ACCAN media release

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“Spam penalty a significant victory for consumers”

The Federal Court’s decision on Friday to impose a total of $15.75 million penalties for contraventions of the Spam Act 2003 is a significant victory for communications consumers, said ACCAN, Australia’s peak communications consumer organisation.

Allan Asher, CEO of ACCAN, congratulated the Australian Communications and Media Authority (ACMA) on taking a strong stance in its first court action against unsolicited SMS messages.

“ACMA’s action is an excellent example of a regulator being responsive to consumer’s needs. In fact ACCAN is holding a Responsive Regulation and Policy Seminar next month to urge regulators to be more active in taking consumer perspectives into account,” Mr Asher said.

“Consumers don’t want to receive unsolicited mobile telephone text messages and emails, let alone be forced to pay for them.

“Consumers now know that the regulator will take on unscrupulous operators. The action also serves as a warning to industry that deceitful conduct to prey on consumers will not be tolerated,” Mr Asher said.

In the case, the Federal Court found two companies; Mobilegate Ltd and Winning Bid Pty Ltd and three individuals; Mr Simon Anthony Owen, Mr Tarek Andreas Salcedo and Mr Glenn Christopher Maughan had contravened the Spam Act 2003, by allegedly obtaining mobile numbers from members of dating websites, using fake profiles in order to send unsolicited SMS messages.

Mr Asher said the issue of informed consent was fraught with ambiguity.

“ACCAN has extensively researched and campaigned strenuously on this issue. We have called for laws and industry codes to have consistent requirements for consent.

“Every other commercial transaction requires consumers to know what they are signing up for and express their agreement to do so; mobile services should be the same.

“Consumers with intellectual disability, indigenous, young people and those from culturally and linguistically diverse backgrounds are particularly vulnerable to these kinds of schemes,” said Mr Asher.

View ACCAN’s Informed Consent Research Report

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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.