

## Direction under subsection 121(1) of the *Telecommunications Act 1997*

**TO: Symbio Networks Pty Ltd ACN 102 756 123**

**OF: Level 4, 580 George Street, Sydney, NSW 2000**

Attention: Ms Catherine Ly, Company Secretary

I, Cathy Rainsford, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Symbio Networks Pty Ltd ACN 102 756 123 (**Symbio**), has contravened the *Industry Code (C555:2020) Integrated Public Number Database (IPND)* (**the IPND Code**) as described below;

DIRECTS Symbio, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**), to comply with clause 4.2.14 of the IPND Code.

### Details of the contraventions

1. The ACMA has investigated Symbio'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**), Symbio is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that Symbio has contravened clause 4.2.14 of the IPND Code because Symbio, as a registered Data Provider with the IPND Manager, failed, in respect of multiple carriage services, to ensure that public number customer data provided to the IPND Manager under arrangement with another CSP included the unique CSP code assigned by the IPND Manager to that CSP.
3. Further details about the contraventions are set out in the investigation report provided with this Direction.

### Requirement to comply with this Direction

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

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



Cathy Rainsford  
General Manager  
Content and Consumer Division  
Delegate of the Australian Communications and Media Authority

5<sup>th</sup> October 2021