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: **SMSGlobal Pty Ltd (ACN 162 718 452)**

Of: **96-98 Market Street South Bank VIC 3006**

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that SMSGlobal Pty Ltd (ACN 162 718 452) (**SMSGloba**l), has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMs* (**the Code**) as described below;

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

Details of the contraventions

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

2. The ACMA is satisfied that SMSGlobal has contravened the following clauses of the Code:

Provision	Reason
Clause 5.2.2	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 quarters between July 2022 and December 2023 within the requisite timeframes.

3. Further details about the contraventions are set out in the investigation report provided to SMSGlobal on 1 July 2024.

Requirement to comply with this Direction

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

If SMSGlobal does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that SMSGlobal 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 SMSGlobal 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 SMSGlobal 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 SMSGlobal 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
Executive Manager
Unsolicited Communications and Scams Branch
Consumer Division
Delegate of the Australian Communications and Media Authority
12 July 2024