

Spam is the email equivalent of junk mail or nuisance phone calls. Simply defined, spam is unsolicited commercial electronic messaging sent to individuals or organisations that have not consented to receive it.

The Spam Act 2003 has expanded the definition of electronic messaging to include not only email, but also SMS (short messaging service) and MMS (multimedia messaging service). Similarly the Act does not restrict spam to bulk messaging - a single unsolicited commercial electronic message could be spam.

## ***The Spam Act 2003***

The Spam Act 2003 is legislation introduced by the Australian government in response to the problems caused by the increasing volume of spam.

The Spam Act 2003 includes rules aimed at preserving legitimate business communication activities and encourages responsible use of electronic messaging while introducing penalties for those who behave irresponsibly and breach the rules.

**The legislation is intended to cover:**

- spam that originates in Australia, irrespective of whether it is sent to an Australian address or overseas; and
- spam that originates overseas and is sent to an address accessed in Australia (subject to the implementation of arrangements with other countries).

## ***Legitimate business communication activity***

**We must:**

- Only send electronic messages to those customers who have consented to receive electronic messages from us.

Consent is implied by your acceptance of the terms and conditions contained in AAPT's Standard Form Of Agreement (SFOA), which enables us to send communications to you for the purpose of informing you about products and services we offer. Consent may be explicit based on your request to us to supply information to you about products and services.

- Clearly and accurately identify who is responsible for sending the message and how we can be contacted.

All AAPT electronic messages clearly identify AAPT as the sender and will contain information on how to contact us.

- Contain an 'unsubscribe' facility in the body of the message.

AAPT electronic communications contain a facility for you to unsubscribe from further electronic communications from us. We will action your request to unsubscribe within 5 days of receiving your request. Where you choose to unsubscribe, AAPT will refrain from sending any further electronic messages to you until such time as you provide us with your consent to recommence.

## ***Identifying spam***

Spam usually has neither an address or a valid address in the 'Reply to Line' of the email.

## Spam filters

Filtering services are an effective means of reducing the amount of spam you receive. However, they will not eliminate all spam and there is a risk that legitimate email might occasionally be incorrectly classified as spam and therefore lost.

### Compliance with spam regulation and legislation

The Spam Act 2003 (Act) is supported by the Internet Industry Association (11A) Spam Code (the Code), registered by the Australian Communications and Media Authority (ACMA). The Code sets out the steps that must be taken by ISPs to combat spam over their networks.

AAPT's Legal Compliance Policy states that we will comply with all applicable laws and regulations. As a customer of AAPT, you also have an obligation to comply with all applicable laws and regulations. In particular, you must comply with the Act and must not engage in any practices which would result in a breach of this Act. If you are an internet customer of AAPT, you must also comply with our Acceptable Use Policy, which sets out your specific spam obligations, as required by the Code.

We will let you know through changes to our Acceptable Use Policy if there are any relevant changes to spam legislation in Australia.

## Acceptable Use Policy

AAPT has an Acceptable Use Policy which covers spam. The Acceptable Use Policy defines spam according to the Act. There are consequences for breaching the Acceptable Use Policy in relation to the sending of spam including, the potential for termination or suspension of your internet service with us.

Our Acceptable Use Policy provides you with information on:

- how you can minimise the amount of spam you receive;
  - the availability of anti-spam software for your computer; and
  - whether we apply a spam-filter to emails addressed to you and, if so, how that filter operates.
- AAPT's Acceptable Use Policy is available at **[AAPT.com.au](http://AAPT.com.au)**

## Complaints

You have a right to make complaints to the ACMA about spam. For information on how to make a complaint to the ACMA, see our [Acceptable Use Policy](#).

You also have a right to make complaints to other bodies about spam where the content is offensive or contrary to law. For example, you can complain to the ACMA about spam that contains material that promotes or advertises content that is likely to cause offence to a reasonable adult, to the Privacy Commissioner if, for example, the spam appears to be the result of misuse of personal information, and to the ACCC about spam that contains misleading and deceptive material or material that is likely to mislead or deceive or otherwise contravenes the Trade Practices Act. You may also make a complaint to ASIC about spam which involves fraudulent conduct by Australian businesses.

For information on how to make a complaint to the Privacy Commissioner, ASIC or the ACCC, see our Acceptable Use Policy, using the link at the bottom of the page on our website.

You can also report spam to us. For further information, please see Acceptable Use Policy and the section below titled 'Reporting spam' and 'How to complain about spam'.

## How to prevent spam

- do not open emails from dubious sources;
- do not reply to spam or click on links, including 'unsubscribe' facilities, in spam;
- do not accept spam-advertised offers;
- block incoming mail from known spammers;
- do not post your email address on publicly available sites or directories. If you must do so, look for options, such as tick boxes, that allow you to opt out of receiving further offers or information;
- do not disclose your personal information to any online organisation unless they agree (in their terms and conditions or privacy policy) not to pass your information on to other parties;
- use separate email addresses for different purposes, such as a personal email address for friends and family and a business email address for work;
- install a spam filter on your computer to filter or block spam, even if you receive a spam filtering service from AAPT. Information about the availability of anti-spam software for end-users is available at the IIA;
- report any spam you receive to AAPT or the ACMA ; and,
- visit the ACMA website or Fight SPAM on the ACMA website for more information on ways to reduce the volume of spam you receive, including how to:
  - reduce spam if you operate a website; and,
  - avoid becoming an accidental spammer.

## How to complain about spam

### Complaints from a customer to a telephone company

AAPT has a responsibility to comply with the Internet Industry Association (11A) Spam Code of Practice, dated December 2005 (The Code).

If you wish to make a report about spam, please follow the procedure documented in the the section titled 'Reporting spam'.

If after reporting the spam, you wish to escalate your spam report into a complaint, please contact us.

We will investigate and resolve your complaint in accordance with our Complaints Handling Framework.

If we have not resolved your complaint to your satisfaction, you can escalate your complaint to the Australian Communications and Media Authority (ACMA). ACMA will refer your complaint to the 11A or Telecommunications Industry Ombudsman (TIO).

### ACMA escalated complaints

#### Melbourne Central Office

Writing: PO Box 13112 Law Courts,  
Melbourne Vic 8010.

Internet: [acma.gov.au](http://acma.gov.au) (online form)

Phone: 03 9963 6800

Fax: 03 9963 6899

TTY: 03 9963 6948

#### Sydney Central Office

Writing: PO Box Q500,  
Queen Victoria Building  
NSW 1230.

Phone: 02 9334 7700

Fax 02 9334 7799

#### TIO

Website: [tio.com.au](http://tio.com.au) E mail: [tio@tio.com.au](mailto:tio@tio.com.au)

Writing: PO Box 276 Collins Street West Melbourne Victoria 8007

Phone: (03) 8600 8700 Fax: (03) 8600 8797

Phone Freecall: 1800 062 058 Fax Freecall: 1800 630 614

TTY Freecall: 1800 675 692

You may also make complaints to other bodies about spam where the content is in some other way offensive or contrary to law. For example, you may complain to the ACMA about spam that contains content you believe is offensive or relates to online gambling.

You can report a spam message that contains fraudulent or misleading and deceptive content (for example, email scams) to the [Australian Competition and Consumer Commission \(ACCC\)](http://www.accc.gov.au), [acc.gov.au](http://acc.gov.au) or by phoning 1300 302 502 (business hours, Monday to Friday).

The [Australian Securities and Investment Commission \(ASIC\)](http://www.asic.gov.au), [asic.gov.au](http://asic.gov.au) also deals with certain complaints about the content of spam messages, particularly with regard to fraudulent conduct by Australian businesses. The ASIC website outlines the types of complaints they deal with, and has an online complaint form. If you are concerned that your personal information has been misused to send you spam, the Privacy Commissioner recommends that you complain to the organisation first, especially if you know how to contact it and have had dealings with it in the past about other goods or services.

If the matter is not resolved adequately, you can visit [privacy.gov.au](http://www.privacy.gov.au) for details on how to make a complaint.

### Complaints between telephone companies

Complaints can also be made by a telephone company against another telephone company about a contravention of the code.

These complaints are made to the ACMA.

See the Spam Code itself.

## Reporting spam

You can report spam that you receive to us.

- If spam you received appears to come from a subscriber at another telephone company's network, send an e-mail to them via their 'abuse@' e mail address.

- If spam received appears to come from a subscriber on the AAPT network, please send us an e-mail at [abuse@aapt.com.au](mailto:abuse@aapt.com.au).

We will not impose any charges in respect of your report on spam to us.

Usually we will acknowledge your report of spam within three business days, either manually or via auto response. Our acknowledgement to you will include:

- Information on how we will deal with reports of spam that relate to subscribers on our network
- Information or a link to information informing you about your options for reducing the volume of spam
- Information or a link to information about how the end user can report spam to another telephone company
- Information or a link to information about how you can bring a spam complaint to the attention of the telecommunications regulator, ACMA
- Information or a link to information about the procedure by which you can escalate a report about spam into a complaint