Email and subscription rules checklist

General information only, checked November 2026. It isn't legal advice: ask your adviser if you're unsure.

Marketing emails and texts (Spam Act 2003)

- [ ] **Consent.** We only send marketing emails or texts to people who agreed to hear from us, or where consent can reasonably be inferred. We never use bought or scraped lists.
- [ ] **Proof of consent.** We keep a record of who agreed, when and how. It is up to the sender to prove consent.
- [ ] **Identify.** Every message names our business and gives accurate contact details that stay correct for at least 30 days after sending.
- [ ] **Unsubscribe.** Every marketing message has a clear, free unsubscribe, with no login or extra details needed, that keeps working for at least 30 days.
- [ ] **Act on unsubscribes** within 5 working days, across every list and automated email.
- [ ] **"Factual" emails.** A reminder or notice that also promotes something, or links to an ad, counts as marketing. Our practical rule: business name and unsubscribe in every nudge and reminder.

Offers, deadlines and subscriptions

- [ ] **Real deadlines and offers only.** No invented urgency, no hidden cancel button.
- [ ] **Clear terms up front.** Price, any minimum term, renewal and how to cancel are stated plainly before sign-up, and mandatory fees are in the headline price.
- [ ] **Cancellation claims match the real terms.** If cancelling only takes effect at the end of a term, say so.
- [ ] **From 1 July 2027:** the Unfair Trading Practices Act 2026 adds strict rules on disclosure, reminders and cancellation for consumer subscriptions and for standard-form subscriptions with small businesses (under 100 staff or under $10 million turnover). If people can sign up online, they must be able to cancel online. Review your sign-up, reminder and cancellation steps now.
- [ ] **Lesson from eHarmony (August 2026).** The Federal Court found eHarmony misled consumers about pricing, auto-renewal and cancellation. Renewal terms shown in small print late in the purchase weren't enough.
- [ ] **Pricing, refund, pause and plan changes** go to finance. Legal questions go to your adviser.

Sources

ACMA, "Avoid sending spam" and the email and SMS unsubscribe rules fact sheet. Clayton Utz, "Australia's new Unfair Trading Practices Act explained" (Oct 2026) and "Federal Court finds eHarmony misled consumers" (Sep 2026). HWL Ebsworth on small-business coverage and online cancellation (Jul 2026). ACCC media release on the eHarmony judgment (Aug 2026).