



**Procedures for Consultation in the  
Telecommunications and  
Broadcasting Sectors of Trinidad  
and Tobago**



<b>Maintenance History</b>		
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January 21, 2013	Revisions based on revisions to existing policies, frameworks and regulations	3.0
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# 1. INTRODUCTION

## 1.1 Role of the Authority

1.1.1 The Telecommunications Authority of Trinidad and Tobago (the Authority) has been charged with the responsibility of liberalising and regulating the telecommunications and broadcasting sectors. As with the establishment of any liberalisation or regulatory process, the Authority is responsible for the **formulation of regulatory documents and draft legislation** which include frameworks, **methodologies**, regulations, guidelines, procedures, **plans and** other documents comprising the industry’s regulatory framework, the implementation of which **impact** relevant stakeholders<sup>1</sup> in these sectors.

**1.1.2 The Authority recognises that stakeholders should be afforded the opportunity to participate in the development of these documents as we consider stakeholder engagement to be essential in the Authority’s fulfilment of its statutory duty to consult. The Authority not only considers such stakeholder engagement to be integral to our regulatory processes but also vital for its effective performance.**

**1.1.3 Consequently, the** Authority has formulated **the** *Procedures for Consultation in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago (Consultation Procedures)*, in accordance with section 18(4) of the Telecommunications Act, Chap. 47:31 (the Act), which states:

*“In the performance of its functions under subsection (1)(c), (d), (e), (m) and (p), sections 28, 78 and 79 and any other provisions of the Act as the Authority deems appropriate, the Authority shall adopt procedures by which it will—*

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<sup>1</sup> “Stakeholder/s” in this document refers to any entity that has a vested interest in the telecommunications and broadcasting sectors, and includes service/facility providers and affiliates, investors, consumers/consumer groups, government, other regulatory agencies and the general public.

- (a) *afford interested parties and the public opportunities for consultation;*
- (b) *permit affected persons and the public to make appropriate submissions to the Authority”*

## **1.2 Purpose of this Consultation Procedures document**

1.2.1 Consultation is an essential part of regulatory accountability. It is the method by which stakeholders in the telecommunications and broadcasting sectors, who may be affected by various regulatory documents **and draft legislation**, can express their views on **the issues contained therein** before they come into effect. It is, therefore, imperative that, in the development of the regulatory framework, relevant parties are given the opportunity to comment on, or contribute to, proposed **regulatory documents and draft legislation** that could affect:

- (i) their investments
- (ii) the sustainability of a competitive environment
- (iii) benefits of competition
- (iv) **the** development of the society as a whole

1.2.2 **The consultation** procedures **detailed** the consultation process must ensure, *inter alia*, that:

- (i) information and feedback from stakeholders are considered in regulatory decision making;
- (ii) all aspects of an issue are examined; **and**
- (iii) there is transparency in the decision-making process.

1.2.3 The Authority **is mandated with the statutory duty to consult**. **This** statutory duty as provided under section 18(4) of the Act, mandates that the Authority adopt procedures that would afford interested parties and the public with the opportunity to be heard on matters concerning them and permit affected persons and the public

to make submissions for the consideration of the Authority. Such matters required to be consulted on are:

- (i) **Universal service**
- (ii) **National telecommunications industry standards and technical standards**
- (iii) **Policies governing the telecommunications industry and issues arising at international, regional and national levels**
- (iv) **Complaints by users, operator complaints by users, operators of telecommunications networks, providers of telecommunications and broadcasting services or other persons arising out of the operation of a public telecommunications network, or the provision of a telecommunications service or broadcasting service, with respect of rates, billings and services provided generally and the facilitation of relief**
- (v) **The orderly and systematic development of telecommunications throughout Trinidad and Tobago**
- (vi) **Regulations made pursuant to section 78 of the Act**
- (vii) **Broadcasting Code**
- (viii) **Any other provision as the Authority deems appropriate**

1.2.4 **In furtherance of this statutory duty to consult, the Authority must ensure that its consultation procedures reflect the general principles in relation to the duty to consult, which will allow for effective consultations that afford interested parties the opportunity to participate in the consultation process before any decision is made. To this end, the Authority conducted a review of the legal principles in relation to “the duty to consult” as well as a jurisdictional analysis to assess the practicability of the existing Consultation Procedures.**

**The Authority noted that consultations should take place at a formative stage in the development of a decision. The Authority must give sufficient reasons for the issuance of any consultation proposal to permit proper consideration**

and response by interested parties as well as provide them with adequate time for such consideration and response. Finally, the submissions of interested parties are taken into consideration before there is any finalisation of the matters being consulted on.

Consultations must be done equitably to ensure that interested parties who may have a potential interest in the subject matter are aware in defined terms of the contents of the consultation document and the reasons for consultation.

The Authority, in its jurisdictional analysis, noted that there are various methods by which consultations are conducted apart from the traditional formal consultation which can be beneficial to the consultation process as it encourages wider and increased participation. Such methods include, pre-consultation meetings, individual or groups meetings, discussions with academia and industry experts, open fora or public hearings, use of social media amongst others.

In this regard, the Authority has added more methods of consultations in an effort to encourage this increased participation by interested parties. The Authority has also aligned the duration of the consultation periods with the scope of the consultation topic. Additionally, this revised Consultation Procedures Document reflects more appropriate processes that address the nature, form, content, length and the factors for consideration in the consultation procedures.

### 1.3 Scope

1.3.1 Pursuant to section 18(4) of the Act, the Authority will seek, in accordance with this **Consultation Procedures** document, the input of stakeholders in relation to various regulatory documents **and draft legislation** proposed by the Authority.

1.3.2 This **Consultation Procedures** document prescribes guidelines for:

- (i) the initiation of the consultation process
- (ii) notification of a consultation
- (iii) publishing regulatory frameworks **and their components**, including regulations, rules and other documents for consultation
- (iv) receiving and documenting comments
- (v) consultation on comments received
- (vi) the final review of documents
- (vii) notification of decisions made
- (viii) the review cycle

1.3.3 The procedures for the matters above are detailed **in** sections **4** to **6** of **this Consultation Procedures** document.

1.3.4 **For clarity, it should be noted that the publication of statistical data, such as the Authority's Quarterly Market Update and its Annual Market Report: Telecommunications and Broadcasting Sectors, shall not be subject to this Consultation Procedures document.**

## 1.4 Objectives of the Authority's Consultation Process

### 1.4.1 The Authority has prescribed a consultation process in this Consultation Procedures document which aims to ensure that the following objectives are achieved:

- (i) stakeholders are adequately informed of the issues surrounding a particular subject matter
- (ii) stakeholders are given the opportunity to express their views and be part of the document development process
- (iii) adequate and accurate information is shared between stakeholders and the Authority
- (iv) the confidentiality of comments submitted to the Authority by stakeholders is maintained, if expressly requested
- (v) the consultation process is not unnecessarily lengthy to affect the time taken to arrive at a decision
- (vi) there is flexibility to modify regulatory documents or draft legislation when the need for such arises

## 1.5 Modifications to this Consultation Procedures document

1.5.1 The first version of this **Consultation Procedures** document was published on February 21, 2005. **The Authority recognises that, as the** telecommunications and broadcasting sectors continue to evolve, **there is a** need to periodically revise these **Consultation Procedures** to ensure **that it is relevant vis-à-vis** legal principles **relating to the duty to consult** and keeping up with industry best practice.

1.5.2 **The first revisions to this Consultation Procedures document were made on January 22, 2010 and subsequent revisions were made on January 21, 2013. In seeking to revise the 2005 and 2010 versions, the Authority wrote to stakeholders who participated in previous consultations, requesting feedback on the**

effectiveness of the process. **With the exception of grammatical and structural amendments, all proposed revisions to the 2013 version were identified in bold black to allow for ease of reference.**

1.5.3 **This Consultation Procedures document was revised and issued for the first round of consultation on August 29, 2019. Further revisions have been made following the receipt of comments and recommendations from two stakeholders, namely, Columbus Communications Trinidad Limited (CCTL) and Telecommunications Services of Trinidad and Tobago (TSTT), and all subsequent amendments in this version (August, 2020) have been highlighted in bold purple.**

## **1.6 Definitions**

1.6.1 For the purposes of these Consultation Procedures, **the phrases will have the following meanings:**

**“minor modifications”** means minor editorial or grammatical changes, accidental errors or omissions etc

**“regulatory documents”** means frameworks, guidelines and, methodologies that may have a direct impact on the regulatory framework, procedures and plans, amongst others, that form the regulatory framework guiding the Authority in its operations and oversight of the telecommunications and broadcasting sectors

**“direct impact”** refers to the degree of significance that the methodologies will have, affect or influence the

**regulatory framework guiding the Authority in its operations and oversight of the telecommunications and broadcasting sectors**

**“significant impact”**

**refers to the effect that is evidenced on the sectors having utilised the following criteria or threshold:**

- (i) which persons/groups are going to be impacted;**
- (ii) the size of the groups that will be impacted;**
- (iii) the nature of the impact on the persons/groups; and**
- (iv) how large the effects are expected to be.**

## 2. OVERVIEW OF THE CONSULTATION PROCESS

### 2.1 Forms of Consultation

2.1.1 The Authority recognises the need to utilise various forms of consultation in which issues and proposals can be fully ventilated and input received from stakeholders. The Authority shall identify the most appropriate form(s) of consultation required to address a particular subject matter, which may include:

- (i) Formal invitations for written submissions. This method is the primary and most frequently used form of consultation. It involves the furnishing of draft documents **that discuss the issues and/or proposals** of the Authority. Stakeholders are invited to formally submit written comments on the draft consultation document/s, for the Authority's consideration, **utilising the Authority's Consultation Comment Submission Form (Appendix A) and the designated email address**
- (ii) Individual meetings with one or more affected stakeholders. This form of consultation allows for informal information gathering, through face-to-face meetings with identified parties, with the aim of gaining immediate feedback and clarity on questions or issues
- (iii) Group meetings, seminars and workshops with representative groups and other interested parties. This form of consultation would facilitate a process of engagement. This would be an opportunity to present issues, questions and ideas in a setting with specific stakeholders that facilitates discussions in order to gain feedback
- (iv) Public hearings. This method of consultation provides a forum wherein members of **the public are afforded the opportunity to voice and raise**

concerns, provide feedback and/or inform the Authority of matters relating to the particular consultation issue, which may be of importance to them

- (v) Discussions with **academia**, regulatory professionals, industry advisors and/or other advisory bodies considered as sources of expert advice on complex issues
- (vi) Consumer surveys. **These may** include face-to-face, telephone, email, web-based, social media or postal surveys and comments received **may be published**
- (vii) Comments from the general public. This **approach** may include inviting members of the public to leave their comments on **a** particular issue via a toll-free telephone number, or submit comments on a designated social media platform(s), a web-based portal or to **a** designated email address

2.1.2 In recognition of the fact that there are limitations to each form of consultation, the Authority may utilise one or more forms, as it considers appropriate, either concurrently or consecutively. **Where the Authority seeks to engage in different types of consultations as the need arises, it will give sufficient notice in all instances to stakeholders, to ensure that they can effectively participate in the consultation process.**

## 2.2 Criteria to Determine the Form of Consultation

2.2.1 In deciding which form(s) of consultation should be used for any **subject matter**, the Authority **shall** take the following factors into consideration:

- (i) **The objectives of the consultation;**
- (ii) The nature of the issue being consulted upon;
- (iii) The **categories and** number of persons who may be affected by the decision;
- (iv) The impact on the **telecommunications and broadcasting sectors and/or market; and**
- (v) The time frame allocated for the resolution of a particular issue.

### 3. SUMMARY OF THE AUTHORITY'S CONSULTATION PROCESS

3.1 The Authority shall undertake to publish a tentative consultation schedule at the beginning of each financial year, detailing the regulatory documents and draft legislation proposed for consultation in that year. In addition, the Authority will publish a quarterly update to confirm the consultations set to take place in the respective quarter, which will allow for any amendments that may arise in the annual consultation schedule.

3.2 The Authority engages in a minimum of **one round of consultation for legislation and a minimum two rounds for regulatory documents**. Nevertheless, the Authority has the discretion to lengthen or shorten the number of rounds. The Authority will consider factors such as the nature and volume of the feedback received, for instance, where there is new information that merits further consideration by the Authority or substantial interest in the topic. The Authority will also consider how topical an issue is or its impact on the sectors.

3.3 Where the Authority decides to forego a second or an additional round of consultation, it shall :

(a) Issue a notification to stakeholders on its website, social media platforms and in each daily newspaper, that it intends to forego a second or an additional round of consultation, with the accompanying reasons for doing so

(b) Where a stakeholder objects to the Authority's decision at (a) above, it shall within five (5) days of the date of the notification submit to the Authority for its review, such representations with cogent reasons for its objections

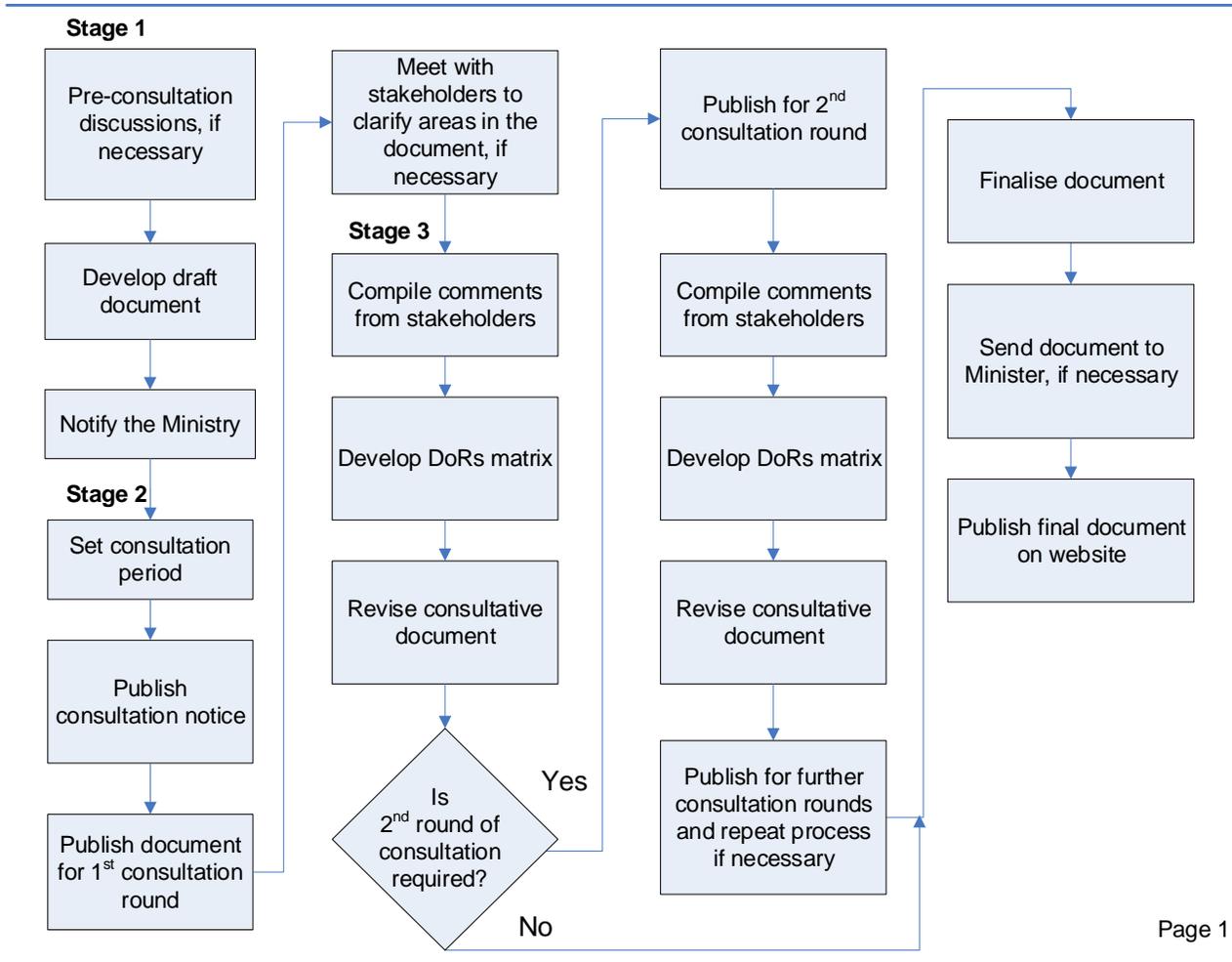
(c) The Authority will review the submission made at (b) above within five (5) days from the receipt of the submission

- (d) Upon completion of its review, the Authority will, within three (3) days of making its decision, inform stakeholders of its decision and publish such decision on its website, social media platforms and in each daily newspaper
- 3.4 There are three main stages for each round within the Authority’s current consultation process, as follows:
- (i) In the first stage, the Authority identifies the issue to be consulted on and drafts the consultation document
  - (ii) In the second stage, the consultation document is issued, inviting comments from the relevant stakeholders. **The Authority will identify the method(s) for the submission of comments. If stakeholders are requested to submit written comments on consultation documents, they must do so using the Authority’s Consultation Comment Submission Form (Appendix A) and the designated email address, within the consultation period set by the Authority.** The Authority may also use this period to engage in other forms of consultation, to gather additional information or clarify information that it has received
  - (iii) In the last stage, when **the period for consultation has expired and all comments have been received**, the Authority compiles those comments, duly **considers them** and makes decisions based on the feedback **which may be reflected in amendments to the consultation document**
- 3.5 These stages of the consultation process are repeated in further rounds of consultation, as required, before the document is finalised.
- 3.6 As far as possible, the Authority shall endeavour to complete each consultation within one (1) year. The Authority will prescribe the expected time period for the completion of each consultation in the tentative annual consultation schedule and confirm such period in the respective quarterly

updates. The Authority will set clear commencement and finalisation dates, taking into consideration factors that would affect the time frame. Such factors may include, requests for extensions by stakeholders, the need for further rounds of consultation, delays in the Authority's internal approval process for consultation documents such as in the instance where there is a lack of a fully constituted Board of the Authority. There may also be the need for consideration of matters in relation to recent and emerging trends, changes in technologies or prevailing conditions in the ICT sector that may affect the sectors. Where such instances arise, the Authority may not finalise its position as it may not be judicious or practicable to do so.

**3.7 The other forms of consultation that can be undertaken are set out under section 2.1 of this Consultation Procedures document.**

3.8 The flowchart in Figure 1 summarises each stage of the Authority’s consultation process.



**Figure 1: Flowchart summarising the Authority’s consultation process**

## 4. CONSULTATION PROCEDURES — STAGE 1

### 4.1 Development of the Draft Document

4.1.1 The Authority may, in certain circumstances, hold pre-consultation discussions with interested and/or potentially affected stakeholders and relevant parties (expert or otherwise), to bring clarity and greater understanding to an issue. The Authority may also invite comments and input from relevant stakeholders about specific topics, where the Authority believes these contributions will assist in the development of the consultation document.

4.1.2 **Pre-consultation discussions can occur depending on the stage in the policy development process. The Authority proposes to engage in pre-consultation discussions when there is a need for clarification and/or to obtain feedback from stakeholders and/or experts. This would be done prior to the drafting of the consultation document and would be dependent on the issues to be addressed in the consultation document. Some of the objectives of these discussions would be to gather new ideas, collect views, data, knowledge as well as test existing ideas. More specifically, the Authority will continue to engage in pre-consultation discussions, where appropriate, for example, in the development of technical documents, studies or surveys.**

4.1.3 Taking into consideration the input received pursuant to section 4.1.1 **and 4.1.2 above**, the Authority will prepare a draft consultation document and publish it for a first round of consultation, **with a second or further round of consultation to follow, as required, based on the type of consultation document being issued.**

## 4.2 Notification to the Ministry

4.2.1 In the case of **consultative documents**, the Authority shall formally submit copies of the documents to the **Minister<sup>2</sup>** prior to the **scheduled date for all rounds of consultation**.

## 4.3 Publication of Consultation Notice

4.3.1 The Authority shall publish a **consultation notice** to inform the public and stakeholders of the availability of the consultation document **issued for comments**. The notification **shall** appear in **each** daily newspaper, **on the Authority's website and its social media platforms**, and will indicate, at a minimum:

- (i) the title of the consultation document;
- (ii) the website or link from which the document can be downloaded and the locations where a physical copy of the document can be obtained;
- (iii) the date from which the document will be available;
- (iv) the deadline for submission of comments;
- (v) contact information for person/s to whom queries may be addressed; **and**
- (vi) any additional information as the Authority deems necessary.

4.3.2 For the duration of the consultation period, the consultation notice shall remain on the Authority's website **and its social media platforms**.

4.3.3 The Authority may, where necessary, publish the consultation notice in any local, regional or international **publication or website**.

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<sup>2</sup> "Minister" means the member of Cabinet to whom responsibility for telecommunications is assigned, as defined under section 2 of the Act.

4.3.4 The Authority may also notify the public through public service announcements via print **or electronic** media. This method of notification may be used in instances where the Authority considers that the consultative document may have a significant impact on the national community.

4.3.5 The Authority **shall** directly inform key stakeholders of the publication of the consultative document.

#### **4.4 Publication of consultative documents**

4.4.1 All consultative documents shall be posted on the Authority's website **and the links for such consultative documents on its social media platforms.**

4.4.2 The Authority **shall** publish an **abridged** version of the document **in each daily** newspaper **and its social media platforms**, in instances where it believes the matter under consideration can have a **significant** impact on the population. In such cases, the document may contain opinion questions, in order to improve the response rate and quality of feedback from the public. **Such abridged version shall be no longer than 1000 words and contain the salient points regarding the substantive regulatory document or draft legislation proposed for consultation. The Authority will provide the details of how to access the full version of the consultation document online or where it can be collected in the consultation notice.**

4.4.3 Printed consultative documents shall be available for collection at the Authority's offices in Trinidad and in Tobago, or **at another designated location identified by the Authority.**

4.4.4 Other formats of the document may also be made available upon request.

4.4.5 The Authority may charge a fee for documents, in any format, collected at its office.

## 5. CONSULTATION PROCEDURES — STAGE 2

### 5.1 The Consultation Period

5.1.1 The Authority shall, as far as possible, have at least two rounds **of consultation** for **the review of** new **regulatory** documents, **which do not include regulations**.

5.1.2 Where a **regulatory document** previously consulted on is being modified, the Authority may conduct **one** round of consultation. **The Authority believes that such regulatory documents would only require one round of public consultation, as the matters for consideration are most likely well established and known to the stakeholders. Similarly, regulatory documents that are being amended as a result of minor technical issues, or that have a limited effect on stakeholders or require only minor modifications, may also be subject to a single round of consultation. In such instances, at the end of the consultation process, the document shall be finalised.**

5.1.3 **Nevertheless, the Authority does reserve the right to extend to another round, taking into consideration factors such as the time that has elapsed from the previous consultation of the regulatory document, the feedback it has received in the first round, how topical an issue is, or the impact of the modifications on the sector.**

5.1.4 Furthermore, due to the thorough deliberations entailed in the established procedures for the enactment of legislation, the Authority shall **have one** round of consultation in respect of draft regulations prior to submission to the Minister, pursuant to section 78 of the Act. **The Authority may engage in further rounds of consultation on regulations where it considers it appropriate to do so.**

- 5.1.5 The duration of the consultation period may vary depending on the urgency of the matter at hand, the level of complexity of the subject matter, the need to allow enough time for stakeholders to make meaningful contributions **and the number of rounds of consultation**. The deadline date for the submission of comments will be expressly stated in the consultation notice.
- 5.1.6 **In exceptional circumstances, the Authority will consider a shortened consultation period to address urgent matters that may have arisen, which could not be reasonably foreseen, and for which there is insufficient time to consult within the normal time frame. Such exceptional circumstances may include, where an immediate remedy is required, for instance in matters relating to public safety, national security or emergency communications. This period of consultation will be for one to four weeks.**
- 5.1.7 In instances where the Authority requires that a consultation period be less than four weeks, the Authority shall provide adequate or appropriate justification.
- 5.1.8 **The Authority has identified five main consultation document categories based on the level of complexity and the potential impact of the subject matter on the industry, which would determine the duration of the respective consultation period. (See Table 1 for the consultation periods for the categories.)**
- 5.1.9 **The Authority's intention is to utilise the information contained in Table 1 as general guidelines. The consultation period and round(s) would be subject to change based on the consideration of relevant factors. Such factors can include the nature and volume of the feedback received, whether there is new information that merits further consideration by the Authority, or where there is substantial interest in the topic. The Authority will also consider how topical an issue is or the impact on the sector.**

**5.1.10 Where significant changes have been made to a document based on comments received from a consultation, the Authority reserves the right to conduct additional round(s) of consultation.**

**5.1.11 Where a consultative document is originally carded to undergo two rounds of consultation, but the Authority only receives non-substantial comments requiring minimal changes to the document, the Authority reserves the right to consider the consultation complete and move to finalise the process without undertaking a second round of consultation. The Authority will notify the public and stakeholders of its decision to end the consultation process by way of a notice which shall contain the appropriate justification.**

**Table 1: The Consultation Periods for Regulatory Documents and Legislation**

Consultation Document Categories		Consultation Period	Round(s)
<b>Category 1</b> Regulatory documents that cover: <ol style="list-style-type: none"> <li>i. <b>major policy initiatives</b> or issues relevant to an extensive range of stakeholders;</li> <li>ii. proposals that <b>will significantly impact</b> several stakeholders; <b>or</b></li> <li>iii. proposals that will significantly impact the telecommunications and broadcasting sectors and/or markets.</li> </ol>		<b>Six to eight weeks per round, as the Authority determines</b>	<b>2</b>
<b>Category 2</b> Regulatory documents that are of interest to a limited number of stakeholders who are already aware of the issues		<b>Four to six weeks per round, as the Authority determines</b>	<b>2</b>
<b>Category 3</b> Regulatory documents that discuss: <ol style="list-style-type: none"> <li>i. minor technical issues;</li> <li>ii. proposals that will have a limited effect on the market or industry;</li> <li>iii. matters previously consulted on; <b>or</b></li> <li>iv. minor modifications to existing regulatory documents.</li> </ol>		<b>Four weeks</b>	<b>1</b>
<b>Category 4</b> <b>Regulatory documents that address matters that require urgent resolution</b>		<b>One to four weeks</b>	<b>1</b>
<b>Category 5 Legislation</b>	<ul style="list-style-type: none"> <li>• The Act and Broadcasting Code</li> </ul>	<b>Six to eight weeks, as the Authority determines</b>	<b>1</b>
	<ul style="list-style-type: none"> <li>• <b>Regulations</b></li> </ul>	<b>Six weeks</b>	<b>1</b>

## **5.2 Extension of Consultation Submission Deadline**

- 5.2.1 The Authority seeks to strike a balance between giving stakeholders sufficient time to prepare and submit comments and ensuring that proposals are dealt with expeditiously. In doing so, the Authority will consider circumstances where there is need to extend the submission deadline, whether on its own initiative or at the request of stakeholder(s).**
- 5.2.2 When reviewing requests for an extension, the Authority will make allowances for consultations issued during vacation periods (for example, July/August and Christmas/New Year) and public holidays, to cater for possible staff shortages that sometimes occur during these periods.**
- 5.2.3 Where a stakeholder requires an extension of the submission deadline, the stakeholder shall formally submit its request in writing to the Authority, within seven (7) days of the submission deadline providing cogent reasons for such request.**
- 5.2.4 The Authority shall review a request for an extension of the submission deadline within three (3) days of its receipt and where a stakeholder requesting an extension provides cogent reasons, the Authority may grant an extension.**
- 5.2.5 Where the Authority grants an extension of the submission deadline, it shall issue a notification of the new submission deadline date to all stakeholders within two (2) days of its decision.**

- 5.2.6 **The new submission deadline date shall not exceed thirty (30) days from the new submission deadline date. The Authority reserves the right to not consider any submission received subsequent to the new submission deadline date.**
- 5.2.7 **Where a request for an extension of the submission deadline is not accepted, the Authority shall provide its reasons to the requesting party for not granting their request.**
- 5.2.8 The Authority may reject any request for an extension of time that is not submitted **within seven (7) days of the submission deadline for comments.**
- 5.2.9 **The Authority, may of its own volition, extend any deadline or period prescribed in this Consultation Procedures document.**

### **5.3 Submission of Comments**

- 5.3.1 The Authority may receive comments from the following categories of stakeholders:
- (i) Regulatory or government agencies
  - (ii) Existing service and/or facility providers and their affiliates
  - (iii) Potential service and/or facility providers and their affiliates
  - (iv) Service provider associations, clubs, groups **and similar bodies**
  - (v) Consumer groups
  - (vi) The general public
- 5.3.2 Employees, investors and shareholders of entities in categories (i) to (iv) above who wish to comment on consultative documents issued by the Authority, shall do so in unison with the submission made by the entity. It is, therefore, encouraged that

- these entities engage in an internal review forum to collate the views of all their stakeholders on the consultation document, prior to submission to the Authority.
- 5.3.3 Clause 5.3.2 does not apply to an employee or agent of an entity who wishes to comment in his personal capacity.
- 5.3.4 The Authority's primary method for the **receipt** of comments is through written submissions. Such comments may be submitted electronically (preferably via the designated email address or submitted via an online portal) or in a printed format that is hand delivered or mailed to the Authority. All electronic submissions must **be submitted in** Microsoft Word format or Rich Text format, or **such format as stated by the Authority**.
- 5.3.5 The Authority shall deal with the submission of comments in the manner prescribed in 5.3.8.
- 5.3.6 All written comments and recommendations must be submitted using the prescribed consultation form (**Appendix A**), which shall be published on the Authority's website, **unless otherwise directed by the Authority**.
- 5.3.7 The Authority may reject any comment or recommendation that is not submitted in the prescribed consultation form **or that is deemed obscene, vexatious, frivolous or defamatory in nature**.
- 5.3.8 **In accordance with section 80(2) of the Act and/or the terms of the authorisation of a service provider or a licensee, an interested party** Parties submitting information to the Authority may request that some parts of the submission be treated as confidential and therefore not published.

5.3.9 The consultation form shall contain, at a minimum:

- (i) Respondent category
- (ii) A declaration of interest
- (iii) Name of entity, if applicable
- (iv) Contact information (contact person, address, telephone number, email address etc.)
- (v) The proposed structure of comments to be submitted
- (vi) A declaration that provides respondents with a choice of having their submitted comments published by the Authority for the purposes of consultation
- (vii) A signature
- (viii) Position of the signatory. This is applicable for (vii), if the person is submitting on behalf of an entity

5.3.10 **The Authority will not use the comments submitted by any person against them, unless such comments are contrary to the law or are required, in the interest of justice, to be disclosed or adjudicated upon by a judicial body or court of law.**

#### **5.4 Meetings with Stakeholders**

5.4.1 During the consultation period, the Authority may hold individual or public meetings with stakeholders to clarify any areas of concern in the consultation document. The views of stakeholders expressed at such meetings will be noted and considered when revising the document.

## 6. CONSULTATION PROCEDURES — STAGE 3

### 6.1 Compilation of Comments from Stakeholders

6.1.1 Comments and recommendations received from stakeholders will be inserted into a decisions on recommendations (DoRs) matrix.

6.1.2 The Authority will deliberate and respond to the comments and recommendations received in the DoRs and revisions will be made to the consultative document, as the Authority deems appropriate.

6.1.3 Where there is a need to clarify the comments submitted by stakeholders, the Authority may hold individual stakeholder meetings to discuss the concerns raised. Issues discussed will be taken into consideration when revising the document.

### 6.2 Second Consultation Round

6.2.1 After revisions have been made to the document based on the comments and recommendations received, the Authority **may (where applicable)** publish the document for a second round of consultation. The DoRs, which shall contain the Authority's decisions in respect of comments and recommendations received during the first round, shall be published **as an appendix to** the revised document.

6.2.2 Steps 4.3.1 to 6.1 will be repeated for the second **and/or additional rounds** of consultation.

6.2.3 **Minor modifications** to existing regulatory documents and regulations shall not generally be issued for additional rounds of consultation **unless the Authority deems it appropriate to so do, given the nature and scope of the modifications.**

### 6.3 Finalisation of the Document

- 6.3.1 The Authority shall end the consultation process when it determines that it has received sufficient feedback to produce a final **consultation** document.
- 6.3.2 The Authority shall make decisions with respect to issues arising out of the consultation process and finalise the **consultation** document **and DoRs, as far as possible, within three (3) months** from the end of the consultation process.
- 6.3.3 Where the Authority does not make a decision within the time frame stipulated, the Authority shall notify contributors of the reasons for any inordinate or unforeseen delay that may have arisen that would affect the timelines for completion of the consultation process, and shall advise on the finalisation of the document, via the Authority’s website or such other media as it considers appropriate. In such instances, the Authority will also consider the re-issuance of a regulatory document or legislation for an additional round of consultation, or restart the consultation process, if there has been a significant delay or effluxion of time in the finalisation of the document.**
- 6.3.4 A final DoRs document shall also be prepared, summarising the comments received in the previous consultation phase and the decisions made by the Authority based on **those** comments. The final DoRs **document** shall be included as an **appendix** to the final version of the **consultation** document.
- 6.3.5 In the case of **draft legislation**, the Authority will submit the **legislation** for the approval of the Minister.
- 6.3.6 The final version of the **regulatory** document or **draft legislation** submitted to the Minister (6.3.5), **with its final effective date**, shall be posted on the Authority’s

website and a notification of the posting **shall** appear **in each** daily newspaper **and on the Authority's social media platforms**. The notification may also be published in any local, regional or international publication and/or website, as the Authority deems appropriate.

6.3.7 Printed documents shall also be available for collection at the Authority's offices, following payment of an administrative fee.

## **7. CONSULTATION ON EXISTING REGULATORY DOCUMENTS AND LEGISLATION**

- 7.1 As the industry continues to develop, the Authority is obliged to amend/update existing **regulatory documents and legislation** as may be necessary.
- 7.2 Any stakeholder or member of the public may, **at any time**, submit proposals for modifications to be made to published **regulatory documents and legislation**. However, the Authority shall log proposals received until the respective document is scheduled for review.
- 7.3 The Authority may engage in further consultation with stakeholders and the public for the purposes of revising **regulatory documents and legislation** if the Authority considers that such modifications will have a significant impact on stakeholders.
- 7.4 In such instances, the Authority shall conduct one round of public consultation on documents identified for updating/amending.
- 7.5 Where minor changes have been made to the document based on comments from the single public consultation, the Authority may seek to finalise the document without further public consultation.
- 7.6 Steps 4.3.1 to 6.1 shall be implemented for a single public consultation round, after which step 6.3 shall be followed for finalisation of the document.

7.7 Where significant changes have been made to the document based on comments received from the above consultation, the Authority reserves the right to conduct a second consultation round, which may be for a period of **no less than four weeks**.

## **8. CONSULTATION ON SUBSTANTIAL ISSUES**

- 8.1. The Authority may conduct consultations on a subject matter where there is a substantial issue affecting the industry and the Authority deems that it is appropriate to gain feedback from the relevant stakeholders. Any stakeholder or member of the public may also submit proposals for consultation on a significant issue affecting the industry and the Authority will give due consideration to the proposal.**

## **9. LOGGING OF CONSULTATIONS**

9.1.1 Consultative versions of the document may remain posted on the Authority's website after finalisation for such period of time as determined by the Authority. This will ensure that all interested parties are adequately informed of the views expressed and issues addressed during the decision-making process.

9.1.2 The Authority shall also provide on its website a list of all the current and recently closed consultations.

## **10. REVIEW CYCLE**

**The Authority will undertake a periodic review of these Consultation Procedures to assess its effectiveness.**



## **APPENDIX A. CONSULTATION COMMENT SUBMISSION FORM**





**CONSULTATION COMMENT SUBMISSION FORM**

**Name of Document:** .....

**1. Respondent Category:**

- (a) Regional regulatory or governmental agencies
- (b) Existing service and/or facility providers and affiliates
- (c) Potential service and/or facility providers and affiliates
- (d) Service provider associations/clubs/groups
- (e) Consumers/consumer groups
- (f) General public

**2. Interest:**

(Provide details of any relationship with or interest in any of the above respondent categories.)

.....  
.....  
.....  
.....  
.....  
.....  
.....

**3. Contact Information:**

Respondent's Name: .....

Postal Address: .....  
.....

Email Address: .....

Contact Number: .....

**4. Comments:**

<b>Document Section</b>	<b>Comments</b>	<b>Recommendations</b>

## 5. Confidentiality

The information and comments stated above can be published by the Authority for the purposes of consultation.

Agree

Do not agree because:

All comments submitted are confidential.

Some of the comments submitted are confidential. (In the information submitted in section 4 above, please indicate what information should be considered as confidential by the Authority.)

Name of respondent/ organisation is confidential.

If you do not want part of your response, your name or the name of your organisation to be published, can the Authority still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or your identity)?

Yes

No

**6. Declaration**

I confirm that the comments and recommendations submitted under this cover sheet is a formal consultation response that the Authority can publish, exclusive of those comments marked confidential.

Signature: .....

Position of signatory: .....

(This is only applicable for stakeholder categories **a** to **e**.)