



 Ministry of Information,  
Communications and the Arts  
ICT.392.002.001

4 May 2009

Ms Chua Sock Koong  
President and Chief Executive Officer  
Singapore Telecommunications Ltd

Dear Ms Chua,

## **COMMENTS BY SINGTEL ON THE APPEAL PROCESS UNDER THE TELECOMMUNICATIONS ACT**

I refer to SingTel's comments concerning the process for a telecommunications licensee to appeal to the Minister for Information, Communications and the Arts against decisions by the Info-communications Development Authority of Singapore (IDA). The aforesaid comments were made by SingTel in its submission to IDA's public consultation on the review of the Telecom Competition Code.

2. In its comments, SingTel claimed that the current appeals process was "flawed" and did not provide an "independent third party" avenue of appeal for the review of IDA decisions. SingTel alleged that a right of appeal to the Minister "raises possible conflicts of interest". These comments question the impartiality of the appeals process and cast aspersions on the integrity of the Minister. No evidence has been provided by SingTel to substantiate these unfounded allegations.

3. As SingTel knows from previous appeals it has made, the Minister, upon receiving an appeal, adopts a process that is transparent and fair to the parties involved. All submissions by one party are copied to the other party for comments and response, enabling all parties to the appeal to make their full representations after having regard to the arguments raised by the other party. The process ensures that all the relevant information is placed before the Minister so that he can objectively and comprehensively evaluate the merits of the appeal. Based on information adduced in the appeal, the Minister will then determine the appeal and the grounds for his decision are clearly set out in a letter communicated to the parties.

4. As SingTel undoubtedly knows from its experience of making appeals to the Minister, the Minister has always acted independently and impartially in his resolution of appeals. That the decision-making process is independent and impartial is demonstrated by the fact that the Minister provides to the parties his written reasons for deciding an appeal in a particular way. If any party considers the Minister's decision to be unfair or biased, the party always has the option of challenging the decision in judicial review proceedings before the courts.

5. The appeals process has worked well. It has provided a fair, effective and expeditious dispute resolution process for telecommunications licensees who disagree with the regulator. This ultimately contributes to a greater degree of business certainty in the Singapore telecommunications industry.

6. As is evident from the foregoing, SingTel's comments on the appeals process are unjustified and without any factual basis.

Yours sincerely,



CHAN YENG KIT  
PERMANENT SECRETARY  
MINISTRY OF INFORMATION, COMMUNICATIONS AND THE ARTS

Copy to:

RADM(NS) Ronnie Tay  
Chief Executive Officer  
Infocomm Development Authority of Singapore