



Wireless Application Service Providers' Association

Report of the Appeals Panel

Complaint number	39886
Cited WASPA members	Hulk Mobile (1689)
Notifiable WASPA members	Basebone Pty Ltd (1344)
Appeal lodged by	Hulk Mobile (1689)
Type of appeal	Panel
Scope of appeal	Review of statements made by the Adjudicator and an amendment of the Adjudicator's Report.
Applicable version of the Code	15.5
Sections considered by the panel	4.11(a)
Related complaints considered	n/a
Amended decision and sanctions	Decision amended in respect of certain statements which were found to be unfounded and incorrect. However decision of breach and the sanction remain.
Appeal fee	50% refunded.
Is this report notable?	No
Summary of notability	No

Initial complaint

This complaint related to a failure of the Member to implement one or more of the measures set out in section 2.3 of the WASPA Fraud Detection and Mitigation requirements (version 2.1) and accordingly comply with the requirements of clause 4.11(a) of the WASPA Code of Conduct.

The Formal Complaint was lodged by the WASPA Compliance Department after a test was conducted on the Member's system and it was identified that the Member had failed or omitted to implement one or more of the measures set out in section 2.3 of the WASPA Fraud Detection and Mitigation requirements (version 2.1).

Adjudicator's findings

In brief, the Adjudicator found as follows:

1. That fraud detection and mitigation was a serious issue for the WASP industry and led to the publication of the WASPA Fraud Detection and Mitigation requirements (version 2.1),
 2. That a 302 HTTP status code was rendered on the relevant header which was a breach of clause 2.3 of the WASPA Fraud Detection and Mitigation requirements and that the 200 HTTP status code was not rendered on the header of the page immediately preceding that network confirmation page as required.
 3. The Adjudicator also found that the Member had not taken reasonable steps to prevent its networks and systems from being used in a fraudulent manner.
 4. That the Member had failed to comply with the prescribed measures of the WASPA Fraud Detection and Mitigation requirements.
 5. The member was thus found in breach of clause 4.11(a) of the WASPA Code of Conduct as read with clause 2.3 of the WASPA Fraud Detection and Mitigation requirements v2.1 and sanctioned.
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Appeal submissions by Member

The Member appealed neither the decision or the Adjudicator's sanctions. The Member merely wished for two statements made by the Adjudicator to be corrected on public record as they were damaging to the reputation of the Member and unfounded.

Deliberations and findings

The panel considered the arguments posed by the Member and the response provided by WASPA and has concluded as follows:

1. In respect of the appeal against the statement made by the Adjudicator in their report at point 36 that the Member had not taken reasonable steps to prevent its networks and systems from being used in a fraudulent manner, the panel finds that this was an unfair and unfounded statement. Although the Member failed to comply with the letter of the Code of Conduct, it had taken several steps to attempt to secure its networks and systems from being used in a fraudulent manner. The panel requests that the statement be redacted from the Adjudicator's report.
 2. In respect of the appeal against the statement made by the Adjudicator in their report at point 40 that the Member had failed to comply with the prescribed measures of the WASPA Fraud Detection and Mitigation requirements, the panel feels this is an accurate statement. This statement references a failure to comply with the letter of the Code of Conduct and not the spirit. Accordingly no request to redact the statement is made.
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Amendment of decision and sanctions

Partial amendment of the Adjudicator's report.

Appeal fee

The appeal was partly successful and accordingly there will be a 50% refund of the appeal fee.
