



MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION

GUIDELINES FOR COMPLAINTS HANDLING

SEPTEMBER 2004

Malaysian Communications and Multimedia Commission

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MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION

GUIDELINES FOR COMPLAINTS HANDLING

Objective

- 1 The Malaysian Communications and Multimedia Commission (“the Commission”) has prepared the following guidelines (“these Guidelines”) in exercise of its powers conferred by Sections 195 and 196 of the Communications and Multimedia Act 1998 (“the Act”) to set out the principles and procedures for the making, receipt, handling and resolution of complaints from consumers.

Introduction

- 2 Section 196 of the Act provides that the Commission shall establish guidelines for the making, receipt and handling of complaints received from consumers in relation to the conduct or operation of licensees under the Act.
- 3 Section 195 of the Act provides that the Commission may use any of its powers under the Act in the resolution of complaints received from consumers in relation to matters of customer service and consumer protection, including but not limited to, the failure of a licensee under the Act to comply with a consumer code prepared under Chapter 1 Part VIII of the Act.
- 4 There is no obligation on any consumer to refer complaints against licensees to the Commission. The consumer may choose to exercise any other option available under the law in order to obtain a satisfactory resolution to such complaints.

Scope of Chapter 3 Part VIII of the Act

- 5 Chapter 3 Part VIII of the Act provides the framework for the establishment of procedures and guidelines for the making, receipt and handling of complaints

from consumers (“procedures and guidelines”) and empowers the Commission to use any of its powers under the Act in the resolution of complaints in relation to matters of customer service and consumer protection.

- 6 The scope of Chapter 3 Part VIII of the Act is limited in that the Commission may only establish procedures and guidelines and use its powers to provide resolution with regards to complaints against its licensees under the Act. As such, these Guidelines shall not be applicable to complaints against persons who are not licensees under the Act.
- 7 For avoidance of doubt, complaints regarding the conduct of a licensee shall refer to the way in which a licensee typically deals with consumer complaints. Complaints on the operation of a licensee shall refer to the licensee’s daily operation and the services provided.
- 8 These Guidelines are in addition to and not in derogation of the Commission’s existing powers and functions under the Act. As such, any person may still refer complaints relating to civil or criminal offences under the Act or its subsidiary legislation or such other complaints in relation to non-compliance with the provisions of the Act or its subsidiary legislation (“other complaints”) to the Commission. Upon receipt of the same, the Commission may then deal with the other complaints in accordance with any separate guideline in relation thereto, or in the absence of any, as the Commission may deem fit.

The Complaints Handling Process

A. Requirements prior to the lodgement of complaints with the Commission

- 9 Complainants must give the licensee against whom the complaint is being made (“the relevant licensee”) the first opportunity to provide resolution for the complaint and shall first refer the complaint to the relevant licensee. (Refer to the Complaints Handling Process flow chart as in Appendix 1).
- 10 In the event that the complainant is still not satisfied with the resolution of the complaint provided by the relevant licensee, including but not limited to

instances where the relevant licensee fails to respond to the complaint within a reasonable period of time, the complainant shall then refer the complaint to the industry forum (“the Forum”).

- 11 Complaints to the Forum shall be addressed to:

Communications and Multimedia Consumer Forum of Malaysia
Suite 703, Block A, Kelana Centre Point
No. 3, Jalan SS7/19
47301 Petaling Jaya, Selangor
Email: Forguna@po.jaring.my , Web: www.cfm.org.my
Tel: 03-7805 1800 , Fax: 03-7808 2088

- 12 Subsequent to taking the steps described in paragraph 9 and 10 above, the complainant may then lodge a complaint with the Commission if the complainant is not satisfied with the resolution of the complaint by the Forum.

B. Lodging of Complaints

- 13 All complaints shall be made in writing and follow the format as prescribed for in Form 1 annexed hereto (“the Notification of Complaint”).
- 14 The Notification of Complaint shall include the following:
- (a) the names and addresses of the parties;
 - (b) the point(s) at issue and a brief statement of facts;
 - (c) a copy of any relevant supporting document, contract or agreement, if any, which relates to the complaint including proof of previous correspondence with the relevant licensee or the Forum; and
 - (d) the relief or remedy sought.
- 15 In the event that the complainant has a disability or is disadvantaged due to the lack of language and/or writing skills, a complainant may seek assistance from designated officers of the Commission's consumer complaints handling unit.
- 16 All complaints shall be addressed to :

The Chairman
Malaysian Communications and Multimedia Commission
63000 Cyberjaya, Selangor

Attention: Consumer Protection Department

Toll Free no: 1800 888 030

Fax no: 03-8688 1001

- 17 The complaints handling process will only commence once the Commission receives the Notification of Complaint from the complainant. An acknowledgement letter would be sent to the complainant upon safe receipt of the Notification of Complaint by the Commission.

C. Complaints Handling by the Commission

- 18 Upon receipt of a complaint, the Commission will notify the relevant licensee of the same in writing (“the Commission’s Notification”). The relevant licensee shall reply to the Commission within fifteen days (15) from the receipt of the Commission’s Notification. A reminder letter would be issued if the licensee fails to meet the deadline. All correspondences shall be copied to the complainant.
- 19 The relevant licensee may request for an extension of time from the Commission to handle the complaint (“extension of time”), in which case the complainant must be duly informed. Such request shall be duly supported and be for a reasonable period of time. The Chairman of the Commission (“the Chairman”) may consider such a request and will decide as to whether to allow the same. The Chairman may also determine the length of the extension of time to be granted to the relevant licensee. The relevant licensee must provide regular updates to the complainant on the complaint’s progress until finalisation.
- 20 The Commission may invoke any of its powers under the CMA including Section 73 of the Act if no reply is forthcoming from the licensee within fifteen days (15) from the date of the reminder letter or upon the expiry of the extension of time.

D. Decision

- 21 In the event that there is no resolution offered by the relevant licensee or if the relevant licensee does not reply to the Commission's Notification, the Commission will act to resolve the complaint by deciding on the matter and the Commission's decision shall be binding on both parties.
- 22 Alternatively, if there is an offer for resolution by the relevant licensee but the complainant is not satisfied with the same, the Commission will decide whether the rejection by the complainant of the resolution offered is reasonable. If the rejection is deemed by the Commission to be unreasonable, the Commission shall decide that the complainant accept the said resolution and the file on the complaint will be closed. However, if the rejection of the resolution offered by the licensee is determined to be reasonable, the Commission will act to resolve the complaint by deciding on the matter.

General Provisions

- 23 For the purpose of calculating a period of time under these Guidelines, such period shall begin to run on the day following the day when a notice, notification, communication or proposal is received. If the last day of such period is an official holiday or a non-business day at the residence or place of business (as the case may be) of the addressee, the period is extended until the first business day which follows. Official holidays or non-business days occurring during the running of the period of time are included in calculating the period.
- 24 The Commission may take such measures as it deems appropriate to protect trade secrets and confidential information.
- 25 For avoidance of doubt :
- (a) References to the singular includes the plural and vice versa;
 - (b) Headings in these Guidelines are for ease of reference only;
 - (c) Words denoting natural persons include any body corporate or incorporate and vice versa; and

- (d) References to “Section”, “Part” and “Chapter” in these Guidelines are, unless otherwise stated, references to the Sections, Parts and Chapters in the Act.

Effective Date

26 These Guidelines come into effect on 1 September 2004.

DATO' V. DANAPALAN

Chairman

Malaysian Communications and Multimedia Commission

Appendix 1

Complaint Handling Process Flow

