CONSUMERS ASSOCIATION OF SINGAPORE (CASE)

PUBLIC CONSULTATION OF THE TELECOMMUNICATION AND SUBSCRIPTION TV MEDIATION-ADJUDICATION SCHEME (CASE COMMENTS)

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A. PREFACE

1. Unless otherwise stated, the definitions and abbreviations have been adapted from the Public Consultation Paper on The Telecommunication and Subscription TV Mediation – Adjudication Scheme issued by the Info-Comm Media Development Authority of Singapore ("**Consultation Paper**") dated 17 January 2018.

2. CASE's comments on questions 1, 2, 4, 5, 7, 10 and 11 of the Consultation Paper are set out below.

B. STATEMENT OF INTEREST

3. CASE is a non-profit, non-governmental organisation that is committed towards protecting individual consumers' interest through information and education, and promoting an environment of fair and ethical trade practices.

C. COMMENTS

"Q1: Do you have any comments or suggestions on IMDA's proposed two-step Mediation – Adjudication process, and whether this process will achieve the policy objectives of providing the Disputing Parties with a resolution in an effective manner?

4. We repeat paragraphs 12 – 17 of CASE's comments on the Review of the Telecommunications Act and Related Amendments to the Media Development Authority of Singapore Act dated 24 August 2016 (attached as Annex B).

"Q2: Do you think that it is necessary to serve a "notice of intention to mediate" so that it is demonstrated that the Disputing Parties have exhausted all available options before starting mediation proceedings? What are your views on the 14 calendar days required – is it too long, too short or sufficient?"

5. From 1 February 2016 to 31 January 2018, 82% of the feedback lodged under the Filed Case Scheme[1] were resolved via correspondences with the Service Providers.[2] This suggests that most

[1] For Filed Case, a Consumer Relation Officer of CASE handles the feedback on behalf of the consumer and liaise with the telecommunication and media service providers on behalf of the consumer.
[2] Refer to Table 2 in Annex for a status of the Filed Cases for telecommunication and media service providers

consumers' feedback could be resolved through early intervention by the Service Providers.

6. CASE is of the view that a "notice of intention to mediate" provides a clear indicator to the Service Provider of the individual consumer's intention to escalate the dispute. This could in turn incentivise the former to resolve the matter before the start of mediation proceedings.

"Q4: What are your views on giving consumer the option to choose whether to accept an adjudicated decision for it to be binding on the Dispute Parties? Do you think that this would help to achieve faster resolution of disputes?"

7. CASE notes that the intention of the Scheme, as detailed in paragraph 1.4 of IMDA's Public Consultation dated 17 January 2018, is to better serve individual consumers and resolve their disputes more fairly, efficiently and effectively, by establishing an independent ADR scheme which operates in parallel to other existing ADR schemes.

8. In which case, individual consumers ought to be able to reject the adjudicated decision and pursue their complaint through other avenues which mirrors the current practice of FIDReC. (i.e. a decision that is binding on the individual consumer would not be in accordance with the original intention of the scheme).

"Q5: Do you think consumers should be given the option to go straight to adjudication, without requiring the Disputing Parties to go through mediation first?"

9. In cases where Disputing Parties fail to reach a settlement through extended correspondences, CASE is of the view that individual consumers should be able to opt for adjudication directly without having to first mediate the matter.

10. However, as a safeguard, CASE recommends that individual consumers be required sign a written statement to waive their rights to mediation.

"Q7: Is the definition of Small Business Customer appropriate? If not, how should it be defined?"

11. CASE notes that the definition of Small Business Customer falls outside the purview of CASE. As such, Small Business Customers are

not able to utilise the services of the CASE Mediation Centre for resolution of their disputes.

"Q10: Do you have any comments on the proposed scope of Eligible Services, and what services should be included or excluded from the scope? Why do you think so?"

12. CASE has received a significant number of complaints relating to PRS and notes that such complaints have also been prominently featured in the newspapers.[3] As such, CASE agrees that PRS should not be excluded from the list of eligible services.

13. Given that Service Providers bill on behalf of PRS providers, the Service Provider ought to take up the responsibility to police on behalf of the individual consumer with regard to the transparency of the charges imposed and the individual consumer's consent to the same.

Q11: "Do you agree that Eligible Complaint Issues ought to be limited to issues that can be resolved through service recovery efforts, or compensated in kind of monetary terms? Why do you think so?

14. CASE has observed that 92% of the cases under the Filed Cases scheme can be resolved through compensation in monetary terms.[4] This suggests that the majority of disputes would fall within the proposed limitations on Eligible Complaint Issues.

D. CONCLUSION

15. CASE welcomes the proposed implementation of the two-step Scheme, and we look forward to exploring how individual consumers' rights can be further enhanced through the Mediation – Adjudication Scheme.

[3] Tiffany Fumiko Tay, "Telcos act on complaints over third party charges; not all content providers bound by code of practice" *The Straits Times* (2018) <http://www.straitstimes.com/singapore/telcos-act-on-complaints-over-third-party-charges-not-all-content-providers-bound-by-code> accessed on 20 March 2018; Tiffany Fumiko Tay, "Telcos act on grouses about third-party charges" *The Straits Times* (2018) <http://www.straitstimes.com/singapore/telcos-act-on-grouses-about-third-party-charges> accessed on 20 March 2018

[4] Refer to Table 3 in Annex A for the Top 5 natures of feedback received by CASE from consumers on telecommunication and media service providers.

ANNEX A

Type of Feedback / Complaints	2016	2017	Grand Total
Assisted	42	24	66
Counselled	128	101	229
Filed	80	57	137
Others (Phone, Emails, Letter and Faxes)	409	281	690
Grand Total	**659**	**463**	**1122**

Table 1. No. and types of feedbacks/complaints that CASE receives from consumers on telecommunication and media service providers from 1 February 2016 to 31 January 2018.

Status of Filed Cases	2016	2017	Grand Total
Pending Business Reply	-	18.0%	7.9%
Resolved - Correspondence	87.2%	75.4%	82.0%
Resolved - Mediation	1.3%	-	0.7%
Unresolved (Lawyer, Small Claims Tribunal, Others)	11.5%	6.6%	9.4%

Table 2. Status of Filed Cases from 1 February 2016 to 31 January 2018.

No.	Nature of Feedback received from Consumers	Grand Total	Percentage of Total Filed Cases
1	**Redress**	32	23.0%
2	**Failure to Honour**	30	21.6%
3	**Overcharging**	30	21.6%
4	**Unsatisfactory Services**	19	13.7%
5	**Misleading Claims**	17	12.2%

Table 3. Top 5 nature of feedback (Filed Cases only) received by CASE on telecommunication and media service providers from 1 February 2016 to 31 January 2018.

Annex B