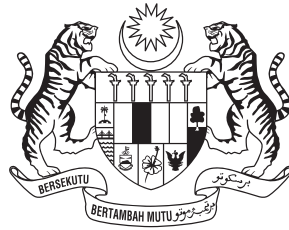




Bringing Together Views
**Ensuring Success through
Stakeholder Engagement**

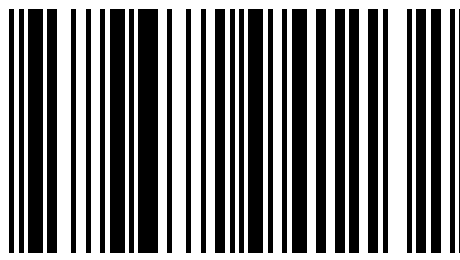
Guideline for Public Consultation



Ensuring Success through Stakeholder Engagement

Guideline for Public Consultation

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Malaysia Productivity Corporation (MPC)
Lorong Produktiviti, Off Jalan Sultan, 46200 Petaling Jaya,
Selangor Darul Ehsan, Malaysia.
Tel: 603-7955 7266 | Email: grp@mpc.gov.my

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For further information, please contact :

Director General
Malaysia Productivity Corporation (MPC)

Lorong Produktiviti, Jalan Sultan
46200, Petaling Jaya, Selangor
MALAYSIA

Tel : +(603) – 7955 7266

Fax : +(603) – 7957 8068

Email : marketing@mpc.gov.my

Website: www.mpc.gov.my

Facebook: www.facebook.com/MPCHQ

Twitter : www.twitter.com/@MPCHQ

MESSAGE FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MALAYSIA

As the pandemic ravages the world economy, the Civil Service has to become ever more culturally competent to embrace the new normal in its regulatory delivery. On this, the Government is committed to a more open and transparent process in regulatory development and delivery. The establishment of the National Policy on Good Regulatory Practice is a testament to this commitment.

Although the Service has adopted and implemented the concept of Good Regulatory Practice or 'GRP', the take-up over the last ten years has not been able to keep up with the changing economic landscape. However, the global pandemic of COVID-19 has made it pertinent that the implementation of GRP in Government has to be enhanced to support the current way of doing business in the country.

The Government recognises the importance of all stakeholders contributing to nation building. As such, the Civil Service works in partnership with businesses. The National Policy on Good Regulatory Practice clearly prescribes 'public consultation' as a pre-requisite for regulatory delivery. The Government is committed to effective consultation with stakeholders and other interested parties who wish to contribute to nation building. Effective consultation provides valuable information which we can use to design effective regulation or other non-regulatory solutions. It allows the Government to make informed decisions on matters of policy and to improve the accountability of the public service.

Although public consultation is a norm in the Government, it has not reached the level where we can work as partners in the regulatory delivery process. It is high time for the Service to get the public involved as participants in all policy decisions and implementation. On this, I congratulate Malaysia Productivity Corporation (MPC) for its efforts to review the Guideline on Public Consultation Procedures to meet the challenges of the new normal in the country. I expect Ministries and Agencies to adopt the revised guideline when engaging stakeholders in regulatory development and policy making.



Tan Sri Dato' Seri Mohd Zuki bin Ali

Chief Secretary to the Government of Malaysia

FOREWORD

The first guidance document on public consultation was published in 2014. Since then, many Ministries and Agencies have referred to this guidance document in conducting public consultation activities. In a sense, the guide has helped the Government make public consultation a norm in regulatory development and review.

However, at times, the consultation process has not been consistently or adequately carried out, leading to questionable regulatory practices. There are a number of reasons for these shortcomings which were identified in a 2018 APEC sponsored peer review on public consultation practice in Malaysia.

Further to this, a peer review was also carried out among a number of Regulatory Coordinators of Ministries and Regulatory Agencies to further identify weaknesses in the practice and use of the existing guidance document. Their inputs have been placed under consideration in the revision of the existing guidance document.

The COVID-19 pandemic has also changed how work is carried out in the so-called new normal. Public consultation events have had to move away from mass gatherings to online conference and virtual meetings. As such, new methods are necessary in planning, preparing, and executing public consultation exercises.

At the same time, the economy has been impacted by continuing changes such as trade disputes, protectionism, geopolitical events, and shifts in technology, which have made it more and more challenging for businesses to compete. There are higher expectations on authorities to be more business-centric to facilitate doing business. More extensive and thorough engagement is needed more than ever.

The review of the current guidance document is timely to meet all these challenges on public consultation practices. MPC is again proud to be able to do this and now present this new and revised Guideline to further enhance the Government's public consultation practices. Finally, I would like to thank all the respondents who provided their inputs and comments for the revisions to this document.



We hope that the reviewed document will provide the necessary insights and information to shape the readers' understanding of best practices in the public consultation process and thus, further empower the economy and society.

Dato Abdul Latif Hj Abu Seman

Director General
Malaysia Productivity Corporation

ABBREVIATION

APEC	The Asia-Pacific Economic Cooperation
BPRH	Best Practice Regulation Handbook
FAQ	Frequently Asked Questions
GRP	Good Regulatory Practice
IAP2	International Association for Public Participation
ISO	International Standards Organization
MBR	Modernising Business Regulations
MCO	Movement Control Order
MITI	Ministry of International Trade and Industry
MPC	Malaysia Productivity Corporation
NGO	Non-governmental Organisations
NPDIR	National Policy for the Development and Implementation of Regulations (2013)
NPGRP	National Policy on Good Regulatory Practice
OECD	Organization for Economic Co-operation and Development
PEMUDAH	Special Taskforce to Facilitate Business
QMS	Quality Management System
RC	Regulatory Coordinators
RIA	Regulatory Impact Analysis
RIS	Regulatory Impact Statement
RURB	Reducing Unnecessary Regulatory Burdens
SOP	Standard Operating Procedure
UPC	Unified Public Consultation



GLOSSARY

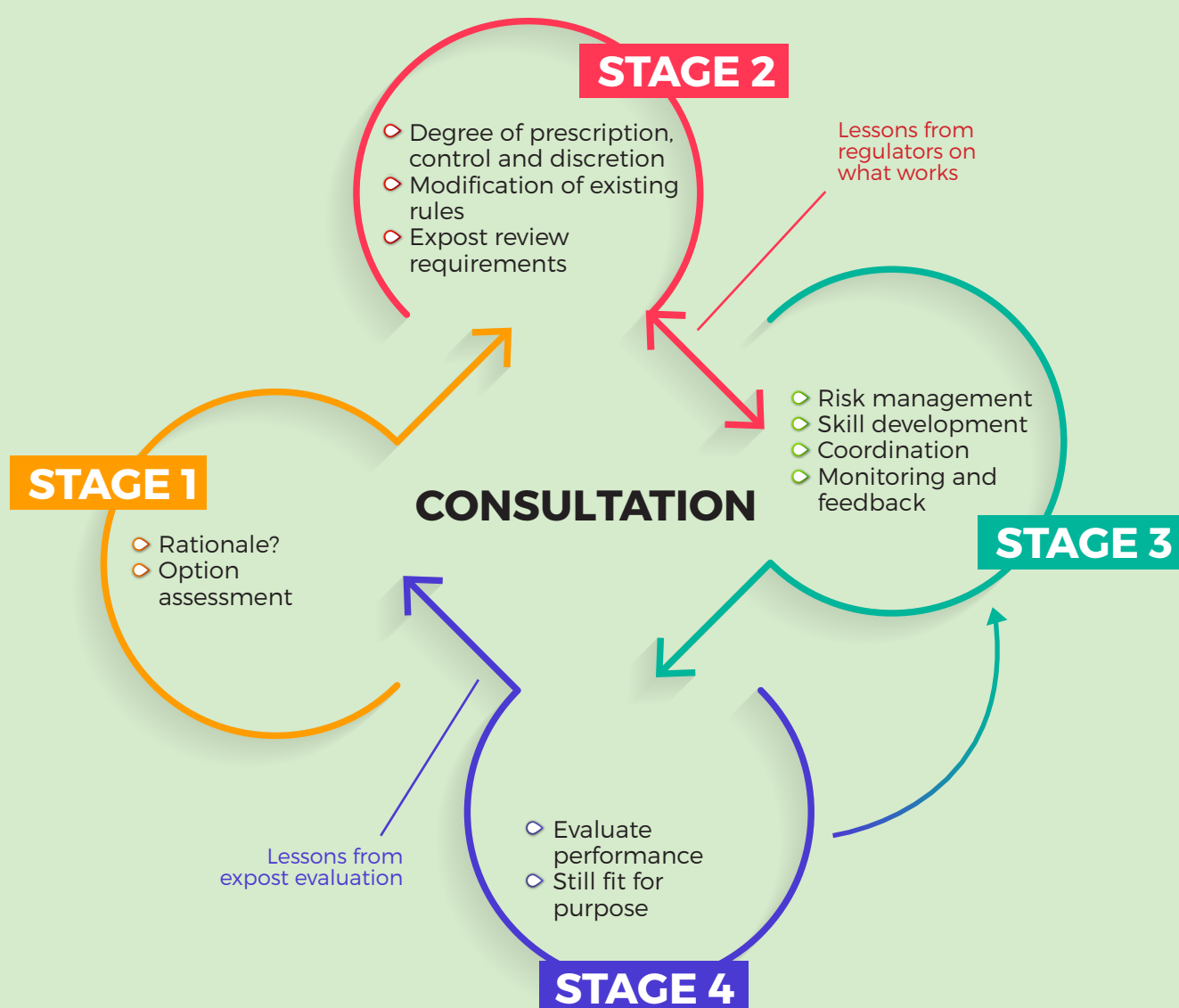
Authorities	Government Ministries and Regulatory Agencies.
Best Practice Regulation	Regulation that is developed with systematic RIA with adequate public consultation.
Consultation	The process of engaging with the stakeholders and other interested parties to gather their inputs, exchange views, achieve common understanding of the issues in the RIA process.
Participants of PC	Stakeholders, interested parties and the general public who are consulted during the regulation's development process.
Green Paper or Issues Paper	A Green Paper is a Government publication that details specific issues, and then points out possible courses of action in terms of policy and legislation. It is a preliminary report of Government proposals meant to stimulate discussion.
Guideline	A statement by which to determine a course of action with the aim to streamline the public consultation according to a set of guiding principles.
Guiding principles	Value-based statements to guide the authorities in their actions and decisions when planning and executing the public consultation.
Regulators	See Authorities
Regulatory Delivery	Is the means by which policy expertise and practical experience are brought together to ensure that regulation is effectively delivered in ways that reduce burdens on business, save public money and properly protect citizens and communities
Regulatory Impact Analysis (RIA)	A systematic and comprehensive cost-benefit analysis on the potential impact of proposed regulatory or non-regulation options.
Regulatory Impact Statement (RIS)	A formal report on the RIA prepared by the Authority and to be submitted to the decision makers for their information and decision.
RURB	Reducing Unnecessary Regulatory Burdens is a methodology to review existing regulations with the aim of reducing unnecessary regulatory burdens on businesses
Stakeholders	Individuals or groups on whom the proposed regulatory action has direct or consequential impact or those who have interest in the effects and outcomes of the regulation as identified through the stakeholder analysis.
White Paper	A White Paper is an authoritative report or guide that informs readers concisely about a complex issue and presents the issuing body's philosophy on the matter. It is meant to help readers understand an issue, solve a problem, or make a decision.

PREFACE

OECD expert Gary Banks (2015) has promulgated that in order to maintain a successful and sustainable regulatory policy¹, adequate management of the regulatory cycle (Box 1) is crucial. These involve both ex-ante and ex-post approaches at the policy decision and regulation development design stages,

as well as during the delivery stages of regulation's implementation and periodic reviews. Central to all these is consultation with stakeholders and all interested parties, commonly referred to as public consultation.

Box 1: The Regulatory Cycle for GRP



Source: Banks (2015)

¹ A 'Sustainable Regulatory Policy': what determines success? Gary Banks Presentation to OECD's 7th Expert Meeting on Measuring Regulatory Performance 18 June 2015 Reykjavik, Iceland; <https://pt.slideshare.net/OECD-GOV/a-sustainable-regulatory-policy-what-determines-success> (16/12/20)



The management practice of the total regulatory cycle is based on universally accepted principles, giving rise to what will be referred to here as Good Regulatory Practice (GRP) with public consultation as an important element. The guiding principles of GRP will assure the development of quality regulations that will serve their intended purposes efficiently.

The guideline on Public Consultation (PC) is to support the implementation of GRP in the country and is aligned to the requirements of the National Policy on Good Regulatory Practice (NPGRP). The process approach to conducting PC will be guided by three (3) key principles – namely transparency of the practice, accountability of the practitioner and inclusiveness of engagement.

This document is organised into four (4) parts with Part 1 being the introductory section on PC guideline, followed by Part 2 and Part 3 which cover the planning of PC and conducting the PC engagement. Part 4 will explain the guiding principles for the total PC process.

How to Use this Guideline

This guideline is formulated to be used as an advisory and reference tool. It provides overview information, guiding principles, key requirements for planning and implementing PC.

The guideline can be used as an introductory guide for individuals and organisations wishing to learn more about PC in GRP or used as a reference document for establishing their own PC guidelines. The guideline can also supplement the Best Practice Regulation Handbook, which seeks to improve the development of regulatory systems and strategies through greater stakeholder involvement in regulatory design.

The draft of the guideline has been subjected to public consultation on the Website. Formal Round Table Discussions (RTDs) have been held with Ministries and Government Agencies to solicit their comments and concerns. Engagements were also made with business stakeholders and other interested parties for their inputs. Relevant concerns raised on this guideline are addressed as Frequently Asked Questions (FAQ).

This guideline shall be reviewed after five years or earlier if the need arises, to take into account lessons learnt.

CONTENTS

	Message from the Chief Secretary to the Government	02
	Foreword	03
	Abbreviation	04
	Glossary	05
	Preface	06
PART 1	Introduction to the Guideline	10
	Why has the Guideline on Public Consultation Procedures been reviewed?	
	What is Public Consultation?	
	What is the Framework for Public Consultation Practice?	
PART 2	Planning the Public Consultation	16
	STEP 1: Establish the purpose and expectations of Public Consultation	
	What are the levels of participation in PC?	
	What should be the level of PC participation?	
	STEP 2: Determine the Stakeholders for the Public Consultation	
	Who are the key stakeholders?	
	What is Stakeholder Analysis?	
	What is Regulatory Mapping?	
	Stakeholder identification	
	Stakeholder prioritisation	
	STEP 3: Develop the Public Consultation Plan	
	How to set goals for PC?	
	When and how long to consult?	
	How to prepare the consultation paper?	
PART 3	Engaging the Stakeholders	32
	STEP 4: Implementing Public Consultation engagements	
	What are the activities for the engagement?	
	What are the techniques for PC engagements?	
	What is an online Public Consultation?	
	What is the Unified Public Consultation (UPC)?	
	What does the PC engagement involve?	

STEP 5: Report the Feedback to the Public and Stakeholders

How to provide adequate feedback to stakeholders?

STEP 6: Review and evaluate the effectiveness of the Public Consultation

How to provide adequate feedback to stakeholders?

How do you assess the adequacy of PC practice?

PART 4 The Guiding Principles for Public Consultation 42

Principle No. 1: Transparency

Principle No. 2: Accountability

Principle No. 3: Inclusiveness

Useful References

Frequently Asked Questions

APPENDIX A 45

APPENDIX B 47

APPENDIX C 51

CONTACT DETAILS 59



PART 1 INTRODUCTION TO THE GUIDELINE

The introduction explains why the original guideline is being reviewed and then delves into the purpose and importance of public consultation in good regulatory practice.

Why is the Guideline on Public Consultation Procedures reviewed?

In 2019, a general assessment of public consultation practices was carried out (APEC 2019) to determine the extent and quality of public consultation conducted by Government Agencies in the country. Various weaknesses and shortcomings in the practices were highlighted (Box 2) and recommendations were made to strengthen the Guideline on Public Consultation Procedures.



Box 2: Shortcomings of Public Consultation Practices

Although PC is practised in many Ministries and Federal Agencies, the PC practices have not been systematically and consistently adopted. A recent assessment of PC practices has shown that the effectiveness of PC has been compromised by the following challenges or shortcomings. These weaknesses need to be addressed in order to improve PC practice in the Government, and can be summarised as:

1. Methodology- the techniques to engage the stakeholders:

- There is a need to provide participants with more information about reviews and give them more time to respond
- There is a need to gather input from the widest possible range of stakeholders, such as consumers as well as those concerned with environmental or public health impacts, and not only those focused on businesses.

2. Systematic Adoption – to reinforce commitment to PC and ensure it is adopted systematically:

- To make it mandatory to fully engage with the public before submitting proposals for changes to regulations
- To establish gatekeepers to ensure proposals meet the established requirements.

3. Transparency and inclusiveness:

- In order to be more transparent, there is the need to ensure all interested parties can access and understand (a) how, when and where consultations are conducted, (b) how and when interested parties can make written submissions to a review, (c) the criteria that will be used in assessing contributions, and (d) who can contribute to consultations and receive feedback on their contributions.
- In order to be more inclusive, policy-makers need to broaden their thinking on which groups might be affected by regulatory changes.

4. Oversight and quality control – to achieve effective and efficient PC, an independent gatekeeper is needed to assess the quality of PC reports, and not just the RIS in the case of RIA.

Source: APEC (2019)

During the review process, MPC carried out additional consultations with regulatory coordinators from various authorities on the use of the original guidelines. The consultation looked at:

- Improving the ease-of-use of the guideline on PC
- Revising the guideline to meet current regulatory environment e.g. the New Normal
- Improving PC practice in Malaysia
- The usefulness and presentation of the guiding principles
- The challenges in preparing the consultation papers
- The adequacy of stakeholders' identification and selection
- The difficulty in planning consultation, and
- The challenges in executing a consultation exercise

Feedback from both these peer reviews were used to revise and improve the existing guidelines.

Another pertinent consideration incorporated in the review, is the impact of the Covid-19 pandemic on the country and globally. Under the "new normal", mass gatherings are discouraged and there are fewer face-to-face interactions. As such using the Internet and virtual platforms for PC is encouraged and is becoming a norm.

This new guidance document is to replace the Guideline on Public Consultation Procedures (MPC 2014) with changes and improvements based on peer reviews and expectations of the current economic environment. It addresses the weaknesses and other expectations identified in the review of PC practices. New emphases have been introduced to improve the extent and depth of public participation, to meet the new expectations of stakeholders and to cater for the needs of the new normal in society. In addition, the revised NPGRP has also broadened the coverage to include social and environmental regulations.

While the primary stakeholders are still businesses that are directly impacted by policies and regulations, PC needs to be inclusive as the inclusiveness principle states that as long as there are interested parties, they should be consulted. Those directly impacted by the regulations are those that have to comply with them. However, the general public will eventually be affected by compliance or any spill-over effect of the regulations. As such, PC aims to reach all interested parties, as well as those who are not particularly directly impacted, and the general public at large. The

This Guidance Document is organised in a logical sequence in order to make referencing easier for the reader and to ease future review and amendments. The draft of this Guidance Document has also been subject to consultations on the UPC portal. Formal online consultations with Regulatory Coordinators from Ministries and Regulatory Agencies have also been held to solicit their comments and suggestions in improving this draft.

What is Public Consultation?

The Government established the National Policy on Good Regulatory Practice (NPGRP) to facilitate the development and implementation of regulations and MPC has published the Best Practice Regulation Handbook (BPRH) to support its implementation.

A core component of the BPRH is the PC process which ensures that the Government's decision-making in the development of regulations is informed, transparent and accountable. Undertaking PC will enhance stakeholders' confidence in regulatory development and greatly contribute towards its successful implementation.

Consultation is a two-way process through which the government seeks and receives the views of stakeholders, such as businesses and the general public, on proposed changes in policy or regulations that affect them directly or in which they may have significant interest. PC provides opportunities for groups and individuals to give comments and inputs and encourages stakeholders' involvement in the policy or regulatory development process.

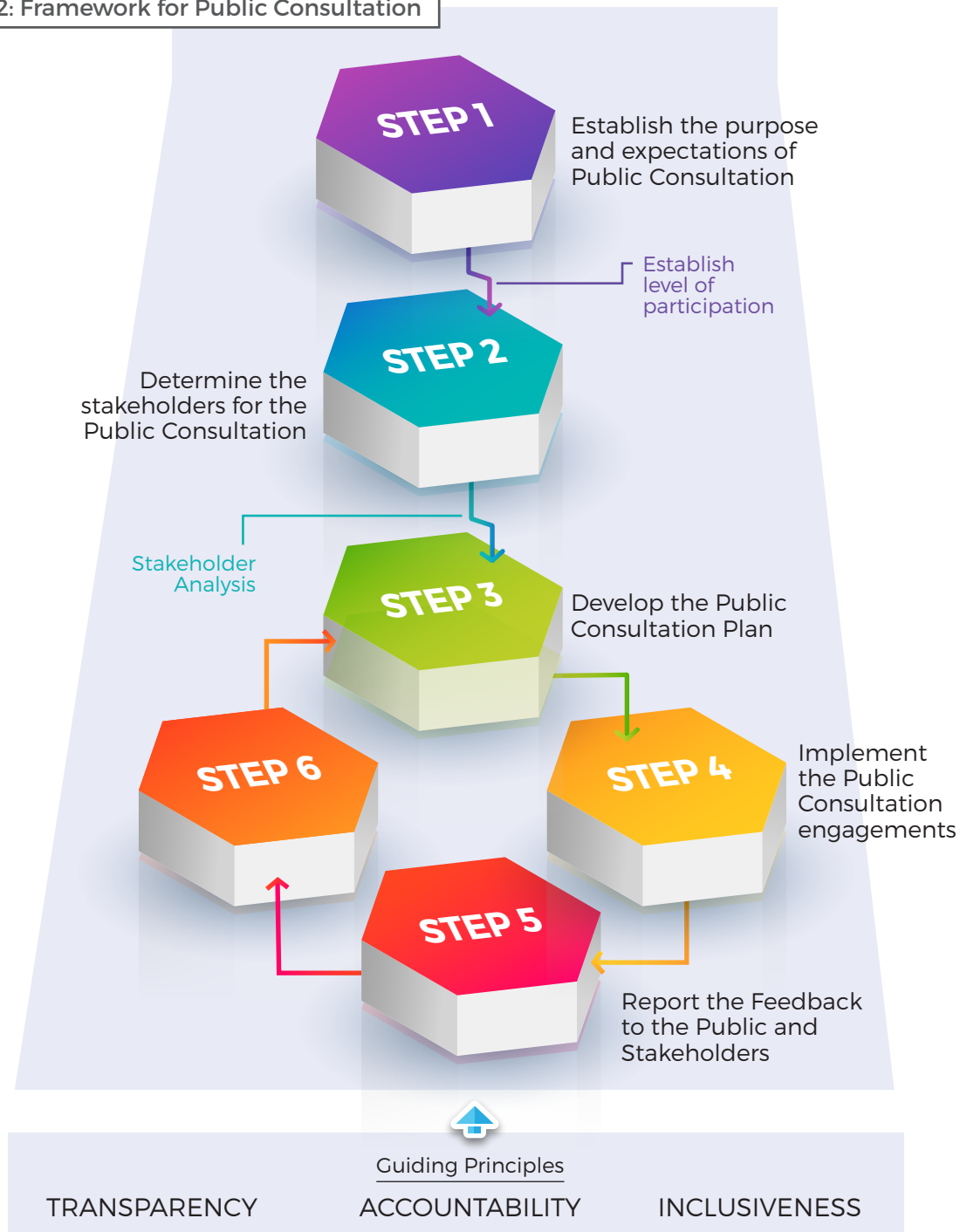
By involving stakeholders and the public in identifying priorities and solutions, regulators can better understand the issues and concerns, ensure they are reflected in Government policies, practices, and programmes and ensure the equitable provision of services for all their constituents. As such, consultation;

- i. promotes transparency and accountability;
- ii. improves awareness and understanding of the policy area and addresses assumptions made; and
- iii. encourages public ownership of the policy, thereby increasing public commitment to its implementation.

What is the Framework for Public Consultation Practice?

The framework below illustrates a six-step approach² to implementing PC which is supported by three (3) key guiding principles – transparency, accountability and inclusiveness.

Box 2: Framework for Public Consultation



MPC 2021

² MPC (2014), Guideline to Public Consultation Procedure (Annex): <http://www.mpc.gov.my/smart-regulation/> (14/12/20)

STEP 1: Establish the purpose and expectation of Public Consultation

- PC may be fraught with challenges. Unless there is a shared understanding with the authorities regarding the purpose of PC, it becomes difficult to sustain momentum for such an exercise.

STEP 2: Determine the Stakeholders for the Public Consultation

- Knowing the stakeholders that are to be involved in public consultation assists the Ministry or Agency in choosing the most appropriate approach to ensure maximum impact e.g., knowing what language to use and the level of information that should be provided to stakeholders on the issues under discussion.
- A proper stakeholder analysis makes it easier to divide the stakeholders into groups to ensure more focused discussions where stakeholders attending a specific intervention are on the same level in terms of background knowledge on the issue.
- Providing appropriate information beforehand will ensure that stakeholders can participate meaningfully in the session.

STEP 3: Develop the Public Consultation Plan

- This step provides baseline information such as the duration of consultation, venues, stakeholders, issues and feedback, and aims to enable the monitoring and evaluation of the PC's efforts.
- It will assist in the allocation of resources, capabilities and responsibilities; such as the appropriate level of officials to use for the process, and how skills can be acquired if the officials do not have the necessary skills.
- The costing of activities will assist in developing a comprehensive budget for the planned process.

STEP 4: Implement the Public Consultation engagement

- This step aims to provide directions on conducting the actual PC session and to ensure that the action plan is properly carried out for accountability reasons. Activities are also proposed to ensure that possible conflict is mediated and misunderstandings are addressed. The credibility of the process is further ensured by providing stakeholders with necessary information throughout the process.

STEP 5: Report the Feedback to Stakeholders

- Providing stakeholders with feedback on the incorporation of their inputs into policy decisions ensures openness and transparency of the PC and reinforces the credibility of the process.
- It will ensure that stakeholders are more committed in the future to being involved in the PC.
- Stakeholders will feel that their opinions are taken into account and it is therefore unlikely that they will be disruptive during implementation or in future consultation.

STEP 6: Review and evaluate the effectiveness of the Public Consultation

- Regular review of the PC process or initiatives is necessary to address challenges and constraints experienced in the practice and to ensure effectiveness of the PC objectives
- The instruments used to carry out the evaluation of the practice should be appropriate in terms of the specific purpose of the evaluation – surveys will be used to get feedback from stakeholders while review and system audits will be used to evaluate the PC practice.
- The identification of what hampered the planned completion of the process will assist in devising alternative solutions based on the lessons learnt and in refining the process or plans.

PC has three related forms of interaction with stakeholders and interested parties. In practice, these interactions often mingle within the regulation development and review processes, and complement and overlap each other. The three interactions are:

1. **Notification.** This involves the communication of information on regulatory decisions to the stakeholders and is a key building block of regulatory development and review. It is a one-way communication process where stakeholders are passive recipients of government information. In the Unified PC portal this is run as a forum or exploring the significance of regulatory issues faced by the stakeholders. Notification does not by itself constitute consultation but can be a first step of the development or review of regulations. It can also be a prior communication that allows stakeholders the time to prepare themselves for upcoming PCs.
2. **Consultation.** This involves actively seeking the opinions of interested parties and affected stakeholders. It is a two-way flow of information, which occurs at any stage of regulatory development or review - from identifying problems to reviewing existing regulation. It may be a one-stage process or, as it is increasingly the case, a series of dialogues. Consultation is increasingly concerned with the objective of gathering information to facilitate the drafting of higher quality regulations.
3. **Participation.** This is the active engagement with stakeholders' groups in the formulation of regulatory objectives, policies and approaches, or in the drafting of regulatory texts. Participation is usually meant to facilitate implementation, improve compliance, obtain consensus and gain political support. Through this consultative approach, the Government offers stakeholders, who wish to increase their sense of "ownership" or commitment to the regulations, a role in regulatory development, implementation and/or enforcement.³

These allow the Government to obtain feedback from and work directly with stakeholders throughout the regulatory development or review process thus ensuring that their issues and concerns are understood and considered. As such, consultation should begin at the earliest possible, especially in the RIA processes for regulatory development.



³ OECD, *Background Document on Public Consultation*; <https://www.oecd.org/mena/governance/backgrounddocuments.htm> (3/8/20)

PART 2 PLANNING THE PUBLIC CONSULTATION

Planning PC will involve the first three (3) steps of the framework illustrated in Box 2 above.

STEP 1: Establish the purpose and expectations of Public Consultation

Since the development or review of regulations will involve a number of stages, the engagement with stakeholders may serve different objectives. As such it is important to decide on the level of participation expected of the stakeholders. The Spectrum of Public Participation by the International Association for Public Participation (IAP2) provides useful reference for this purpose.

What are levels of participation in PC?

IAP2 has defined five (5) levels of public consultation in its Spectrum of Public Participation⁴ – that will assist the selection of the level of participation on defining a stakeholder's role in any engagement process (Box 3). In this respect, the PC guiding principles can help determine the level of PC participation.

Box 3: IAP2 Spectrum of Public Participation

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

⁴ IAP2, IAP2 Spectrum of Public Participation: https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf (9/5/20)

With the escalating economic turbulence and advancement in technology it will be impossible for the Government to perform adequately without involving and collaborating with stakeholders. Businesses which are right in the midst of the turbulent pool will have the forefront knowledge on issues that affect the interest of society and the country as a whole. With the ever present Internet, the general public are more knowledgeable than ever about what is going on within and outside the country.

Making policies and regulations without involving and collaborating with all affected stakeholders before would be governance in trial-and-error. This is frequently reflected in many regulatory delivery failures. There are areas where even empowering stakeholders in the final decision-making would be more effective in achieving exposed objectives. This revised guideline is intended to move PC level beyond just consultation to achieve greater stakeholders' involvement in Government rule-making.

Why is level of participation important?

Not all PC have the same objectives, as such selecting the appropriate level will determine the effectiveness of the PC exercise. This will depend on how much potential influence on the decision and action you are willing to provide, as the authority, to stakeholders.

The answer to this question is critical to the design and ultimate success of your consultation. It is not uncommon for agencies to promise the public far more potential influence than is actually likely or possible. In general, this is not done purposely, but due to the lack of communication of expectation.

However, the risks of not clarifying the public's role are significant. If stakeholders perceive or believe they will or should have significant input and influence on a decision, but ultimately do not, they will be dissatisfied with the outcome of the process, regardless of how much public participation activity may have occurred.

It is important to recognise that the number of activities, expense, and time devoted to public participation does not have the same weight as the opportunity for actual public influence on the decision. In public participation, a great deal of time, effort, and resources can be easily expended on the wrong pursuits, leading to negative results. This is particularly true when you follow a prescribed set of activities in a law or regulation without first establishing a clear role for the public.

Fortunately, there is guidance to assist in the selection of the appropriate level of public participation, one of which is described here.

Source: IAP2; https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf (9/5/20)

Based on the IAP2 Public Participation Spectrum, the levels of engagement can be seen as a continuum in the engagement (Box 4). The glowing green dot represents the regulator while the blue dots represent the stakeholders. The arrows show the flow of information between them.

During the consultation exercise the flow in Level 1 is a one-way flow from the regulator to stakeholders while Level 2 shows the one-way flow from stakeholders to the regulator. Here, there will be little two-way interaction on the subject matter of concern. In Level 1, the organisation will merely be briefing the stakeholders, any conversation will merely be clarification on the subject matter. In Level 2, the organiser will be capturing the feedback from the stakeholders. The regulator will therefore be posing targeted questions on the issues of concern to stakeholders.

Level 3 will see two-way conversation between individual stakeholders and the regulator. Here, the stakeholders will be involved in the subject matter of

concern in the regulatory process. However, there is little or no interactions or conversation between the stakeholders. Any conversation among stakeholders will probably take place outside the consultation platform. This level also has limited stakeholder involvement in the decision-making process.

Level 4 and Level 5 will see a more complete involvement of stakeholders and regulator as the conversations takes place among everybody. Such conversations will lead to shared knowledge and learning, resulting in good feasible options and is ideal for collaboratively coming up with preferred solutions, often with joint decision-making. Level 5 will take it a step further with the regulator empowering stakeholders with decision-making while retaining the role of implementing the decision made.⁵

⁵ U.S. Environmental Protection Agency, *Public Participation Guide: Selecting the Right Level of Public Participation*; <https://www.epa.gov/international-cooperation/public-participation-guide-selecting-right-level-public-participation> (9/5/20)

Box 4: Purpose of different Levels of PC Participation**The Goals**

To provide stakeholders with balanced and objective information for them to understand the problems, alternatives and solution

To obtain information and feedback for/on analysis, development of options or solution.

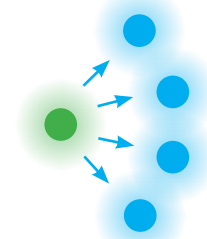
To work with stakeholders throughout the process to ensure that concerns and aspirations are considered.

To partner stakeholders in development of alternatives and decide on preferred solution

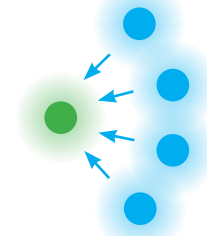
To place final decision-making in the hands of stakeholders and implement agreed upon decisions.

Involvement**Level 1**

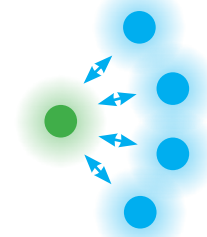
Inform or educate
(Low participation and influence)

**Level 2**

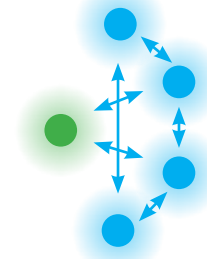
Consult for feedback
(Capture participants' feedback for analysis)

**Level 3**

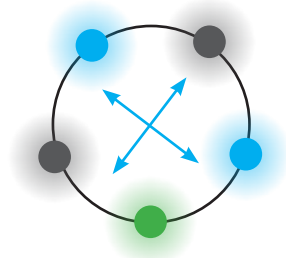
Discuss and involve
(Mid-level participation and influence)

**Level 4**

Collaborate
(High participation and influence)

**Level 5**

Partner
(Empowering stakeholders)



Source: MPC 2020 (An adaptation of IAP2 Spectrum)

What should be the level for PC participation?

The selection of the appropriate level for participation is an important consideration in PC (Box 4). PC usually involves many engagements with different stakeholders, or the same groups of stakeholders, in the regulatory process. The initial stage is normally an exploration to establish the significance of the issue or problem of interest. At each stage of the regulation's development or review, there may be specific objectives established that will need different degrees of involvement from stakeholders. Typically, the regulatory cycle should progress from an exploratory forum to collaborative decisions on recommendations.

1. **Exploration:** The initial level is just to inform and explore the issue of interest with stakeholders. It is to provide balanced and objective information to support understanding by the stakeholders. The exploratory stage is important to gauge the significance of the issue raised. This runs as a forum in an online platform to solicit diverse views and expectations.
2. **Getting Feedback:** Consultation can then take on a higher level of listening to and acknowledging stakeholders' concerns. The objective here is to obtain feedback on analysis, the options and/or recommendations made.
3. **Establishing options:** This next level consultation is more like a dialogue – a two-way conversation with stakeholders to exchange information, ideas and concerns. The objective is to work with stakeholders to ensure concerns and aspirations are understood and considered.
4. **Developing solutions:** This level has to involve multi-group engagements to seek advice and innovations from various stakeholder groups. Such engagements are to facilitate discussions and agreements between stakeholder in order to identify common ground for action and solutions.
5. **Collaborative decisions:** The highest level is to work in partnership with stakeholders and the public to implement agreed-upon decisions or regulations. Here, a governance structure may be created to delegate decision-making and/or to work directly with stakeholders and the public.

It has to be emphasised here that increasing the level of participation need not be sequential with

increasing the depth of engagement. Rather, the intended objective for each consultation exercise determines the level of participation.

STEP 2: Determine the Stakeholders for the Public Consultation

It will not be possible to engage with all stakeholders nor does everyone want to be consulted, particularly with issues of little concern to them. Also not everyone can contribute or have the knowledge to do so. It is therefore important to first identify the stakeholders and then prioritise them for the engagement to effectively achieve the objectives of the consultation. Stakeholder analysis is the preferred approach for this.

Who are the key stakeholders?

Stakeholder can be a person, group of persons or organisations that have or feel they have an interest, or can affect/be affected by an issue or decision. Stakeholders here refer to persons who will benefit from a proposed policy or will be directly or indirectly affected by a proposed policy or regulation. Many others will have interests or want to have a voice as they may be negatively affected by it. There are also those who possess information, resources and expertise needed for formulating and implementing strategy related to a proposed policy or regulation.

PC can be targeted for specific groups of stakeholders or individuals or be open to the public in general. For targeted PC, there are many different groups of stakeholders ranging from those who are directly impacted by the issue to those who may be indirectly affected or have some interest in the issue. They can be grouped as:

- **Primary stakeholders:** These are business entities which will be directly impacted by the proposed regulations. They are registered with authorities such as the Companies Commission of Malaysia and the Malaysia Co-operative Societies Commission. These entities are legally referred to as body corporates and are in the form of either private limited liability companies or public-listed limited liability corporations. In cases where they have been incorporated as sole proprietorships, partnerships and limited liability partnership, the people to consult will be the owners of the business or their representatives.

- **Non-governmental organisations:** Business entities may also have groups representing their interests. These are business associations, chambers of commerce, societies, institutions or federations established at federal, state and community level. These bodies are usually registered with the Registrar of Societies Malaysia.
- **Professional businesses:** These need not be a body corporate as they are established through their respective regulations. These businesses are formed at the individual level through being registered with their boards, councils, associations or institutions. For example, a legal service can be formalised through the Bar Council. These business entities are represented by their professional bodies.
- **Impacted parties:** A regulation may have consequential impact on the suppliers and customers of the directly-impacted businesses. The value-chain or supply-chain analysis will help to identify these potential impacted parties.
- **Final consumers:** These may be the specific users of the products or services or the general public as the case may be. Consultation should be opened to these stakeholders. Consumers may be represented by civil societies such as consumer associations and other registered interested groups.
- **Employees of the businesses:** There are generally represented by employee associations, professional bodies or trade unions. However, the consultation is open to all.
- **Other interested parties:** These include the academia, business consultants, research institutions, and the general public. This identification cannot be exhaustive until a stakeholder analysis is carried out.

To the best possible extent, key stakeholders should be involved in preliminary/informal discussions and should be facilitated to provide input into planning wider consultation. These stakeholders could be identified through a stakeholder analysis.

What is Stakeholder analysis?

Stakeholder analysis is a process of systematically gathering and analysing qualitative information to determine whose interests should be taken into

account when developing and/or implementing a policy/regulation. The process will analyse the characteristics such as knowledge of the policy, interests related to the policy, positions for or against the policy, potential alliances with other stakeholders, and ability to affect the policy process through their power and leadership. The output of the analysis should be established as a stakeholder register for future use.

Stakeholders are persons or organisations who have vested interest or may be impacted by the regulation being considered. These “interested parties” can be grouped into different categories such as international, public, national political, commercial/private, non-governmental organisation (NGO), civil society, labour, and users/consumers.

Stakeholder analysis involves two basic steps – stakeholder mapping and stakeholder identification. A normal way is to get the team together and brainstorm on it. However, another effective way is to do a value chain analysis from the focal issue of interest. The value chain on the issue of interest can be developed, e.g., using Google search images (<https://www.google.com/webhp>), for the industry of interest.

What is Regulatory mapping?

The scope of the subject matter can be chosen from the most suitable value chain and the appropriate value chain can then be formulated. From the value chain analysis, different types of business activities and other supporting activities that have links to the issue of interest can be identified. This will also enable the mapping of related regulations and regulators on the issue of interest. Box 5 below is an illustration of a value chain analysis for the tourism industry.

This value chain shows that the different types of businesses involved in each link on the chain can be identified. These will be the direct business stakeholders. Above the value chain, indirect stakeholders, including Government stakeholders, can be identified in a regulatory map. The existing regulations imposed on each identified business can also be mapped from the value chain. An example of regulatory mapping is illustrated in Box 6.

Box 5: An Example of Value Chain Analysis – Tourism Industry

Development, governance & support institutions: MOTAC, State tourism training institutions, other regulatory agencies.

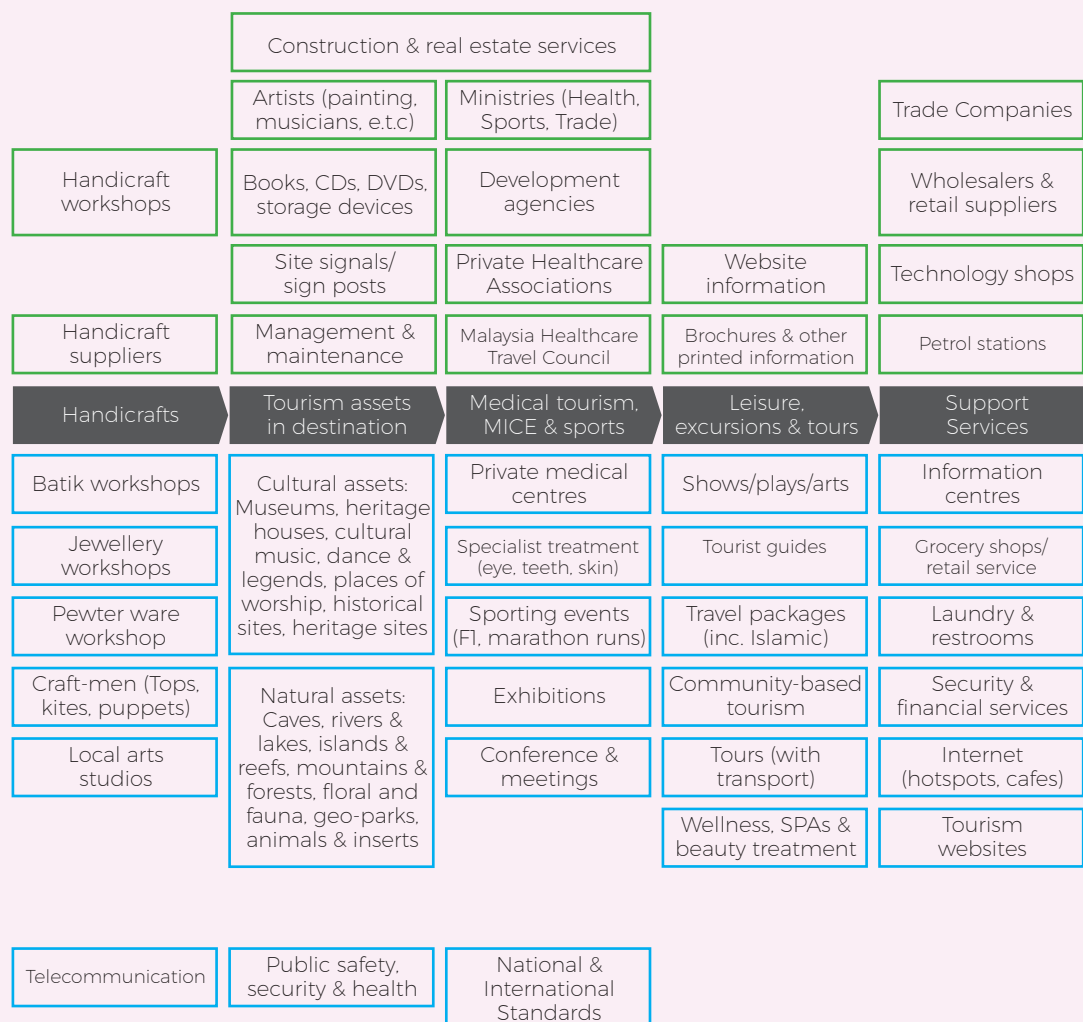


Stakeholder identification

Understanding the characteristics of stakeholders will enable policy makers to interact more effectively with key stakeholders and increase support for a given policy. By carrying such analysis, policy makers will be more prepared to detect and act to prevent potential misunderstandings and/or obstacles to the implementation of the policy.

There are different variations of stakeholder analysis process. Schmeer 1999 recommended the following steps:

authorities, Local authorities, trade associations & chambers, financial institutions, educational &



Source: MPC (2019); *Tourism Productivity Nexus* (unpublished report)

- 1) Planning the process
- 2) Selecting and defining a policy
- 3) Identifying key stakeholders
- 4) Adapting the tools
- 5) Collecting and recording the information
- 6) Filling in the stakeholder table
- 7) Analysing the stakeholder table
- 8) Using the information.

The reader can refer to the guidelines by Schmeer 1999, *Guidelines for Conducting Stakeholder Analysis* (http://www.supras.biz/pdf/Schmeer-K_1999_GuidelinesforConductingStakeholderAnalysis.pdf)

Stakeholders prioritisation

For effective gathering and collaboration of information, it is important to get to the right stakeholders. The right stakeholders will not only be those directly impacted by the regulation, they also have the on-the-ground knowledge of the issue/s of concern.

Box 6: Regulatory Map for Private Hospital⁶

Primary Activity	Acts and Regulations	Regulatory authority
Establishment - Healthcare professionals - Specialists - Medical supplies - Facilities - Medical tourists	Private Healthcare Facilities and Services Act 1998 Private Healthcare Facilities and Services (Private Hospitals and Other Private Healthcare Facilities) Regulations 138/2006 Medical Act 1971 Dental Act 1971 Nurses Act 1950 & Nurses Registration Regulations 1985 Midwifery Act 1966 (Act 436) Medical Assistants (Registration) Act 1977 (Act 180) Registration of Pharmacists Act 1951 & Registration of Pharmacists Regulation 2004	Ministry of Health (various departments) Malaysian Medical Council (MMC) National Specialists Registration (NSR) Malaysian Dental Council (MDC) Malaysia Nursing Board (MNB) Malaysia Midwives Board (MMB) Malaysia Medical Assistants (Registration) Board (MMAB) Malaysian Pharmacy Board (MPB)
Operations - Services - Healthcare professionals - Specialists - Diagnostics - Treatment - Rehabilitation - Reporting (statistics & incident reporting)	Private Healthcare Facilities and Services Act 1998 Private Healthcare Facilities and Services (Medical Clinics or Dental Clinics) Regulations 2006 Medical Act 1971 Medical Regulations 1974 Dental Act 1971 Nurses Act 1950 Registration of Pharmacists Act 1951 & Registration of Pharmacists Regulation 2004 Optical Act 1991 (Act 469) & Optical Regulations 1994 Medical Device Act 2012 Medical Device Regulations 2012 Atomic Energy Licensing Act 1984 (Act 304) Environmental Quality Act 1974 (Act 1270) Factory and Machinery Act 1967 Fire Services Act 1988 Control of Drugs and Cosmetics Regulations 1984 (for manufacturing license) Statistics Act 1965 (Act 415)	Ministry of Health Malaysian Medical Council (MMC) Malaysian Dental Council (MDC) Malaysia Nursing Board (MNB) Malaysian Pharmacy Board (MPB) Malaysian Optical Council (MOC) Medical Device Board (MDB) Engineering Department of MOH Department of Environment (DOE) Department of Occupational Health and Safety (DOSH) BOMBA Malaysian Pharmacy Board Department of Statistics (DOS)
Sales & Marketing - Promotion - Brand development - Market development	Medicines (Advertisement and Sale) Act 1956 Medicines Advertisements Board Regulations 1976 Malaysia Health Tourism Council Requirements	Medicine Advertisements Board (MAB) Malaysia Health Tourism Council (MHTC)
Services - Immigration - Transportation - Accommodation - Financial	Immigration Act 1959/63 Insurance Act 1996 Exchange Control Act 1953 Tourism Industry Act 1992 Land Public Transport Act 2010	Immigration Department Malaysia Bank Negara Malaysia (BNM) Ministry of Tourism (MOT) Land Public Transport Commission & Road Transport Department (JPJ)

Source: MPC 2014, *Reducing Unnecessary Regulatory Burdens on Business: Private Hospitals*

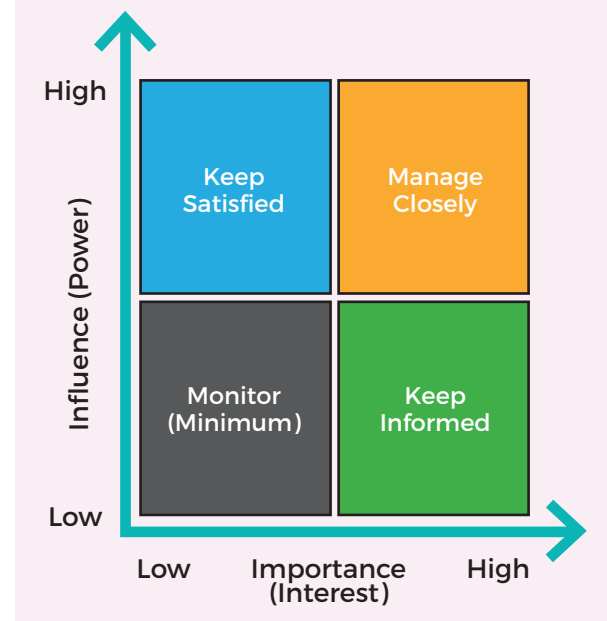
⁶ MPC 2014, *Reducing Unnecessary Regulatory Burdens on Business: Private Hospitals* (May 2014); <http://www.mpc.gov.my/reducing-unnecessary-regulatory-burdens-rurb-2/#1541131220206-7b6591ef-8324> (9/9/20)

Prioritising the stakeholders for the PC exercise can be done by using a simple 2 X 2 matrix. Prioritising and grouping will allow the planning for the consultation exercise to achieve specific objectives. A simple stakeholder prioritisation matrix is illustrated in Box 7 below. (MindTools, Stakeholders Analysis; https://www.mindtools.com/pages/article/newPPM_07.htm).⁷

Below illustrates a simple stakeholder analysis using the 2 X 2 matrix on Influence vs Importance to group them. Such prioritisation will allow for the targeting of stakeholders for specific consultation objective – for example in each virtual meeting.

However, identifying and selecting stakeholders does not need to be a complicated process as most Agencies would already have their list of stakeholders (Box 8). It is recommended that the list or an official register of stakeholders is always reviewed before being used to ensure that it is updated as stakeholders' representations will change over time.

Box 7: Stakeholder prioritisation matrix



Source: MindTools; https://www.mindtools.com/pages/article/newPPM_07.htm

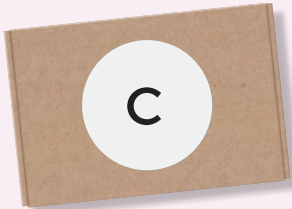
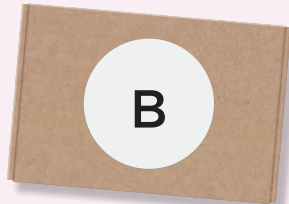
Box 8: A simple guide to stakeholder selection

The review can follow these steps:



The classification of stakeholders using the 2 by 2 matrix is convenient to use. This is where stakeholders' characteristics are plotted against two variables. These variables might be plotting the level of 'stake' in the outcomes of the project against 'resources' of the stakeholder. Another is the 'importance' of the stakeholder against the 'influence' of the stakeholder. The concept is the same, though the emphasis is slightly different.

⁷ MindTools (Rachel Thompson), Stakeholder Analysis- Winning Support for Your Projects; https://www.mindtools.com/pages/article/newPPM_07.htm (28/5/20)

		Importance of Stakeholders			
		Unknown	Little/No Importance	Some Importance	Significant Importance
Degree of Influence	Significant Influence				
	Somewhat Influential				
	Little/No Influence				
	Unknown				

Boxes A, B and C are the key stakeholders of the regulatory cycle processes. The selection criteria of each box are summarised below:

Box A

These are stakeholders who appear to have a high degree of influence on the project and are also of high importance for its success. This implies that the implementing organisation will need to build good working relationships with these stakeholders, to ensure an effective coalition of support for the project. Examples might be the senior officials and politicians or trade unions.

Box B

These are stakeholders of high importance to the success of the project, but with low influence. This implies that they will require special initiatives if their interests are to be protected. An example may be traditionally marginalised groups (e.g., Indigenous people, youth, seniors), who might be beneficiaries of a new service, but who have little 'voice' in its development.

Box C

These are stakeholders with high influence, who can therefore affect the project outcomes, but whose interests are not necessarily aligned with the overall goals of the project. They might be financial administrators, who can exercise considerable discretion over funding disbursements. This conclusion implies that these stakeholders may be a source of significant risk, and they will need careful monitoring and management.

Box D

The stakeholders in this box, with low influence on, or importance to the project objectives, may require limited monitoring or evaluation, but are of low priority.

Source: MC 2014, *Guideline on Public Consultation Procedures*

STEP 3: Develop the Public Consultation Plan

A good plan ensures that all the key requirements to achieve effective and efficient PC are well thought out and prepared. The extent depth of PC should take into consideration the significance and impact of the regulation. Sufficient time should be allowed for the PC to ensure both adequate participation and

sufficient engagement. This should be factored into plans for both ex-ante and ex-post initiatives⁸ of the regulatory cycle.

Apart from planning who to consult with, the period and duration are important considerations. Allowing sufficient time will help enhance the quality of the responses. Organisations will need to consult the people they represent in the planning and it is important to take steps to raise awareness of the exercise among those who are likely to be interested.

Box 9: Key Elements of a Consultation Exercise

Plan

Decide who is being consulted, what questions, what timescale and what purpose. Use the most appropriate approach. Written consultation is not always sufficient to canvas views on a new regulation, but must always be included alongside other methods. Other methods include:

- Meetings with interested parties;
- Seminars;
- Web forums;
- Public surveys; and
- Focus groups.

Accessibility

Consultation should be easy to respond to, such as by using electronic means or a separate questionnaire. Put all consultation documents and their accompanying RIS on the Department's or Agency's website in a clear and accessible form. Include details of where to send responses when you put a consultation document on the website. Make sure that consultation documents are easy to access from the website – for example, via a link on the home page.

Proactive approach

Send emails to affected parties with a hyperlink to the consultation document. Placing a consultation document on the website and leaving it up to people to find out about it for themselves is inadequate.

Publish a summary

of the consultation document containing an overview of the proposals, as well as the full-length version. This will help affected parties decide whether they need to read and digest the full version, saving them time. Make sure your overview contains details of all the proposals, so that the overall effect or impact is not diluted.

Source: *Best Practice Regulation Handbook, MPC*

In particular, Ministries or Agencies should consider ways to publicise the PC before the launch date so that consultees can take advantage of the full PC period to prepare considered responses. Box 9 recommends the key elements for planning the PC.

How to set goals for PC?

It is important to be clear about the purpose of engaging the stakeholders at each stage of regulatory development or review. This helps in planning and targeting the involvement of stakeholders for the engagement. The purpose or goal of engagement will define the level of participation and involvement of stakeholders. It can begin with defining the goals or objectives for the engagement. Good goal setting needs to be SMART. The Box 9 below summarises the SMART principles.

For example, the PC is to capture stakeholders' concern or issues of concern relating the compliance of a specific regulation such as licensing. To have a SMART objective, the criteria to measure the effectiveness and efficiency of the PC need to be

Box 9: SMART Principles

Goals/objectives provide the baseline for assessment and as such they should be established along the SMART principles:



Specific

State what will be done, the outcomes expected and those involved.



Measurable

Define outcomes that can be measured/counted and documented.



Achievable

Ensure that the expectation is realistic.



Result-based

Determines that the outcome will be able to meet the goals/objectives of each stage of the PC process.



Time-bound

Sets an expectation of when a goal/objective will be achieved or will meet the timeline of the PC process.

Source: *Adapted from IAP2 training materials*

⁸ "Ex ante regulation is implemented before the external harm or benefit actually happens, usually around the time that the important economic decisions are being made. Ex post regulation, by contrast, is implemented after the external harm or benefit happens, which can be months or years later." Logue, Kyle D. "In Praise of (Some) Ex Post Regulation: A Response to Professor Galle." *Vand. L. Rev. En Banc* 69 (2016): 97-122.

established. The criteria may be either quantitative or qualitative and could be:

- Percentage of stakeholders reached
- Number of relevant feedback received
- Number of issues raised
- Evidence of regulatory burdens
- Degree of participation, and so forth.

The guiding principles of transparency, accountability and inclusiveness need to be met for good PC practices. Objective criteria should be established on these principles to evaluate the overall performance of a PC. A goal-setting checklist template would be a useful tool for such performance evaluation (Box 10).

When and how long to consult?

“Formal consultation should take place at a stage when there is scope to influence the policy outcome.”

PC needs to be an integral part of any initiatives in the management of the regulatory cycle. Consultation should begin as early as possible in any regulatory development or review. It is often necessary to engage in informal dialogues with stakeholders prior to a more formal consultation to obtain initial feedback and to gain an understanding of the issues that will need to be raised in the formal consultation.

At the early stage of assessment, a sample of key stakeholders and individuals who are knowledgeable on the issue of interest should be consulted to gather their inputs and to identify regulatory and non-regulatory options. These informal dialogues facilitate the preparation of the “Green” paper or issues paper for the formal PC. This stage may take as long as it is practicable for the issues of concern until an adequate Green Paper is prepared for the formal PC. Although the emphasis of this guideline is to carry out PC at the policy formation stage,

Box 10: A SMART example checklist

SMART GOALS FOR PC

GOAL TITLE Set criteria for each of the items	SPECIFIC Identify a goal focused on specific need	MEASURABLE Explain how you will know if the results changed because of the actions	ATTAINABLE Set goals that are not too conservative or impossible to reach
TRANSPARENCY • Issues paper • Accessibility • Etc.			
ACCOUNTABILITY • Acknowledgement • Feedback report • Etc.			
INCLUSIVENESS • Stakeholders • Interested parties • Etc.			

The PC engagements may take four (4) to twelve (12) weeks or longer depending on the complexity of the issues and the number of stakeholders involved (Surat Pekeliling Am Bilangan 2 Tahun 2012)⁹. Allowing for a longer duration will help enhance the quality and quantity of the responses with increasing number of participations. Organisations will want to consult the people they represent before drafting a response on the issues. The process may be iterative until a satisfactory conclusion is reached based on established evaluation criteria.

RESULT-BASED Describe how you will know your goal has been met	TIME-BOUND Assign a timeframe in which you will achieve the goal	ASSESSMENT Rate each criterion reviewed or assessed

¹⁰ Note: A Green Paper is a Government publication that details specific issues, and then points out possible courses of action in terms of policy and legislation.

Box 11: Requirements for the Consultation Paper

"Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals."

This document should make clear about the PC background and purpose such as what has taken place in the development of the proposed regulation prior to the PC, how the consultation will run, and as far as possible, what can be expected after the PC. The document should clearly state where there is room to influence regulation development and what has already been decided.

The issues paper or green paper may include specific questions on the issues of interest. Consultation enhances transparency to the regulation development or review and gives robust evidence on which to make decisions. Estimates of the costs and benefits of the regulatory options under consideration may form an integral part of the issues paper as they demonstrate the authorities' current understanding of these costs and benefits. Box 11 is a list of requirements for the preparation of the consultation paper.

As far as it's possible, the issues paper should be easy to understand - concise, self-contained and free of jargon. As for technical details, it may be necessary to seek input from experts. However simpler documents should be produced when the views of non-experts are also required. Consideration should also be given to asking questions about which groups or sectors that would be affected by the regulation and in particular, small businesses that may be disproportionately affected.

Readers may refer to many consultation papers for PC which have been published and archived in the Unified Public Consultation portal (<https://>

Ensure that submissions on potential costs are supported by evidence. This will prevent respondents from overstating costs in order to deter the Department or Agency from pursuing a particular line.

3

upc.mpc.gov.my/csp/sys/bi/%25cspapp.bi.index.cls?scnH=579&scnW=1280.

There are also published Issue Papers in MPC website that can be referred to (<http://www.mpc.gov.my/smart-regulation/>). Checklists on contents for a good consultation paper is referenced in Appendix A.

On the subject matter, any assumptions of the authorities have made and the questions posed should all be as clear as possible. A mixture of open and closed questions will often be desirable, and consideration should be given to offering stakeholders the opportunity to express views on related issues not specifically addressed in the questions.

Seek responses on:

- Validity of key assumptions;
- Options that are available (regulatory and alternatives to legislation);
- Implementation issues (including guidance and timing); and
- The preliminary findings on the issue

4



Source: *Best Practice Regulation Handbook*, MPC

PART 3

ENGAGING THE

STAKEHOLDERS

This part explains the processes and activities in carrying out the PC engagement to ensure that adequate participation is achieved. Adequacy will require that all key stakeholders are reached and they are given sufficient time to understand and digest the contents of the consultation paper.

Step 4: Implementing the Public Consultation engagements

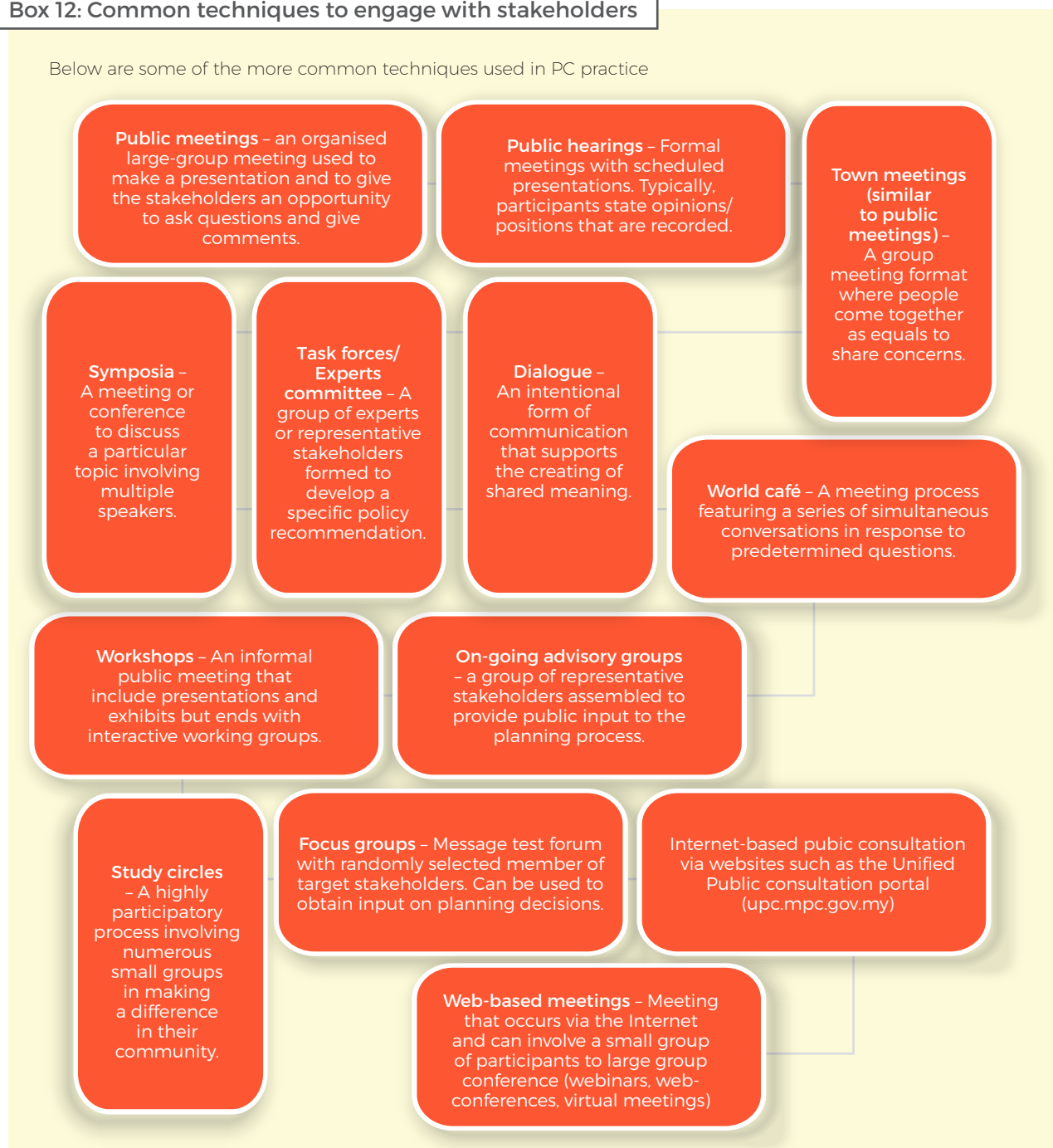
Carrying out PC engagement is a four-step process starting with notification to stakeholders on the initiative, getting preliminary feedback to prepare the consultation paper, making the consultation and engagement and finally concluding with publication of the results. The four steps are a continuum and may be iterative until satisfactory conclusion is achieved.

What are the techniques for PC engagements?

There are many ways to bring stakeholders together for the PC, they can be face-to-face interviews, focused groups or mass gatherings of many stakeholders (Box 12).

Box 12: Common techniques to engage with stakeholders

Below are some of the more common techniques used in PC practice



Source: Extracts from IAP2 training materials (2016)

In the preparation of PC engagement, a checklist will be helpful to reduce any hitches during the actual implementation. This will also provide a permanent record for future decision and planning of PC engagements. The following considerations would be useful inputs for the preparation for the engagement event:

- What is the title and description of the event?
- Who are the participants?
- What is the appropriate timing?
- What will be the logistics preparation?
- What is the documentation consideration?
- What are the resources required for the event?
- How will the feedback be captured?
- What are the potential pitfalls?

PC can also be implemented online using the Internet. Online PC can either be virtual meetings, which can handle small number of participants to mass participants as in a virtual conference. Online PC can also be merely to disseminate information and gather written feedback without meeting with the participants. With the ongoing pandemic and the new normal imposed in the country, web-based meetings are encouraged for PC. This eliminates social interactions and close contacts between participants. Additional guidance on Internet-based Virtual Public Consultation is given in Appendix B.

What is an online Public Consultation?

With the advances in ICT tools - Internet and the ubiquitous social media - the use of ICT for online dissemination and communication of information and solicitation of feedback have become a common practice in PC. It allows the general public who may want to have a say on the issue to contribute their input.

Information delivered online is easily accessible instantly and at very low delivery cost. Online platforms operate 24/7 with low probability of interruption. Authorities should make use of online public consultation through their official websites or use the centralised UPC platform (upc.mpc.gov.my). Any online PC has to be complemented with good publicity to ensure stakeholders and public are aware of it.

The main ICT tools use for online information dissemination, communication and feedback are:

- Websites: Today all Government Departments have their own website, and some have multiple portals.
- Portals: MPC has established a Unified Public Consultation portal for all government ministries and agencies to use for PC (upc.mpc.gov.my).
- Electronic kiosks: This can offer access to online public information with electronic kiosks and computer terminals located in public buildings that are free for public to use.

What is Unified Public Consultation (UPC)?

MPC, in collaboration with the World Bank, has established the Unified Public Consultation portal or 'UPC' to facilitate authorities engagement with stakeholders in regulation development or review. The portal display of "What is UPC" as shown in Box 13.

This is a very user-friendly platform for Agencies to manage their consultation exercise online. It is equally user-friendly for the public to participate in any online consultation once they have registered with the UPC. MPC has promoted the use of the platform since its inception and the public can view the recorded Webinar on Walkthrough Unified Public Consultation Platform at <https://attendee.gotowebinar.com/recording/4166850409137540875>.

Advantages of online engagement is that it is 24/7, not limited by time and space and is able to reach everybody everywhere within the country and outside, as such it is known as open PC. The targeted consultation can be achieved by focused communication such as mass emails to targeted stakeholders and also posing focused questions in the issues paper.

However, the limitation of UPC is that it is able to achieve only up to level 2 in stakeholders' participation as it is non-interactive. The issue paper becomes crucial as it is the means for the authorities to communicate with the stakeholders. Stakeholders' input is one-way and has to be in a written form. Since the UPC has facilities for submitting files, it is possible to submit images and videos, but this would mean extra effort on the stakeholders. To achieve a higher level of participation the use of virtual meetings and webinars is necessary.

Box 13: What is the Unified Public Consultation portal?

The Government has established the Unified Public Consultation portal (UPC) to facilitate stakeholder engagements in its rule-making process. UPC provides members of the public easy access to regulatory consultations through a single website. UPC will also contribute in achieving the Government's commitment to accountability, transparency and inclusiveness.

Regulatory agencies have actively embarked on stakeholder engagements through internet, especially through the regulator's website. Members of the public and stakeholders seeking to contribute to the Government's rule making process navigate through the respective regulator's website with its own design, some of which may be cumbersome. With UPC, regulators will undertake stakeholder engagements through a single portal. UPC will make stakeholder engagement in the rule making process more uniform, effective and efficient.

Effective stakeholder engagement is vital as it:

- Allows stakeholders view to be heard and considered;
- Promotes transparency and accountability;
- Enhances predictability;
- Reduces risk of policy failures; and
- Encourages public commitment to the policy.

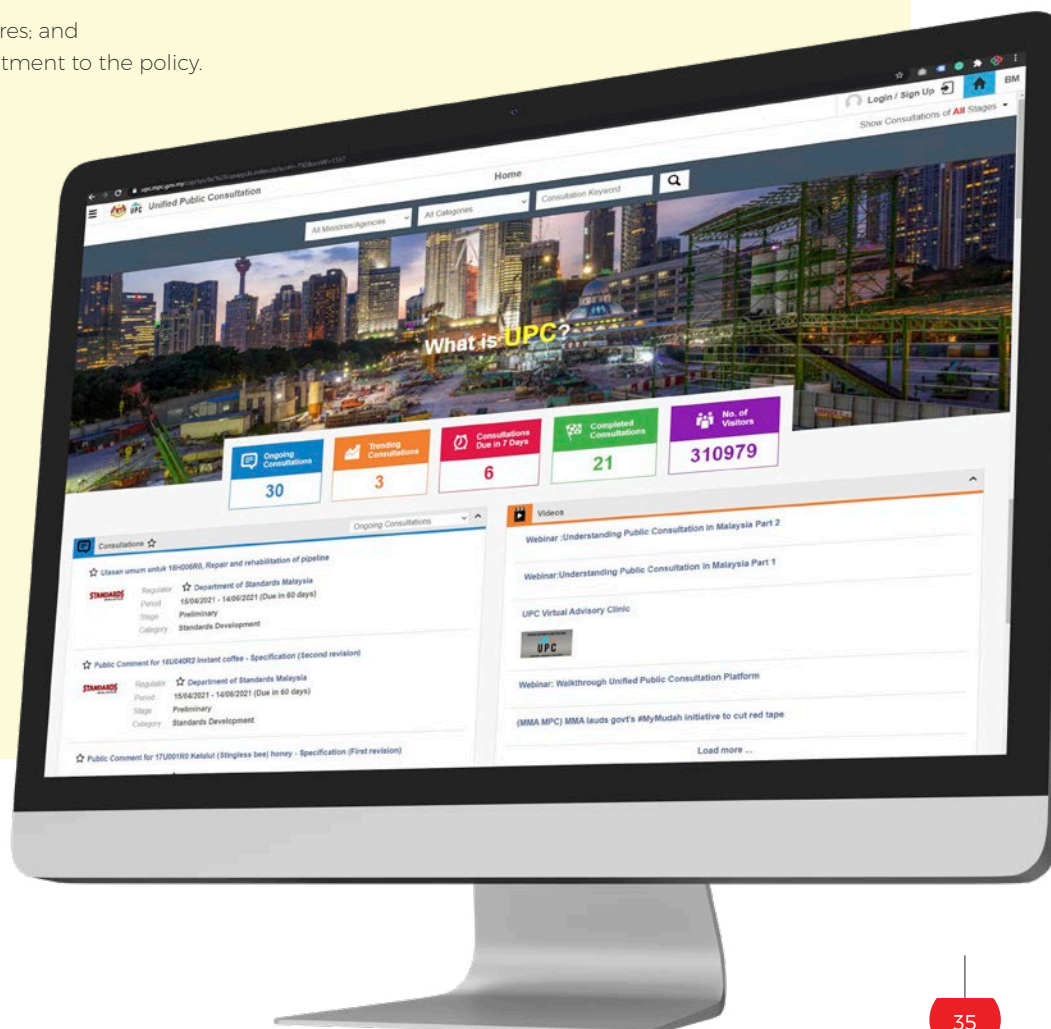
In implementing UPC, it is envisaged that engagement with stakeholders, and the public in general, on regulatory issues is generally undertaken through three phases – Forum discussion, Preliminary consultation and Final consultation.

'Forum' is an early stage of issues identification where regulators may pose topics to obtain feedback and seek clarity on issues that has raised public interests and may require policy intervention by the Government.

Preliminary consultation takes place when the regulator has assessed the issue(s) and decides that there may be a need for intervention on the part of the Government. This stage is usually arrived at from information received during forum discussions. A draft paper is prepared providing background information, issues of concern, contributing factors, magnitude risk of non-intervention, tentative solutions and possible impact. The draft paper should be published or made available to stakeholders as part of consultation process to ascertain the validity of the assessment undertaken and the feasibility of possible solutions.

Final consultation with stakeholders is undertaken when the draft final policy paper and draft regulations are available. This part of the consultation will enable the regulator to make known its proposed solution within greater specification, including specific measures, if available. At this stage, feedback from preliminary consultations would have been considered.

Source: Unified Public Consultation
(Home): <http://upc.mpc.gov.my/> (25/5/20)

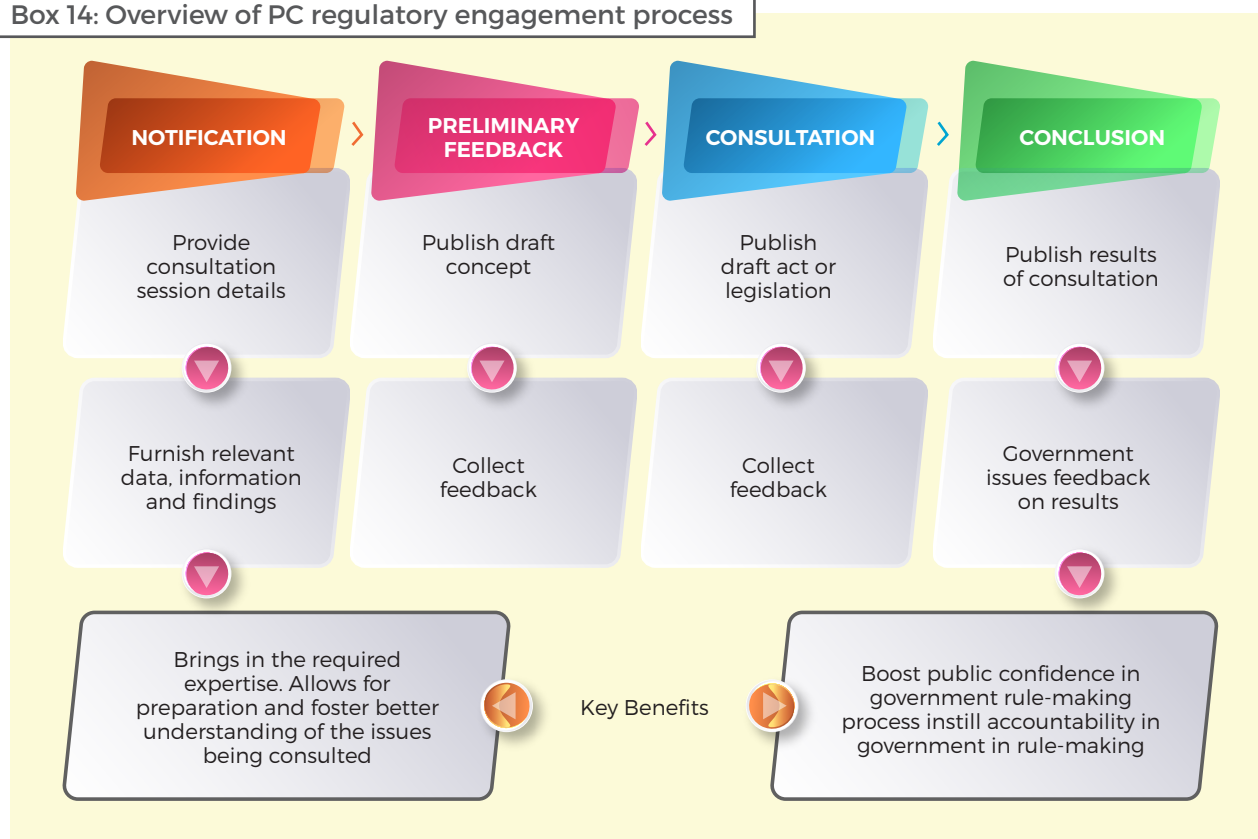


What does the PC engagement involve?

This is a four-step process approach of implementing PC engagement (Box 14). The process approach is of particular relevance as it provides ease of integration into the agencies existing quality management system (QMS) or ISO 9000 certified QMS that is already in place.

The stages of Notification and Conclusion are important to ensure effective and inclusive participation, taking into account the three guiding principles of this guideline.

Box 14: Overview of PC regulatory engagement process



Source: MPC (2014b)

What are the activities for the engagement?

Effective notification comes from a well-prepared consultation paper as discussed earlier. The consultation paper should explain everything about the PC and effective notification means that the information reaches the important stakeholders and all other interested parties.

The engagements should only take place after adequate notification has been made. Poorly done notification will result in poor participation during the PC engagement. A proper announcement of the report release should be made and the report should be easily accessible to all via the official website or the UPC portal. Key stakeholders should be notified

formally or through emails and should be given sufficient time to review the subject matter before engagement - normally 14 days is deemed adequate.

There are different techniques for engagement to achieve effective participation, such as:

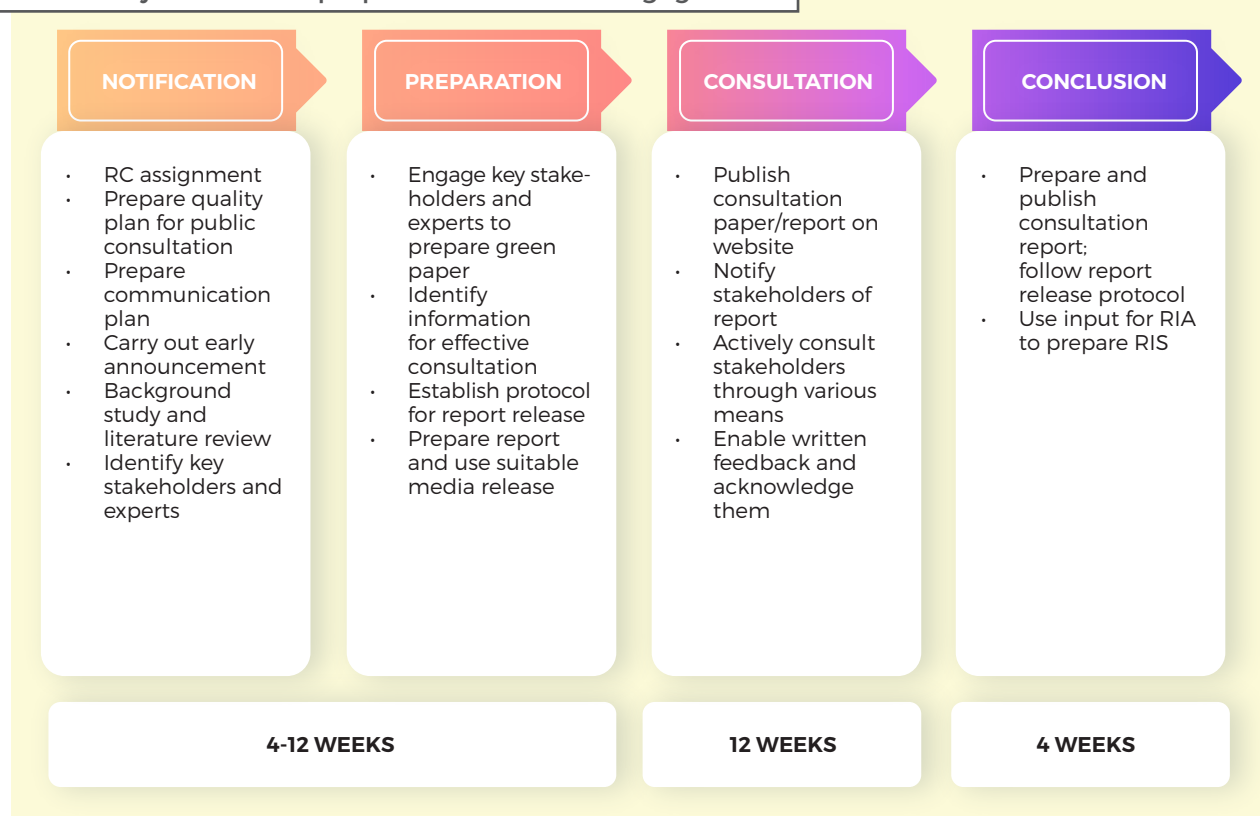
- stakeholder meetings
- public meetings
- one-on-one interviews
- public surveys
- focus groups
- roundtable discussions
- web forums (webinars, online meetings)

Effective engagement will result in good participation of stakeholders and will enable the capture of valuable feedback for analysis. It is important to respond and publish the results of the PC engagement. However, the release of the PC report should follow the report release protocol. This should be done within

reasonable time period, normally thirty (30) days after the official ending of the PC.

Box 15 below provides a summary of the key requirements in preparing the PC engagement.

Box 15: Key activities in preparation of the PC engagement



Source: MPC (2014b)

Agencies should establish the standard operating procedure (SOP) and use check sheets to implement PC engagement. Apart from adhering to the principles, SOP is a necessary to ensure that there is consistency in carrying out effective PC. A sample check sheet for focus group engagement is illustrated in Box 16.

Box 16: Check Sheet for Focus group engagement

Focus group is a special type of group interview designed to listen to and gather information from a predefined group on a particular regulatory issue or regulatory review for a clearly defined purpose

- **Description:** Focus groups are group interviews. A facilitator uses a script to ask a set of pre-determined questions. It is a highly facilitated one-time meeting with a small group of stakeholders to focus on and discuss one issue.

Participants are generally invited to participate. It may be a group with common interest or a representative group of a population.

- **Participants:** A small group of individuals selected to represent either a stakeholder perspective or the diversity within a given population. Participants may be selected randomly from an established stakeholder register.

- **Use:** to interview several people simultaneously or generate dialogue about an issue in a small forum or to generate different values or perspectives within a community on an issue. It provides information an opportunity to ask questions of key stakeholders.
- **Timing:** Consider the needs of the group members who will attend the focus group, e.g. evening may be better for working people. Several focus groups may be held in one day, each lasting between 1 – 2 hours. Typically focus group meets only once.
- **Preparation:**
 - Review the participation objectives to determine whether it should be focus groups
 - Consider what the participants need to know for the discussion
 - Consider what you want from the participants
 - Consider the selection and recruitment of participants
 - Consider timing, venues, platforms (web-based events), invitations, communications
 - Consider how the feedback will be captured
- **Implementation** has many considerations:
 - Prepare the issue paper for the participants
 - Review and update the stakeholder register
 - Inspect and book venues
 - Arrange for a skilled facilitator and give briefing
 - Send out invitations
 - Coordinate responses, follow-up and finalise list of participants
 - Prepare agenda, send out issue paper and inform participants
 - Prepare for notes taking, data analysis and report writing
- **Documentation:** Consider what information you wish to capture and how to structure the focus group. Consider how information will be captured or recorded:
 - Tape recording, video recording
 - Rapporteur or note taker
 - Observer(s)
 - Flip charts, paste-on notes

Transcribe notes as quickly as possible after the meeting to ensure adequate recollection
- **Evaluation:** Check outcomes against objectives such as participants being sufficiently well informed, group well facilitated, how adequate was the information collected, analysed and used and whether the output help the RIA/RURB.
- **Resources:** These cover staffing, equipment, venue and budget:
 - Staffing: To facilitate, record, analyse and report
 - Equipment such as tape recorder, video recorder, flip charts, lab-top, projector, etc.
 - Venue: a neutral and comfortable place and refreshments
 - Budget: the event has to be budgeted for.
- **Pitfalls:** Focus groups may be expensive to run and can be logistically challenging. May also be difficult to gain complete commitment from all stakeholders as some may missed out.

Source: Adapted from IAP2 training materials (2016)

STEP 5: Report the Feedback to Stakeholders

The principle for good practice demands that regulators be accountable to stakeholders and all those that have participate and responded to the PC. Only then can trust be enhanced between stakeholders and the Government machinery. It is therefore important that feedback in the form of a synopsis is published and disseminated to all participants of the PC.

How to provide adequate feedback to stakeholders?

Closing the loop with stakeholders is an important function and reflects accountability, particularly when the intention has been expressed in the issues paper disseminated earlier. This step is largely neglected or poorly done in many PC exercises, resulting in stakeholder dissatisfaction. Stakeholders frequently complain that they have not been consulted because PC feedback has not been published and disseminated to them. Not all stakeholders are participants in your PC events as many will merely send representatives. Acknowledgement of participant contribution is not sufficient to express accountability to stakeholders.

Reporting back builds public trusts and promotes ongoing engagement as people participate in good faith. This accountability function helps to improve credibility and trust in the authority. Therefore, there is a need to plan on how to report to stakeholders on how their feedback and input influenced and were used in the decision-making process. As such providing feedback to stakeholders should be made an objective in the PC process. There are three important considerations for reporting feedback.

1. Communication tools: This is often in a formal report that is made available publicly. The outcome reports may provide full copies of all inputs received and systematically address individual issues and ideas captured. As in any communications planning, it is important to assess the information accessibility of different stakeholders and ensure that the reporting and communication tools are appropriate for the different stakeholders. The common means are:
 - Media releases
 - TV or radio interviews
 - Letters to individuals or representative institutions
 - Stakeholder briefings
 - Website updates and/or social media alerts
2. Potential barriers to reporting feedback: Best practices in PC use a logical and transparent process that allows stakeholder to understand how and why decisions are made. The best way is to involve stakeholder in the decision-making process itself. This is more difficult in many cases therefore closing the loop becomes the weakest link in the PC framework. Some of the pitfalls to consider are:
 - Regulatory decision-making about business issues is often difficult as officials have to make difficult and sensitive decisions that affect different interests.
 - Some decisions take a long time as many requires careful governance and research to identify options. During the time lag, members of the regulation development or review team may have come and gone or lost touch with stakeholders.
 - Limited role for the PC professionals – should the PC be led by third-party professionals they may not have no influence or control over how or when the authority communicates back to the stakeholders.
 - Communication preferences are not understood, this is when stakeholders were not asked how they would like to be notified of the outcomes of the PC.
 - Contentious subject can be unpleasant and leave emotional scars. PC is hard work and dealing with frustrated stakeholders can sometimes be emotionally draining. Contentious issues may attract unwanted media coverage and social media bashing which most authorities want to avoid, thus making authorities reluctant to carry such good PC practice.
 - Decisions about contested issues are not made quickly as there is usually a time lag between the PC and when decisions are made. Too long a time lag makes relationships grow cold and stakeholders' emotional connection to the project issues subside and die.
3. Privacy and confidentiality are crucial when dealing with feedback and inputs from stakeholders. The Personal Data Protection Act 2010 (Act 709) prevents any form of abuse against the storage or processing of personal data of individuals, public and private sectors in Malaysia for commercial transactions. It is therefore important to consider:
 - Any legal restrictions on reporting confidential or identifying information
 - Whether commitments were made about how stakeholders' input would be handled

or whether discretion is warranted to protect the safety of individuals who may have controversial opinions.

Evaluation if made routine requirement will not consume too much time.

STEP 6: Review and evaluate the effectiveness of the Public Consultation

It is necessary to review the effectiveness of PC for continuous improvement in implementing PC. The review has to be focus on the planned or established objectives. This should be done at the end of each regulation development or review initiative as part of normal management review. PC practices should also be review periodically, at least once every three years.

How to review the Public Consultation Practice?

Evaluation is a way of collecting, analysing and using information to assess and improve the PC process as it moves forward. The assessment must also consider the outcome of the effort of each regulatory initiative such as in an RIA. As such, evaluation will need to focus on the overall PC practice with the aim that it will:

1. Support the continuous on-going improvement of the regulation development or review. This is to help assess how well the planning and implementation of the project have met the goals and needs of stakeholders and policy makers and to identify improvement changes. It will also help to identify new information and changes to the assumptions for the regulatory initiative.
2. Assess the performance of the regulatory initiative against its objectives. The outcome is important to each regulatory initiative and therefore evaluation of the PC contribution must be made against the regulatory development or review objectives. The evaluation enables the documentation of the PC practice for learning and understanding what is good PC. Evaluation will also be used to justify the expenditures on the PC activities.
3. Provide input for future regulatory initiatives. Evaluation provides useful information which is critical for future decisions on the type and manner of PC exercise and for continuous learning. This will reduce repeating mistakes and improve both efficiency and effectiveness.

How do you assess the adequacy of PC practice?

The framework for assessing PC (Box 17) was used the APEC peer review exercise¹¹. The evaluation of the PC is made from four aspects: methodology, systematic adoption, oversight and quality control and transparency and accessibility.

As the PC exercise is an important element of the RIA or RURB, it has to follow the different stages of the study. At each stage, the level and depth of PC may change to meet specific objectives, therefore the level of participation has to be adequately determined. There must be means to encourage widespread involvement from important stakeholders and interested parties and proper guidance is needed to ensure the effectiveness of gathering inputs over an appropriate duration.

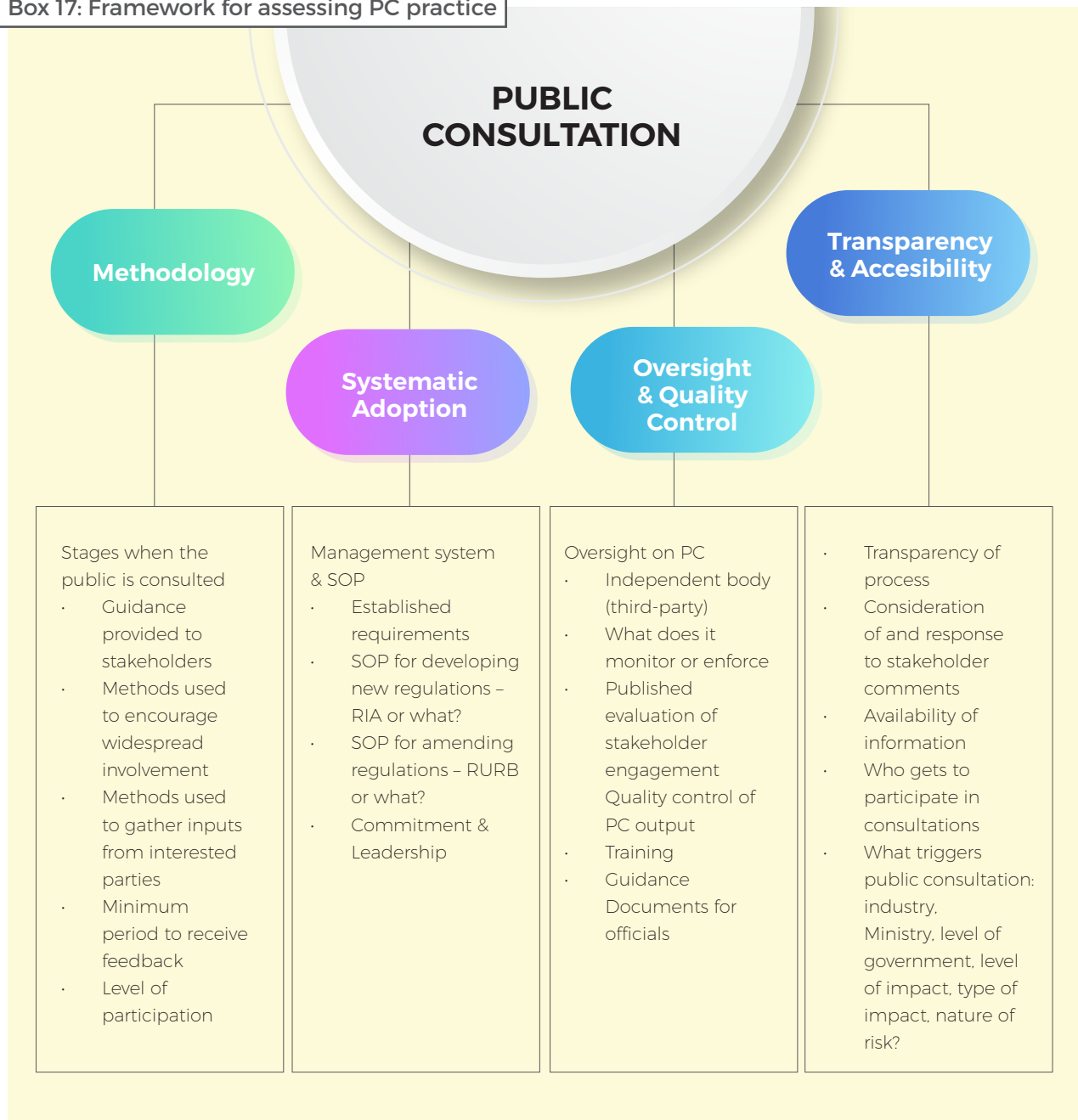
Systematic adoption of PC practice is important to ensure that any RIA or RURB projects are consistently implemented and to ensure that outcomes meet the expectation of all stakeholders. At the organisational level, the requirements of PC practice to complement the RIA or RURB must be established and documented as SOP in the quality management system (QMS). Once it is built into the QMS, management commitment and leadership are also established.

The third component of good PC practice is to have an adequate oversight and quality control of the PC planning and implementation and in the outcome. Oversight has to be independent and if PC practice is built into the QMS, then the internal audit function can take care of this. If the QMS is third party certified, then additional oversight can be achieved through third party surveillance audits.

The final component of good PC practice is to ensure transparency and accessibility of the PC practice. This means that PC must adhere to the principles of transparency, accountability and inclusivity emphasised in the good PC practice principles. Evidence of transparency is in the issues paper where the why, what, who, where, when and how of the PC is communicated to stakeholders. Accountability is recommended to be declared in the issues papers as well.

¹¹ APEC (2019), *Peer Review Assessment of Public Consultation as Used by Malaysia to Improve Regulation*, APEC Economic Committee; <https://www.apec.org/Publications/2019/06/Peer-Review-Assessment-of-Public-Consultation-as-Used-by-Malaysia-to-Improve-Regulation> (21/8/20)

Box 17: Framework for assessing PC practice



Source: APEC (2019)

Regular planned internal audits of the PC practice in the QMS system together with third party audits will ensure integrity of PC practice in the organisation. However, the quality of PC outputs has to be separately controlled through the established SOP. In general practice, the normal governance structure of the organisation for any of its internal activities will be able to cater for this. To further ensure the quality of PC output, all PC should provide feedback to stakeholders. A self-assessment questionnaire for PC evaluation is given in Appendix B. This last activity closes the loop of the PC. This evaluation can then be used to improve the established SOP for the PC practice.

How do you assess the adequacy of PC practice?

Good practice has to be guided by universally accepted principles. This guideline emphasises three key principles that will assure internal effectiveness and at the same time meeting external public expectations.

PART 4

THE GUIDING PRINCIPLES

This guideline emphasises three (3) guiding principles to provide assurance for PC practices.



This guideline sets out three guiding principles to ensure adequacy of PC in managing the regulatory cycle. They represent the essential elements of GRP as espoused in the NPGRP. Acknowledging their importance is to put them into practice.

Principle No. 1: Transparency

The practice should ensure that stakeholders and the public that are affected understand the scope of the regulation development or review process and procedures, and that any constraints on the authorities are made known.

To apply this transparency should be defined and established with these considerations:

- Set standards for how information will be disseminated and communicated and then enforce the standards through internal audit, management review and monitoring. Establish clear procedures for PC, provide guidelines and training (e.g., on policy and codes of conduct) for officials and to consider for external people to moderate the engagements (e.g., appointing an independent facilitator to assist in consultation).
- Provide full information on where to find relevant background materials (from government or non-governmental sources), on how to submit comments (orally at dialogues, forums, meetings or in writing by various means e.g., memorandum, e-mail), on what the process is (deadlines, events, contact information) as well as on what are the steps for decision-making.
- Ensure ease of accessibility by using multiple channels for information dissemination and communication (brochures, television, advertising, Internet, etc.) and for consultation feedback (written and oral). Providing information in clear and straight-forward language is important. Adapting the consultation and participation procedures to stakeholders' needs such as engagements held after office hours.

Principle No. 2: Accountability

Agencies have the obligation to account for the use of stakeholders' resources and inputs received through the PC. To demonstrate this accountability, there is the need to ensure an open and transparent process and appropriate feedback on the PC results and outcome in timely manner. The results and outcome should be consistent with the commitment on the PC as communicated to the stakeholders.

Accountability should be defined and established with these considerations:

- Providing clear indication on the timetable for the regulatory development process and how stakeholders and interested parties can provide their views, comments and suggestions. This can be done through information brochures, online notification and advertorials. In addition, stakeholders should be informed how their inputs will be assessed and considered in the decision-making process (publishing a summary report or giving a final briefing).
- Clarifying responsibilities and assign specific tasks to individual senior officers (for the preparing information or for reporting). Ensure that these responsibilities are publicly known (providing contact information such as e-mail).
- Acknowledging responses is important to demonstrate accountability. All responses should be acknowledged even if they do not relate to the consultation objective or issue. Respondents should be encouraged to provide evidences in support of their inputs. This will reinforce the understanding that regulatory development are undertaken in the interest of the stakeholders, in particular and the public in general.

Principle No. 3: Inclusiveness

Every reasonable effort should be made to include all the stakeholder groups and interested individuals affected directly or indirectly by the regulation. Access to consultation processes and ability to participate is to be ensured regardless of race, ethnicity, religion, political affiliation, gender, disability status or any other possible basis for discrimination.

Inclusiveness should be established with the following considerations:

- Ensuring stakeholders'/citizens' rights: Establish the policy for the right to access information, provide feedback, be consulted and actively participate in the regulatory development and review process. The obligation to respond to citizens when exercising their rights should be clearly stated.
- Ensuring that public officials know and implement the policy: Providing support (leadership, training, sources on good practices) and advice (expert's facilitation, central help-line) can help. Use independent authorities for oversight, or their equivalent, to enforce the policy.
- Establishing and upholding rights of appeal by introducing and publicising options for stakeholders and the public to enforce their rights of access to information, consultation and participation. These include complaint procedures, judicial reviews and interventions by the special committees (e.g., PEMUDAH, EAC).

What are the challenges ahead?

Apart from the competitive pressures of doing business in a turbulent global economy, the biggest and most significant impact on the economy is the COVID-19 pandemic. The pandemic has impacted not only the country but globally with the establishment of the "new normal" in doing business and governance.

The New Normal

New Normal is a term in business and economics that refers to financial conditions following the

*financial crisis of 2007-2008 and the aftermath of the 2008-2012 global recession. The term has since been used in a variety of other contexts to imply that something which was previously abnormal has become commonplace.*¹²

The COVID-19 pandemic in the country, however, has made face-to-face PC practice untenable, as this is prohibited under the new Movement Control Order (MCO). Even if MCO is lifted after COVID-19, the population will need to practise the "New Normal" with social discipline being adhered to at all times. The "new normal" will make mass gatherings difficult to implement, although small groups (less than 10 participants) may be still viable.

The New Normal in COVID-19 requires changes in the way things are done. PC is still required but the means for action and delivery involving the human agent has to change. Otherwise, some other support mechanism has to complement the tradition means of delivery, such as continuous screening and monitoring the human agent.

For GRP and crucially for PC practices, the New Normal makes it impossible not to apply technology particularly IoT. The needs-based approach to adoption of technology has to give way to an accelerated speed of adoption to unlock cost savings and achieve resiliency. Leadership has to view uncertainty as the New Normal. Ways of working in the service will have to be tech-enabled operating models with virtual/flexible work as an integral design element across the organisation and service. Agility to move and change fast – less talk and more action – will have to be the new norm.¹³

Fortunately, the IoT is already ready with many useful applications for targeted and open PC. There are online Webinars and meeting platforms already in use by businesses such as; WebEx, MyOwnConference, Zoom, GoToMeeting, ClickMeeting, Ready Talk, just to name the top few.¹⁴ These will be the new mode for PC post-Covid-19 era.

Appendix C provides some details on carrying out online virtual public consultations

¹² Wikipedia, New Normal (business); [https://en.wikipedia.org/wiki/New_Normal_\(business\)](https://en.wikipedia.org/wiki/New_Normal_(business)) (9/5/20)

¹³ Everest Group (2020), Global Business Services (GBS) Post COVID-19: Blueprint for the New Refined Normal; <https://www.everestgrp.com/2020-03-global-business-services-gbs-post-covid-19-blueprint-for-the-new-refined-normal-market-insights.html> (10/5/20)

¹⁴ MyOwnConference (2018), What is a Webinar and How Does it Work?; <https://myownconference.com/blog/en/index.php/what-is-a-webinar/> (28/4/20)

Appendix A: Consultation Paper Checklist

Checklist questions:

These key questions need to be satisfied for an adequate Consultation Paper:

- Does this section explain how affected parties were consulted?
- Does the section clarify which groups of stakeholders were consulted? Have their views been summarised?
- If required, does RIS or RURB Proposal ensure that the confidentiality of specific stakeholder comments has been protected?
- Have outstanding issues been addressed? If not, why?
- If comments were received, does this section detail what measures were taken to address them? Has the authority(s) responsible been clearly identified and their roles defined?
- Has a compliance and enforcement strategy been developed and explained?
- Have any issues and possible barriers to compliance been clearly assessed?
- If constraints with compliance exist, are mechanisms to overcome them described?
- Has the methodology that will be used to review and evaluate the regulatory activity been summarised?

The RIS/RURB Proposal requires a brief on the consultation plan and process and the summary of the responses captured. The outcomes of consultation are used as inputs and to support the analysis of the issue. It is important that the RIS/RURB proposal should demonstrate that the consultation process was balanced and not unduly influenced by the views of one particular group.

Source: Best Practice Regulation Handbook, MPC

Contents of a Consultation Paper

The following items must be made clear in the Consultation Paper:

1. What is the Term of Reference or the mandate of the initiative/review?
2. What is the purpose of the initiative/review?
3. What is the scope for the initiative/review?
4. Who is this Consultation Paper aimed at?
 - How to make the submission or participate in the consultation?
 - What is the duration of the review?
 - How will the information be captured, treated and used?
 - How is confidentiality maintained?
 - How will the responses be acknowledged?
 - What happens after the consultation?
5. What is the context of the case of initiative/review?
 - What are regulatory burdens on business?
 - What are unnecessary regulatory burdens?
 - What is Regulatory Impact Analysis?
 - What is the Regulatory Impact Statement?
6. What are the regulatory issues of interest?
 - What is the focus of the initiative/review?
 - What is the review process?
 - What are the questions of interest?
7. How to participate via virtual platforms?
 - How to participate using the UPC?
 - How to join the virtual engagement, e.g. webinar, virtual meeting?
 - How to respond in writing?
 - How to meet in small groups in the new normal?

[Note that it is important to be concise. The consultation paper should not be too many pages long. The balance would depend of the technicality and complexity of the subject matter.]

Sample of Consultation Questions to focus stakeholder interests

These are the key questions which are normally posed to the participants during a consultation:

1. Which regulations concern you the most? Why?
2. Which regulations are the hardest to comply with? In what way?
3. Which regulations do you think are too onerous given what they are trying to achieve?
 - What do you think of the current costs involved in getting your application to maintain your business?
 - How about the application's processing time? Which exact processing stage is the most burdensome to maintaining the business?
4. Do you think any regulations are not justified at all?
5. Are some regulatory requirements inconsistent?
6. Do you consider inspectors and other regulatory administrators do a good or a poor job? In what way?
7. Do you find inspectors and administrators are consistent in their decisions?
8. Do you find they are helpful or unhelpful in advising you how to comply? Are there any publicly available guidelines?
9. How long do regulators take to respond to applications, queries, etc.?
10. Do you have any suggestions for reducing the burden of compliance of regulations?
11. Are there any other issues you want to suggest we should cover in our review?

Source: Extracts from sample of Issues Paper; <http://www.mpc.gov.my/smart-regulation/>

Source: Best Practice Regulation Handbook, MPC

Appendix B: Assessment Questionnaires for Public Consultation Practice

Primary Participant Information:

Name	
Title (Mr., Ms., Dr)	
First Name	
Last Name	
Position	
Contact	
Agency Name	
Department/office name	
Website	
E-mail address	
Phone	
Mobile Phone	

Additional contributors who respond to the assessment and whom you would like to acknowledge:

Name	Occupation	Email	Phone	Division/Unit
[title] [first name] [last name]	[position]	[email]	[contact number]	[name of unit]

Evaluation on Public Consultation Practice

Purpose

To maintain the effectiveness and efficiency of public consultation exercise in the agency

Participant's Engagement in Public Consultation Assessment

This assessment is to evaluate how the agency engage with stakeholders about public consultation in the RIA/RURB process. There may be a diverse range of practices across different regulatory functions of the ministry. Please provide your answers based on your current PC practice.

Definition of **"regulation"**: For the purpose, regulation means any rule or order issued by your agency as an executive authority or regulatory agency of a government where there is an expectation of compliance (for example, statutes, subordinated rules, administrative formalities, decrees, laws/bills, circulars, etc.) affecting business activities.

Target Participants

The assessment is to be carried out by the Regulatory Coordinator of Ministry/ Department/Agency who leads the work in Good Regulatory Practices (RIA/RURB). The response given will evaluate the adequacy of public consultation in the agency. The assessment may be carried out after each RIA/RURB project or on a yearly basis.

Submission of this assessment

The report from the assessment should be submitted for management review as in the requirement of an ISO QMS.

Key dimensions of Public Consultation

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. Public consultation helps to assess expectations and identify non-evident impacts and policy alternatives. Good public consultation strengthens the relationship between regulatory authorities, policy makers, business communities, interested parties and the general public. It also increases buy-in by all parties affected by the policy and reduces the risk of implementing ineffective or overly burdensome policies. This assessment looks at four key dimensions of engagement in public consultation: **methodology; systematic adoption; transparency and inclusiveness; and oversight and quality control.**

1. Methodology. Essential aspects of how your economy consults with interested parties when regulations are developed or amended, including guidance documents, how stakeholders are engaged, including minimum duration for consultation and the use of interactive websites and social media tools.
1.1. Stages when the public is consulted
1.1.1. At what stages in the development of new regulation, is public consultation conducted? Early or late stages¹⁵?
1.1.2. At what stages in the review of existing regulation, is public consultation conducted? Early or late stages?
1.1.3. At what stages in the review of administration and enforcement regulation, is public consultation conducted?
1.2. Guidance documents on general procedures involved in making new regulations; and relating to a particular regulation
1.2.1. Do you have any guidance documentation to assist participants in public consultation? If Yes, please specify: Those addressing general procedures Guidance such as information or issue paper, which relates to a specific proposed regulation
1.2.2. If yes, in what ways can the public access the guidance document? Official Website or Bulletin or Guidelines on Standard Operating Procedures (SOP) or Publication, please specify or others
1.3. Methods used to encourage widespread participation
1.3.1. How do you identify all possible interested parties? 1) Stakeholder analysis (in Stakeholder Register), 2) Database of companies, organisation, NGOs, etc., 3) Database of past engagements by function and interest, 4) Other (specify)
1.3.2. How do you encourage widespread participation? - Advertising or Media releases or ICT Tools/Social media or Information on the relevant body's website or Information on the propose regulations - Provide copy of the draft regulation - Provide copy of issue papers or similar analysis - Other (specify)
1.4. Methods used to gather inputs from Stakeholders and interested parties
1.4.1. What methods do you use to gather information from stakeholders and interested parties? Surveys or Public meetings (i.e., townhall session) or Public hearings or face-to-face meetings with one or more individuals from the one organisation or Virtual public meetings (Skype, Zoom, etc) or ICT Tools (Website, Twitter, Facebook, LinkedIn, etc) - specify and provide link or Written submissions or Community workshop or Focus groups or any others
1.5. Minimum period to receive feedback (RIA/RURB)
1.5.1. What is the minimum time allowed to receive feedback from interested parties during the consultation? Less than 2 weeks, or 2 – 4 weeks, or 4 – 8 weeks or more than 9 weeks
Does the minimum time allowed to receive feedback from interested parties vary? If so, what factors influence this: Depending on the complexity of the issues, or Level of public interest, or Type of regulatory instrument or others
2. Systematic adoption investigates if there are formal requirements for public consultation and to what extent stakeholders are engaged in practice both in the early and in the later stages of the regulation-making process (see section on Oversight and Quality Control for questions about adoption and practice)
2.1. Formal Requirements
2.1.1. Where are formal requirements for public consultation stipulated for regulatory matters? 1) Constitution, or Legislative requirement (specify), 2) Cabinet Handbook, 3) Mandatory Guidelines, 4) Administrative circular, (specify), 5) Chief Secretary circular, 6) other (specify), or, 7) None
2.2. Standard questions for developing new regulations and amending existing regulations
2.2.1. Where is it stipulated in the requirements for public consultation for developing new regulation? 1) Constitution, or Legislative requirement (specify), 2) Cabinet Handbook, 3) Mandatory Guidelines, 4) Administrative circular, (specify), 5) Chief Secretary circular, 6) other (specify), or, 7) None
2.2.2. Is this requirement contained in regulation development? Yes, please specify where those requirements are contained No (if no, please proceed to question 2.2.4)

¹⁵ Early stage is before a definite draft is proposed
Later stage is after there is a draft proposal(s)

2.2.3. If any, what questions are required to be addressed via public consultation, when developing new regulations? If RIA, are the following issues addressed? 1) Problem statement, 2) Objectives, 3) Options, 4) Impact analysis of options, 5) Consultations, 6) Recommendation, 7) Implementation strategy If not RIA, please specify which questions/issues need to be addressed
2.2.4. Where does your regulation/policy stipulate requirements for public consultation, such as RIA or RURB, for amending existing regulation? 1) Constitution, or Legislative requirement (specify), 2) Cabinet Handbook, 3) Mandatory Guidelines, 4) Administrative circular, (specify), 5) Chief Secretary circular, 6) other (specify), or, 7) None
2.2.5. If any, what questions are required to be addressed via public consultation, when amending existing regulations? 1) RIA, or other methods of reviewing existing regulations (i.e., RURB) or 2) other (specify)
3. Transparency and inclusiveness look at the extent to which the processes of stakeholder engagement are made open to the widest spectrum of stakeholders and how and if stakeholders' views and comments are taken into account. (Some questions relating to transparency and inclusiveness are also covered in the section on Methodology.)
3.1. Transparency of process
3.1.1. For each regulatory assessment, which of the following are made public? You may tick more than one answer. 1) Stages, 2) Outline of issue, 3) Timeline
3.2. Response to stakeholders' comments
3.2.1. In what ways, do you consider stakeholders' comments? 1) Acknowledgement of receipt of contribution, 2) Make public the main points made by stakeholders, 3) The responsible body share its assessment of the comments, 4) Draft report/Green paper, 5) Final report/White paper
3.3. Who gets to participate in consultations?
3.3.1. Which categories of stakeholders are routinely included in public consultation? 1) Business, 2) Employees, 3) Professionals, 4) NGO, 5) Local community groups (i.e., local sport or environment), 6) Final consumers, 7) Intermediate users (of the products/ service), 8) Suppliers, 9) Researchers
3.3.2. Do you have a specific policy to ensure access of non-typical groups to the making and review of regulations, such as people with disabilities, people without access to electronic communication, other disadvantaged groups or foreign investors/businesses? 1) Yes, please specify the name of the policy, 2) No
3.3.3. What triggers a decision to conduct public consultation on a regulatory issue? Does the decision depend on · Type of industry · Who or what is impacted: 1) Business, 2) Regions, 3) Environment, 4) Consumers, 5) Productivity, 6) Competition, 7) Social, 8) other (specify) · Nature of risks (e.g., financial, social, environment, health, safety) 1) Financial, 2) Social, 3) Environment, 4) Occupational Health and Safety, 5) Social or Community Health and Safety, 6) other · Size of the impact of the risk
3.3.4. Which divisions do not conduct public consultation? (Specify)
4. Oversight and quality control concerns whether there is independent mechanism in place to control the quality of public consultation (mostly stakeholders' engagement), to monitor stakeholder engagement and whether evaluations are made publicly available
4.1. Functionality of independent bodies in public consultation
4.1.1. Does your organisation have an independent unit/process to evaluate the public consultation exercise? · No. (If no, please proceed to question 5.1) · Yes, (specify)
4.1.2. If yes, what are the functions of these unit/process? 1) Monitor compliance of public consultation requirements (SOP), 2) Advise the RC when they do not comply, 3) Assist the RC to improve performance (by a) Training, b) Guidance documents, c) other (specify)) 4) If other (specify)

4.1.3. Does your organisation make its findings on compliance with public consultation requirements public?
1) Yes, 2) No

5. Other

5.1. If there is additional information or best practices about your organisation's public consultation initiatives, please add into the key dimensions below (you may also want to attach the write up or appendix of the Best Practices- maximum up to 4 -5 pages).

Methodology: _____

Systematic Adoption: _____

Transparency and Inclusiveness: _____

Oversight and quality control: _____

Source: Adapted from APEC Peer Review Questionnaires (APEC (2019))

Appendix C: Guidance on Internet-based Virtual Public Consultation

How to effectively use the Internet for Public Consultation?

A virtual meeting is when people around the world, regardless of their location, use video, audio, and text to linkup online. Virtual meetings allow people to share information and data in real-time without being physically located together.¹⁶ Virtual meetings are effective for targeted consultation with small group of stakeholders.

If PC is to be for larger number of people, then a webinar or web conference would be more appropriate. Webinar is short for web-based seminar, a webinar is a presentation, lecture, workshop or seminar that is transmitted over the web using video conferencing software. A key feature of a webinar is its interactive elements and the ability for a presenter to give, receive and discuss information in real time.¹⁷

There are differences in virtual meeting and webinar, most platforms will have applications for both purposes. The use of virtual meeting or webinar will depend on the purpose and the reach. In general, if it is PC with a small number of people with the intention to collaborate, then a virtual online meeting is recommended. It allows everyone to share their ideas and participate. If, however, it is to share information with a large group of people and perhaps answer a few questions in a controlled way, then use a webinar (<https://blog.clickmeeting.com/webinar-vs-online-meeting/>).

The main feature of online meetings and webinars is interactivity, or the ability to discuss, send and receive information in real-time. The typical features of the webinar include:

- Sharing video and presentation
- Chat
- Whiteboard
- Polls and surveys
- Desktop sharing
- Recording

Webinars are convenient for both presenters and participants. This format is becoming more and more popular every day particularly during this pandemic. Webinars make holding conferences and meetings possible at any time and place. Anyone can participate in a webinar without leaving work or just staying at home, on a business trip or on vacation. These make webinar very useful for a PC exercise. Furthermore, there will be no more headache concerning venue rental, coffee breaks and transfers, as holding the event is as easy as several mouse clicks.

What are the requirements for a Webinar or online meeting?

For participants, internet access, and an audio headset (headphones, microphone) are vital. For the moderator or presenter, it is crucial to have a stable internet connection, a webcam, a headset and a webinar/meeting hosting system (<https://myownconference.com/blog/en/index.php/equipment-for-webinars/>).

To hold a webinar/meeting, there is no longer a need to install additional software and special equipment. It is enough to have a computer with an internet connection, audio board, acoustic speakers, and a microphone. Practically all modern computers have the required components out of the box. On top of that, there is no need of any special technical knowledge. If anyone can use search engines or watch videos on YouTube, then she can follow a webinar.¹⁸

There are some simple tasks to perform in hosting a webinar/meeting for PC. First, you need to schedule the event. This is easy, just create an account on a webinar platform of your choice and use the dashboard to set the event's date, time and duration.

As in any exercise, the most important phase is planning. This is where one can customise the settings to make a webinar/meeting go along with the goals and stakeholder's expectations. Summary of the issues paper can be uploaded as a presentation to make the information easier for the participant. It is desirable to double check the equipment - webcam, microphone, headset as well as the internet connection, before the event.

¹⁶ Raymond Blockmon (Study.com), What Is a Virtual Meeting? - Technology & Strategies; <https://study.com/academy/lesson/what-is-a-virtual-meeting-technology-strategies-quiz.html> (26/5/20)

¹⁷ Vangie Beal, Webinar (Web-based seminar); <https://www.webopedia.com/TERM/W/Webinar.html> (26/5/20)

¹⁸ MyOwnConference (2019), What is a Webinar and How Does it Work? <https://myownconference.com/blog/en/index.php/what-is-a-webinar/> (28/4/20)

It is important to send the invitation link to the stakeholders selected. Always do not forget to include the Issues Paper. Time must be given for stakeholders to digest the information on the subject matter and also allows for stakeholders to talk with their community. For this at least two (2) weeks should be considered. Communication at live webinars is as easy as the following - the moderator just talks to the stakeholders while sitting in front of a computer or a tablet. But to be really effective, the use of interactive tools such as desktop sharing to show digital graphs, tables, keynotes and pictures are needed. This will help visualise the information and make it easier for understanding. The participants watch, listen, and they can communicate with one another and with moderator via the chat or the forum.

Best Webinar Providers to Use in 2019

According to My-Own-Conference assessment, the 6 best webinar providers are:

1. My-Own-Conference <https://myownconference.com/>

This platform is designed for diverse categories of users. Its creators always develop the system introducing new useful elements. For example, there have been recently introduced some modifications into the options of webinar recording, i.e. now the users can choose what exactly should be included in the webinar recording and what not.

You can customise rooms based on your preferences choosing necessary modes for future recordings: the area of materials, the list of participants, the speaker's name and chat. Also, you can record the webinar room entirely.

2. Zoom <https://zoom.us/webinar>

This ensures a stable connection, free access for 50 users. You may choose one of suggested 3 plans, enjoy several services, chat, the tool Gallery view, record the webinar, add participants up to 500, share your screen, etc.

3. Go-To-Meeting <https://www.gotomeeting.com/webinar>

On Go-To-Meeting, you can hold an unlimited number of webinars or other kinds of video conferences for a fixed monthly price. It's possible to integrate with MS Office, send files and applications, record, etc. Basically, this service enables users to organise efficient webinars, as includes all necessary features.

4. Click-Meeting <https://clickmeeting.com/>

This platform allows 4 presenters for each webinar. You can customise your webinar room adding your logo and changing its design. Here you can use all basic features for webinars, such as screen sharing, showing slides, drawing tools, surveys and chat with a possibility to translate into 52 languages, and video recording. Moreover, the platform collects and shows stats about the event and its participants.

5. Ready Talk <https://www.readytalk.com/>

With Ready Talk, you have a chance to use elements of branding, send invitational links with a possibility to add them to calendars Outlook or Google.

You can customise the form of registration for the event, several options for confirmation, one-click recording, screen sharing, chat, tools for promotion through social networks, a library for recordings, etc.

6. WebEx <https://www.webex.com/>

This platform is very similar to Go-To-Meeting allowing up to 25 participants, access from any device, collaborative work with documents, screen sharing, chat, video recording, and a possibility to integrate with Outlook, stable connection. Some faults may be linked to certain inequality in the rights of participants. There is an owner, speaker and participants. And the participants just listen passively raising hands when they want to express any ideas.

To sum up, all these webinar providers cannot be reckoned as completely good or completely bad. Actually, some features may be convenient for some categories of users while others may find the same things awkward. So, there are no universal services for any webinar, any audience, or any kind of promotions. Thus, it would be better to use a free trial that is provided almost on all platforms and consider the best exactly for your case.

Source: MyOwnConference; <https://myownconference.com/blog/en/index.php/author/galina/> (28/4/20)

When necessary, any stakeholders can be given the platform and can exchange questions and answers with one another. The session is recorded and the link of the recording can be sent to all participants just in case someone was late or missed the online session. It is also a good idea to send a quick survey to the participants to get their assessment of the session.

Check out My-Own-Conference, Preparing the First Webinar, Short Guide; <https://myownconference.com/blog/en/index.php/preparing-the-first-webinar/>

There are dozens of webinars and virtual meeting platforms accessible in the Internet, many can be used for free. Many such platforms are already in common use in many agencies. My-Own-Conference has listed six top platform providers as shown in Annex 18. As recommended, try to use the free trial or free version first before making decision to subscribe to any platform.

Is a moderator important for a PC focus group?

Focus group is very effective for targeted PC as the group is small (8 to 10 participants) and easy to do in a virtual setting. The Citizen Advice (citizensadvice.org.uk) has produced a guide "How to run focus groups" that is good reference for PC.¹⁹

A moderator is important to run a successful virtual engagement. The moderator will facilitate the session to ensure that the participants are properly engaged and to give the desired feedback on the issues of interest. To quote, a moderator is:

The person who runs a group discussion or focus group. She or he is responsible for ensuring the smooth running of the discussion, managing the group process and dynamics, introducing relevant issues and ideas for response by the group, and for ensuring that the client's objectives are addressed.²⁰

A moderator also facilitates the session but moderating implies greater control, direction and responsibility for outcome. Of course, the moderator must be someone who is very familiar with the subject matter and better still someone involved. This is very important so that she can probe further on feedback as the need arises. Some essential skills that are important for moderating PC virtual focus groups are:

- Knows the subject matter inside out. Not only she needs to know everything to be asked, she also needs to be aware of the goals behind the PC just in case things need to be asked differently.
- Must be relatable to everyone - all different participant profiles. This means gaining each respondent's trust. Being honest and ignorant will help. Psychologically, respondents need to be empowered as experts. Here cultural competence is important.
- Be absolutely flexible - respondents might not understand what is asked, or it's just not getting the required quality of response. A moderator must be prepared to ask a question in a number of different ways and this requires some really fast thinking.
- Must be able to translate guiding questions in real time - The written issues are largely for the benefit of the participants - it's a document that clearly communicates the content of the group. Questions appear in written English, not conversational English.
- A good time-keeper. PC focus groups typically last an hour and half. That's not a lot of time when there are many questions to get through. It is crucial that all the key questions in the consultation paper must be followed through. A moderator needs to keep the conversation moving all the time in order to get everything covered.
- Be prepared to be authoritative (but in a nice way). A moderator must be on point all the time. She has to encourage quiet/shy people to participate and tell those "over-enthusiastic" people to pipe down without offending them.

These are not exhaustive and experience is the best learning guide here for a good moderator in a PC focus group.

Do you need observers?

Usually a person, but can be more than one, will be needed to assist the moderator in a PC focus group. Behind the moderator in a virtual platform, there can be unobtrusive observation of the group. Respondents are told that they are being observed, but not necessarily by whom.

¹⁹ Citizen Advice (2015), *How to run a focus group*; <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Equalities/How%20to%20run%20focus%20groups%20guide.pdf> (4/6/20)

²⁰ AQR, *Moderator*; <https://www.aqr.org.uk/glossary/moderator> (4/6/20)

²¹ Evolve Research, *8 Essential Skills Every Focus Group Moderator Must Have*; <https://www.evolve-research.com/blog/8-essential-skills-every-focus-group-moderator-must-have> (4/6/20)

There is a low-tech method of communication that is used between an observer and moderator. Directing the moderator in one way or another. It may request the moderator to go back to the subject matter if there has been a departure or to "drill down" something that has been articulated. In the process some guiding Dos and Don'ts for the observers are:

The Do's:

- Inform the moderator if there are controversial new story that has just appeared about the issue so that she can try to avoid them or acknowledge them and move the discussion forward.
- Send a note to the moderator if there is a need to hear more from particular respondents to get further insights.
- Suggest to the moderator to "move on" if enough is heard about a certain issue.
- Provide feedback to the moderator in order to allow her to "drill down" certain issues that emerge as being critical, and skim over others that turn out to be non-essential.

The Don'ts:

- Speak in a loud voice to be heard by the participants.
- Send in notes too frequently e.g., every couple of minutes.
- Take over leading the discussion if you are demonstrating a point, unless this has been pre-arranged or requested by the moderator.
- Surprise the moderator with new objectives or story board during the meeting; always discuss possible changes before the meeting begins.
- If you are unhappy with the moderator, try to offer positive suggestions and positive reinforcement so that the time and investment in the PC are not wasted.²²

Again, these are not exhaustive, and learning from experience is more important.

²² ADM Marketing and Research, *How to Be A Good Focus Group Observer*; <http://www.admmarketing.com/press/focus.asp> (4/6/20)

Template for Notes taking at Focus Group Meetings

FOCUS GROUP DATA CAPTURE PRO-FORMA				
Study Title				
Date:				
Moderator Name				
Pro-forma Completed by:				
Group Detail				
No. Participants				
Start Time:				
End Time:				
Participant Demographics: enter column headings as appropriate				
Gender/Age	Job			
Participants' Positions:				
Draw diagram of table and note participants seating positions.				

Discussion Question 1	
Data/Quotes/Observations (Note down relevant quotes and enter time in right hand column)	Time

Discussion Question 2	
Data/Quotes/Observations (Note down relevant quotes and enter time in right hand column)	Time

Discussion Question 3	
Data/Quotes/Observations (Note down relevant quotes and enter time in right hand column)	Time

Source: An extract from Development Management Association UK & Ireland Conference F

Another important task of the observer is to take notes on the discussion. A logical format may be useful here (Annex 18).²³ In a virtual platform, key points taken may be displayed on a whiteboard so that the participants can see the important inputs. This also allows everyone in the meeting to keep track that all the important feedback is captured. The advantage of a virtual meeting is that it is recorded, for which the participants must be made aware of.

PC in a virtual meeting platform will be the new normal in the post COVID-19 era. It is therefore important that Regulatory Coordinators achieve competency in running virtual meetings for PC. Terrence Metz of MG RUSH Facilitation Training and Coaching provides useful advice on How to Facilitate Virtual Meetings and Participants in <https://mgrush.com/blog/virtual-meetings/>.²⁴

It needs to be noted here that the moderator hosting the virtual PC forum or meeting has to be familiar with the operation and features of the chosen virtual meeting platform being used. This is to avoid unforeseen technical surprises and to be able to exploit the potential of the applications to best achieve the PC objectives. The host has to be prepared for shifting platform in case of technical failure of the platform supplier. Switching may cause some delays which may be moderated with preparedness.

Source: Various sources (as cited)

²³ An extract from Appendix 1: Form for Observers' Notes at Focus Groups: <https://link.springer.com/content/pdf/bbm%3A978-0-230-29448-6%2F1.pdf> (4/6/20)

²⁴ Terrence Metz (2020), How to Facilitate Virtual Meetings and Participants: <https://mgrush.com/blog/virtual-meetings/> (5/6/20)

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FREQUENTLY ASKED QUESTIONS

The draft Guideline was subject to public consultation with key stakeholders (authorities) and also the public at large. The consultation exercise was carried out with six (6) sessions of round table discussions (RTD) to deliberate on the proposed guideline. The objective is to capture the concerns relating to implementing public consultation in regulation development and implementation as per NPDIR. The concerns are addressed here as frequently asked questions (FAQ).

FAQ No. 1: How do we avoid or prevent the inadvertent publication of confidential or sensitive information in the consultation paper?

Agencies should establish a protocol for report release to ensure that internal key stakeholders are satisfied that the report is suitable for release. The RC should bring to the attention of the internal stakeholders any information or contents of the report that may be deemed sensitive for their consideration. The report can then be released upon the endorsement of the key internal stakeholders.

With regards to the Official Secret Acts 1972 (Act 88), agencies should consult with their legal officers on matters relating to compliance with the Act. As Act 88 is under the purview of the Chief Government Security Office, Agencies can also consult with the Ministry on the handling of confidential documents.

FAQ No. 2: We have so many stakeholders, how do we approach them all?

A stakeholder analysis is required to identify key stakeholders according to their importance to the regulatory issue. The objective is to reach all stakeholders and interested parties including those hard-to-reach ones. It is important that adequate representations of stakeholders are consulted. As the stakeholder analysis is a qualitative analysis, it is possible that some important stakeholders might be missed. As such, the online consultation with adequate publicity is crucial to ensure that interested parties have the opportunity to participate in the consultation.

FAQ No. 3: Can we have a standard template for public consultation?

There are different objectives for consultation and there are different levels of engagement. There are also different methods or tools for carrying out public consultation. Consultation may have to reach different and varied stakeholders. To provide a standard template will only limit the creativity of agencies to formulate better approach to public consultation. This guideline is a useful reference for agencies to creatively establish their own public consultation practice.

FAQ No. 4: Is online consultation mandatory?

The Internet is the technology of the day to disseminate information and ideas. It provides the means for government agencies to demonstrate transparency and accountability. It allows agencies to reach anyone – those hard-to-reach parties and those who may have been missed out. It is a necessary vehicle for public consultation. At the moment there is no official circular to make online consultation mandatory. Since internet is widely used, Agencies should make online consultation mandatory in their policy on public engagement.

FAQ No. 5: How long should the consultation exercise take to be considered adequate?

The guideline proposed that the consultation exercise should be at least twelve (12) weeks. Public consultation is a learning exercise for public officials to learn what is happening out there on a particular issue. Information asymmetry means that public officials do not have the required information on issues out there and therefore need to listen to the stakeholders. The twelve (12) weeks is considered adequate for anyone to be reached and for them to think through the policy issue. It is more important that the agency pro-actively engage the stakeholders as many are passive and will remain silent until the implementation effects are felt.

FAQ No. 6: How many engagements should be made in the consultation exercise?

There are a few considerations here. Firstly, it will depend on the number, types and characteristics of the stakeholders. Some are proactive and some are passive. Many stakeholders mean the need to have more engagement activities. The next consideration is the methods or means of engagement. Malaysians are not used to online consultation yet and frequently few will respond to online consultation. Other means of face-to-face engagement will require a lot of resources and therefore depend on the capacity of the agency to manage it. Most important consideration is whether the consultation has reached some saturation point. This is the point in time when no more new information is obtained from further engagement.

FAQ No. 7: How do we deal with disagreements or objections to the contents or proposals of the report?

The intention of public consultation is to gather inputs from the stakeholders or respondents, to listen to them, to get their comments and to capture their concerns on the issues being discussed. The consultation paper provides the background study and some proposed options for discussion. Disagreements or objections to the proposed options should be expected as they present new views for evaluations. The public consultation exercise is not meant to push for acceptance of any proposed options as its intention is for formulating better options. The main purpose is to gather views and information for informed decision by the decision maker.

FAQ No. 8: What do we do if there is no or poor response to online consultation?

Malaysians are still unfamiliar with online public consultation and some may fear putting their thoughts or opinions in writing, particularly to the authorities. There is the need for agencies to promote and educate stakeholders on public consultation. The culture of openness in public consultation will require time to take root. As such, it is pertinent that authorities and in particular, those with regulatory roles, take proactive initiatives to promote public engagement without fear.

FAQ No. 9: Who will monitor that the authorities will actually follow or comply with the guidelines?

Although the Guidelines are not mandatory, authorities are strongly encouraged to adapt this guideline. There should be strong reason for not implementing the guideline. Nonetheless, implementation of NPDIR is mandatory. The MPC has been mandated in the NPDIR to monitor and evaluate all the RIS projects carried out by the authorities. As a good RIS requires effective public consultation, monitoring the RIS projects will cover the monitoring of the public consultation.

Contact Details:

Ministries and Agencies through their appointed RC could seek further guidance on public consultation from MPC in the early stage of their policy development or review process. The use of the UPC (upc.mpc.gov.my) is encouraged. This would facilitate the use of this Guideline.

This Guideline can be downloaded in .pdf format from:
www.mpc.gov.my

For further information on this Guideline, the reader can contact:

Malaysia Productivity Corporation,
Lorong Produktiviti, Off Jalan Sultan
46200 Petaling Jaya,
Selangor Darul Ehsan.
Telephone: 03-7955 7266
Fax: 03-7954 0795
Website: www.mpc.gov.my



www.mpc.gov.my

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Malaysia Productivity Corporation (MPC)
Lorong Produktiviti, Off- Jalan Sultan, 46200 Petaling Jaya,
Selangor Darul Ehsan, Malaysia.
Tel: 603-7955 7266 | Email: grp@mpc.gov.my