

Formal Warning

Section 41 of the *Spam Act 2003*

TO: Astute Corporation Pty Ltd
ACN 132 218 994

OF: Level 9, 289 Flinders Lane, Melbourne, Victoria 3000

ATTENTION: Nicholas Beames, Director
and
Marcus Stanley Webb, Director

I, Vince Humphries, delegate of the Australian Communications and Media Authority (the ACMA), being satisfied that Astute Corporation Pty Ltd ACN 132 218 994, formerly known as Peds Recruitment Pty Ltd, (Astute) has contravened subsection 16(1) of the *Spam Act 2003* (the Spam Act):

HEREBY issue Astute a formal warning under section 41 of the Spam Act for 2 contraventions of subsection 16(1) of the Spam Act being a civil penalty provision.

ACMA Investigation

On 21 March 2011, the ACMA commenced an investigation into allegations that Astute 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 subsections 16(1)

1. Subsection 16(1) of the Act provides that:
 - (1) 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.

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

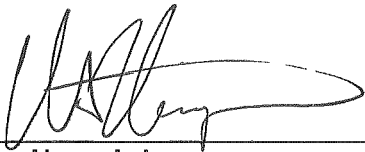
“Designated commercial electronic message” is defined in schedule 1 of the Act.

If a commercial electronic message falls within the definition of “designated commercial electronic message” section 16(1) 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 and documents provided by Astute and others, the ACMA has concluded that:
 - a. Astute sent an electronic message, with an Australian link, on 4 August 2010 entitled: 'Boost Your Chances of Getting the Job with InterviewGOLD';
 - b. Astute sent an electronic message, with an Australian link, on 29 September 2010 entitled: 'Boost Your Chances of Getting the Job with InterviewGOLD';
 - c. the messages were commercial electronic messages as defined in section 6 of the Spam Act; and
 - d. the messages were sent by Astute without the consent of the electronic account holders as required by subsection 16(1) of the Spam Act.

Dated this 21 day of June 2011



Vince Humphries
Delegate of the Australian Communications and Media Authority