	14

April 2006

PUBLISHED BY Infocommunication International Pty Ltd

PO Box 4272, Knox City VIC 3152, AUSTRALIA. Telephone (61) 3 9887 5126

Email: mail@infocomin.com.au Website: www.infocomin.com.au

FOR THE ASIA PACIFIC ECONOMIC COOPERATION SECRETARIAT

35 Heng Mui Terrace, Singapore 119616

Tel: (65) 6775-6012 Fax (65) 6775-6013

Email: info@apec.org Website: www.apec.org

© 2006 APEC Secretariat

APEC#206-TC-01.1

EXECUTIVE SUMMARY

According to the participants, senior management, industry and the presenters, the APEC TEL Regulatory Training project, TEL 3/2005, was highly successful and of great value to them. The Project commenced in May 2005 and was successfully completed on 31 March 2006.

InfoCommunications International Pty Ltd was contracted to develop curriculum and deliver training in accordance with an earlier completed APEC Regulatory Training Design Project in 2004. As curriculum, seven Training Modules were developed and closely linked to APEC TEL Minister Decisions and previously endorsed APEC TEL Principles and Guidelines. The Modules were combined into a Program Resources Manual made available to all participants and uploaded onto the APEC website for access by economies if desired. Main features of the material were the principles expounded, the application of these, related processes and flow charts and extensive APEC and international case studies to illustrate the topics. The modules had built in discussion points and exercises to make the workshops alive and interactive.

In total five workshops were held, hosted by five APEC economies without whose support the workshops would not have been possible. The first two were of a general nature and covered all the Modules in detail. The so called follow-up workshops were of two and three day durations and focussed on the specific preferences for Modules and the context in which these would be delivered.

The workshop success factors are attributable to the commitment and support from host economies, the willingness and eagerness of participants to get involved and learn to, the design and development of the content and the Program Resources manual and last but not least, the high levels of expertise of the presenters.

Although not a requirement of the Project eight findings are presented for the attention of the APEC TEL Working Group and APEC economy regulators which include:

- Development and publication of regulatory processes for greater transparency
- Provision of briefing sessions for Commissioners & Senior Regulator Management
- Staff exchanges between APEC regulators
- Offer specific formal training in – Interconnection, Licensing and Alternative Dispute Resolution
- Provide the judiciary with an appreciation of telecom industry characteristics
- Development of guidelines for the management of content

- Consideration of including Broadcasting regulatory issues in TEL meetings
- Ongoing human capacity building to maintain regulator competence and cope with industry changes

This Final Report is written with the hope that this Project and the workshop events are only a part of the ongoing human capacity building that will continue the improvement of regulatory practices within APECTEL economies.

REGULATORY TRAINING PROJECT OVERVIEW

Introduction

The APEC TEL Regulatory Training Project 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 APEC TEL to promote good regulatory practice amongst APEC economies and assist those economies with newly independent telecommuncaitons 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 APEC TEL. The details of the earlier Regulatory Design project can be found in the

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

For this training project the key document that provides further guidance to APEC economy regulators is the:

- LIMA DECLARATION, Annex C, The Sixth APEC Ministerial Meeting on the Telecommunications and Information Industry (TELMIN 6) 1-3 June 2005 Lima, Peru.

Two other APEC TEL guidelines that are closely linked to the content of the training Modules are:

- Effective Compliance and Enforcement Guidelines And Practices; *APEC Telecommunications and Information Working Group*, 31st Meeting 3-8 April 2005 Bangkok, Thailand; and
- 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

These four documents can be readily accessed at the APEC TEL website at www.apectel.org

Regulatory Training Program Aims

Within the context of APEC TEL Ministerial Decisions and APEC TEL Principles and Guidelines, the aims of the Regulatory Training Project are to:

- Support APEC economies in developing good regulatory practices;
- Assist APEC economies with implementing APEC TEL principles and guidelines; and
- Train staff from APEC Regulators, relevant Ministries and personnel from industry in regulatory practices and related skills

Regulatory Training Program Structure

InfoCommunications International Pty Ltd's agreement with the APEC Secretariat and the Department of Communications, Information Technology and the Arts, Australia requires the provision of 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-up workshops on related matters depending on needs mainly identified during the two five day workshops that utilises appropriate experts to present specific regulatory related topics.
- The development of appropriate support materials which are in the form of printed program modules.

Regulatory Training Modules & Model

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

A systematic adult learning approach was applied in developing these modules to ensure that participants optimised their learnings by attending the Program. The Training Resources Manual can also be used as a self study guide and can be accessed on the APEC TEL website

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

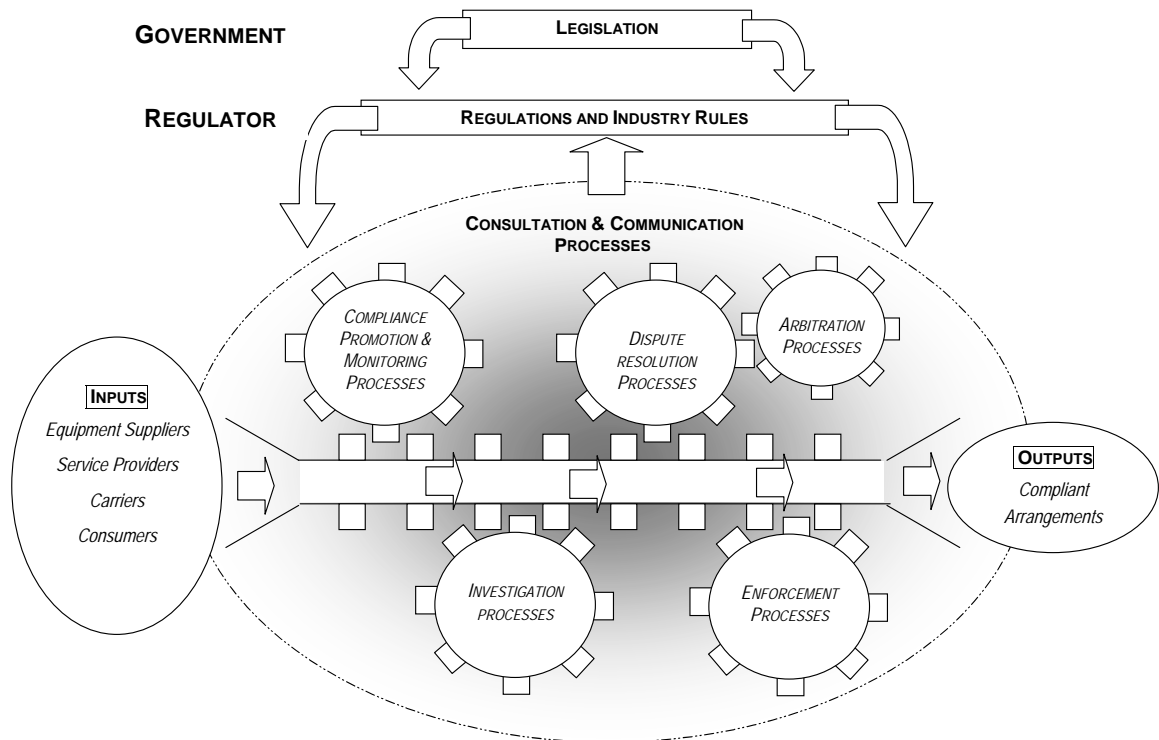


Diagram 1: Regulatory Training Model

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 attended was strongly preferred.

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

In addition to presentations the workshops relied heavily on small and break-out group activities with reporting back to the workshop with findings documented for all to see and note.

Program Delivery Flexibility

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

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

Regulatory Training Program Resources

Each of the modules were included in a Program Resources manual and used as a reference during the workshop and later back in the workplace.

For some workshops copies of the PowerPoint slides were also handed out before each Module was delivered.

The Program Resources manual includes a range of relevant APEC and international case studies, a number of tools and checklists that follow realistic steps to outcomes and help assimilate the regulatory task skills into the everyday activities of participants.

REGULATORY TRAINING PROGRAM DELIVERY

Workshop Locations

Five workshops were held in five different APEC economies; each kindly hosted by the responsible authority and opened by a senior government representative. The details of the five workshops are shown in the table below.

Date	Location	Economy	Duration	Host	Opening speaker(s)
July 2005	Jakarta	Indonesia	Five days	BRTI	Mr Basuki Yusuf Iskandar, Director General of DGPT and Mr Bambang Riadi Oemar, Director Planning and Development, TELKOMSEL.
September 2005	Bangkok	Thailand	Five days	NTC	Mr Rianchai, Commissioner, National Telecommunications Commission
December 2005	Ha Noi	PR Viet Nam	Two days	MPT	Dr Phan Tam, Deputy Director General of International Cooperation Department, MPT
February 2006	Kuala Lumpur	Malaysia	Three days	MCMC	Mr Bistamam Siru Abdul Rahman, General Manager, Industry Development Division, MCMC
March 2006	Manila	The Philippines	Two days	NTC	Deputy Commissioner Jaime M Fortes, JR., NTC

The presenters, facilitators and InfoCommunications International Pty Ltd extend their sincere thanks to the host APEC economies and regulators/ministries for their support and organisation both before and during the workshops.

Participants

Notices circulated for the workshops invited participation from any APEC economies and specifically for:

- Telecommunications industry policy makers from ministries and government departments;
- Personnel from telecommunications regulators involved with making and monitoring rules; and
- Representatives from operators, carriers, service providers and industry and consumer associations that have regulatory interfaces with telecommunications regulators.

One hundred and fifty nine persons participated in the workshops. For most workshops there was good representation of each of the above three groups which lead to energetic dialogue and understandings of different stakeholders' views and expectations within and beyond sovereign borders.

Participation	Number
Economies	Brunei Darra Salaam, Indonesia, Thailand, Australia, PR Viet Nam, The Philippines, Malaysia
Regulators	84
Ministries	38
Industry	37

This mixture of participants proved to be a key factor leading to the success of workshops.

Each participant was presented with a Certificate of Training with encouragement to apply their learnings.

Each of the participants in all the workshops completed Part B of the "Questionnaire for APEC Projects which are in the Category of Seminar, Symposium or Short-term Training Course". Presenters complete Part A of the same questionnaire for the first two standard workshops.

Overall the feedback was extremely positive in relation to the benefits of the workshop to economies, what skills were learnt and what changes participants intended to make back in their own roles. A number of common themes and suggestions were identified which are later summarised under the section entitled Workshop Findings.

Presenters

The extensive regulatory and human resource development experiences of the presenters were a telling factor in the success of the workshops. Each could relate practical examples of good and poor regulatory experiences to participants that allowed participants to explore their own practices with a view of what aspects could possibly be improved.

The presenters and coordinator(s) for the workshops were

- Mr Allan Horsley, Deputy Chair (retired), Australian Communications Authority, Australia;
- Dr Jack Treuhaft, Director, Treuhaft & Associates, Canada;
- Ms Melinda Tan, Manager, International, the Infocomm Development Authority, Singapore;
- Mr Ian McAlister, Manager (retired) Australian Communications & Media Authority, Australia; and
- Mr Leo van Neuren, Principal Consultant InfoCommunications International Pty Ltd, Australia.

All are currently actively involved with the work of the APEC TEL Working Group.

WORKSHOP SUCCESS FACTORS

In addition to the competence and wealth of experience of the presenters, there were other factors that contributed to the success of the workshops.

Other factors were:

- The content of the Modules have direct linkages to APEC TEL ministerial decisions and APEC TEL Principles and Guidelines. This provided solid APEC TEL foundations and rationale for the presentations and small group work
- The strong interest from senior officials, regulators and ministries to host and support the workshops cannot be underestimated. Their commitment and that of their staff in practical, administrative and financial terms before and during the workshops was exemplary in each host economy
- The design and structure of the workshops proved to work extremely well and specifically:
 - In the choice and inclusion of APEC and international case studies in the Program Resources Manual
 - The built in discussion points and exercises that ensured high levels of interaction between the participants and the presenters and amongst participants themselves
 - The frequency of small break-out groups to apply principles to practical APEC and own economy examples
 - The flexibility of the Training Program and the Modules to cater for specific needs of economies, especially for the last three follow-up workshops
- The Program Resources Manual was very well regarded and valued for its contents, questions, templates and step-by-step models that could be applied to evaluate participants' own regulatory practices
- The participation of industry by carriers/operators, whether publicly or privately owned, and industry associations was highly valued by participants. This was evidenced by the often intense dialogue between various stakeholders in a safe and non-confrontational environment
- The flexible approach taken by the presenters ensured that participants could have their specific interests discussed. To demonstrate this point:

- The second Module dealt with Public Communications and Inquiry, to which the features of an Independent Regulator was added and later renamed “The Effective regulator”
- Two new Modules were prepared and delivered as a result of interests from participants. One was on Interconnection based on the APEC Principles developed in 2000 and the other on Content Management
- Three of the follow-up workshops were individually designed to cater for host economy preferences not only in content but also in length, hence one three day workshop instead of two days

These comments are mostly derived from the evaluation questionnaires, but also include feedback and comments from senior host economy management and from observations and comments made to the presenters.

REGULATORY TRAINING PROJECT OUTCOMES

There is no Project requirement to report outcomes or recommendations to either the participants' regulatory bodies or to APEC TEL Working Group. However, there were some learnings and comments made by participants that are worthy of being recorded as workshop findings.

Workshop findings

Some of the findings below were first reported in workshop reports some of which were passed onto the host economy regulators for their information and attention.

The findings reported in these workshop reports and in this final report should in no way be regarded as recommendations to economy regulators, ministries or to the APEC TEL Working Group.

However, both regulators and APEC TEL Steering Groups are encouraged to consider these findings and take actions, if any, as is seen appropriate.

These findings in no particular priority order are:

1. Workshop participants considered that briefing sessions for executive and senior regulatory, ministry and industry management of the APEC TEL Minister Decisions and APEC TEL Principles and Guidelines would be valuable for awareness raising and potentially subsequent actions
2. There are broadcasting regulatory issues and requirements that are not included on the agenda and addressed by the APEC TEL WG. There was a strong suggestion that such issues could be included in the APEC TEL work perhaps after a half to full day workshop at an APEC TEL meeting had helped define what such issues might be and whether these could be included in the TEL agenda.
3. Compliance and disputes often are settled by legal means before judiciary that are generally unaware about the developments and character of the telecommunications and information technology industry or the way in which markets in this industry operate. Participants suggested that the judiciary be provided with a telecom industry appreciation in order to facilitate consideration of telecommunications issues.
4. Managing content issues delivered over the latest technologies and related product developments was an issue for some economies. Some considered that content management guidelines may be useful in helping to address such issues.

5. In a fast moving and changing telecommunications and information technology industry there is a continuing need for regulators to consider investing in human capacity building so as to be at the leading edge and be competent to deal with industry developments.
6. An additional approach to capacity building and related to the above point is the potentially great value of APEC regulatory staff exchanges over medium term periods to participate in actual work and so gain varied and wider experience of regulatory practices in APEC partner economies.
7. The workshops also showed there are training needs that need to be addressed for regulator effectiveness. This training would need to be highly specific and help address some of the challenging issues regulators sometimes have difficulties in coming to terms with. The issues identified during the workshops are in the areas of interconnection, licensing and Alternative Dispute resolution. Perhaps a similar approach to the Regulatory training Project could be taken by having one generalist workshop followed by host economy specific training with invitations to other economies with similar issues
8. One issue that regularly came to the forefront was that of regulator transparency. There appears to be a need for some regulators to consider developing or enhancing regulatory processes and make these public so that all stakeholders have access to information as to how a regulator addresses regulatory matters under its authority.

This Final Report and the above are offered as findings for the APEC TEL Working Group and APEC economy regulators to consider.