

**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: **Telnyx Australia Pty Ltd
ACN 623 603 725**

Of: **119 Willoughby Rd
Crows Nest NSW 2065**

Attention: **VP Regulatory Affairs: Jos Speeckaert**

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

DIRECTS Telnyx, 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 Telnyx'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**), Telnyx is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that Telnyx 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.
Clause 6.1.1	Failing to report to the ACMA the number of scam SMS blocked for the period July to September 2022.

3. Further details about the contraventions are set out in the investigation report provided to Telnyx on 26 July 2023.

Requirement to comply with this Direction

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

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

1 September 2023