

## ACCAN media release

**Media release date: 17 December 2009**

### **“ACCAN commends regulator on win in SMS spam case”**

ACCAN, Australia's peak communications consumer organisation congratulated the Australian Communications and Media Authority (ACMA) on its second successful outcome against unsolicited SMS with the Federal Court yesterday imposing a further \$6.5 million in penalties against spammers.

“It is only through strong and decisive action such as ACMA's to use the full extent of its authority and power that consumers can be assured their rights will be protected,” CEO of ACCAN, Allan Asher said.

“ACCAN has called for regulators to be responsive to consumer concerns and ACMA's action to pursue and bring to justice unscrupulous companies and individuals who take advantage of consumers, is a great example of a regulator being responsive to consumer's needs,” Mr Asher said.

Mr Asher said the case highlighted significant consumer concern about the issue of informed consent.

“ACCAN has extensively researched this issue and we have found that inconsistent and unsatisfactory consent requirements are scattered throughout a mix of telecommunication laws and industry codes of conduct. In many key cases consent requirements are absent entirely. Consumers and industry would greatly benefit from the development of a consistent approach to obtaining consent across all communication laws and codes,” he said.

In this latest development the Federal Court in Brisbane yesterday imposed a \$4million penalty on Jobspy Pty Ltd and \$2.5 million penalty on Scott Mark Moles for contravening the Spam Act 2003. The court found the respondents had obtained mobile numbers from members of dating websites, using fake profiles in order to send unsolicited SMS messages. Recipients were charged \$5 per message. According to ACMA the scheme had cost Australian mobile phone users more than \$4 million since it began in 2005.

This latest penalty brings the total amount of penalties imposed for SMS spam to \$22 million so far.

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#### **About ACCAN**

ACCAN (Australian Communications Consumer Action Network) is Australia's new peak communications consumer watchdog. ACCAN's purpose is to improve consumer advocacy, undertake research and analysis from a consumer perspective and make the market work for communications consumers. The operation of ACCAN is made possible by funding provided by the Australian government.