

Pacific Internet Limited's ("PacNet's") submission to Consultation Paper on Proposed Spam Control Bill

1. PacNet is concerned that ISPs will be caught under section 14(ii) of the draft Bill, as one authorizing the sending of electronic messages.
2. PacNet is of the opinion that the definition of "Transmission in Bulk" in section 6 of the draft Bill may be too conservative. For example, non-spammers may be caught under the "more than 100 messages a day" definition.
3. It is impractical for users to determine if an email received is a spam, as defined by section 6 of the draft Bill, as the user will not be in a position to know if 100 messages of the same content had been sent the same day by the same sender. The user will not be able to make an assessment on whether his circumstance constitutes "spamming".