Direction to comply with Industry Code (C661:2022) Reducing Scam Calls and Scam SMs given under subsection 121(1) of the *Telecommunications Act 1997*

To: **DirectSMS Pty Ltd**
           ACN 114 992 880

Of: **Level 24, 367 Collins Street**
           Melbourne VIC 3000

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that DirectSMS Pty Ltd ACN 114 992 880 (**DirectSMS**), has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMs* (the **Reducing Scams Code**) as described below;

DIRECTS DirectSMS, under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with the Reducing Scams Code.

Details of the contraventions

1. The ACMA has investigated DirectSMS's compliance with the Reducing Scams Code, which is an industry code registered by the ACMA under Part 6 of the Act. As a carriage service provider (**CSP**), DirectSMS is a participant in a section of the telecommunications industry to which this industry code applies.

2. The ACMA is satisfied that DirectSMS has contravened the following clauses of the Reducing Scams Code:

Provision	Reason
Clause 5.2.2	By originating short messages with alphanumeric sender IDs on its telecommunications network without being provided evidence of a valid use case by its A-Party customers.

3. Further details about the contraventions are set out in the investigation report provided to DirectSMS on 15 November 2023.

Requirement to comply with this Direction

Under subsection 121(2) of the Act, DirectSMS must comply with a direction under subsection 121(1) of the Act.

If DirectSMS does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that DirectSMS pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

If DirectSMS is dissatisfied with the decision to give this direction, it may seek reconsideration of the decision by the ACMA under subsection 558(1) of the Act by making an application in writing to the ACMA, which sets out the reasons for the application. Any such application must be made within 28 days after DirectSMS is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If, upon reconsideration, the decision is affirmed or varied and DirectSMS is dissatisfied with that decision, it may:

(a) subject to the *Administrative Appeals Tribunal Act 1975* (the **AAT Act**), apply to the Administrative Appeals Tribunal for review of the reconsideration decision; and

(b) request a Statement of Reasons under section 28 of the AAT Act in relation to that decision (section 562 of the Act).
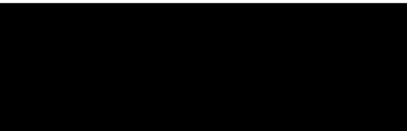
Jeremy Fenton
Acting General Manager
Consumer Division
Delegate of the Australian Communications and Media Authority

13 December 2023