

## SMS spam – a growing problem

The proportion of complaints received by ACMA about short message service (SMS) messages has been steadily increasing since the penalty provisions of the *Spam Act 2003* commenced in April 2004. These complaints now represent around 20 per cent of all complaints ACMA receives about unsolicited commercial electronic messages (spam).

The complaints received by ACMA listed under the SMS category include similar message types, such as content messages sent using wireless application protocol (WAP) technology. Around 60 per cent of SMS spam complaints relate to premium rate SMS.

Complaints about SMS spam include those about the message failing to provide a functional unsubscribe facility or the lack of accurate sender information. A common complaint from SMS spam recipients is that they did not provide

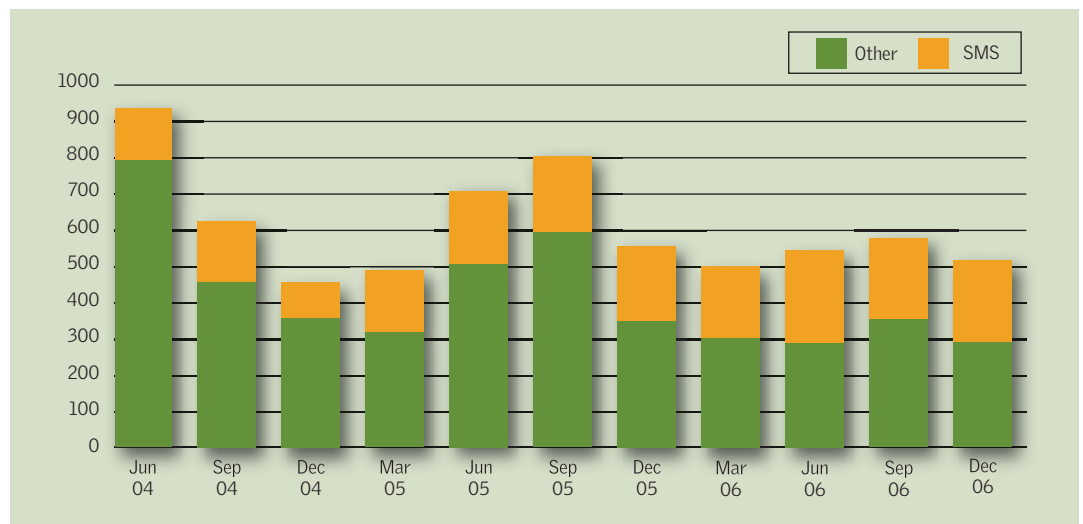
their consent to receive the message. In ACMA's experience, Australians consider their mobile phone to be a personal device and are annoyed when they receive unsolicited messages.

ACMA currently has investigations under way into organisations sending SMS messages that are alleged to have breached the Spam Act.

Complaints about SMS and other

types of spam can be made through the ACMA website at [www.acma.gov.au](http://www.acma.gov.au) (go to For the public: Content & advertising > Spam – junk email & messages).

**Spam Complaints since April 2004 (quarterly)**



## Australian anti-spam success continues

The Australian anti-spam legislation—the *Spam Act 2003*—was one of the first instances of a legislative approach to fighting spam adopted anywhere in the world. ACMA enforces this legislation. The progress made by Australia under its legislation has been watched with interest by international authorities, with Australia's success in fighting spam influencing many other countries in their decision to adopt anti-spam legislation.

Since the enforcement provisions of the Australian Spam Act came into effect in April 2004, Australia has gone from 10th in the list published

by Sophos, an international anti-spam and threat management company, of spam relaying countries (sources of spam) to 21st in 2005 and 28th for the 2006 calendar year.

In 2005, 0.84 per cent of global spam was relayed from Australia. In 2006, this figure dropped to 0.52 per cent.

ACMA has vigorously enforced the provisions of the Spam Act, sending a strong message to potential or actual spammers that their activities will not be tolerated. A major Australian spammer, Mr Wayne Mansfield, was successfully prosecuted in April 2006. Penalties of \$1 million and \$4.5

million were imposed respectively to Mr Mansfield and his company in October 2006 by the Federal Court in Perth.

The fight against spam is far from over. Internationally, spam rates are increasing—globally, around 90 per cent of emails are now spam.

Spam is increasingly associated with e-security problems and ACMA is strengthening its focus on this problematic area. For example, the Australian Internet Security Initiative was extended in October 2006 to include 25 Australian internet service providers.

The initiative involves ACMA providing internet service providers with daily reports of 'infected' computers connected to their networks, for them to liaise with their customers to take remedial action to disinfect their computer. These infected computers or 'zombies' (so called because they are remotely controlled) are used by criminals to send spam and engage in other harmful internet activities. Around 90 per cent of spam is now estimated to be sent by zombies, so effective action in this area is critical in the overall fight against spam.