

A. Cover Page

Mr Jason Bay
Director, Economic Regulation Division
Ministry of Communication and Information
140 Hill Street
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23 Aug 2016

Dear sir,

Re: Public Consultation of the Review of the Telecommunications Act and Related Amendments to the Media Development Authority (MDA) of Singapore Act

We thank the Ministry of Communications and Information (MCI) for the opportunity to comment on the review and related amendments to the Telecommunications Act (TA) and the MDA Act respectively.

We understand the need to keep Singapore ready and prepared for the digital economy, and we applaud the MCI for reviewing the TA and the MDAA as part of your forward-looking agenda.

We are an undergraduate class currently reading ICT and Telco policy in the National University of Singapore, and following a robust discussion in class on the TA and MDAA amendments, are submitting our private opinions on the issues raised, for your consideration. As such, these views are a private submission, and DO NOT represent the views of the National University of Singapore.

We look forward to future-proofing Singapore's digital policies together with you. Should you and your team have further queries on our submission, or would like to address us in class (in NUS on Mondays 12-3pm), we would be more than happy to accommodate you.

Yours sincerely,

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C. Summary of Major Points

We agree with most of the proposed amendments, with most of our suggestions being recommendations for refinements, and/or points of clarification. These are covered in “Section E: Comments”.

D. Statement of Interest

1. We are an undergraduate class currently reading ICT and Telco policy in the National University of Singapore, and are submitting our opinions on the issues raised, for your consideration.
2. We look forward to future-proofing Singapore’s digital policies together with you. Should you and your team have further queries on our submission, or would like to address us in class (in NUS uTown on Mondays 12-3pm this semester, AY2016/2017), we would be more than happy to accommodate you.

E. Comments

1. Part II: Enhancements to facilitate the deployment of telecommunications systems to ensure continued accessibility and good quality of telecommunications services

- a. (Part 5-12) Question 1: MCI invites views and comments on the proposal to revise Sections 19 and 21 of the TA to provide IDA with the powers to establish a framework to regulate and facilitate the use of/access to rooftop space for mobile deployments.

Comment 1: We observe the trend in Singapore where mobile device usage has increased greatly over the last decade, which has led to an increased need for telcos to deploy more mobile infrastructure to support this demand. Thus we agree with the proposal to provide IDA with the powers to regulate rooftop space for mobile deployments.

- b. (Part 13-16) Question 2: MCI invites views and comments on the proposal to amend Sections 14 and 21 of the TA to clarify the notification and objection process for telecommunication licensees’ entry to land/buildings.

Comment 2: We agree that there should be clarifications for the notifications and objection process for telco licensees’ entry to land/buildings. In addition, we would suggest that there be a time limit to the resolution process, lest there be drawn-out disputes which cause inconvenience to residents of private properties, possibly leading to loss of access to specific areas of the property.

- c. (Part 17-19) Question 3: MCI invites views and comments on the proposed inclusion of the new Section 21A of the TA to provide IDA the powers to prohibit exclusive arrangements that deny end-users' choice of, or access to, telecommunication services.

Comment 3: We agree that there should be the new section inclusion to empower IDA to prohibit such exclusive arrangements, such as what happened with the recent case of Systems integrator Consistel signing an exclusive deal with the Singapore Sports Hub to put up telco equipment.¹

- d. (Part 20) Question 4: MCI invites views and comments on the proposal to revise Section 2 of the TA to incorporate the definition of "owner" and to make it clear that such "owner" includes person(s) having the day-to-day charge, management or control of the premise, land or building.

Comment 4: We agree that the definition of "owner" should include the person who has the day-to-day charge, management or control of the premise, land, or building. We would like to suggest that this provision could allow for the deputisation of a facilities manager who may be the person in charge of the premises on a day-to-day basis, with the proviso that the ultimate accountability for the property still lies with the named "owner".

2. Part III: Powers to establish an alternative dispute resolution ("ADR") scheme for telecommunication and media sectors

- a. (Part 21-26) Question 5: MCI invites views and comments on the proposed inclusion of the new Part VC of the TA and corresponding changes to the MDAA to provide IDA and MDA with the powers to establish an ADR scheme for the telecommunication and media sectors.

Comment 5a: We agree that there should be an ADR scheme which helps to protect telco consumer rights in Singapore. We recommend that there be adequate safeguards to ensure that the ADR is independent of the telco, and that its processes and procedures for lodging complaints and resolving disputes are simple, fair, and transparent. For example, in light of our aging population, the ADR should have services in multiple languages and dialects in Indian, Malay, and Chinese, in case they need assistance.

Comment 5b: With reference to point 25c, on the dispute resolution process, we recommend that the telco service provider be mandated to refer the dispute to the ADR, should the dispute not be resolved. Alternatively, the service provider should be mandated to INFORM consumers of the ADR, if the dispute cannot be resolved between the customer and the service provider. This is to safeguard consumers who may not know of the ADR process.

¹ TODAYonline, 15 Aug 2016, IDA fines Consistel for 'grave misconduct' over Sports Hub system, <http://www.todayonline.com/singapore/consistel-fined-misleading-ida-over-sports-hub-system>

3. Part IV: Enhancements to strengthen oversight of the telecommunication industry

- a. (Part 27-33) Question 6: MCI invites views and comments on the proposed amendments in relation to the new Section 32DA and Sections 32F, 64(1), and 69 of the TA as described above.

Comment 6a: We agree that the IDA should be given powers to issue directions to enforce conditions, to prevent the development of a monopoly or other market failure occurrence, and to ensure that Singapore maintains full regulatory control over its telecommunications network, which is one of the pillars of any country's Critical Information Infrastructure (CII).

Comment 6b: We agree that the TA should be amended to increase the maximum fine for cable cut offences. Increasing the fines prevents this control from becoming simply "another cost of doing business" rather than a deterrent to poor infrastructure management.

4. Part V: Amendments to provide greater clarity to selected provisions of the telecommunications act

- a. (Part 34-44) Question 7: MCI invites views and comments on the proposed amendments in relation to the new Section 11A, and Sections 2, 5, 5B, 8, 26, 32D, 33(1), and 74 of the TA as described above.

Comment 7: On point 40, we agree with the amendment to the TA to provide greater clarification around the IDA's powers to authorize the collection, use or disclosure of personal data by telco licensees without end-users' consent. The Personal Data Protection Act (PDPA) was meant to provide assurance around the protection of consumer data in Singapore, and its provisions should be able to be circumvented by information collected by or through telco licensees.

F. Conclusion

1. We thank the Ministry of Communications and Information (MCI) for the opportunity to comment on the review and related amendments to the Telecommunications Act (TA) and the MDA Act respectively.
2. We understand the need to keep Singapore ready and prepared for the digital economy, and we applaud the MCI for reviewing the TA and the MDAA as part of your forward-looking agenda.