



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

檳城消費人協會 பினாங்கு பயனீட்டாளர் சங்கம்

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Letter to the Editor

15 April 2021

Three years is just right

The Consumers' Association of Penang (CAP) would like to respond to the letter by Y. S. Chan published in the New Straits Times on 4 April 2021, titled "Fine-tune Consumer Protection Act".

There are a few points that we must refute. Firstly he states that it is not fair that tour agencies have to keep their customers happy three years after the tour has happened. He further states that tour agencies should only be held liable for a period of three months after a tour is completed.

This is an opinion that is too optimistic and biased towards tour agencies. As an NGO that deals with consumer issues, we have received complaints where consumers never even get to go for their tour because the tour agency keeps postponing the trip. The excuse given is that not enough people have signed up for the tour so the tour agency cannot arrange for it and carry it out. These consumers usually call us once they are fed-up with the tour agency that has postponed their trip 2-3 times over a (on average) 12-month period, asking us what they can do to get their deposit, and sometimes even full payment, returned to them because they no longer trust that the tour agency is going to fulfil the service they have paid for. Thus, it is apparent that the current 3-year limitation period for the Tribunal for Consumer Claims Malaysia or *Tribunal Tuntutan Pengguna Malaysia* (TTPM) is quite reasonable, even for tour agencies.

Secondly, he states that when claims are made against big companies' consumers have to fight against formidable opponents, but the tables are turned when they file against tour agents or agencies as they are usually small - and medium - sized enterprises.

This statement gives the impression that consumers in general are much better versed in "legal battle" compared to tour agencies; and this simply is not true. The truth is that when consumers have to go against big corporations in the TTPM they are usually at a disadvantage and have difficulty proving their points because they are just lay people. From the authors statement it seems that he is also trying to say that tour agencies are made up of lay people. If that it is the case, then we would like to highlight that the average consumer and an employee of a tour agency would be on even ground when they fight it out in the TTPM.

Finally, we would like to remind the author and the public that the President(s) of the TTPM that presides over TTPM hearings are professionals and most importantly have common sense. They are not going to give an award in favour of a consumer if that consumer has made an unreasonable claim. Furthermore, The TTPM was made to be a simplified form of redress to aid consumers who would otherwise not be able to afford a lawyer or when their claim is just a small amount that hiring a lawyer would not be worth it. The TTPM was not made to be an avenue that is inherently biased towards consumers.

CAP is of the opinion that a 3-year limitation period for a consumer to submit a claim in the TTPM from the time that the problem accrues is reasonable and should be maintained.

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