

**RULE OF THE OFFICE OF THE PRIME MINISTER
ON PUBLIC CONSULTATION,
B.E. 2548 (2005)**

Whereas it is expedient to lay down the rules and procedure on public consultation for the interests of both State agency and public, and to be guidance for the making of extensive public consultation in the undertaking of any State's project;

By virtue of section 11 (8) of the Administrative Organization of the State Act, B.E. 2534, the Prime Minister, with the approval of the Council of Ministers, hereby issues the Rule as follows:

Clause 1. This Rule is called the "Rule of the Office of the Prime Minister on Public Consultation, B.E. 2548".

Clause 2. This Rule shall come into force after the expiration of sixty days as from the date of its publication in the Government Gazette.*

Clause 3. The Rule of the Office of the Prime Minister on Public Consultation by means of Public Hearings, B.E. 2539 shall be repealed.

Clause 4. In this Rule:

"State's project" means an undertaking of the project of all State agencies with a view to enhance economic and social development, irrespective of whether it is undertaken by the State agencies themselves or by the concessionaires or authorized persons, and such undertaking produces extensive impact on environmental quality of, or health and sanitary, way of life or interest of people in, the local community;

"State agency" means a central administration, provincial administration, local administration, other agencies of the State and a State enterprise;

"Interested person" means a person who may suffer unavoidable injury or damage directly from an undertaking of any State's project;

"Minister" means the Minister in charge of a Ministry, including the Prime Minister as the head of the Office of the Prime Minister and the government agencies having status as Department which are not attached to the Office of the Prime Minister, Ministry or Sub-Ministry.

*Published in the Government Gazette, Vol. 122, Part 73, Special Issue 55d, dated 27th July B.E. 2548 (2005)

Clause 5. A State agency in charge of the State's project shall, prior to the commencement of the State's project, disseminate information under clause 7 to public and may also conduct one or more public consultation methods under clause 9.

A State agency in charge of the State's project which may produce severe impacts on public at large shall have, prior to the commencement of the State's project, to conduct one or more public consultation methods under clause 9.

Clause 6. In the case where a State agency fails to conduct public consultation prior to the commencement of the State's project under clause 5 paragraph one, the Minister with respect to a central administration, the *Changwat* Governor with respect to a provincial administration or local administration or the Bangkok Governor with respect to the Bangkok Metropolitan Administration may, upon request of an interested person, order a State agency to conduct public consultation. In this case, a State agency shall conduct public consultation without delay.

Clause 7. Information related to the State's project to be disseminated to public by a State agency shall, at least, consist of the followings:

- (1) justification, necessity and objective of the project;
- (2) substantial matter of the project;
- (3) operator;
- (4) project's area;
- (5) implementation process and period of operation;
- (6) outputs and outcomes of the project;
- (7) possible impacts on people who live or work within project's area and its vicinity and on general public, including measures to prevent, revise or remedy injury or damage which may cause by such impacts;
- (8) estimated cost. In the case where the project is undertaken by a State agency, the source of money to be paid to the project shall also be specified.

A State agency shall notify information to be disseminated to public under paragraph one in the information networks system provided by the Office of the Permanent Secretary to the Office of the Prime Minister in accordance with this Rule.

Clause 8. In conducting public consultation, a State agency shall have to establish correct understanding on the State's project to public, and shall gather public comments on the project as well as injury or damage which my occur to public.

A State agency may conduct public consultation and disseminate information to public simultaneously.

Clause 9. In conducting public consultation under clause 8, one or more of the following methods may be conducted:

- (1) Opinion survey, by through the following methods;
 - (a) individual interview;
 - (b) submitting opinion by post, telephone or facsimile, information networks system or other means;
 - (c) giving public an opportunity to obtain information from, and express opinion to, the State agency in charge of the project;
 - (d) small group discussion;
- (2) Consultative meeting, by through the following methods;
 - (a) public hearings;
 - (b) public discussion;
 - (c) information exchange;
 - (d) workshop;
 - (e) meeting of representatives of the related or interested persons;
- (3) other methods as prescribed by the Office of the Permanent Secretary to the Office of the Prime Minister.

Clause 10. In the case where a State agency considers that the conduct of any public consultation method other than the methods prescribed in clause 9 may achieve the objective of public consultation under clause 8, a State agency may conduct such public consultation method. In this case, a State agency shall, upon the completion of such public consultation, notify such conduct to the Office of the Permanent Secretary to the Office of the Prime Minister for information.

Clause 11. In conducting public consultation, a State agency shall notify to public the consultation methods to be conducted and duration, place and other information which are sufficient for public to comprehend the consultation and to express their opinions.

The notification under paragraph one shall be posted openly at a notice board of a State agency and project's area for a period of not less than fifteen days prior to the commencement date of the public consultation. Such notification shall also be notified in the information networks system provided by the Office of the Permanent Secretary to the Office of the Prime Minister in accordance with this Rule.

Clause 12. Upon the completion of public consultation, a State agency shall prepare a public consultation report and notify such report to public within fifteen days as from the completion date of public consultation.

The provisions of clause 11 paragraph two shall apply *mutatis mutandis* to the notification under this clause.

Clause 13. If it appears from a public consultation that an undertaking under any State's project may produce more impacts to public than

impacts disseminated to public under clause 7 (7) but it is necessary to continue such project, a State agency shall provide, as necessary, additional measures to prevent, revise or remedy injury or damage which may cause by such impacts and shall notify such measures to public.

The provisions of clause 11 paragraph two shall apply *mutatis mutandis* to the notification under this clause.

Clause 14. This Rule shall not apply to:

(1) a State's project which its public or interested persons consultation methods have been particularly prescribed by laws;

(2) a State's project which has been undertaken before the date this Rule comes into force.

Clause 15. The Office of the Permanent Secretary to the Office of the Prime Minister shall have the duties to supervise, promote, support, assist and give advice to a State agency for the execution of this Rule, including the duties as follows:

(1) to prepare and disseminate a guideline on the dissemination of information and the public consultation to a State agency. In this regards, seminars or trainings thereon may occasionally be organized;

(2) to make a study or research for improving and developing the dissemination of information and public consultation methods;

(3) to prepare and develop electronic database and information networks system for the purpose of notifying, gathering and providing information on State's projects to public and on public consultation under this Rule.

In the performance of the duties under paragraph one, the Office of the Permanent Secretary to the Office of the Prime Minister may invite experts in the field of information dissemination and public consultation to give information, opinion or recommendation.

Clause 16. The Prime Minister shall have charge and control of the execution of this Rule.

Given on the 30th Day of June B.E. 2548

Police Lieutenant Colonel Thaksin Shinawatra
Prime Minister