



Infringement Notice

Spam Act 2003

I, Bernadette Kelly, an authorised person for the purposes of clause 9 of Schedule 3 to the *Spam Act 2003 (Spam Act)*, having reasonable grounds to believe that Latitude Finance Australia ACN 008 583 588 (**Latitude**), has committed one or more contraventions of a particular civil penalty provision, HEREBY give an infringement notice (**the Notice**) under subclause 3(1) of Schedule 3 to the Spam Act to:

Latitude Finance Australia

at

LEVEL 18, 130 LONSDALE STREET, MELBOURNE VIC 3000

Details of Alleged Civil Contraventions

It is alleged that Latitude contravened subsection 17(1) of the Spam Act by sending commercial electronic messages (CEMs) that did not contain accurate information about how the recipient can contact the organisation that sent the message.

Amount of Penalty

The total pecuniary penalty (**the penalty**) for the alleged civil contraventions is **\$3,960,000**. The penalty is calculated in accordance with the table under subclause 5(1) of Schedule 3 to the Spam Act, as set out in paragraph 4.1 of Schedule 1 to this Notice.

Payment of Penalty

The penalty should be paid to the Australian Communications and Media Authority (**ACMA**), on behalf of the Commonwealth, into the following account within 28 days of receipt of the Notice. Please include the narration "**[REDACTED]**" with your payment:

[REDACTED]

If the penalty is paid

If the penalty specified in the Notice is paid to the ACMA, on behalf of the Commonwealth, within 28 days after the Notice is given to Latitude, the matters outlined in this Notice will not be dealt with by the Federal Court of Australia and any liability for the alleged contraventions that are the subject of this Notice is discharged.

If the penalty is not paid

If you do not pay the penalty by **17 February 2026** the ACMA may take action for the alleged contraventions.

That action may include the institution of civil penalty proceedings in the Federal Court. The penalties that the Court can impose are potentially significantly higher than that in an Infringement Notice (see section 25 of the Spam Act).

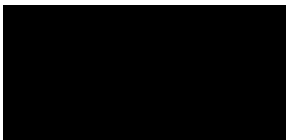
Withdrawal of the infringement notice

The ACMA may withdraw this Infringement Notice. It may do so of its own volition or upon your request. To be effective the withdrawal must occur within 28 days after the Infringement Notice was given.

If you wish to apply for withdrawal of the Infringement Notice, you should write as soon as practicable setting out the basis/reasons for the request. Your application should be addressed to me in the first instance.

If the Infringement Notice is withdrawn after the penalty is paid, the penalty will be refunded.

DATE: **20 January 2026**



Bernadette Kelly
Authorised Infringement Notice Officer
Australian Communications and Media Authority

SCHEDULE 1

In accordance with clause 4 of Schedule 3 to the Spam Act, brief details of each of the alleged civil contraventions are set out below.

1. Background

- 1.1. Latitude Finance Australia ACN 008 583 588, is a registered company under the *Corporations Act 2001*, with a registered office at Level 18, 130 Lonsdale Street, MELBOURNE VIC 3000.
- 1.2. On 30 October 2025, the ACMA commenced an investigation into whether Latitude had contravened the Spam Act.

2. Matters giving rise to the Infringement Notice

- 2.1. During the period 20 January 2025 to 12 February 2025 Latitude sent electronic messages to consumers.
- 2.2. Information obtained from Latitude showed that one of the purposes of the messages was to offer to supply, or to advertise or promote Latitude's goods and services to consumers. Therefore, the messages described at paragraph 2.1 were commercial electronic messages (CEMs), as defined in section 6 of the Spam Act.
- 2.3. The CEMs had an Australian link as defined in section 7 of the Spam Act. They were sent by Latitude, an organisation whose central management and control is in Australia.
- 2.4. The CEMs did not contain accurate information about how the recipient can contact the organisation that sent the message (paragraph 17(1)(b) of the Spam Act).
- 2.5. These are a subset of the contravention findings set out in the ACMA's investigation findings provided to Latitude on 1 December 2025.

3. Relevant civil penalty provisions of the Spam Act

- 3.1. Subsection 17(1)
 - 3.1.1. Subsection 17(1) of the Spam Act provides that a person must not send, or cause to be sent, a commercial electronic message that has an Australian link unless:
 - 3.1.1.1. the message includes accurate information about how the recipient can readily contact that individual or organisation; and
 - 3.1.1.2. that information complies with the condition or conditions (if any) specified in the regulations; and
 - 3.1.1.3. that information is reasonably likely to be valid for at least 30 days after the message is sent.
 - 3.1.2. Subsection 17(2) of the Spam Act provides that subsection (1) does not apply if the relevant electronic account-holder did not know; and could not, with reasonable diligence, have ascertained; that the message had an Australian link.
 - 3.1.3. Latitude sent CEMs to each of the electronic addresses that did not contain accurate information about how the recipient can readily contact that individual or organisation, between 20 January 2025 and 12 February 2025 (inclusive).
 - 3.1.4. Accordingly, the ACMA has reasonable grounds to believe that Latitude has contravened subsection 17(1) of the Spam Act between 20 January 2025 and 12 February 2025 (inclusive).
 - 3.1.5. Subsection 17(1) is a civil penalty provision.

SCHEDULE 1

4. The amount of the penalty

4.1. The total penalty specified in this Notice is **\$3,960,000** calculated in accordance with the table in subclause 5(1) of Schedule 3 to the Spam Act, as shown in the tables below.

Penalties for contraventions of subsection 17(1) of the Spam Act

Date of contravention	Number of contraventions of subsection 17(1)	Penalty units ¹	Penalty imposed
20/01/2025	50	500	\$165,000
21/01/2025	50	500	\$165,000
22/01/2025	50	500	\$165,000
23/01/2025	50	500	\$165,000
24/01/2025	50	500	\$165,000
25/01/2025	50	500	\$165,000
26/01/2025	50	500	\$165,000
27/01/2025	50	500	\$165,000
28/01/2025	50	500	\$165,000
29/01/2025	50	500	\$165,000
30/01/2025	50	500	\$165,000
31/01/2025	50	500	\$165,000
01/02/2025	50	500	\$165,000
02/02/2025	50	500	\$165,000
03/02/2025	50	500	\$165,000
04/02/2025	50	500	\$165,000
05/02/2025	50	500	\$165,000
06/02/2025	50	500	\$165,000
07/02/2025	50	500	\$165,000

¹ For alleged contraventions on or after 7 November 2024, the amount of a penalty unit is \$330, as set by section 4AA of the *Crimes Act 1914*.

OFFICIAL

08/02/2025	50	500	\$165,000
09/02/2025	50	500	\$165,000
10/02/2025	50	500	\$165,000
11/02/2025	50	500	\$165,000
12/02/2025	50	500	\$165,000
Total	1,200	12,000	\$3,960,000