



## Formal warning issued under subsection 103(1) of the *Telecommunications Act 1997*

TO: The Trustee for J & T Tripodi Trust, trading as TriCorp Technologies (ABN 81 809 612 480)

OF: 34 Barndioota Road  
Salisbury Plain, SA 5109

I, Craig Riviere, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that The Trustee for J & T Tripodi Trust, trading as TriCorp Technologies (**TriCorp**), has contravened the *Telecommunications Act 1997* (**the Act**) by failing to comply with subsection 128(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1997* (**the TCPSS Act**) as described below;

HEREBY issues TriCorp with a formal warning under subsection 103(1) of the **Act** for failure to comply with subsection 101(1) of the **Act**.

### Details of the contravention

#### *Obligation*

Subsection 101(1) of the **Act** provides that a service provider must comply with the service provider rules that apply to the provider. Subsection 98(1) provides that the service provider rules include the rules set out in Schedule 2 to the **Act**. Clause 1 of Schedule 2 to the **Act** provides that a service provider must comply with the **Act**, which is defined to include the TCPSS Act.

Subsection 128(1) of the TCPSS Act provides that an eligible carriage service provider (**CSP**) must enter into the Telecommunications Industry Ombudsman (**TIO**) scheme.

Under subsection 103(1) of the **Act**, the ACMA may issue a formal warning to a service provider if the service provider contravenes a service provider rule.

#### *Investigation*

The ACMA received a referral from the TIO on 27 March 2023 alleging that TriCorp was an eligible CSP and had failed to join the TIO scheme in accordance with subsection 128(1) of the TCPSS Act.

Following an investigation, preliminary findings were made by the ACMA that it was satisfied that TriCorp is an eligible CSP and therefore required to join the TIO scheme.

On 17 April 2023, the TIO confirmed that TriCorp had joined the TIO scheme on that day.

A copy of the ACMA's preliminary findings were given to TriCorp on 20 April 2023, inviting it to respond by 5 May 2023. On 23 April 2023 TriCorp responded to the preliminary finding confirming that it is a reseller of telecommunications services.

For the period 2 June 2022 to 17 April 2023, I am satisfied that TriCorp was an eligible CSP and did not join the TIO scheme, in contravention of subsection 128(1) of the TCPSS Act, and thereby failed to comply with the service provider rule set out in clause 1 of Schedule 2 to the **Act**, in contravention of subsection 101(1) of the **Act**.

Further details about the contravention are set out in the investigation report provided to TriCorp on 18 May 2023.

Dated: 18 May 2023

A handwritten signature in black ink, appearing to read 'CR', with a long horizontal flourish extending to the right.

Craig Riviere  
Executive Manager  
Telecommunications Safeguards Branch  
Delegate of the Australian Communications and Media Authority