

Media Release

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Australian Government to ban spam

The Australian Government will move to ban electronic junk mail (spam) and enforce this ban through the Australian Communications Authority (ACA) in legislation that will be introduced to Parliament later this year, the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, announced today.

Senator Alston said that Cabinet had yesterday agreed to anti-spam legislation including fines, along with a raft of other measures aimed at reducing the influx of spam into Australian e-mail inboxes.

Spam is a menace to home and business e-mail users and is a major scourge of productivity. Spam e-mails are the mosquitoes of the Internet - numerous, annoying and often carrying nasty viruses.

Australia will soon be applying a large dose of 'spam repellent' and sending a strong message to spammers that indiscriminate and unsolicited bulk e-mailing will not be tolerated. The adoption of an opt-in regime will make Australia world's-best practice on spam and put Australia in a strong position to participate in international efforts.

The Australian Government is committed to taking a strong stand against spam and has moved quickly to respond to the report by the National Office for the Information Economy *The spam problem and how it can be countered* released in April this year. This report provided a blueprint to take action against the problem to provide the maximum possible protection against spam.

While the report made it clear that there is no silver bullet against spam, there are many roles that all parties can play in a multi-layered approach. The anti-spam measures that the Australian Government will introduce include:

- National legislation, to be enforced by the ACA, banning the sending of commercial electronic messaging without the prior consent of end-users unless there is an existing customer-business relationship (an opt-in regime);
- Civil sanctions for unlawful conduct including financial penalties, an infringement notice scheme and the ability to seek enforceable undertakings and injunctions;
- The requirement for all commercial electronic messaging to contain accurate details of the sender's name and physical addresses and a functional 'unsubscribe' facility to enable people to opt-out;
- Banning the distribution and use of e-mail 'harvesting' or list-generating software, and

- Working together with international organisations to develop global guidelines and cooperative mechanisms to combat the global spam problem.

The Government will work closely with industry to ensure that Australia has a workable regime without harming legitimate business practices. The regime will seek to protect businesses which undertake legitimate e-mail direct marketing in line with the requirements of the Privacy Act. There will be a 120-day sunrise period without penalties from the enactment of the legislation for businesses to ensure their marketing practices are in line with the legislation.

Stakeholders including the Internet Industry Association (IIA), the Australian Direct Marketing Association (ADMA), small business associations and other not-for-profit organisations will be consulted on the details of the legislation.

The Government will also work with industry to develop relevant codes of practice to be registered with the ACA, building on initiatives such as the IIA's 'No Spam' campaign, which since April has enabled consumers to access anti-spamming technology for a free month's trial.

The measures announced today establish a framework for Australia to begin the important task of eradicating spam. The package will be accompanied by an education campaign to raise awareness of the nature of spam and anti-spam measures and to inform individuals and business of their rights and responsibilities when it comes to spam.

Legislation will provide for an effective enforcement regime in Australia and is an important step in the longer-term strategy of developing anti-spamming enforcement networks internationally. NOIE, the Australian Competition and Consumer Commission, the ACA and the Department of Foreign Affairs and Trade will be advancing work that has already commenced to establish international frameworks for dealing with spam.

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