

FAX FROM:	<i>ALAN SMITH Cape Bridgewater Holiday Camp Portland 3305</i>	FAX TO:	MR JOHN PINNOCK TELECOMMUNICATION INDUSTRY OMBUDSMAN MELBOURNE
FAX NO:	055 267 230	DATE:	20.10.95
PHONE NO:	008 816 522	NUMBER OF PAGES	(including this page)

Dear Mr Pinnock,

I refer to your letter dated 18th October, 1995. In this letter you stated that you do not propose to address any of the specific allegations which I make in the future and that you will not reply to any letter I send which makes defamatory remarks.

Mr Pinnock, from the days of the Pharaohs through to Charles Dickens, and even now, in many Third World Countries, the man in the street has NO rights to challenge the bureaucracy - those in higher positions. I have today checked both the Collins Desk Top Dictionary and the Shorter Oxford English Dictionary to determine the exact meaning of 'defamatory': at NO time in my letter to you dated 18th October, 1995, was I defamatory. Truthful, yes - but not defamatory.

In late 1994 I became quite alarmed after hearing of a conversation Graham Schorer had had the night before with a couple of computer hackers who had broken into the E-mail system at Telstra House in Exhibition Street. The information they passed on concerned me so much that I rang Warrick Smith at the TIO's office as well as a Member of Parliament and an adviser to a Senator. As just one member of COT, I did not want to access or use illegal information gained during the FTAP. It was not what these fellows said on the second contact that alarmed me so much: it was a phrase that these lads used. This phrase has now come home to roost.

I am so disappointed in your attitude. To think that three of the four COT Case members who have presented their claims had come so far and been so close to the finishing line, only to be disqualified by the judge.

It is alarming that you should choose to use the word "defamatory" when I have produced facts to back up every allegation I have made, including:

1. Ferrier Hodgson's four page register of returned documents. Ferrier Hodgson received these documents via DR HUGHES but there were 39 documents missing: 39 letters which had been sent to Dr Hughes during the FTAP as evidence in support of my claim/submission.
2. Showing your office where Dr Hughes again broke his own Rules of Arbitration by not forwarding documents he received from Austel that also supported my claim.

The Technical Resource Team, Lanes Telecommunications and DMR, did not view this evidence which was presented by Austel to Dr Hughes and which validated my claim that others in my region had complained of phone faults similar to my own.

Dr Hughes made strong reference to a technician who had stated that I was the only business in the district that had complained of phone faults that were severe enough to be affecting my business but I proved, beyond all doubt, using Telstra's own Defence Documents together with FOI documents, that this technician lied. Now we see that Austel also supported my claim but Dr Hughes did not circulate this information to all the Parties within the FTAP. My own Resource Team were among those not provided with this evidence and this severely disadvantaged, firstly my claim and secondly my right to amend that claim.

I am enclosing just three letters which supply further information and which compliment the information supplied by Austel when they wrote to Dr Hughes. These three letters were not included in the documents returned to me from the offices of Dr Hughes and Ferrier Hodgson.

As yet another example of information not circulated correctly: there was evidence of further phone faults on my service in documents which accompanied a bound volume submitted to the FTAP. This information was not shown to the Resource Team either.

As well as all this, I have still not received my promotional video back from Dr Hughes and it is now four months since I originally asked his secretary to arrange its return.

I await your response,
Most respectfully,

Alan Smith

cc Mr John Wynack, Commonwealth Ombudsman's Office, Canberra, ACT

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