

## Direction to comply with Industry Code (C555:2020) Integrated Public Number Database (IPND) given under subsection 121(1) of the *Telecommunications Act 1997*

To: **SMS Broadcast Pty Ltd**  
**ACN 127 334 785**

Of: **Level 24, 367 Collins Street**  
**Melbourne VIC 300**

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that SMS Broadcast Pty Ltd ACN 127 334 785 (**SMS Broadcast**), has contravened the *Industry Code (C555:2020) Integrated Public Number Database (IPND)* (the **IPND Code**) as described below;

DIRECTS SMS Broadcast, under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with the IPND Code.

### Details of the contraventions

1. The ACMA has investigated SMS Broadcast's compliance with the IPND Code, which is an industry code registered by the ACMA under Part 6 of the Act. As a carriage service provider (**CSP**), SMS Broadcast is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that SMS Broadcast has contravened the following clauses of the IPND Code:

| Provision    | Reason   |
|--------------|--|
| Clause 4.2.1 | <ul style="list-style-type: none"><li>• Failing to provide any public number customer data to the IPND Manager for carriage services supplied, or transaction updates which occurred, on one business day by the end of the next business day, on 2,547 occasions between 20 March 2020 and 8 June 2023.</li></ul> |

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

### Requirement to comply with this Direction

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

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