

SENT BY *ARBITRATOR*

12- 5-95 : 2:41PM ;

MELBOURNE OFFICE

61 3 277 8797: 2

12 May 1995

Our Ref: GLH  
Matter No:  
Your Ref:

BY FAX: 277 8797

Telecommunications Industry Ombudsman  
221 Exhibition Street  
Melbourne VIC 3000

Dear

**FAST-TRACK ARBITRATION PROCEDURE**

You have asked me for my comments on the arbitration process, now that I have delivered my first ruling.

Upon my return from leave in 2 weeks, I would be happy to discuss this matter with you in detail.

In simple terms, my observations are as follows:

- as far as I could observe, both Telecom and Smith co-operated in the Smith arbitration;
- the time frames set in the original Arbitration Agreement were, with the benefit of hindsight, optimistic;
- in particular, we did not allow sufficient time in the Arbitration Agreement for inevitable delays associated with the production of documents, obtaining further particulars and the preparation of technical reports;
- there have been allegations by Smith and other claimants that Telecom deliberately slowed the process by delaying the production of documents under FOI - certainly the FOI claims have caused delays but I am unable to comment as to whether there has been a deliberate delaying tactic;
- request for further particulars are, I think, unavoidable - although the emphasis in the arbitration process is upon a quick resolution of the dispute, a party (in this case Telecom) faced with a significant claim

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