

## 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: **Vonage Business Inc.**

Of: **23 Main Street Holmdel, NJ 07733, USA**

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Vonage Business Inc. (**Vonage**), has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMS (the Code)* as described below;

DIRECTS Vonage, 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 Vonage'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**), Vonage is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that Vonage has contravened the following clauses of the 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.
Clause 6.1.1(b)	Failing to report to the ACMA the number of scam SMS blocked for the periods July to September 2022, October to December 2022 and January to March 2023.

3. Further details about the contraventions are set out in the investigation report provided to Vonage on 17 August 2023.

### Requirement to comply with this Direction

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

If Vonage does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that Vonage 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 Vonage 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 Vonage 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 Vonage 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  
A/General Manager  
Consumer Division  
Delegate of the Australian Communications and Media Authority

6 September 2023