

FUNDRAISING INSTITUTE AUSTRALIA

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY
Potential for industry self-regulation of the Integrated Public Number Database, the Do Not Call Register and
commercial electronic messages

SUBMISSION COVER SHEET

Organisation:	Fundraising Institute Australia (FIA)		
Street address:	Level 2, 12 Help Street		
Suburb/City:	CHATSWOOD	State & Code:	NSW 2067
Postal address:	PO Box 642		
Suburb/City:	CHATSWOOD	State & Postcode:	NSW 2057
Principal contact:	Mr Rob Edwards		
Position:	Chief Executive Officer		
Phone:	02 9411 6644		
Fax:	02 9411 6655		
Email address:	redwards@fia.org.au		

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SUBMISSION

December 2017

ABOUT FIA

FIA advances the interests of fundraising in Australia. With over 1500 members, we are the largest representative body for the charitable and not-for-profit fundraising sector. FIA advocates for the interests of the sector, administers a self-regulatory Code, educates fundraising professionals and creates forums for the exchange of knowledge and research.

FIA AND SELF REGULATION

Over the past year FIA has been engaged in a review of its Code and other mechanisms for sector self-regulation. This has resulted in a revised Code containing stronger protection for vulnerable people, broader coverage of the fundraising supply chain, and greater accountability of boards and senior management, among other measures. A new Code Authority now oversees the compliance program which features regular, proactive monitoring of members' fundraising activity through mystery shopping. Another feature of the new system is compulsory, web-based Code training for all fundraisers.

We note that the current consultation canvases the prospect for industry self-regulation of the IPND, DNCR and e-commerce. This submission draws upon FIA's more than 20 years of administering a system of self-regulation and offers observations on the opportunities and limitations of self-regulation.

THIS SUBMISSION

FIA agrees there may be scope for further deregulation of the IPND but would be opposed in principle to any change in the management of the DNCR that could have the effect of undermining community confidence in the scheme. While we accept that the communications environment has changed since the DNCR was implemented, we believe the public interest concerns that gave rise to the Register have not. Indeed, the increasing importance to society of telecommunications channels in recent times make institutions like the IPND, the DNCR and anti-spam protections more important than ever.

FIA is concerned that many of the proposals in the Consultation Paper point towards the kind of wholesale devolution of administrative responsibilities that could erode public confidence in this system.

1. What are community and key stakeholder expectations concerning the IPND?

FIA members expect the IPND to be maintained in accordance with its licensing agreement with the ACMA. We note that this already happens pursuant to a contract with Telstra. There would appear to be limited opportunities for further self-regulation of this key database.

2. What are the potential benefits and costs associated with industry taking on additional responsibilities relating to the IPND?

For those in the community who are familiar with the IPND, there is already an understanding that its maintenance is outsourced to a telecommunications company (Telstra) therefore FIA sees little additional risk in adding to the responsibilities relating to it. This would presumably take the form of amendments to the conditions of Telstra's carrier licence. Such amendments would appear to be the most efficient and cost effective means of transferring additional responsibilities.

One potential risk is that Telstra could be seen to be in a position to disadvantage competitors in the telecommunications sector, given its exclusive control over a vital data source. This could take the form of excessive fees for access or administrative barriers or delays to access. FIA submits that this risk could be managed through appropriate monitoring of Telstra's performance under the contract. Nevertheless, the ACMA may wish to consider putting the management of the IPND out for tender periodically.

3. Would any potential benefit to industry arising from assuming additional responsibilities relating to the IPND align with the public interest?

No comment.

4. Is there an appropriate body (or bodies) to assume additional responsibilities relating to the IPND? Is there agreement about what that body is and its capacity to assume those responsibilities?

No comment.

5. What would be the potential model/s for greater industry management of the IPND? Are there actual or perceived impediments to the approach? What are stakeholder views in relation to the potential options outlined in this part?

No comment.

6. Are there any other issues relevant to the consideration of whether there could be greater industry involvement in the IPND?

No comment.

7. What are community and key stakeholder expectations concerning the current DNCR, telemarketing and fax marketing functions? To what extent have these changed due to technological advances or other developments that have occurred since the DNCR scheme was introduced?

The huge changes in technology, particularly with the growth of the internet and social media, have reinforced the expectations of the community that government will maintain its direct regulatory control over the Register.

The charity exemptions that apply to the DNCR and electronic messaging are vital to the sector's ability to raise funds for charitable purposes and are underpinned by the current legislative and regulatory arrangements.

In view of changing demographics and reduced government support to charities in areas such as health, disability, and overseas aid, the environment facing fundraisers has changed significantly. In response, FIA has recently conducted a wide-ranging review of sustainability of donor support for charitable giving.

One outcome of the review has been a revised FIA Code. New measures adopted include special provisions relating to Australians in vulnerable circumstances. FIA members and their suppliers must respect the wishes and preferences of such donors and have been provided Guidelines and training in how to identify and deal appropriately with them.

A new "Stewardship Principle" has been introduced to the Code whereby members are called upon to assist donors to stop receiving charitable solicitations, including appeals from other sources where relevant.

These self-regulatory measures build upon the statutory framework of privacy and telecommunications law in Australia, providing an additional layer of support for those who express a preference not to be contacted. They align with the community expectation that, in return for the charitable exemption from using the DNCR in the public interest, fundraisers take extra care to respect peoples' preferences and special needs.

FIA members are mindful that many of the beneficiaries of charitable fundraising are people in vulnerable circumstances. Thus, these measures can be particularly effective for family members (or carers) of people suffering, for example, from Alzheimer's or other health issues.

Community expectations concerning telemarketing

Following its recent Code review, FIA has sought to capture community expectations regarding the use of the telephone for fundraising purposed in a Practice Note.

The Practice Note reminds FIA members that charities enjoy special concessions that enable them to contact people who are enrolled on the DNCR. They are reminded these concessions have been granted to the sector in recognition of the public benefit of charitable fundraising and it is important that fundraisers act responsibly in their exercise of these privileges.

The Practice Note is appended to the submission (see Appendix 1)

The use of 'warm' data to mitigate the reliance on 'cold' acquisition

FIA believes that the social licence charities enjoy to contact people on the DNCR comes with a responsibility to pursue improvements in technology and methodologies to minimise unwelcome charitable appeals. To this end, most charities and their call centre suppliers maintain their own enterprise level preference files to avoid annoying those individuals who have expressed their wishes not to receive appeals from that charity or call centre.

One illustration of how technology is being used to minimise 'cold' calling¹ is the donor reactivation approach currently being applied by fundraising supplier Apple Marketing Group. Using the telephone, Apple have been able to reactivate donors in situations where charitable mailings to the household had been marked 'Return to Sender'.

RTS segments for our clients is one of the top performing reactivation segments along with Do Not Mail segments. Due to the immense volumes of DNC within our clients' internal database, we have been working through programs to re-qualify the 'DNC' flag. Not only does this reactivate a supporter back to the charity it acts as a warm data segment. This reduces the need to use cold lists. The amount of cold activity we have been able to reduce over the past 12 months is in the region of 60%. And this will continue over the coming 12-24 months.²

¹ In telemarketing terminology, 'cold calling' involves telemarketing in circumstances where no previous relationship exists between the caller and the call recipient.

² The distinction used in this example between 'warm' and 'cold' contact refers to the pre-existing relationship (warm) with the donor as opposed to no pre-existing relationship (cold).

Other examples of charities seeking to develop relationships with supporters rather than a pure cold calling approach include:

- sourcing leads where potential supporters have actively opted-in to receive contact
- engaging with potential supporters through social media campaigns before any calling takes place (enabling opt-outs to be used)

Reducing over-communication with donors

During its recent Code review, FIA's Taskforce on Sector Sustainability has been looking at ways to reduce the level of over-communicating, especially by mail and telephone, with individuals who wish to reduce the number of charitable appeals they receive. The review identified a robust marketplace of suppliers who offer a variety of data hygiene and enhancement services to the fundraising sector, everything from purging the details of deceased persons to de-duplication of lists, and change of address/telephone number.

In amending its Code, FIA introduced a "Stewardship Principle" whereby members are admonished to "assist donors to stop receiving solicitations"³ if asked. The intent of this clause is to encourage fundraisers to go further than minimum requirements in Australian privacy law in acting on a request to opt out of further solicitations.

Compliance with this Stewardship Principle (and other elements of the new Code) is monitored on an ongoing basis via mystery shopping, as directed by the independent Code Authority. The Authority meets quarterly to review the results of the latest round of Code monitoring, to deal with any complaints or evidence of Code breach, and to commission further monitoring activity. It has the power to administer a range of sanctions against members for non-compliance, including public expulsion from FIA.

8. What are the potential benefits and costs associated with industry assuming responsibilities relating to the DNCR, telemarketing or fax marketing functions?

FIA sees little benefit but significant risk in industry assuming responsibility for the DNCR. We believe the community has an expectation that responsibility for the Register be retained by the government agency that established it, the ACMA. Devolving responsibility to a third party private sector operator may be widely perceived as 'watering down' the effectiveness of the Register as a means of controlling unsolicited calls from a variety of commercial (for-profit) telemarketers.

³ FIA Code clause 4.3b

FIA submission re: Potential for industry self-regulation of the Integrated Public Number Database, the Do Not Call Register and commercial electronic messages, Dec 2017

FIA also believes it will be more difficult for the ACMA to control the cost to end users of provision of the DNCR, as privatisation may encourage the provider to pursue a commercial return for its services. This is very likely to drive up access costs and discourage use of the Register by those who are meant to use it. Users may be inclined to wash their lists less frequently or risk not washing them at all to avoid these charges.

Outsourcing management of the DNCR may also make it more difficult and costly for the ACMA to monitor the effectiveness of its day to day administration.

9. Would any potential benefit to industry arise from industry management of the DNCR, telemarketing or fax marketing functions align with the public interest?

No. Charitable fundraising depends to an increasing extent on digital media and online solicitation and to a continuing extent on telephone solicitation. Privatisation or deregulation of the legislative and regulatory functions of government in these platforms would reduce the trust and confidence of donors and consequently reduce the level of donation which is clearly not in the public interest.

10. Is there an appropriate body (or bodies) to assume responsibilities relating to the DNCR, telemarketing or fax marketing functions? Is there agreement about what that body is and its capacity to take on those responsibilities?

No. A new body would have to be established and resourced at least to the same extent that ACMA currently is. This would be an additional financial impost on the organisations that currently pay to fund the Register. More licensees could be expected to walk away from the system, putting its financial viability in jeopardy.

11. What would be the potential model/s for industry management of the DNCR, telemarketing or fax marketing functions? Are there actual or perceived impediments to the approach? What are stakeholder views in relation to the potential options outlined in this part?

No comment.

12. Are there any other issues relevant to the consideration of whether industry could take on responsibilities relating to the DNCR, telemarketing or fax marketing functions?

No comment.

13. What are community and key stakeholder expectations concerning the current commercial electronic messages and spam functions? To what extent have

these changed due to technological advances or other developments that have occurred since the regulatory scheme was introduced?

SMS is a relatively new fundraising channel and, given the very personal nature of mobile telecommunications, the sector has been taking a cautious approach to it. It is noteworthy that, despite having identified registered charities' compliance with spam and telemarketing rules as a priority compliance area for 2017-18, the latest ACMA reporting on spam and telemarketing⁴ has not identified complaints against charitable fundraisers.

As part of its Code review process, FIA has developed a Practice Note for members engaging in SMS fundraising. In the preface, FIA reminds fundraisers that charities enjoy special concessions in telecommunications legislation that enable them to fundraise using SMS messages. These concessions have been granted to the sector in recognition of the public benefit of charitable activities. It is important that fundraisers act responsibly in their exercise of these privileges.

The Practice Note is attached to this submission as Appendix 2. It attempts to address community expectations regarding the use of SMS in fundraising campaigns. FIA recognises that community standards change and evolve over time, therefore the Practice Note is designed to be regularly reviewed and updated to remain in step with public expectations. While the Practice Note is not enforceable, the Code Authority may have regard to its content when considering any alleged breach of the FIA Code involving SMS messages.

FIA members report that SMS and premium SMS are being used for fundraising in the following ways:

1. Recruitment of advocates, prospects and event participants (i.e. those individuals who are not actually financial donors initially);
2. Engagement and retention of individual givers; and
3. New donors (including premium SMS) whereby the first interaction with these individuals has been instituted by the donors via sms (as opposed to a donor recruited via direct mail, telephone etc and subsequently provided a mobile number to contact via SMS).

FIA submits that the Spam Act has been largely effective in curbing widespread abuse of email and SMS by commercial enterprises, especially ones operating in Australia. There does not appear to be evidence supporting the need for changes to existing regulatory arrangements to protect consumers.

⁴ <https://www.acma.gov.au/theACMA/action-on-unsolicited-communications-july-to-september-2017>

14. What are the potential benefits and costs associated with industry taking on responsibilities in relation to the commercial electronic messages and spam functions?

FIA sees little benefit but significant risk in industry assuming responsibility for the Spam Act. We believe the community has an expectation that responsibility for compliance with the Act be retained by the ACMA. Devolving responsibility to a third party private sector operator may be widely perceived as 'watering down' the effectiveness of the Act as a means of controlling unsolicited messages from a variety of commercial (for-profit) sources.

FIA does not support the proposition that industry should (or can effectively) take on further responsibility in relation to electronic messages and spam. As previously stated, we feel the loss of community confidence that would accompany such a move would have significant negative consequences for fundraising.

15. Would any potential benefit to industry arising from industry management of the commercial electronic messages and spam functions align with the public interest?

FIA does not believe there would any benefits from industry taking on these responsibilities because there would undoubtedly be a community backlash at the prospect of government privatizing these functions. The volume of electronic messaging is likely to increase significantly in coming years. If such a rise were accompanied by a loosening of regulator oversight, FIA would expect a greater incidence of non-compliant messaging and, inevitably, a negative community reaction.

In addition, the costs would be likely to increase as the private sector provider of the service sought to earn a commercial return on its provision. This would encourage some users to neglect their responsibilities under the regulations.

In relation to electronic messaging, and spam in particular, there is no public appetite for deregulation. There was overwhelming support for the Spam Act when it was introduced and public concern about lack of government control over the internet and social media has increased over time.

16. Is there an appropriate body (or bodies) to take on responsibilities in relation to the commercial electronic messages and spam functions? Is there agreement about what that body is and its capacity to take on those responsibilities?

No.

17. What would be the potential model/s for industry management of the commercial electronic messages and spam functions? Are there actual or perceived impediments to the approach?

FIA submission re: Potential for industry self-regulation of the Integrated Public Number Database, the Do Not Call Register and commercial electronic messages, Dec 2017

No comment.

18. Are there any other issues relevant to the consideration of whether industry could take on responsibilities in relation to the commercial electronic messages and spam functions?

No comment.

19. To what extent would the reforms outlined in this part facilitate a move to self-regulation of the IPND, DNCR and commercial electronic messages and spam functions?

Not at all, for the reasons outlined in the answers to previous questions

What other reforms could assist in doing this?

No comment.

20. To what extent would the reforms outlined in this part allow for the more effective and efficient implementation of the existing government policy in relation to the IPND, DNCR and commercial electronic messages and spam functions? What other reforms could assist in doing this?

The options outlined have potential to allow for more efficient and effective implementation as long as the functions continue to be regulated by government and the existing charitable exemptions in relation to electronic and telephone solicitation remain in place.

Telephone Fundraising

Practice Note

This Practice Note is to assist FIA members in conducting Telephone Fundraising within an ethical framework. It is designed to be read in conjunction with the FIA Code.

Registered charities enjoy special concessions that enable them to contact people who are registered on the Do Not Call Register of the Australian Communications and Media Authority. These concessions have been granted to the sector in recognition of the public benefit of charitable fundraising activities. It is important that fundraisers act responsibly in their exercise of these privileges.

1. Regulation of telephone fundraising

- 1.1 Many aspects of Telephone Fundraising are governed by Commonwealth legislation, in particular the *Telemarketing and Research Industry Standard 2017*, which sets rules about when and how charities can contact people by telephone. Although charities are exempt from certain requirements of the DNCR Act and are therefore able to call numbers listed on the Do Not Call Register, they must still meet the requirements contained in the Standard.
- 1.2 The legislation covering fundraising also differs in each State or Territory. If there is a conflict between this Practice Note and legislation, the legislation prevails.

2. Workplace conditions

- 2.1 When undertaking telephone fundraising, Members (or their call centre Supplier) must provide an appropriate physical environment for making telephone calls.
- 2.2 The physical environment must comply with the requirements of workplace health and safety laws, industrial relations laws and applicable State or Territory awards.

3. Training

- 3.1 Before the start of a telephone fundraising program by a Supplier, a Member must have:
 - a) ensured that the Supplier is licensed to conduct the Fundraising activity and perform Telephone Fundraising operations;
 - b) engaged appropriately skilled staff to conduct recruitment, training and supervision of fundraisers;
 - c) conducted a training program for fundraisers including as a minimum, training in the FIA Code, *the Telecommunications (Do Not Call Register)* and *Telemarketing and Research Calls Industry Standard 2017*;
 - d) put in place Donor follow-up procedures including a pro-forma follow-up communication in accordance with section 12 of this Practice Note;

- e) trained callers about the objects of the Cause on whose behalf they are calling; and
- f) ensured that the call centre Supplier has its name, address and telephone number listed in a telephone directory or, if a new listing, its telephone number is available through a directory assistance service and calling line identification is enabled.

4. Professional Conduct

4.1 All telephone Fundraising must:

- a) comply with the FIA Code;
- b) clearly provide a prospective Donor with an opportunity to accept or decline an invitation to make a Donation;
- c) courteously and promptly accept a refusal to make a Donation;
- d) accept a request not to be solicited by telephone or other means in future;
- e) accept a request not to receive Promotional Materials;
- f) accept a request to provide published information about the Cause;
- g) if appropriate, offer to call back at a more convenient time;
- h) not make outbound telephone Fundraising calls using a recorded message in any form unless the Donor is informed that the call is a recorded message and has the ability to clear the line promptly;
- i) not record a telephone Fundraising call unless the Donor consents;

- j) not use a recorded message in a telephone Fundraising call unless the Donor consents;
 - k) use a script when call centre staff are calling Donors;
 - l) when calling prospective Donors, include in the script words to the effect: “if you wish, you may opt out of receiving any further calls from the Charity” and including instructions on opting out; and,
 - m) if requested, provide details of how to make a complaint about the call.
- 4.2 Where a Fundraiser has not received any response from a prospective Donor, they may continue to attempt to contact that person.

5. Times at which Fundraisers can contact Donors

5.1 Telephone Fundraising calls must be made at times in accordance with the requirements of relevant Commonwealth, State and Territory legislation. A caller must not make, attempt to make, or cause to be made, on:

- a) a weekday before 9 am; or
- b) a weekday after 8 pm; or
- c) a Saturday before 9 am; or
- d) a Saturday after 5 pm; or
- e) a Sunday.

Note: A caller may be prohibited from making a call, or attempting to make a call, at other times, in accordance with State or Territory laws.

5.2A caller must not make, or attempt to make, a call at any time on:

- a) a day that is any of the following national public holidays:
 - i. New Year's Day
 - ii. Australia Day
 - iii. Good Friday
 - iv. Easter Monday
 - v. Anzac Day
 - vi. Christmas Day
 - vii. Boxing Day; or
- b) A holiday on a weekday given in lieu of a public holiday mentioned in paragraph (a).

5.3A time or day referred to in section 5.1 and 5.2, is the time or day at the Donor's location.

Note: Section 5 of the [Telecommunications \(Telemarketing and Research Calls\) Industry Standard 2017](#) sets out the times that telephone Fundraising calls can be made.

6. Cause identification

6.1 A caller, immediately after the call starts must:

- a) give their first name and, if working for a call centre Supplier, the Supplier's name;
- b) give the name of the Cause on whose behalf the call is being made; and

- c) explain the purpose of the call, including an accurate description of the Cause's activities and intended use of the Donation.

6.2 A caller must further provide the following information during the call immediately upon request:

- a) the Cause's contact details, including a telephone number suitable for receiving voice calls during normal business hours at the prospective donor's location, its email address, and its street, postal or business address; and
- b) the name and contact details of the person who is responsible for dealing with inquiries or complaints about any matter relating to the call.

6.3 A caller must further provide the following information during the call or within a reasonable time after the call, not exceeding 7 days, upon request:

- a) details of the source of the telephone number being called;
- b) the name of the person the call was intended for, and
- b) the name and contact details of any entity that disclosed to the caller the name and/or contact details of the person for whom the call was intended.

6.4 If a prospective Donor requests a copy of the Cause's constitution or annual report, the caller must explain how to obtain them.

7. Termination of telephone Fundraising calls

7.1 A caller must terminate a call, or ensure that a call is terminated, immediately if:

- a) they are made aware that the person they are calling is not at their usual residential address; and

- b) the time at the person's current location is outside the permitted calling times, and the called person does not specifically state that they would like the call to continue; or
 - c) the person they are calling asks for the call to be terminated or otherwise indicates they do not wish to have the call continue.
- 7.2 A caller must ensure that the telephone line is released within five seconds of their hanging up.

8. Calling line identification

- 8.1 A caller must not block the transmission of the calling line identity to a calling number display of the person who receives the call.
- 8.2 When a person uses the calling number display information to return a call, Members must ensure the number is valid, active and live.

9. Leaving messages

- 9.1 If a caller leaves a message on a prospective Donor's answering machine, the message must include:
- a) the name and contact details of the Cause;
 - b) a free call or other fixed line number charged at the standard national rate that the prospective Donor can call during normal business hours.
- 9.2 Callers must not leave Promotional messages on mobile phones unless the prospective Donor has given consent to receive such messages and each message contains information about how to opt out of receiving such messages in future.

10. Dialling equipment

- 10.1 Members must not use random or sequential dialling equipment to generate calls.

- 10.2 Members must ensure their dialling equipment uses a minimum ring time of 15 seconds (or eight rings) before the call attempt is terminated.
- 10.3 Members using auto-dialling equipment must ensure that, if a live person is not available to take the call when answered, the equipment abandons the call and releases the line within two seconds from when the line is picked up.
- 10.4 Members must ensure that the dialling equipment does not abandon more than five percent of connected calls for each Fundraising activity during a 24 hour period.
- 10.5 Members must ensure that, where a number has received an abandoned Fundraising call, any further calls to that number within the next 72 hour period are made by a live operator.
- 10.6 For each Fundraising activity, Members must maintain an archive of dialling equipment statistics. The archive must include:
 - a) the number of calls attempted;
 - b) the number of live calls;
 - c) the number of calls passed to a live operator; and
 - d) the number of live calls abandoned by the dialling equipment.
- 10.7 Fundraisers must maintain the archive in section 10.6 for at least 12 months.

11. Outsourcing Fundraising calls

- 11.1 When a Member outsources a telephone Fundraising activity to a call centre Supplier, the following requirements must be observed:
 - a) The Member must have a written contract with the Supplier;

- b) The contract must require the Supplier to charge the Member by hourly rate or for the number of calls completed/attempted⁵;
- c) The contract must require that the Supplier not remunerate its Fundraisers on a commission basis or a percentage of the funds raised;
- d) The contract must require the Supplier to adhere to the FIA Code of Ethics.
- e) Telephone Fundraising must be conducted in accordance with relevant legislation in the State or Territory of the Donor, regardless of the physical location of the Fundraiser.

12. Follow-up procedures for new Donors

12.1 When a telephone Fundraising activity has been successful in obtaining new Donors, a follow-up communication must be made with each new Donor to inform them of the details of their Donation. The communication must include:

- a. the date of the Donation;
- b. the amount of the Donation;
- c. the Donor's name and contact details;
- d. the Australian Business Number of the Cause;
- e. the frequency of the Donation;
- f. the payment method agreed by the Donor.

⁵ Raffle/Lotteries are not subject to this requirement, as most such arrangements are profit share.

- 12.2 The communication must be sent to the Donor within seven business days of the call.
- 12.3 Any Donations pledged by telephone must be recorded and, if not fulfilled, must be followed up within a reasonable time after the call.
- 12.4 All record keeping must comply with the Australian Privacy Principles and any other relevant legislation.

Appendix 2

SMS Fundraising Practice Note

Registered charities enjoy special concessions that enable them to fundraise using SMS messages. These concessions have been granted to the sector in recognition of the public benefit of charitable fundraising activities. It is important that fundraisers act responsibly in their exercise of these privileges.

This Practice Note is designed to assist FIA members in conducting SMS Fundraising Activities within an ethical framework, whether the Fundraising is being done directly by the Member or through a contracted Supplier. It is intended to be read in conjunction with FIA's Code.

The sending of SMS messages is regulated under the Spam Act 2003. Under this Act, SMS messages from registered charities are permitted, subject to certain conditions. Permitted messages should contain accurate information about the person or organisation that authorised the sending of the message and how to contact that person or organisation. For example, if your organisation gets a third party to send out messages on its behalf, these messages should clearly identify YOU as the Charitable Cause on whose behalf the message is being sent—the correct legal name of the Charitable Cause, and Australian Business Number, where applicable.

If these conditions are not met, the fundraising SMS message may be classified as spam and penalties assessed under the Spam Act.

1. Registering Donors to Receive SMS Messages

- 1.1 Members should make the registration process for receiving SMS Fundraising messages clear on all forms of relevant documentation (including websites).
- 1.2 All SMS Fundraising messages should include accurate information about how the recipient can contact the Member.
- 1.3 Donors should be informed (via terms and conditions on any Promotional material where the SMS short code is advertised) that a follow-up communication may be made after the donation. Members should also provide a URL link to full terms and conditions including privacy policy, opt out mechanism and help information.
- 1.4 Verifiable parental consent should be obtained before communicating via SMS with Children and expert legal advice should be sought beforehand.

2. Following up with Donors

- 2.1 Permission to contact a Donor for a specific purpose within a specific period defined in a Fundraising SMS message sent from the Member expires at the end of that period.

3. Providing an Opt-out from Future Appeals

- 3.1 Each outbound message should provide a clear opportunity for the donor to opt out from further communication. For example, a STOP reply text should cancel all future SMS messages from the Member.

3.2 Reply by SMS should be an option for opting-out and be clear in all communications.

3.3 Members should use a simple opt-out message ('STOP' or 'UNSUB: 1-800-number')

3.4 Donors should be able to exercise their opt-out choice from any message, free of charge.

4. Maintaining a Suppression File

4.1 Members or their Suppliers sending any SMS donor appeals should operate and maintain a suppression file, listing recipients who have indicated they do not wish to receive further donor appeals.

4.2 Where a supporter/donor requests not to receive donor appeals, Members should as soon as possible, suppress the recipient's data from their donor database. In all cases, the request should be complied with within five days from the individual sending the request to cease using the data for SMS marketing.

4.3 Where a suppression cannot take immediate effect, Members should inform recipients of this fact and explain they may receive further donor appeals for a short period whilst the request is processed.

5. Using Third Party SMS Suppliers

5.1 It is the responsibility of the Member to ensure that any supplier providing SMS fundraising on behalf of the Member adheres to all relevant codes and legislative requirements.

5.2 Members should clearly and accurately identify the individual or organisation who authorised the sending of the message. For example, if the Member asks a third party to send out messages on its behalf, the message should clearly identify the organisation on whose behalf the message is being sent.

6. Competitions and Prize Draws

- 6.1 In competitions and prize draws, Members should provide a clear and simple method of requesting any terms and conditions and publish the identity of the promoter within the SMS competition.
- 6.2 For competitions and prize draws, Members should provide a clear and simple method of accessing any terms and conditions and should publish the identity of the promoter, in addition to complying with all State regulations governing competitions.

7. Complying with Australian Laws

- 7.1 Members should inform themselves about and follow Australian Privacy Principles, Spam Act, and Telecommunications Act requirements, in addition to any other legislation applicable to SMS fundraising.

End of Submission