

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

To: **Esendex Australia Pty Ltd  
ACN 113 596 580**

Of: **Level 10, 60 Albert Road  
South Melbourne VIC 3205**

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that Esendex Australia Pty Ltd ACN 113 596 580 (**Esendex**), has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMS* (the **Reducing Scams Code**) as described below;

DIRECTS Esendex, 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 Esendex'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**), Esendex is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that Esendex has contravened the following clauses of the Reducing Scams Code:

<b>Provision</b>	<b>Reason</b>
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.
Clause 6.1.1	Failing to report to the ACMA the number of scam SMS blocked for the period July to December 2022.

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

**Requirement to comply with this Direction**

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

If Esendex does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that Esendex 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 Esendex 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 Esendex 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 Esendex 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