



# **Australian Spam Regulations**

BASIC COMPLIANCE GUIDE

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## Spam Act 2003

The Spam Act was passed in 2003 by ACMA to regulate commercial electronic marketing and spam. It covers email, SMS, MMS and instant messaging.

### Conditions

In summary, the Act states that in order for your messages to not be considered spam:

- You must have consent to send messages (pg 4)
- Messages must identify you as the sender (pg 5)
- Messages must contain a functional unsubscribe facility (pg 6)

# Consent

You must have consent to send commercial electronic messages, and you must keep a record of the establishment of consent.

You must not seek to gain consent by sending a message – as this is considered to be an attempt to establish a business relationship. Consent falls under two categories:

## Express Consent

You gain express consent when the recipient agrees to receive the service:

- in person
- over the phone
- on a written form
- on a website

## Inferred Consent

This can be gained via conspicuous publication of the recipient's electronic address. The message must be relevant to the recipient.

For example, if your message is about <abc>, then the recipient must be identified as <abc>.

You may not infer consent if the publication includes a statement to the effect that unsolicited messages are unwelcome.

## Sender Identification

You must identify yourself as the sender.

If the sender cannot be recognised in the Sender ID, the content of your message must contain information that identifies you as the sender.

### Sender ID

Using SMS Central online campaign manager, you may select a Sender ID that will identify you.

For example, if your message contains a weather forecast, your Sender ID may be

*YourWeather*

rather than a standard mobile number.

*Note: if your unsubscribe method is to "reply stop to the longcode", then you cannot use Sender ID (since it does not allow you to receive replies).*

### In-Message Identification

Identifying yourself in the body of the message allows you to explain to the recipient why they are receiving the message.

For example, members of an online wine subscription service may be sent the following message:

*Fellow Wine Connoisseur, a new shipment has arrived...*

This acts as a reminder that they subscribed to the service, and that you are providing an added service by letting them know a new product is available.

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# Unsubscribe

You must provide a functional unsubscribe or opt-out method for 30 days.

There are a number of ways you can do this - all must be specified in the body of the message.

## #1 Reply STOP to the longcode

### ONE-OFF

The recipient texts the word STOPS to the Sender ID. As soon as this is received, SMS Central will remove the recipient from a list only until your next message is sent.

### PERMANENT

The recipient texts the word 'STOP'. This removes them from a list automatically.

## #2 Reply STOP to another number

You may choose to have recipients opt-out by texting STOP to your phone directly. This method requires that the recipient be removed from the list within 5 business days.

## #3 Alternate method

Recipients may call a number or email to an address that you specify in the body of the message. Again, the recipient must be removed from the list within 5 business days.

## Enquiries

If you are uncertain about your next SMS marketing campaign being compliant, or you would like to ask further questions, get in touch with our Compliance Department on [support@smscentral.com.au](mailto:support@smscentral.com.au)