

## Formal Warning

### Compliance with the *Spam Act 2003*

**To:** Lastminuteloan.com.au Pty Ltd (ACN 624 597 735)

**Of:** Level 10, 66 Clarence Street, Sydney NSW 2000

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Lastminuteloan.com.au Pty Ltd (ACN 624 597 735) (Lastminuteloan) has contravened subsection 16(1) of the *Spam Act 2003* (Spam Act);

**HEREBY** issue Lastminuteloan with a formal warning under section 41 of the Spam Act to comply with subsection 16(1) of the Spam Act.

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

Subsection 16(1) of the Spam Act provides that:

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.

Subsection 16(2) provides that subsection 16(1) does not apply if the relevant electronic account-holder consented to the sending of the message.

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

'Australian link' is defined in section 7 of the Spam Act.

'Designated commercial electronic message' is defined in Schedule 1 to the Spam Act.

'Consent' is defined in Schedule 2 of the Spam Act.

#### Investigation

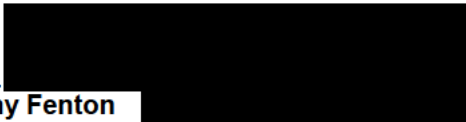
The ACMA commenced an investigation into Lastminuteloan on 11 November 2020, following complaints alleging commercial electronic messages had been sent without consent.

#### Details of the contraventions

The ACMA found that:

- (a) Lastminuteloan sent or caused to be sent 4 commercial electronic messages to one or more electronic addresses between 1 June 2020 and 8 December 2020;
- (b) the messages were not 'designated' commercial electronic messages;
- (c) the messages had an Australian link as they were sent or caused to be sent by Lastminuteloan, an organisation based in Australia; and
- (d) the messages were sent without the consent of the relevant account-holders.

Dated this 20th of May 2021.

  
Jeremy Fenton  
Delegate of the Australian Communications and Media Authority