

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: **Symbio Wholesale Pty Limited**
ACN 136 972 355

Of: **Level 3, 580 George St**
Sydney 2000 NSW, Australia

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that Symbio Wholesale Pty Limited (ACN 136 972 355) (**Symbio Wholesale**) has contravened the *Industry Code (C661:2022) Reducing Scam Calls and Scam SMS* (the **Code**) as described below;

DIRECTS Symbio Wholesale, 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 Symbio Wholesale'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**), Symbio Wholesale is a participant in a section of the telecommunications industry to which this industry code applies.
2. The ACMA is satisfied that Symbio Wholesale has contravened the following clause of the Code:

Provision	Reason
Clause 1.1.3	Failing to meet timeframes set out in the <i>Industry Guideline G664: 2022 Reducing Scam Calls and Scam SMS Supplementary Information</i> .
Clause 4.2.10	Failing to forward the details of alleged CLI-spoofed calls to the C/CSP from which it received those calls, with a copy to the ACMA, as soon as practicable.
Clause 4.4.3	Failing to accept and acknowledge the receipt of alleged scam calls notified to it by a C/CSP.
Clause 4.4.4	Failing to forward the details of alleged scam calls to the C/CSP from which it received those calls, with a copy to the ACMA, as soon as practicable.
Clause 6.1.1(a)	Failing to accurately report to the ACMA the number of scam calls blocked for the period April to June 2023.

3. Further details about the contraventions are set out in the investigation report provided to Symbio Wholesale on 10 May 2024.

Requirement to comply with this Direction

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

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



Jeremy Fenton

Executive Manager

Unsolicited Communications and Scams Branch

Delegate of the Australian Communications and Media Authority

10 May 2024