

CONFIDENTIAL

FREEHILL
HOLLINGDALE
& PAGE

CONFIDENTIAL

Melbourne Office

To:	Ian Row	From:	Denise McBurnie
At:	Corporate Solicitor Telecom Australia	Direct line:	(03) 288 1383
		Switch:	(03) 288 1234
To fax:	634 8832	From fax:	(03) 288 1567
Phone:	634 3300	Date:	10 September 1993
Page 1 of		Matter No:	1660521 Pin No: 274
		Approval:	<i>Denise McBurnie</i>

The information in this facsimile is privileged and confidential, intended only for the use of the individual or entity named above. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this communication in error, please immediately telephone us (we will accept reverse charges) on:

(03) 288 1341 Fax (03) 288 1567 (International phone codes + [61 3]) or Telex AA33004
and return the original facsimile to
Level 43, 101 Collins Street, Melbourne Vic 3000 Australia

Dear Ian

"COT" Case Strategy

N00740

- * As requested I now attach the Issues paper which we have prepared in relation to Telecom's management of "COT" cases and customer complaints of that kind.
- * The paper has been prepared by us, together with input from Duesburys, drawing on our experience with a number of "COT" cases. If there are any aspects of the Issues paper which you would like us to expand upon or if there are any other issues you would like us to consider please don't hesitate to contact us. Both Freehills and Duesburys would be happy to assist you should any further presentations to Telecom management be required on any of the matters raised in the Issues paper or with regard to any other matters concerning management of "COT" cases and customer complaints.

Yours sincerely
FREEHILLS HOLLINGDALE & PAGE
per:

Denise McBurnie

Denise McBurnie

Enc

copy to: Deanne Weir

1-A

LEGAL PROFESSIONAL PRIVILEGE

CONFIDENTIAL/COMMERCIAL IN CONFIDENCE

The contents of this document are privileged and confidential and no part thereof shall be disseminated, copied or used without the express permission of the Telecom Corporate Solicitor.

A. PROFILE OF A "COT" CASE

Set out below are some of the common characteristics attributed to "COT" cases. The particulars are drawn from FHP's experience with the following "COT" cases:

- Golden Messengers/Graham Schorer ↙
- Tivoli Theatre Restaurant/Ann Garms ↙
- Japanese Spare Parts/Ann Gillan ↙
- Cape Bridgewater Holiday Camp/Alan Smith ↙

It should be recognised, however, that this list is neither definitive nor exhaustive of those characteristics.

Common Characteristics

1. Single operators of small businesses generally operating in service industries. If partnerships are involved it is usually a husband/wife partnership.
2. Questionable business stability or viability regardless of alleged telecommunications problems.
3. Common distrust of Telecom's network performance and distrust of Telecom's claims that network performance accords with "acceptable standards".
4. Claims of dissatisfaction by the claimant as to the handling of the case by Telecom.
5. Distrust of Telecom's testing procedures. N00750
6. Numerous faults alleged and claimed to be supported by documentary evidence collected by the claimant, but which do not match Telecom's fault reporting records.
7. A high level of understanding (acquired by experience) with FOI procedures and the procedures involved in accessing Telecom documentary information. However, this level of understanding is not necessarily matched with the ability to accurately or correctly interpret the information obtained.
8. There is usually a reluctance to pursue a claim through court action. Apparent or claimed reasons being:
 - cost
 - difficulty of proof
 - claim has a component relating back to when Telecom's statutory immunities applied
 - Telecom's size and ability to defend action proves to be oppressive.