

Response to my request for information to ACCC

My request:

I write a blog on romance scams, see www.romancescam survivor.org, and have done much media as an Ambassador for ACORN. I would like information on what happens once someone reports a scam to ACORN or Scamwatch to include in my blog.

How many people are contacted directly by law enforcement agencies? How many cases (or percentages) are investigated? What criteria are used for what is investigated? How many cases are reported to Interpol? Do we get any feedback from Interpol about what happens next? Is information provided back to victims? If not why not?

Feedback from victims directly to me is that it is very hard to firstly report to law enforcement agencies, and few victims get any response at all when they report online. Is this really the case? I would like to be able to reassure people that something is being done when they report a scam ..assuming it is.

Many thanks.

Their response:

Dear Ms Marshall

Thank you for your email to the Australian Competition and Consumer Commission (ACCC) regarding the use of Scamwatch and ACORN reports.

As you are aware, Scamwatch is run by the ACCC and provides information to consumers and small businesses about how to recognise, avoid and report scams. The ACCC works with state and territory consumer protection agencies and other government agencies to promote awareness in the community about scams. The [Australasian Consumer Fraud Taskforce](#) (ACFT) coordinates this work.

The purpose of Scamwatch is to help Australians recognise a scam and avoid it where possible. Self-defence is the best defence. We regularly send out warnings to consumers who subscribe to Scamwatch and issue media releases or undertake other work through the media to ensure consumers can avoid scams. Reports to Scamwatch are important to the ACCC as the information assists us in monitoring scam trends and is used to inform this work. Unfortunately, the ACCC is unable to reply to all reports made online due to the high volume received. In 2016, the ACCC received in excess of 108,000 reports – further statistical analysis of these reports is made available on a monthly basis on the [Scamwatch website](#).

Reports to Scamwatch also assist the ACCC in looking for innovative ways to disrupt scams, including working with industry. The ACCC recognises that disruption activity is one of the primary tools to effectively respond to scams given that many scams operate from a foreign jurisdiction, which makes traditional law enforcement complex and costly. Disruption activities provide cost effective alternatives for law enforcement agencies to restrict or even prevent scammers from operating, and to minimise the harm they may otherwise cause. Such disruption activities focus on collaborative efforts by government agencies and industry to identify intervention opportunities that might:

- prevent scammers from communicating with their targets
- provide timely warnings to better educate consumers that utilise legitimate services
- interrupt the sending of funds.

In 2015-16, scams disruption remains an enforcement and compliance priority for the ACCC and key activities have focused on relationship scams – in particular dating and romance scams. Working with the online dating industry, the ACCC revised the best practice guidelines in response to the evolving nature of scams and developments in technology. The ACCC also continued its targeted intervention strategy to warn Australians sending funds offshore that they might be the victim of a scam and commenced work with other

intermediaries to make it harder for scammers to connect with their victims or for money to be transferred to them. The ACCC is working with leading financial institutions and money remitters to strengthen initiatives designed to educate their customers, raise awareness about scams and disrupt the flow of money to scammers. While some have implemented measures, the ACCC continues to encourage broader adoption within both the financial sector and those offering social media services.

Criminal offences

Many scams may also be criminal offences and anyone who has acted dishonestly or by omission to deliberately deceive someone is likely to have engaged in fraudulent conduct. Fraud is regulated under various acts, including state and territory criminal legislation and under Australia's common law. There can be overlap between misleading and deceptive conduct under the consumer protection laws, fraud and other criminal laws. However, due to the 'fly by night' nature of many scammers, it is extremely difficult for government agencies to track them down and take action against them. This is further complicated by the fact that most scammers are based overseas.

Where an actual crime has been committed, those affected may wish to contact local police, or report it to the [Australian Cybercrime Online Reporting Network \(link is external\)](#) (ACORN) if the crime has taken place online. The ACORN is available for reporting cybercrime and online incidents to the police for possible investigation. Common types of cybercrime include hacking, scams, fraud, identity theft, attacks on computer systems and illegal or prohibited content.

The ACCC does not administer ACORN or have any role in investigating reports made to them. Many of your specific inquiries relate to ACORN and you will need to contact the Australian Criminal Intelligence Commission with these questions. You can contact them at <https://www.acic.gov.au/>.

I hope the above information is helpful.

Yours sincerely

Keith Gunton

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