



Submission in response to the  
Communications Alliance public  
comment draft

**Industry Code DR C661:2020**  
**Reducing Scam Calls**

8 May 2020

**PUBLIC VERSION**

## **Introduction**

Optus appreciates the opportunity to respond to the public comment draft of the Communications Alliance Industry Code DR C661:2020 Reducing Scam Calls.

Optus is a Member of Communications Alliance and participated in the WC92 *Reducing Scam Calls* Working Committee, which has developed this Industry Code.

Optus recognises the contribution of the government agencies which participated in this process, specifically the Australian Communications and Media Authority (ACMA) in the WC92 Committee and of the Australian Competition and Consumer Commission (ACCC) for providing additional commentary.

While supporting the introduction of this Industry Code, in this submission Optus provides further input on areas that require changes.

## Introduction

| Clause | Changes  | Comments  |
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| 1.14   | <p>The Code should be read in conjunction with related legislation, including:</p> <p>(a) the Act;</p> <p>(b) the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> (Cth);</p> <p>(c) the <i>Competition and Consumer Act 2010</i> (Cth);</p> <p>(d) the <i>Privacy Act 1988</i> (Cth); and</p> <p><del>(e) the <i>Spam Act 2003</i> (Cth); and</del></p> <p>(ef) the <i>Do Not Call Register Act 2006</i> (Cth).</p> | Delete as the Spam Act is not relevant to this Industry Code. |

## Consumer Information

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| 3.1.1 | <p>3.1.1 C/CSPs must make available, <del>including</del> on their websites, up-to-date guidance material for customers which may include:</p> <p>(a) the types of Scam Call related fraud risks to which customers may be exposed;</p> <p>(b) information about products or services to assist in blocking suspicious or unwanted international or domestic calls;</p> <p>(c) the steps customers could take to mitigate those risks, such as:</p> <p>[text truncated]</p> | <p>Delete text for clarity.</p> <p>Optus supports this information being available on the websites of C/CSPs as it can be updated if necessary.</p> <p>Optus notes the role of the ACCC's Scamwatch in providing information to consumers and small businesses about how to recognise, avoid and report scams. Optus is supportive of the ACCC continuing to proactively provide this information to the community.</p> |
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## Improving CLI Accuracy

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| 4.3.1 | <p>4.3.1 Originating C/CSPs must only originate calls on their Telecommunications Network with CLIs, in accordance with the Numbering Plan, using the number ranges allocated to them where the numbers are:</p> <p>(a) allocated directly to the Originating C/CSP by the ACMA; or</p> <p>(b) transferred to them via a 3rd party C/CSP contractual relationship; or</p> <p>(c) ported in from another C/CSP.</p> <p><a href="#">(d) issued to the A-Party caller by the Originating C/CSP</a></p> | <p>Insert additional text as new subclause (d).</p> <p>In addition to a number being allocated to the Originating C/CSP, it should also be issued to the A-Party customer as that customer's CLI so as to prevent cases of unauthorised CLI overstepping.</p>  |
| New   | <p><a href="#">Clause 4.3.1 does not impose any A-Party CLI accuracy validation requirements on Transit C/CSPs and Terminating C/CSPs for calls:</a></p> <ul style="list-style-type: none"> <li>- <a href="#">which are received XPOI from Originating C/CSPs and/or Transit C/CSPs;</a></li> <li>- <a href="#">which are received via call redirection or call forwarding from a B-Party.</a></li> </ul>   | <p>Insert a new clause, to be positioned beneath 4.3.1.</p> <p>Only the Originating C/CSP has the required relationship with their A-Party customer to ensure that the A-Party customer is sending the correct CLI.</p> <p>This is also the case where a call is subject to redirection or forwarding and where the B-Party customer's PBX could have been hacked.</p> |
| 4.3.5 | <p>If a C/CSP identifies a material issue of <a href="#">alleged</a> CLI Spoofing, the C/CSP must raise the issue, as soon as practicable, with the Originating C/CSP or the Transit C/CSP delivering the call traffic for investigation and remediation and should provide details about the <a href="#">alleged</a> Scam Calls (including, where possible, details of the scammers) to the ACMA.</p>  | <p>Editorial change.</p> <p>A Scam Call incident is "alleged" while it is being investigated or communicated to another party.</p>   |

## Monitoring for Scam Calls

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| 4.4.3 | A Notifying C/CSP must provide details of the <b>alleged</b> Scam Calls with a material issue, to the Originating C/CSP or Transit C/CSP delivering the <b>alleged</b> Scam Calls for investigation and remediation as soon as practicable, via email, as per the template in Appendix A.   | Editorial change.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party.  |
| 4.4.4 | Where the <b>alleged</b> Scam Calls are originating from their own directly connected A-Party customers, the C/CSP is responsible for investigation and remediation.  | Editorial change.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party.  |
| 4.4.5 | C/CSPs must accept and acknowledge receipt of the <b>reports of</b> CLI received from other C/CSPs or from the regulators which are associated with <b>alleged</b> Scam Calls for monitoring in their networks, as soon as practicable.   | Editorial changes.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party. |
| 4.4.6 | Minimum details of the <b>alleged</b> Scam Calls to be provided to the Originating C/CSP or Transit C/CSP <b>must</b> include:<br><br>(a) the date and time (with UTC offset) of the <b>alleged</b> Scam Calls;<br><br>(b) the CLI used for the <b>alleged</b> Scam Calls;<br><br>(c) the number of <b>alleged</b> Scam Calls identified in the relevant period; and<br><br>(d) further evidence if requested by the Originating C/CSP or Transit C/CSP (e.g. customer complaints, call characteristics, CDRs) to support the identified calls as being <b>alleged</b> Scam Calls rather than legitimate calls. | Editorial changes.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party. |

## Tracing Scam Calls

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| 4.5.1 | <p>In accordance with sections 279, 287 and 313(1) of the Act and section 474.17 of the <i>Criminal Code Act 1995</i>, C/CSPs must cooperate with each other in the prevention, investigation and mitigation of scams which are using their Carriage Services, whether a Scam Call or a scam perpetrated by other means.</p> <p><del>C/CSPs must cooperate with each other in the prevention, investigation and mitigation of Scam Calls as well as any other Carriage Services used for scams in accordance with sections 279, 287 and 313 (1) of the Act and section 474.17 of the <i>Criminal Code Act 1995</i>.</del></p> | Editorial change. |
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| 4.5.2 | <del>Originating C/CSPs or Transit C/CSPs must acknowledge receipt of the evidence provided by the Notifying C/CSP as soon as practicable.</del>   | Editorial change.<br><br>This section should be deleted as it duplicates clause 4.4.5.  |
| 4.5.4 | Where a Notifying CSP provides evidence, under Clause 4.4, to another C/CSP about calls that they believe to be Scam Calls, and the other C/CSP does not respond or otherwise does not take the required action under Clause 4.5.3 and Section 4.6, the Notifying C/CSP must inform the ACMA about the matter along with details about the <b>alleged</b> Scam Calls (including, where possible, details of the scammers) as soon as practicable.  | Editorial change.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party.   |
| 4.5.5 | Following on from clause 4.4.4, a C/CSP must have processes in place to trace the origin of <b>alleged</b> Scam Calls, originating on its own network.   | Editorial changes.<br><br>This clause should be the starting point for section 4.5, given it's the clause which imposes the obligation for C/CSPs to have processes in place to trace scam calls. It is proposed that it be moved up to become the new 4.5.1.<br><br>A Scam Call incident is "alleged" while it is being investigated or communicated to another party. |
| 4.5.6 | Where Scam Calls are confirmed, C/CSPs must as soon as practicable:<br><br>(a) take action to stop the Scam Calls being originated and/or carried over their network as close as possible to the origin of the Scam Calls in accordance with sections 4.6 and 4.7;<br><br>(b) share information about the origin and transit path of the Scam Calls with other C/CSPs via email; and<br><br>(c) provide details about the Scam Calls (including, where possible, details of the scammers) to the regulators. | Editorial change.<br><br>This clause should be moved to section 4.6 – Blocking Scam Calls.  |

## Blocking Scam Calls

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| 4.6.1 | <p>Where reported Scam Calls are confirmed to be Scam Calls, a C/CSP must, as soon as practicable, <del>temporarily or permanently</del> block the Public Number originating the call(s) depending on the origin as below:</p> <p>(a) Australian numbers – temporarily<br/>(b) International numbers – permanently</p> | <p>Editorial change.<br/>Changes for clarification.</p>  |
| New   | <p>Where a C/CSP has detected a Scam Call as per Clause 4.4.1, it must block the detected call instead of terminating the call to a B-Party.</p>   | <p>Insert a new clause beneath 4.6.4.</p> <p>Although confirmed Scam Calls must be blocked when they are reported by another C/CSP or the regulators, there is no provision for where a C/CSP, through monitoring their network as per Clause 4.4.1, has detected a Scam Call including Wangiri (short duration) calls, for them to take any action to block it.</p> |

## Blocking calls from International Operators

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| <p>4.7.1</p> <p>and</p> <p>4.7.2</p> | <p>When Scam Calls are identified as originating internationally, C/CSPs must request the assistance of the International Operator in stopping the delivery of further Scam Calls from the identified CLIs into Australia and advise that such Scam Calls are being blocked.</p> <p>C/CSPs must block international Public Numbers found to be originating Scam Calls and not send them to B-Parties on their own Telecommunications Network or XPOI to the Transit C/CSPs or Terminating C/CSPs.</p> | <p>Editorial changes.</p> <p>These 2 clauses should swap positions, so that the current clause 4.7.2 becomes 4.7.1.</p> |
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## C/CSP Contact List

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| 5.1.1 | For the purposes of meeting the information sharing and notification obligations under the Code, C/CSPs <del>providing the Carriage Service scoped by</del> subject to the Code must register their contact details with CA. | Editorial change. |
| 5.1.2 | C/CSPs must complete, maintain and keep their contact details up to date, an industry contact list and provide their details to CA. C/CSPs must maintain and keep the contacts current.                                      | Editorial change. |

## References

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| 6 | <b>Legislation</b><br><i>Criminal Code Act 1995</i><br><i>Competition and Consumer Act 2010</i><br><i>Do Not Call Register Act 2006</i><br><i>Privacy Act 1988</i><br><del><i>Spam Act 2003</i></del><br><i>Telecommunications Act 1997</i><br><i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i><br><i>Telecommunications Numbering Plan 2015</i> | The Spam Act is not relevant to this Industry Code. |
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## General Comments

The term “regulator” has been used in various sections of this Industry Code, which has the potential to confuse as it has not been defined as to which government agency it is referring to. Optus submits that this undefined term should be replaced by “the ACMA”.

The ACMA is participating in Communications Alliance WC92, as well as leading the Scam Telecommunications Task Force (STAT). Optus believes therefore that the ACMA should be listed in this Industry Code as the primary government contact point for Carriers & Carriage Service Providers for the disruption of Scam Call activities, and that it should be up to the ACMA to then refer reported Scam Call issues to any other government agencies as it deems fit.