

Investigation Report

Summary	
Entities	Symbio Networks Pty Ltd (ACN 102 756 123) (Symbio Networks) Symbio Wholesale Pty Limited (ACN 136 972 355) (Symbio Wholesale)
Type of entities	Carriage service provider (CSP)
Relevant legislation	<i>Telecommunications Act 1997</i> (Cth) (the Act) Industry Code C661:2022 Reducing Scam Calls and Scam SMs (the Code)
Date of findings	10 April 2024

Findings

The Australian Communications and Media Authority (**ACMA**) finds that Symbio Networks and Symbio Wholesale have contravened the Code, as set out at Table 1 below.

Table 1: Summary of contraventions

Legislation	Provision	Contravening entity	Number of contraventions	Dates
The Code	Clause 1.1.3	Symbio Wholesale	At least 6 occasions	2 May, 4 May, 12 June, 25 July, 16 August and 18 September 2023
	Clause 4.2.10	Symbio Wholesale	At least 4 occasions	12 June, 25 July, 16 August and 18 September 2023
	Clause 4.4.3	Symbio Wholesale	At least 1 occasion	4 May 2023
	Clause 4.4.4	Symbio Wholesale	At least 1 occasion	2 May 2023
	Clause 6.1.1(a)	Symbio Networks and Symbio Wholesale	On 1 occasion	28 July 2023

Reasons

1. The reasons for the ACMA's findings, including key elements which establish the contraventions, are informed by:
 - (a) information and documents obtained from Symbio Holdings Limited (the holding company of Symbio Networks and Symbio Wholesale) (together the **Symbio Group**) on 6 December 2023 under statutory notice given under section 522(2) of the Act dated 8 November 2023,
 - (b) ACMA analysis of traceback emails made by carriers and carriage service providers (**C/CSPs**) under the Code, and
 - (c) Symbio Group's submissions to the ACMA's preliminary findings on 26 March 2024.

Relevant background

2. The Code is an industry code registered by the ACMA under Part 6 of the Act. The Code places obligations on all carriers and C/CSPs to implement measures to protect consumers from harms caused by scams and to disrupt scam activity in Australia.
3. Among other obligations, the Code places obligations on C/CSPs to:
 - (a) exchange information about alleged scam calls being originated and/or carried over their network, as soon as practicable.
 - (b) if notified of a material issue of alleged call line identification (CLI) spoofing that transited their network, forward details to the C/CSP from which it received the calls (with a copy to the ACMA), as soon as practicable.
 - (c) report scam calls blocked to the ACMA.
4. The purpose of the Code is to protect as many Australians as possible from harms caused by scams by disrupting scam activity in Australia and maintaining robust number hygiene to restore confidence in the legitimacy of calls and SMSs reaching consumers. Key elements to achieving this objective are ecosystem-wide level compliance with traceback arrangements and effective information sharing across the sector and with government.
5. The Code contains specific timing obligations that must be read in conjunction with the Industry Guideline G664:2022 Reducing Scam Calls and Scam SMS Supplementary Information (the **Guideline**).¹ These obligations include timeframes for notifications of material instances of scam calls, including to the ACMA. Adherence to these timeframes is critical to timely identification of emerging scam threats and actions by C/CSP's and government agencies to disrupt the activity. The Code also places obligations on C/CSP's to report to the ACMA on disrupted on a quarterly basis. This information is also critical to understanding eco-system-wide scam trends, the activities of individual C/CSPs and the effectiveness of industry-wide disruption activities.
6. The ACMA investigations into Symbio Networks and Symbio Wholesale's compliance with the Code is informed by information that Symbio Group provided errors in its reporting to the ACMA and information provided by Telstra Limited (**Telstra**) and Singtel Optus Pty Limited (**Optus**) to Symbio Group via traceback emails (copying in the ACMA) on 4 May, 12 June, 25 July, 16 August and 18 September 2023.
7. Symbio Group states it conducts compliance activities at the holding company level and therefore traceback emails sent to Symbio Group are taken to have been received by Symbio Networks and Symbio Wholesale as applicable. Further, statements made by Symbio Group regarding its compliance activities are taken to have been made by Symbio Networks and Symbio Wholesale as applicable.

Compliance with clause 4.2.10 – Countering CLI Spoofing

8. Clause 4.2.10 of the Code states:

If the Notifying C/CSP provides the notification under clause 4.2.9 to a Transit C/CSP, the Transit C/CSP must, as soon as practicable, forward the details, (with a copy to the ACMA) to the C/CSP from which they received those calls.
9. Clause 4.2.9 of the Code states:

If a C/CSP identifies a material issue of alleged CLI Spoofing in calls received from other C/CSPs, that C/CSP (the Notifying C/CSP) must raise the issue, as soon as practicable, with the Originating C/CSP or the Transit C/CSP delivering the call traffic (with a copy to the ACMA), for investigation and action to stop the alleged CLI Spoofing.
10. The ACMA has considered Symbio Wholesale's compliance with clause 4.2.10 for the 12 June, 25 July, 16 August and 18 September 2023 traceback requests in **Tables 2 to 5**.

¹ The Guideline is available for Industry participants as it contains information that could be used by scammers to try to circumvent protections.

Table 2: 12 June 2023 traceback request

Is Symbio Wholesale a CSP?	<p>Yes. Symbio Wholesale is a CSP as defined in the Code as it is a CSP as defined at section 87 of the Act.</p> <p>Accordingly, Symbio Wholesale must comply with clause 4.2.10 of the Code.</p>
Did Symbio Wholesale have evidence of a material issue of alleged CLI Spoofing, under clause 4.2.9 of the Code?	<p>Yes. On 12 June 2023, Symbio Wholesale received a notification from Telstra about a material issue of alleged CLI Spoofing, via a traceback request under clause 4.2.9 of the Code. Telstra’s notification contained 50,000 call detail records from 560 Telstra allocated or ported CLIs that entered the Telstra network from Symbio Wholesale between 5 and 8 June 2023. Telstra advised that it had received complaints from its customers that their numbers had been subject to CLI Spoofing.</p> <p>We note that contrary to Symbio Group’s submission dated 6 December 2023, the ACMA was copied into Telstra’s notification.</p> <p>The ACMA considers that Telstra’s notification identified a material issue of alleged CLI Spoofing in accordance with the Guideline.</p>
Was Symbio Wholesale the Transit CSP?	<p>On 6 December 2023, Symbio Wholesale confirmed it was a Transit C/CSP for each of the 50,000 calls identified by Telstra.</p>
Did Symbio Wholesale provide details to the C/CSP from which it received those calls (cc’ing the ACMA), as soon as practicable?	<p>No. Symbio Wholesale informed the ACMA that on 27 June 2023 it provided details of alleged CLI spoofing to its wholesale customers (Originating or other Transit C/CSPs) via 33 traceback emails. The ACMA was copied into the 33 traceback emails.</p> <p>Those traceback emails contained details of only 30,582 of the 50,000 calls provided by Telstra. Symbio Wholesale forwarded the details to Originating or other Transit C/CSPs and the ACMA 11 business days after receiving the notification from Telstra. Therefore, while Symbio Wholesale did provide details of calls to the relevant C/CSPs and the ACMA, it did not do as soon as practicable, nor in accordance with the Guideline.</p> <p>Symbio Wholesale failed to provide details of 19,418 calls to the C/CSPs from which it received those calls.</p>

11. Accordingly, the ACMA finds that, in relation to the 12 June 2023 traceback request, Symbio Wholesale did not comply with clause 4.2.10 of the Code because it failed to forward the details of alleged CLI Spoofing in 19,418 calls (with a copy to the ACMA) to the C/CSP from which it received those calls and failed to forward the details of alleged CLI Spoofing in 30,582 calls (with a copy to the ACMA) to the C/CSP from which it received those calls, as soon as practicable.

Table 3: 25 July 2023 traceback request

Is Symbio Wholesale a CSP?	<p>Yes. See Table 2.</p> <p>Accordingly, Symbio Wholesale must comply with clause 4.2.10 of the Code.</p>
Did Symbio Wholesale have evidence of a material issue of alleged CLI Spoofing, under clause 4.2.9 of the Code?	<p>Yes. On 25 July 2023, Symbio Wholesale received a notification via a traceback request from Telstra about a material issue of alleged CLI Spoofing, via a traceback request under clause 4.2.9 of the Code. Telstra’s notification contained 273,158 call detail records from 220,098 Telstra allocated or ported CLIs that entered the Telstra network from Symbio Wholesale around 24 July 2023. The ACMA was copied into the notification.</p> <p>Contrary to Symbio Group’s submission in its 6 December 2023 response to the notice, the ACMA considers that Telstra’s notification identified a material issue of alleged CLI Spoofing in accordance with the Guideline.</p>

Was Symbio Wholesale the Transit CSP?	On 6 December 2023, Symbio Wholesale confirmed it was a Transit C/CSP for each of the 273,158 calls identified by Telstra.
Did Symbio Wholesale provide details to the C/CSP from which it received those calls (cc'ing the ACMA), as soon as practicable?	No. Symbio Wholesale failed to provide details of 273,158 calls to the C/CSPs from which it received those calls, for investigation. Although Symbio Wholesale blocked 1 CLI associated with 1,741 calls, it did not provide call details to the Originating or other Transit C/CSP. Therefore, Symbio Wholesale did not provide details of the calls to the relevant C/CSP and the ACMA as soon as practicable, nor in accordance with the Guideline.

12. Accordingly, the ACMA finds that, in relation to the 25 July 2023 traceback request, Symbio Wholesale did not comply with clause 4.2.10 of the Code because it failed to forward the details of alleged CLI Spoofing in 273,158 calls (with a copy to the ACMA) to the C/CSP from which it received those calls, as soon as practicable.

Table 4: 16 August 2023 traceback request

Is Symbio Wholesale a CSP?	Yes. See Table 2 . Accordingly, Symbio Wholesale must comply with clause 4.2.10 of the Code.
Did Symbio Wholesale have evidence of a material issue of alleged CLI Spoofing, under clause 4.2.9 of the Code?	Yes. On 16 August 2023, Symbio Wholesale received a notification from Optus about a material issue of alleged CLI Spoofing, via a traceback request under clause 4.2.9 of the Code. Optus's notification contained 51,901 call detail records from 1 Optus allocated or ported CLI that entered the Optus network from Symbio Wholesale between 1 and 15 August 2023. The ACMA was copied into the notification. The ACMA considers that Optus's notification identified a material issue of alleged CLI Spoofing in accordance with the Guideline.
Was Symbio Wholesale the Transit CSP?	On 6 December 2023, Symbio Wholesale confirmed it was a Transit C/CSP for each of the 51,901 calls identified by Optus.
Did Symbio Wholesale provide details to the C/CSP from which it received those calls (cc'ing the ACMA), as soon as practicable?	No. Symbio Wholesale informed the ACMA that on 21 August 2023 it provided details of 1 alleged CLI spoofed number in 51,901 calls via a traceback email to its wholesale customer (Originating or other Transit C/CSP). The ACMA was not copied into the traceback email. Symbio Wholesale did not provide details of the calls to the ACMA as soon as practicable, nor in accordance with the Guideline.

13. Accordingly, the ACMA finds that, in relation to the 16 August 2023 traceback request, Symbio Wholesale did not comply with clause 4.2.10 of the Code because it failed to copy the ACMA when forwarding the details of alleged CLI Spoofing in 51,901 calls to the C/CSPs from which it received those calls.

Table 5: 18 September 2023 traceback request

Is Symbio Wholesale a CSP?	Yes. See Table 2 . Accordingly, Symbio Wholesale must comply with clause 4.2.10 of the Code.
Did Symbio Wholesale have evidence of a material issue of alleged CLI Spoofing, under clause 4.2.9 of the Code?	Yes. On 18 September 2023, Symbio Wholesale received a notification from Optus about a material issue of alleged CLI Spoofing, via a traceback request under clause 4.2.9 of the Code. Optus's notification referred to 222,153 calls from 5 Optus allocated or ported CLIs that entered the Optus network from Symbio Wholesale between 31 August and 15 September 2023. Optus advised that it had received complaints from its customers that their numbers had been subject to CLI Spoofing.

	<p>The ACMA was copied into the notification.</p> <p>The ACMA considers that Optus’s notification identified a material issue of alleged CLI Spoofing in accordance with the Guideline.</p>
Was Symbio Wholesale the Transit CSP?	On 6 December 2023, Symbio Wholesale confirmed it was a Transit C/CSP for each of the 222,153 calls identified by Optus.
Did Symbio Wholesale provide details to the C/CSP from which it received those calls (cc’ing the ACMA), as soon as practicable?	<p>No. Symbio Wholesale states that on 19 September 2023 it provided details of the 222,153 calls from 5 alleged CLI spoofed numbers to its wholesale customers (Originating or other Transit C/CSPs). However, Symbio Wholesale did not copy the ACMA into its traceback email relating to 1 alleged CLI spoofed number in 40,850 calls.</p> <p>Symbio Wholesale did not provide details of the calls to the ACMA as soon as practicable, nor in accordance with the Guideline.</p>

14. Accordingly, the ACMA finds that, in relation to the 18 September 2023 traceback request, Symbio Wholesale did not comply with clause 4.2.10 of the Code because it failed to copy in the ACMA when forwarding the details of alleged CLI Spoofing in 40,850 calls to the C/CSP from which it received those calls.

Compliance with clause 4.4 - Exchanging Information about alleged Scam Calls

15. Clause 4.4.3 of the Code states:

C/CSPs must accept and acknowledge, via agreed electronic means (with a copy to the ACMA), receipt of a notification under clause 4.4.1.

16. Clause 4.4.1 of the Code states:

If a C/CSP identifies a material issue of alleged Scam Calls in calls received from other C/CSPs, that C/CSP (the Notifying C/CSP) must provide details of the alleged Scam Calls, to the Originating C/CSP or Transit C/CSP which delivered the alleged Scam Calls to it, for investigation as soon as practicable, via an agreed electronic means (with a copy to the ACMA).

17. The ACMA has considered Symbio Wholesale’s compliance with clauses 4.4.3 with respect to the 4 May 2023 traceback request in **Table 6**.

Table 6: 4 May 2023 traceback request

Is Symbio Wholesale a CSP?	<p>Yes. See Table 2.</p> <p>Accordingly, Symbio Wholesale must comply with clause 4.4.3 of the Code.</p>
Did Symbio Wholesale have evidence of a material issue of alleged scam calls, under clause 4.4.1 of the Code?	<p>Yes. On 4 May 2023, Symbio Wholesale received a notification from Telstra about alleged scam calls, via a traceback request under clause 4.4.1. of the Code. Telstra’s notification contained 102,812 call detail records from 1 CLI that entered the Telstra network from Symbio Wholesale between 3 and 4 May 2023. The ACMA was copied into the notification.</p> <p>The ACMA is of the view that Telstra’s notification identified a material issue of alleged scam calls in accordance with the Guideline.</p> <p>Symbio Wholesale also received a notification from Optus (which copied in the ACMA) about the same CLI identified in Telstra’s 4 May 2023 traceback request.</p>
Did Symbio Wholesale accept and acknowledge, via agreed electronic means (with a copy to the ACMA), receipt of the notification?	<p>No. Symbio Wholesale informed the ACMA that it did not accept and acknowledge receipt of Telstra’s notification.</p> <p>On 6 December 2023, Symbio Wholesale stated that it did not raise a new workflow ticket for Telstra’s 4 May 2023 notification due to confusion caused by Telstra’s reference to a previous traceback request relating to a similar CLI in the body of its email and in an attachment. Telstra’s notification alleged the previous traceback</p>

	<p>request and the 4 May 2023 traceback request were connected events. Symbio Wholesale mistakenly referred the 4 May 2023 notification to the previous ticket that it had actioned. Symbio Wholesale did not seek to clarify the matter with Telstra.</p> <p>The ACMA finds that Symbio Wholesale failed to accept and acknowledge receipt of Telstra’s notification under clause 4.4.1 and copy in the ACMA.</p> <p>The ACMA notes that Symbio Wholesale accepted and acknowledged receipt of a notification from Optus about the same CLI identified in Telstra’s 4 May 2023 traceback request, with a copy to the ACMA.²</p>
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18. Accordingly, the ACMA finds that, in relation to the 4 May 2023 traceback request, Symbio Wholesale did not comply with clause 4.4.3 of the Code because it failed to accept and acknowledge the receipt of 102,812 alleged scam calls notified to it by Telstra, with a copy to the ACMA.

19. Clause 4.4.4 of the Code states:

If the Notifying C/CSP provides the notification under clause 4.4.1 to a Transit C/CSP, the Transit C/CSP must, as soon as practicable, forward the details (with a copy to the ACMA) to the C/CSP from which they received those calls.

20. Clause 4.4.1 of the Code states:

If a C/CSP identifies a material issue of alleged Scam Calls in calls received from other C/CSPs, that C/CSP (the Notifying C/CSP) must provide details of the alleged Scam Calls, to the Originating C/CSP or Transit C/CSP which delivered the alleged Scam Calls to it, for investigation as soon as practicable, via an agreed electronic means (with a copy to the ACMA).

21. The ACMA has considered Symbio Wholesale’s compliance with clause 4.4.4 with respect to the 2 May 2023 traceback request in **Table 7**.

Table 7: 2 May 2023 traceback request

Is Symbio Wholesale a CSP?	<p>Yes. See Table 2.</p> <p>Accordingly, Symbio Wholesale must comply with clause 4.4.4 of the Code.</p>
Did Symbio Wholesale have evidence of a material issue of alleged scam calls, under clause 4.4.1 of the Code?	<p>Yes. On 2 May 2023, Symbio Wholesale received a notification from Telstra about alleged scam calls, via a traceback request under clause 4.4.1. of the Code. Telstra’s notification contained 310,879 call detail records from 1 CLI that entered the Telstra network from Symbio Wholesale between 28 April and 2 May 2023.</p> <p>We note that contrary to Symbio Group’s submission dated 6 December 2023, the ACMA was copied into Telstra’s notification.</p> <p>The ACMA is of the view that Telstra’s notification identified a material issue of alleged scam calls in accordance with the Guideline.</p> <p>Symbio Wholesale received a notification from Optus (which copied in the ACMA) about the same CLI identified in Telstra’s 2 May 2023 traceback request.</p>
Was Symbio Wholesale the Transit CSP?	<p>On 6 December 2023, Symbio Wholesale confirmed it was a Transit C/CSP for the 310,879 calls identified by Telstra.</p>
Did Symbio Wholesale provide details to the C/CSP from which it received those	<p>No. Symbio Wholesale informed the ACMA that on 2 May 2023 it provided details of 310,879 alleged scam calls via a traceback email to</p>

² On 5 May 2023, Symbio Wholesale received a notification from Entity B about alleged scam calls, via a traceback request. Entity’s notification contained a sample of 20 call detail records from 1 CLI that entered its network from Symbio Wholesale around 4 May 2023. The ACMA was copied into the notification.

calls (cc'ing the ACMA), as soon as practicable?	its wholesale customer (Originating or other Transit C/CSP). The ACMA was not copied into the traceback email. Symbio Wholesale did not provide details of the calls to the ACMA as soon as practicable, nor in accordance with the Guideline.
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22. Accordingly, the ACMA finds that, in relation to the 2 May 2023 traceback request, Symbio Wholesale did not comply with clause 4.4.4 of the Code because it failed to copy the ACMA when forwarding the details of 310,879 alleged scam calls to the C/CSP from which it received those calls.

Compliance with clause 1.1.3 – Guideline

23. Clause 1.1.3 of the Code states:

The Code should be read in conjunction with CA G664:2022 and where the G664 Guideline sets out timeframes for actions, C/CSPs must adhere to these timeframes.

24. By not meeting the timeframes set out in the Guideline for clauses 4.2.10, 4.4.3 and 4.4.4, the ACMA finds that Symbio Wholesale has also contravened clause 1.1.3 of the Code on at least 6 occasions in relation to each of the traceback requests in Tables 2 to 7.

Compliance with clause 6.1.1(a) – Reporting

25. Clause 6.1.1(a) of the Code states:

C/CSPs must, within 20 Business Days of the end of each calendar quarter, report to the ACMA: (a) For Scam Calls, in the format and detail specified in Appendix D.

26. Appendix D of the Code requires C/CSPs to report the total number of scam calls blocked during the calendar quarter, as well as a breakdown of the scam call types.

27. To determine Symbio Wholesale and Symbio Networks' compliance, the ACMA has addressed the questions set out in **Table 8** below.

Table 8: Reporting obligations

Are Symbio Wholesale and Symbio Networks CSPs?	Yes. See Table 2. Symbio Networks is also a CSP as defined in the Code as it is a CSP as defined at section 87 of the Act. Accordingly, Symbio Wholesale and Symbio Networks must comply with clause 6.1.1(a) of the Code.
Did Symbio Wholesale and Symbio Networks, within 20 Business Days of the end of the April to June 2023 quarter, report to the ACMA the number of scam calls it blocked, in the format and detail specified in Appendix D of the Code?	No. In August 2023, Symbio admitted in response to a routine ACMA data assurance check that it had provided inaccurate scam call reporting data to the ACMA for the April to June 2023 quarter. Symbio was unable to quantify the inaccuracies and has implemented remediation in its systems to resolve the issue. The ACMA finds that the information provided by Symbio Wholesale and Symbio Networks on 28 July 2023 was inaccurate and therefore did not meet the requirement for provision of the detail specified by Appendix D of the Code.

28. Accordingly, the ACMA finds that Symbio Wholesale and Symbio Networks have not complied with clause 6.1.1(a) of the Code on one occasion.