

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

To: **MessageBird Pty Ltd**
ACN 611 673 575

Of: **Unit 107, 79 Grafton Street, Westpoint Tower**
Bondi Junction NSW 2022

Attention: **Meaghan Swayne, Head of Regulatory and Product Legal**

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that MessageBird Pty Ltd ACN 611 673 575 (**MessageBird**), has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMS* (the **Reducing Scams Code**) as described below;

DIRECTS MessageBird, 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 MessageBird'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**), MessageBird is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that MessageBird 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 December 2022.

3. Further details about the contraventions are set out in the investigation report provided to MessageBird on 18 October 2023.

Requirement to comply with this Direction

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

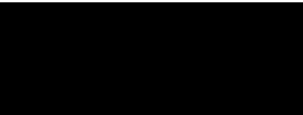
If MessageBird does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that MessageBird pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

If MessageBird 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 by 5pm (AEDT) on 1 February 2024. Please note the ACMA has extended, under subsection 558(3) of the Act, the standard 28 days available to apply for a reconsideration in light of the end of year holiday period.

If, upon reconsideration, the decision is affirmed or varied and MessageBird 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

21 December 2023