

# Marketing messages and unsubscribe rules

## Are you sending the right message?

Marketing messages can help you reach existing and potential customers.

But, you *must* unsubscribe people from marketing messages when they ask.

### The rules

The spam laws apply to commercial electronic messages, such as SMS, email and Instant Message marketing.

If your message offers, advertises or promotes a product or service, it must comply with Australia's spam laws. The laws apply even if promoting a product is just one part of the message, or if you include a link or banner that goes to marketing information on your website – it's still a commercial message.

One of the most important rules is marketing messages must generally include a way for the recipient to unsubscribe or opt-out of being sent more messages.

Australia's spam laws are set out in the *Spam Act 2003*.

### How to get it right

#### 1. Have the consent of each person who will be sent a message

This includes if another business is sending messages on your behalf. You must be able to produce the evidence of consent if asked by the ACMA.

#### 2. Include a way to unsubscribe

Commercial messages must generally include an unsubscribe, 'opt-out' or 'stop' option that:

- has clear instructions on how to unsubscribe
- is actioned within 5 working days
- does not charge a fee to action
- does not cost any more than usual for the recipient to respond to (for example, the cost of sending an SMS)
- works for at least 30 days after the message was sent
- does not require someone to create or log in to an account or provide additional personal information.

#### 3. Review your processes regularly and check your outsourced providers are following the rules

Don't assume your processes are correct or your third-party providers are doing the right thing. Your business is responsible for all messages sent by or on behalf of your business, and you cannot outsource your responsibilities. Make sure you have good oversight and quality assurance processes in place.

### More information

Find out more about the spam rules, including consent and unsubscribe, at [acma.gov.au/avoid-sending-spam](https://acma.gov.au/avoid-sending-spam)

