

## Formal Warning

### Section 41 of the *Spam Act 2003*

TO: Select Print Solutions Pty Ltd ACN 133 294 489  
OF: 45 Montgomery Street  
KOGARAH NSW 2217

ATTENTION: Ms Lee-Ann Saouma, Mr Danny Saouma, Directors

I, Julia Cornwell McKean, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Select Print Solutions Pty Ltd ACN 133 294 489, (**Select Print**) has contravened subsection 16(1) of the *Spam Act 2003* (**the Spam Act**):

**HEREBY** issue Select Print a formal warning under section 41 of the Spam Act for four contraventions of subsection 16(1) of the Spam Act, being a civil penalty provision.

#### **ACMA Investigation**

On 11 October 2011, the ACMA commenced an investigation into allegations that Select Print may have contravened section 16(1) of the Spam Act by sending, or causing to be sent, commercial electronic messages that were unsolicited.

#### **Obligations imposed under subsection 16(1) of the Spam Act**

1. Subsection 16(1) of the Spam Act provides that:
  - (1) a person must not send, or cause to be sent, a commercial electronic message that:
    - (a) has an Australian link; and
    - (b) is not a designated commercial electronic message.

“Commercial electronic message” is defined in section 6 of the Spam Act.

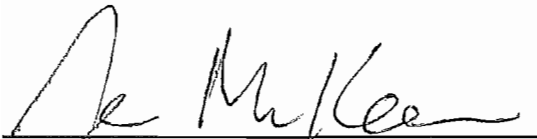
“Designated commercial electronic message” is defined in schedule 1 of the Spam Act.

If a commercial electronic message falls within the definition of “designated commercial electronic message” section 16(1) of the Spam Act does not apply.

### **Details of the contraventions**

2. As a result of its investigation into this matter, and taking into account complaints made to the ACMA and information provided by Select Print, the ACMA has concluded that:
  - a. Select Print sent four electronic messages, with an Australian link, between 5 July 2011 and 13 September 2011;
  - b. the messages were commercial electronic messages as defined in section 6 of the Spam Act; and
  - c. the messages were sent by Select Print without the consent of the electronic account-holder as required by subsection 16(1) of the Spam Act.

Dated this 4<sup>th</sup> day of January 2012



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**Julia Cornwell McKean**

**Delegate of the Australian Communications and Media Authority**