

**CAV**  
**CHRONOLOGY**  
**LGE**  
**Exhibit 488-A to 494-E**

488-77

GENERALXLS

11/09/95 4:07 PM GENERALXLS

FROM	TO	FILE DESCRIPTION	FILE PART	PROV. UNDER	FILE FROM	FILE NO.	FOI NO.	QARMS	GILLAN	SMITH	SCHORER
GEN	K54592	K54233 Folder of Correspondence 28.11.93 to 6.7.94			LI.4.8.95	202					
GEN	K54934	Documents in Support of Telecom's Further Response 5.2.93 to 28.7.94			LI.4.8.95	203					
GEN	N00000	N00131 BCI REPORT ON ROTARY GROUP SEARCH			A Humrich	121	7	8.5.95		24.05.95	
GEN	N00192	N00456 NETWORK ISSUES			A Humrich	122	17	8.5.95		24.5.95	
GEN	N00457	N00586 CUSTOMER SCE 'POWER'			A Humrich	123				24.05.95	
GEN	N00587	N00660 CUSTOMER CORRESPONDENCE			A Humrich	124	27	8.5.95		24.05.95	
GEN	N00661	N00800 CUSTOMER SCE STEERING COMMITTEE			A Humrich	125	28	8.5.95		24.05.95	
GEN	N00801	N00965 CUSTOMER SCE CUSTOMER DATA			A Humrich	126				24.05.95	
GEN	N00966	H00691 CUSTOMER SCE SERVICE REVIEW TEAM			A Humrich	127	25	8.5.95		24.5.95	
GEN	R00001	R00237 SPRINGFORM FOLDER FROM THE OFFICE OF DOUG CAMPBELL			A Humrich	58		26.07.94**22.12.94	21.07.94**22.12.94	26.07.94**22.12.94	29.07.94**22.12.94
GEN	R00238	R00762 GENERAL HRR088	HRR083 PT 1			59		30.06.94**22.12.94	07.07.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94
GEN	R00763	R01081 COT CASES GENERAL - DENNIS HAMBLETON	HRR083 PT 2			60		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R01082	R01190 COT CASES GENERAL - DENNIS HAMBLETON	HRR083 PT 3			61		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R02179	R02282 COT EXCH INFO AUSTEL	HRR089			62		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R02448	R02718 CASUALTIES OF TELECOM	HRH 293 PT 1			63		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R02719	R02996 CASUALTIES OF TELECOM	HRH 293 PT 2			64		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R02997	R03282 CASUALTIES OF TELECOM	HRH 293 PT 3			65		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R03283	R03599 CASUALTIES OF TELECOM	HRH 293 PT 4			66		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R03600	R04013 CASUALTIES OF TELECOM	HRH 293 PT 5			67		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R04014	R04293 CASUALTIES OF TELECOM	HRH 293 PT 6			68		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R04294	R04927 CASUALTIES OF TELECOM	HRH 293 PT 7			69		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R09492	R09840 COT GENERAL FILE 26/8/93 - 30/9/93				70		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R09841	R10344 COT GENERAL FILE 4 OCT. - 23 DEC.				71		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R10345	R10739 AUSTEL 8 AUG. - 30 SEPT.				72		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R10740	R11270 COT AUSTEL 4 OCT. - 30 NOV. 9 (HELD CRU)				73		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R11582	R11739 COT AUSTEL 4 OCT. - 23 DEC.				74		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R11740	R12025 COT AUSTEL FILE JAN 94				75		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R12026	R12136 MARCH 1994				76		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R12139	R12296 COT FAULT ANALYSIS MANAGEMENT	CBU 58/5/8			77		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R12297	R12313 COT SERVICE REVIEW TEAM	CBU 58/5/7			78		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R12314	R12537 COT-CALL MONITORING AND TESTING	CBU 58/5/9			79		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R12538	R12587 COT - VOICE MONITORING	CBU 58/5/10			80		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R12588	R12620 COT-CUSTOMER ISSUES GENERAL	CBU 58/5/11			81		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R13097	R13229 COT AUSTEL FINDING & RECOMMENDATION APRIL 94	CBU 58/5/1			82		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R13230	R13276 COT-TELECOM AUSTEL MEETINGS	CBU 58/5/2			83		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R13277	R13318 COT-PUBLIC MEETINGS	CBU 58/5/3			84		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R13319	R13337 COT-PUB REL MEDIA	CBU 58/5/5			85		23.06.94**22.12.94	21.07.94**22.12.94	19.07.94**22.12.94	19.07.94 TIO**22.12.94
GEN	R13358	R13577 COT-AUSTEL DIRECTION	CBU 58/5/1			86		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R13578	R13685 COT MINISTERIAL MANAGEMENT BRIEFINGS	CBU 58/5/4			87		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94
GEN	R13886	R14010 COT MANAGEMENT ARRANGEMENT, STAFFING	CBU 58/5/6			88		30.06.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94	29.07.94**22.12.94

488 A

11/09/95 4:07 PM GENERAL.XLS

GENERAL.XLS

FROM	TO	FILE DESCRIPTION	FILE PART	PROV. UNDER	FILE FROM	FILE NO.	FOI NO.	QARMS	GILLAN	SMITH	SCHORER
GEN A39526	A08585	AC 2/1 PART 3 - COT CASES	AC2/1 PT3			28		30.06.94**22.12.94	07.07.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94
GEN A38596	A08841	CUSTOMER COMPLAINTS	CBU 6305 PART 1			39		30.06.94**22.12.94	07.07.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94
GEN A39925	A08961	COT CUSTOMER CORRESPONDENCE 0000 19	CO000 19			40		30.06.94**22.12.94	07.07.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94
GEN A39368	A09740	COT FILE NOVEMBER (HELD CRU)				41		23.06.94**22.12.94	21.07.94**22.12.94	26.07.94**22.12.94	29.07.94**22.12.94
GEN A39744	A09941	CORPORATE SECRETARY				42		23.06.94**22.12.94	21.07.94**22.12.94	26.07.94**22.12.94	29.07.94**22.12.94
GEN A09942	A10272	AUSTEL CORRESPONDENCE 7/12/93 - 28/2/93				43		21.06.94**22.12.94	07.07.94**22.12.94	19.07.94**22.12.94	19.07.94**22.12.94
GEN A10303	A10685	FREEHILLS				44		30.05.94**22.12.94	07.07.94**22.12.94	07.07.94**22.12.94	29.07.94**22.12.94
GEN A10696	A10731	CO 0019 see also X35141-K35549	CO00013			45		23.06.94**22.12.94	21.07.94**22.12.94	26.07.94**22.12.94	29.07.94**22.12.94
GEN A11076	A11344	EXCHANGE INFORMATION - AUSTEL DIRECTIVE	CO00023			106/9		8.6.95		24.05.95	
GEN A12627	A12706	FILE: NS PART 1 CASUALTIES OF TELECOM				194					
GEN A13583	A14009	PERFORMANCE	NIXX (3/19 PART 3)			93		23.12.94	23.12.94		23.12.94
GEN A17923	A17921	CASUALTIES OF TELECOM - CONTINUED FROM FILE R04294-R04327	HRH 297 PART 7 CONT.			107					
GEN A18918	A18860	FILE FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER				108					
GEN A19744	A19973	FILE 1 FROM DEPARTMENT OF CORPORATE AFFAIRS.				109/11		8.6.95		24.05.95	
GEN A19975	A20154	FILE 2 FROM DEPARTMENT OF CORPORATE AFFAIRS				110/8		8.6.95		24.05.95	
GEN A20488	A20763	AUSTEL REPRESENTATION - COT CASES TEMPORARY FILE PART A	HRRES00151			128/12		8.6.95		24.05.95	
GEN A24532	A24855	HEW MACINTOSH'S COMPLETE DIARY	DATA			129					
GEN A31694	A32103	Austel File P11 (04.04 to 04.02.94)	PT1			103		8.6.95		24.05.95	
GEN A32158	A32853	Austel File P12 (08.02.94 to 08.04.94)	PT2			102		8.6.95		24.05.95	
GEN A32703	A33005	Austel File P13	PT3			104		24.08.95		24.05.95	
GEN A39935	A43235	DNF Case Study, Supporting Doc P11	PT1			99		5.6.95		24.05.95	
GEN A40231	A43553	DNF Case Study, Supporting Doc P12	PT2			101		8.6.95		24.05.95	
GEN A40554	A43833	DNF Case study, supporting documentation	PT3			100		8.6.95		24.05.95	
GEN A41802	A41608	Customer help centre Not under FOI				130					
GEN A42485	A42497	Customer complaints file Not under FOI				131					
GEN A53474	A53988	Interceptions: report to minister 1994/241	Part 3			136					
GEN A53987	A54587	Interceptions: report to minister 1994/241	Part 4			137					
GEN A54573	A54643	Litigation: discovery - FOI	2.1.			138					
GEN A54644	A55285	Litigation: general - FOI	2.2.			139					
GEN A55286	A55667	Litigation: CAU finances	6.5.			140					
GEN A55668	A55915	Litigation: Interceptions	5.1.			141					
GEN A55916	A55920	Litigation: CAU startup	5.2.			142					
GEN A55921	A55928	Litigation: CAU/FOI	6.3.			143					
GEN A56081	A56081	Litigation: CAU slide shows	6.6.			144					
GEN A56082	A56390	Litigation: COTS fuel track	part 6			145					
GEN A56391	A56982	Litigation: CAU weekly reports 384/036/03528	3.2.			146					
GEN A56983	A57533	Litigation: DNF defences 384/036/03525	3.3.			147					
GEN A57534	A57541	Litigation: DNF mail 384/036/03568	3.7.			148					
GEN A57542	A57600	Litigation: DNF mediation 384/036/03527	3.8.			149					
GEN A57600	A57633	Litigation: DNF rules 384/036/03518	3.10.			150					

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---Correct.

And you do not wish to comment on it further?---Correct.

Telecom raises the point or makes the assertion that, "This is a very serious allegation and Telecom is therefore entitled to request further particulars." If I can ask a preliminary question, is this allegation relevant to your claim for compensation against Telecom? If it's not, the most expedient way of dealing with it might be to - - -?---Right, let it go.

Let it go?---Right, let it go.

Telecom, are you content with that resolution of this issue?

MR BLACK: If I understand it correctly, what you're saying is it's not relevant to the claim.

THE ARBITRATOR: My interpretation of what Mr Smith is saying - Mr Smith will correct me if I'm wrong - is that he does not seek to base his claim in any way on the allegation that his phones have been unlawfully tapped.

MR BLACK: Okay. I understood from what you said before that it's not relevant.

---

THE ARBITRATOR: Yes. What it means - and again I make sure Mr Smith understands what it means - is that effectively any reference in your claim documents to date regarding unlawful phone tapping will be treated by me and the resource unit as unsubstantiated and therefore not relevant for the purpose of determining whether you're entitled to compensation?---All right. No, I will go on to that then. I will go on to that - no, I will leave it in the claim because - - -

You understand if you leave it in the claim, Telecom is entitled to ask what is the basis for this allegat.

---Right, okay, yes, all right.

So you want to leave the allegation in?---I will leave the allegation in.

Can you provide further substantiating evidence?---I can provide documentation from Austel, that sent me a letter, stating the fact that my phones were listened to. A little bell used to ring every time somebody used to ring me. That bell used to ring for 3 months on end. I have come up with other evidence that Telecom still hasn't been able to answer and it's called a malicious trace call, an MTC, that was on my line 3 months or 2 months after apparently Telecom told the Federal Police that that other device, which was called an MTC, was taken off my line. So I don't know whether the second one is also - what would you say - a bugging device or whatever. I can't verify that. But I know a malicious call trace - - -

If I may interrupt, you said in relation to that second point that you could come up with evidence to that effect?  
---Well, I can come up - - -

What sort of evidence?---It's clearly in the submission that there is evidence. It's written by Telecom and it states that - where it is, I'm not quite sure now. It clearly states that, "Mr Smith's phones for 3 months from June to August 1993, a little bell used to" - it doesn't say it like that, but that's how I see it. But it does - a machine device rang and the technician used to go and listen and make sure the phones were okay or whatever and then go about his work. Now, I have spoken to this Telecom technician. I have sent him a letter. I have spoken to my local police for every time I have contacted him because I knew that Telecom would say I'm

should be able to come up with and tell me what - you know - - -

If I can stop you there. That's not the point of this hearing

today?---No, fair enough. Like I said - - -

I'm trying to ensure that all the materials available in support of your claim is put before Telecom and before me?---All right, okay.

Any further material that you believe is relevant to substantiate your allegation in relation to unlawful phone tapping should be supplied to me by 14 October?  
---Right.

MR BENJAMIN: Mr Arbitrator?

THE ARBITRATOR: Yes.

MR BENJAMIN: I'm sorry.

THE ARBITRATOR: I was going to ask you if you had any further questions in relation to that item.

MR BENJAMIN: Just in respect of item 4 of the schedule 1 at p.2, Mr Smith has not provided any further details in respect of that particular question. So I take it then that he has nothing further to - - -

THE ARBITRATOR: The particular question being?

MR BENJAMIN: In respect of Detective Superintendent Penrose.

MR BLACK: There has been an allegation that Detective Superintendent Penrose says that the Plummers' telephone was allegedly unlawfully tapped?---I believe Telecom is playing on words - the word "illegally tapped" - it's like asking me - I'm not a - - -

THE ARBITRATOR: Sorry, if I can interrupt both of you, the issue here is that in your answers - your answer to question 24, you indicate that you were told something by Detective Superintendent Penrose?---Yes.

Is there any documentation to support that statement or is there any other light that you can shed upon that statement you have made in relation to Detective Penrose? ---Well, it's like the defence counsel talking to the guilty. I have been spoken to - I mean, there is a - - -

Again I will interrupt. If the answer is simply that Detective Penrose told you this and you can't say anything more - - -?---That's right.

- - - and that's your answer, that's all you have got to say?---That's right.

Simply, we're trying to clarify the status of the statement?

---Yes, right. I have spoken to Detective Penrose on two occasions and he has stated that my phones had been listened to.

Approximately when did you speak to Detective Penrose?

---2 weeks ago and 4 months ago at my premises.

MR BENJAMIN: If I can just make the point that Mr Smith is saying his phones have been listened to which is again somewhat different from what was stated here?---All right. At no time did Telecom ask my permission to listen in on my private phone calls.

THE ARBITRATOR: I think that is as much information that's going to be available in relation to that item. We now move on to claim documents submitted by the claimant on 18 August 1994. Can someone just clarify - where is this documentation? Whilst we're looking for the material to which this request refers, I note that Telecom is referring to a table consisting of five columns that was submitted by Mr Smith on 18 August 1994 and essentially Telecom are seeking a clarification of the meaning of that table. I think all of us would like

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
17 DEC	04:05P	Martouchvodone	074434022	D	10:03	0.14
17 DEC	04:17P	Melbourne	032877099	D	0:29	0.26
17 DEC	04:19P	Melbourne	078925040	D	0:32	0.39
17 DEC	04:32P	Melbourne	032778777	D	0:54	0.43
17 DEC	04:40P	Melbourne	034198933	D	5:43	2.10
17 DEC	05:07P	Scarpsdale	053428357	D	0:47	0.39
17 DEC	05:13P	Melbourne	032877099	D	0:51	0.41
17 DEC	05:24P	Melbourne	032877099	D	6:16	2.29

CONTINUED

DETAILS OF CALL CHARGES

PAGE 31

TELEPHONE SERVICE 055-26 7230

ACCOUNT NO.  
055-26 7267 626  
19 DEC 1994

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
17 DEC	06:19P	Melbourne	032877001	N	2:05	0.59
17 DEC	06:22P	Melbourne	032877099	N	0:52	0.32
17 DEC	06:34P	Melbourne	032877001	N	1:21	0.43
17 DEC	07:40P	Scarpsdale	053428357	N	10:39	2.57
18 DEC	10:51A	Martouchvodone	074434234	D	1:32	0.89
18 DEC	11:24A	Melbourne	032877001	D	0:44	0.37
18 DEC	11:31A	Melbourne	032877099	D	0:30	0.29
18 DEC	11:38A	Enderlm	074453198	D	2:56	1.40
18 DEC	01:13P	Melbourne	032877099	D	54:00	11.58
18 DEC	02:24P	Melbourne	036348441	D	2:47	1.08
18 DEC	02:33P	Melbourne	036148730	D	0:07	0.15
18 DEC	02:33P	Melbourne	036148730	D	3:10	1.22
18 DEC	02:43P	Melbourne	032779797	D	3:25	1.30
18 DEC	02:43P	Melbourne	032877001	D	0:47	0.39

CONTINUED

DETAILS OF CALL CHARGES

PAGE 32

TELEPHONE SERVICE 055-26 7230

ACCOUNT NO.  
055-26 7267 626  
19 DEC 1994

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
18 DEC	02:57P	Melbourne	036903322	D	0:30	0.29
18 DEC	03:09P	Melbourne	036342873	D	1:49	0.70
18 DEC	03:02P	Melbourne	036345736	D	2:08	0.86
18 DEC	03:06P	Martouchvodone	074434022	D	0:49	0.53

STO CALLS

490



Trevor Bindson? Exhibit 7

From: [redacted]  
To: Black, Stephen  
Cc: Pittard, Rosanne; [redacted]  
Subject: FW: Voice monitoring of Priority Investigation Services  
Date: Friday, 14 January 1994 3:15PM

102004

Stephen,

Further to your Email of the 7/1/94 please find below additional information for Customers in the country.

Regards [redacted]

From: [redacted]  
To: [redacted]  
Subject: Voice monitoring of Priority Investigation Services  
Date: Friday, 14 January 1994 11:21AM

[redacted] Described below are the details of any voice monitoring which has been carried out on the 3 Priority Case Investigation services in Country Vic/Tas.

Cape Bridgewater Holiday Camp

To check that incoming calls to the Portland Exchange were successfully connected through to Mr Smith, the investigating Technical Officer at Portland Telephone Exchange set up equipment which trapped data on these calls, then sounded an alarm. At this point the Technical Officer would check to see if the call had been connected by monitoring the line. This process was established from approx June 1993 to August 1993, however the equipment was only set up to trap data while this particular Officer was available.

Glen Waters Fish Farm

After analysing data tapes of test equipment connected to Mr Main's service, irregularities were identified in some of the customer's attempts to make out going calls. To ascertain if these problems were caused by the customer's calling habits or an equipment fault, a Technical Officer monitored Mr Main's outgoing calls while at the Devon's Bridge Exchange. This monitoring occurred during May 1993 on two occasions until it was established that the irregularities were in fact caused by the customer's calling habits.

[redacted] OC OB  
[redacted] cc.

If you require any further information please don't hesitate to give me a ring.

000604

489

Black

Benjamin  
Chalmers

Hamilton  
Smith

Sleep Fol

Haa

Armstrong  
Evert

FHP

~~2/1~~

**Telecom**  
AUSTRALIA

Commercial & Consumer  
Customer Affairs  
Level 37  
242 Exhibition Street  
Melbourne Vic. 3000

Telephone (03) 632 7700  
Facsimile (03) 632 3241

17 October 1994

Mr Warwick Smith  
Telecommunications Industry Ombudsman  
Ground Floor  
321 Exhibition Street  
MELBOURNE VIC 3000

By Facsimile: 277 8797

Dear Mr Smith

Mr Alan Smith

I refer to your letter of 20 September 1994, concerning your request for information regarding the MCT equipment which Telecom used on Mr Smith's telephone service as part of a fault investigation. Mr Smith has also raised the use of MCT on his service during June to September 1993 with me.

As you may be aware, Telecom is providing historical documentation relating to fault investigations (including voice monitoring) conducted on Mr Smith's telephone service, via the following avenues:

1. to Mr Smith pursuant to the FOI Act;
2. to Mr Smith and the Arbitrator under the "Fast Track" arbitration procedure; and
3. to the Australian Federal Police on request.

Mr Smith has also raised Telecom's fault investigation procedures (including voice monitoring) as an issue in his claim which is under arbitration. Telecom is currently in the process of responding to that claim under the agreed arbitration procedure.

I have been informed that MCT was connected to 267 267 and 267 230 on or about 2 June 1993. MCT was disconnected from 267 267 on or about 19 August 1993, and from 267 230 on or about 7 September 1993. All records known to exist in respect of this particular matter have been provided to Mr Smith.

If you require any further information or documents, then Telecom will provide them as quickly as possible. It would be helpful if you would also clarify the context of your request.

Yours sincerely

Steve Black  
GROUP MANAGING DIRECTOR  
CUSTOMER AFFAIRS

490A  
MS

TELEPHONE SERVICE 055-26 7230

ACCOUNT NO.  
055-26 7267 626  
19 DEC 1994

STD CALLS

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
13 OCT	02.36P	Melbourne	038893543	D	1:43	0.71
13 OCT	03.04P	Melbourne	032877001	D	1:38	0.68
13 OCT	03.24P	Brisbane	078925040	D	9:07	4.68
13 OCT	04.46P	Melbourne	038761833	D	0:49	0.40
13 OCT	04.48P	Melbourne	032877001	D	0:44	0.37
13 OCT	06.27P	Melbourne	032877099	D	0:12	0.10
13 OCT	07.32P	Melbourne	036148730 *	N	0:57	0.34 ✓
13 OCT	07.34P	Marcocnydore	074434234	N	0:50	0.40
13 OCT	08.20P	Melbourne	032877001	N	1:00	0.35
14 OCT	09.04A	Melbourne	032877099	D	0:19	0.23
14 OCT	09.18A	Melbourne	036174617	D	6:46	2.46
14 OCT	11.14A	Ballan	053651681	D	4:31	1.68
14 OCT	02.17P	Warrnambool	055614444	D	1:05	0.37
14 OCT	02.38P	Melbourne	036148730 ①	D	0:04	2.22

CONTINUED

DETAILS OF CALL CHARGES

PAGE 29

TELEPHONE SERVICE 055-26 7230

ACCOUNT NO.  
055-26 7267 626  
19 DEC 1994

STD CALLS

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
14 OCT	03.45P	Marcocnydore	074434234	D	0:54	0.57
14 OCT	03.57P	Melbourne	036148730 *	D	6:42	2.44 ✓
14 OCT	04.05P	Melbourne	036148711	D	5:25	1.59
14 OCT	05.07P	Scarsdale	053428357	D	1:47	0.74
14 OCT	06.13P	Brisbane	078925040	N	31:32	10.63
14 OCT	07.54P	Melbourne	032877001	D	1:07	0.28
15 OCT	02.28P	Brisbane	078925040	D	6:58	3.00
15 OCT	05.20P	Scarsdale	053428357	D	13:00	4.62
16 OCT	10.00A	Melbourne	038275227	E	45:04	6.31
16 OCT	03.53P	Melbourne	036294277	E	6:03	0.95
16 OCT	04.26P	Scarsdale	053428357	E	8:20	1.26
17 OCT	10.24A	Warrnambool	055624597	D	0:27	0.22
17 OCT	10.25A	Warrnambool	055612436	D	4:57	1.26
17 OCT	11.50A	Melbourne	036148730 *	D	2:04	0.83 ✓

CONTINUED

DETAILS OF CALL CHARGES

PAGE 30

TELEPHONE SERVICE 055-26 7230

ACCOUNT NO.  
055-26 7267 626  
19 DEC 1994

STD CALLS

DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT
17 OCT	11.55A	Melbourne	036148711	D	0:22	0.25
17 OCT	12.01P	Buderim	074453198	D	5:56	3.09
17 OCT	12.08P	Buderim	074453198	D	1:52	1.05
17 OCT	12.10P	Buderim	074453198	D	2:30	1.37
17 OCT	01.48P	Marcocnydore	074434022	D	0:25	0.36

490B

T

**Pendlebury, Bruce**

**From:** [redacted]  
**To:** Pendlebury, Bruce  
**Subject:** RE:  
**Date:** Thursday, 7 April 1994 2:05PM

Bruce,

I am happy to provide the data, but will be unavailable until Monday. [redacted] as indicated he would be happy to provide the analysis if required. I don't mind either way. Would you prefer that he provided the analysis or are you happy that I do so (as time permits).

I await your response.

Regards,

K01006

**From:** Pendlebury, Bruce  
**To:** [redacted]  
**Date:** 7 April 1994 8:51

David,

Mr Alan Smith is absent from his premises from 5/8/94 -8/8/94 . On other occasions when he has been absent there have been documented complaints recieved [ usually months later ] involving NRR etc. I called the premises at aprox . 4:55 pm 6/4/94 the answer time was 41 secs.

I intend on this occasion to document his absence and file al data I can collect for the period . That way we should be prepared for anything that follows .

Could you please collect the Charge Check and Signalling data for the period and provide some analysis of unanswered , busy V/C and long delay before answer.

Regards , Bruce P

491



**GEORGE CLOSE & ASSOCIATES**  
 DATA-TELECOMMUNICATION CONSULTANTS  
 TEL-FAX 07 5445 3198 MOBILE 041 22 88 55 6

Mr John Pinnock  
 Telecommunications Industry Ombudsman  
 Fax no. 1800 630 614  
 26-08-98

**Re:CoT Cases-Documents obtained through  
 the Senate ERCA Working Party**

**Judge J Harper**  
**The Garms Judgment**

Dear Mr. Pinnock,

I am advised by Ross Plowman that his arbitration was delayed until the Garms Judgment was brought down.

I wish to put on notice that the above Judgment is factually and technically flawed as to render the conclusions and thus the findings both inaccurate and inappropriate.

It is not known where the source of the flawed and misleading information originated but it has been employed in the Judgment as factual.

It is not for me to articulate each and every point here, rather that is a matter for Ann Garms in her appeal.

What I will say is that on the matter of documents not provided to date the Judge has seen fit to adopt the Telstra line that these documents would not make any difference to the findings.

During the last two months, as you are aware, I have been involved in viewing documents provided by Telstra through the Senate Working Party at the offices of Telstra's Solicitors, Holding Redlich. These documents have been provided as a result of the CoT's Submissions to the Senate working Party. I have viewed documents provided for Plowman, Bo'va, Schorer and Honner. Garms is still to receive her documents.

The documents contain vital information indicating call losses in some cases up to 75%. These documents were previously withheld under FOI and Arbitrators directions.

In the light of the latter, the judgment {Page 41 line 5},  
*But no document or collection of documents could prove the assertion that as a result of an inadequate telephone service, the claimants suffered call losses of of 50%, or 65% or any other percentage".*

This statement is clearly incorrect

The assumption by the Judge that the "Documented Evidence" in the overview of my report including those originating from the Tivoli and Staff, were all sourced from Telstra is patently fallacious, together with his failure to address the fact that neither the Resource Unit or Telstra addressed these complaints in their responses.

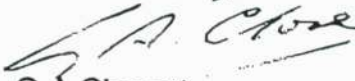
The Judge did not address my letter of 4 July 1994 to the Arbitrator together with advice from Freemans and Kingston Edwards and Wallace that documents had been withheld. The Judge further speculates that the claimants did not complain that the arbitrator failed to insist upon the production of documents by Telstra which would prove that Telstra had a good defence. The Claimants did in fact complain and highlighted 110 examples

There are many other invalid assumptions but I leave the details to Ann in her Appeal.

Meanwhile I would be failing my clients if I allowed this matter to go unchallenged.

To employ the Judge Harper Judgment in the context of dealing with the Plowman or any other CoT case would, in my opinion, amount to a travesty of Justice.

Yours faithfully,



G.A. Close

cc.

**Senator the Hon Richard Alston** ✓

Minister for Communications

Fax 02 6273 4154

**The Hon. T.A. Fischer**, Deputy Prime Minister

Fax 02 6021 6620 ✓

**Senator Ron Boswell** Leader of the National Party in the Senate

Fax 07 3291 1848 ✓

**Senator Bill O'Chee**

Fax 07 4031 3244 ✓

**Hon R Katter** MHR

Fax 07 4061 6566 ✓

**De-Anne Kelly** MHR

07 4957 2136 ✓

**Senator Chris Schacht**

Fax 08 8344 9355 ✓

**Senator Vicki Bourne**

Fax 02 9247 9681 ✓

**Senator Alan Eggleston**

Fax 08 9368 6699 ✓

**Senator Paul Calvert**

Fax 03 6244 8521 ✓

**Mr David Hoare**, Chairman of the Board

Telstra Corporation and all board Members.

Fax 02 9232 1906 ✓

**Mr. David Russell** Q.C. President of the National Party- Qld.

Fax 07 3236 2047 ✓

**Mr Ken Crooke**, Director of the National Party- Qld.

492A

Fax 07 3844 0388 ✓

**Andrew Blogg, Altken Walker & Strachan**

Solicitors for Bo'va

Fax 03 9670 4745 ✓

**Sue Owens**, Solicitor for Plowman

Fax 03 9699 4847 ✓

**Graham Schorer**, Senate Working Party

Fax 03 9257 1583 ✓

**Ann Garms**, Senate Working Party

Fax 07 3257 1583 ✓

492A

**GEORGE CLOSE & ASSOCIATES**

Data - Telecommunications Consultants

Suite 202  
83 Mount Street  
NORTH SYDNEY NSW 2060Phone: (02) 9922.4888  
Fax : (02) 9957.3627

Ref:C.1

8th July, 1997

**A RETROSPECTIVE VIEW OF TELSTRA'S CONDUCT IN RELATION TO**  
**(1) COT CASES**  
**(2) DEFICIENCIES IN THE NETWORK****1985-1997****(1) OUTLINE**

- 1.1 Reluctance to admit to problems
- 1.2 Misrepresentations of the outcomes of its investigations
- 1.3 Misrepresentations that their problem was unique
- 1.4 Misrepresentations that their problem might be fixed by customers equipment upgrade
- 1.5 Failure to comply with the Freedom of Information act 1982
- 1.6 Unreasonable conduct.

Telecom has accepted that its actions in relation to the Cot Cases have not been in conformity with the standards which it would wish to apply to the conduct of its business - see letter dated 16.9.93 from Telecom's Managing Director, Commercial Business to Senator Alston.

492B



Re

1.2 It has commonly advised the Cot Cases

- . No faults have been found
- . No faults consistent with the incidence of complaints lodged by them have been found.

Re

1.3 REPRESENTATIONS OF UNIQUENESS

In its report Coopers & Lybrand noted that -

*"Our enquiries have satisfied us that, in a number of instances, customers were told by staff that they were the only person experiencing a problem. Sometimes this advice was provided without the staff member checking any records to ascertain whether this statement was true:*

*(Coopers & Lybrand, paragraph 2.14, page 36)*

Telecom now admits to the fact that it made inaccurate statements to its customers to the effect that -

*"You are the only one in the area with a problem"*

(Letter dated 16 September 1993, Telecom's Managing Director, Commercial Business, to Senator Alston).

The rationale behind these statements were to:

- . Suggest the customer is over-estimating the problem

49213

Suggest that the problem may be in the customer's own equipment or the customer's telephone technique

Minimise the chances of complainants comparing their notes (as ultimately occurred in Fortitude Valley)

Minimise the possibility of complainants concluding that the problem may be in the network, in the local exchange or in local cabling

Minimise the possibility of claims for compensation.

The end result is that the statements had the potential to mislead.

Re

1.4 REPRESENTATIONS OF THE NEED FOR CUSTOMER EQUIPMENT UPGRADES

*"Some customers were advised by telecom staff to purchase new customer premises equipment or services to reduce the incidence of faults even though telecom had not completed adequate testing to identify the cause of the fault. This advice resulted in customers incurring extra expenditure without necessarily gaining any improvement in service.*

*Some customers were advised by Telecom to install new equipment or services when the cause of the problem was still unknown".*

4927

Re

1.5 FAILURE TO COMPLY WITH THE "FREEDOM OF INFORMATION ACT"

This is now a well documented and established fact due to the Commonwealth Ombudsman's intervention and successful termination.

Re

1.6 UNREASONABLE CONDUCT

*"Customers have been required to produce technical information for external advisers which should have been made available by Telecom staff.*

*... we believe Telecom unreasonably used its inability to adequately document faults and test for causes as a defence against claims"*

*(Coopers & Lybrand extracts from paragraphs 2.21 and 2.22, page 39).*

As Coopers & Lybrand concluded -

*"Telecom placed an unreasonable burden on DNF cases to provide evidence to substantiate claims for situations where all telephone fault information that could reasonably assist to determine loss should have been held by Telecom.*

*To determine settlement of a dispute Telecom is considered to be entitled to obtain information on business performance from customers. In relation to information on the nature of complaints and their incidence, it is Telecom's responsibility to collect the information and we believe Telecom unreasonably used its inability to adequately document faults and tests for causes as a defence against claims"*

*(Coopers & Lybrand, paragraph, 2.22, page 39).*

492B

Ref: C.2

**TELSTRA'S MODUS OPERANDI  
(OR HOW TO PROTECT THE TELEPHONE NETWORKS REPUTATION)**

STAGE ONE

**ON RECEIVING A COMPLAINT**

- Deny fault exists
- You are the only one in area with this type of fault
- Bad telephone habits cause apparent faults
- Switchboard operators lack training
- Customer premises equipment need upgrading
- Testing has failed to find any fault
- In-depth testing has failed to find any problems that would give the magnitude and variety of faults claimed

**AS A LAST RESORT**

- Technician's error
- Street cable changes

STAGE TWO

**IF CUSTOMER STILL UNHAPPY - "PANACEA'S"**

- We will replace the
 

a) Telephone	)
b) Line cord	)
c) Building wiring	) AT NO COST
d) Lead in cables	)
e) Street cables	)
- We will credit your account (x dollars) as a mark of goodwill (without admission of liability)
- We will pay you (Y-dollars) as a gesture of our appreciation of your custom. (Without admission of liability).

492 B

### EXTRACTS FROM COOPERS & LYBRAND'S REPORT

- Telecom irresponsibly used its inability to adequately document faults and test for causes as a defence against claims (C&L Para 2.22, Page 39).
- We found no evidence of complete end to end testing of the customer systems being done (C&L page 29)
- The impression was created that monitoring had revealed an error free service, though the monitoring performed was incapable of demonstrating this in relation to the symptoms reported. (C&L Para 2.15)
- Some customers were advised by telecom to install new equipment when the cause of the problem was still unknown. (C&L para 2.10 page 34)
- Customers have been required to produce technical information for external advisers which should have been made available by Telecom staff.

... we believe Telecom used its inability to adequately document faults and test for causes as a defence against claims. (C&L Extracts from paras 2.21 & 2.22 P.39).

4923

**GEORGE CLOSE & ASSOCIATES**  
Data - Telecommunications Consultants

5 Nabalac Avenue  
BELROSE NSW 2085  
Phone: (02) 9401.9679  
Fax : (02) 9401.9679

Ref: H.3

TO: ANTHONY HONNER  
FAX: 08 88 53420  
FROM: GEORGE CLOSE  
DATE: 11TH DECEMBER, 1997

Anthony,

Having perused this latest series of documentary supplied by Telstra indicating possible sources of information, it appears to me to be little more than another red herring.

We have stated clearly and unequivocally the reports and documents that we require. The only request to have been met in any shape or form is the provision of network configurations.

The spreadsheets are of little interest per se. What would be interesting would be to receive the information requested, whatever the source.

Any attempt by us to align a specific request to a particular source could be negative. It is Telstra's responsibility to source the material requested, whatever the origin and wherever resident or perceived..

Telstra is well aware of our needs and constantly finds new ways to obfuscate the issues which would prove both adverse and costly to their self interest. At the risk of being boring we repeat our past requests with extensions as a result of finally receiving the configurations.

492-B

- 2 -

I do hope that this "munificent" gesture by Telstra is not viewed by the Senate Committee as a forward step. On the contrary, it is merely a delaying tactic.

For the following exchanges:

From 1985 to 1997

Stansbury, Yorketown, Kadina, Gawler, Prospect, Waymouth, Scoresby, Broadway, Paddington

- 1) Anthony - This was a draft opening followed by a repeat of our last request list.
2. Received your fax ex Graham 5 minutes ago - In essence it is an overkill, but is there anything to lose sending it.

Telstra do not respond ethically to requests so maybe this could be considered a counter tactic - Please discuss.

Regards,

GEORGE CLOSE

492-13

**Alan Smith**

---

**From:** "Reception at Yamba Physio" <reception@yambaphysio.com>  
**To:** <capecove@bigpond.com>  
**Sent:** Friday, 5 August 2011 1:48 PM  
**Subject:** from george close  
**To:** Alan Smith

Dear Alan

Confirming our recent telephone conversation:

I recall a discussion with Senator Ron Boswell during the late 90's. He had been shown fax's which had clear indication of change in the headers, indicating interruption in transmission by a third party or parties. He questioned whether it was possible that faxes to and from senators could be interrupted, read or copied. My response in the affirmative brought about an expression of extreme anger. Stating that if it could be proven that it occurred the offender(s) would be jailed.

If required I am prepared to re-state this on an affidavit.

Regards

George

NB: this is not from George's email address, we have sent it on his behalf.

492-C

6/08/2011





000766

AUSTEL  
AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

95/0603-01

92/0596(8)

74

2 February 1994

Mr S Black  
Group General Manager - Customer Affairs  
TELECOM

**Facsimile No: (03) 632 3241**

Dear Mr Black

**REQUEST FOR FILE DOCUMENTATION CONCERNING CAPE BRIDGEWATER  
HOLIDAY CAMP**

AUSTEL's Direction of 12 August 1993 concerning the "COT" Cases requested that the following documentation be produced to AUSTEL:

*(g) all files, correspondence, memoranda, minutes or notes in Telecom's possession relating to any of the eight persons referred to in Attachment A*

A range of documentation concerning the service provided to Mr Alan Smith of Cape Bridgewater Holiday Camp does not appear to have been provided to AUSTEL. Could the following three Telecom files be provided:

0607921	(see Attachment A)
HA - AC 4/1/18	(see Attachment B)
XS13/2	(see Attachment C)

I have also included a copy of a letter to Mr Smith from the Warrnambool Customer Operations Group. (Attachment D). Could you please produce to AUSTEL the file from the Warrnambool Customer Operations Group from which this document originated, and any other files from this area which pertain Mr Smith's service problems.

Can these files please be made available by 9 February 1994 under the same viewing arrangements as the other "COT" documentation, and Bruce Matthews (Ph. 828 7443) notified when they are available.

Yours sincerely

John MacMahon  
General Manager  
Consumer Affairs

493A



Telecom Australia

Minute

File 0607921 Subject Problems with Cape Bridgewater Customer  
055 267267  
Phone (053) 334411 From MIKE ROBINS 95 / 0603 - 01  
To Graeme Davies 75

Graeme,

It is my understanding of the sequence of events:-

Aug<sup>91</sup> - Cutover from RAX to RCM when? - approx 7/8 ins -  
50% maximum

- Customer Complaints re N.R.R.

16/3/92 - Customer Complaints can't be called

17/3/92 - Problem found at MEL U which would have caused any customer parenting or trunking through MEL U (where digital trunking was used) to have a call failure Customer 053 267267 would not have been able to be rung.

The trunking arrangements for Vic and Interstate is such that MEL U is only one of these major trunk exchanges, other's are Bendigo, MEL Q, Ballarat, Morwell or Moolap (Geelong). If the call was switched via any of these other exchanges, it would have been successful.

The problem does not appear, as first thought, to be a data production error, rather a fault condition quite specific in nature, causing a problem to this code only.

.../2

4937



Telecom Australia

Minute

File HA - AC 4/1/18 Subject

GRADE OF SERVICE COMPLAINT  
MR ALAN SMITH 055-26 7267

95/0603-01

Phone 055-73 0200

From

MARK ROSS - CUSTOMER SERVICES  
MANAGER - HAMILTON

76

To MANAGER - CSU's VICTORIAN COUNTRY REGION  
ATTENTION: JOHN M<sup>C</sup>CREERY

John

As requested, full history of customers complaint.

Mr Smith has had an on going "Grade of Service" complaint, originally raised in March of 1991, complaining of not receiving calls.

Special Inspection was carried out which found no faults present. An interview of customers on the Cape Bridgewater exchange found only one other customer had experienced this problem.

In August 1991, customer complained of calls receiving engaged tone when calling, even though called party's line was not busy.

A report from the Exchange O.I.C., advised that Mr Smith's service had been full investigated, with a change of cable pairs, and replacement of customer equipment.

No positive reason for fault could be found. Tests on incoming STD calls showed service working correctly.

Congestion between Cape Bridgewater and Portland had been prevalent as only five Junctions available. This situation was to be upgraded with the cutover of Cape Bridgewater RAX to an RCM parented back to Portland AXE 104.

On 17 March 1992, a trouble report was received from Mr Smith complaining customers were receiving recorded message advising that his number 055 267267, was disconnected. Similar faults were reported from two other Cape Bridgewater customers.

Investigations by technicians at Portland found that in one of the two switching exchanges in Melbourne, incorrect data was present for Cape Bridgewater.

This fault was rectified on 19 March 1992. Mr Smith again reported trouble on 25 March 1992, with calls from the Greyhound Express Terminal in Melbourne receiving the recorded message. However, subsequent tests carried out on the 26 March 1992 found no fault.

493A

29-MAY-95 MON 10:23 AMH CARMS &amp; ASSOC.

61 7 27 347

P.02

Dwyer, Kevin

From: Dwyer, Kevin  
 To: Gamble, Peter  
 Cc: Humrich, Alan  
 Subject: RE: Software query  
 Date: Thursday, 24 February 1994 11:07AM

Peter.

You are quite correct in your thought that the anecdotal reference applies more to AXE than ARE-11. 'Lockups' are generally well-known as a problem in AXE exchanges, not only in Australia but in overseas countries as well. A number of upgrades have included software which would reduce the incidence of lockups.

There is nothing to add to my previous notes on ARE-11 exchanges concerning claims of 'incompatibility' problems.

Regarding the problems in AXE :

In the NASM database ( which has a record of faults reported from AXE exchanges, dating from 1958 when it was introduced, although it was not in widespread use till 1992/3) there are 105 reports of Lockups affecting customers. Two of these reports refer to PBX services; but there are no reports referring specifically to 'Commander' services.

The TR database (Trouble Report system controlled by TNE to monitor problems reported, passed to Ericsson, and fixed by Ericsson) which was used prior to NASM for all records of faults does show lockups on AXE equipment which would have affected customers and PBX functions, but does not provide any realistic count of problem occurrences. It does not record any lockups specifically related to 'Commander' systems.

As a general comment, if the first line was locked up and calls allowed to flow on to the other lines, then no calls would be lost until all lines were busy, so I fail to see how an estimate that "call loss could be up to 15%" could be made or repeated with any degree of integrity.

There is also another NSIS database which would contain records of AXE faults which I have not checked yet but which I believe has records of large numbers of lockup instances affecting individual customers lines. I am reluctant to initiate a search of the NSIS database at present as the faults recorded therein would have no bearing on the CoT services in question, unless the fault occurred on their individual line.

Kevin.

From: Gamble, Peter  
 To: Humrich, Alan; Dwyer, Kevin  
 Cc: Wagland, Fran  
 Subject: Software query  
 Date: Thursday, 17 February 1994 7:04PM

Fran, I am not sure where Alan is - please pass to him if he is on the 24th floor.

Kevin, Alan

Kevin, I did not use your comments on software (COMPATBL) at this time as they didn't seem relevant to the additional information that Austel have provided. John MacMahon writes as follows:

"I have references to Ericssons having considered a lock up fault which was occurring where the first line would be locked out and this would allow calls to flow to the other lines. It was said to arise through the

493-B

A13980

29-MAY-95 MON 10:23 AMH GARMS & ASSOC.

incompatibility of exchange software and Telecom's equipment. Ericssons apparently provided a solution and advised that particular Commander systems were most vulnerable. Ericssons are said to have suggested that call loss could be up to 15%.

Any thoughts on this new line ? It sounds a bit like AXE rather than ARE to me {

Peter.

493-B

A13981

Facsimile



To Ross Anderson

Network Products  
National Facsimile Support Centre  
23 rd Floor 242 Exhibition St.  
Melbourne. 3000

Company Telecom Portland

Australia

Facsimile 055 236 56

Telephone 03 634 6993  
Facsimile 03 640 0997

From Alan Barrow  
P.T.T.O.1

Subject COT Case

K01489

Date 29 October 1993

Ross,

The following pages are copies of my fax machines journal and the protocol printouts of failed calls.

On the date of 28-OCT-93 we were trying to create a line failure condition that would re-produce the same error on the transmitting machine and no record on the receiving Mitsubishi machine (055 267 230). The reason for this was to show that a sending fax machine could get to the point of transmitting a page to the Mitsubishi fax machine without the Mitsubishi machine having any record of the call.

The COT case call in question was the 27-10-93 at 10:46 on the journal (it is suspected that the clock in this machine is approx <sup>45-46 min</sup> ~~1 Hour and 15 minutes~~ in error). The duration of the transmitting machine page of 2:21 minutes suggests that the call failed at the end of the page, possibly when requesting a reply from the receiving end. The presence of the ID in the journal of "055 267230" indicates the call was connected to the Mitsubishi fax machine in question. The receiving Machine has no matching entry in its journal for this call.

A call was placed to 055 267230 and connectivity terminated at the beginning of the page but this resulted in an error of NG in the journal along with the ID of the calling fax machine. The only way to reproduce the conditions experienced above was to interrupt the power on the receiving Mitsubishi fax machine. This would result in an entry in the transmitting machine and no entry whatsoever in the receiving Mitsubishi machine.

During testing the Mitsubishi fax machine, some alarming patterns of behaviour were noted, these affecting both transmission and reception. Even on calls that were not tampered with the fax machine displayed signs of locking up and behaving in a manner not in accordance with the relevant CCITT Group 3 fax rules. A half A4 page being transmitted from this machine resulted in a blank piece of paper 4cm long. the relevant protocol printout in sample #2 shows that the machine sent the correct protocol at the end of the page. Even if the page was sent upside down the time and date and company name should have still appeared on the top of the page, it wasn't. During a received call the machine failed to respond at the end of the page even though it had received the entire page (sample #3). The Mitsubishi fax machine remained in the locked up state for a further 2 minutes after the call had terminated, eventually advancing the page out of the machine.

Regards  
Alan Barrow

494 A

2 March 1994

**Telecom**  
AUSTRALIA

COMMERCIAL & CONSUMER  
CUSTOMER RESPONSE UNIT

8/242 EXHIBITION STREET  
MELBOURNE VIC 3000

Australia

Telephone (03) 634-5736

Facsimile (03) 634-8441

Detective Superintendent  
Jeff Penrose  
AUSTRALIAN FEDERAL POLICE  
SPECIAL REFERENCE INVESTIGATION  
PO BOX 401  
CANBERRA CITY A.C.T. 2601

Dear Detective Superintendent

RE: A.F.P. ENQUIRY

I refer to an article which appeared in the Australian Financial Review on Friday 25 February 1994 headed "Telecom minute reveals another bugging, small businessman tells police". (Copy attached)

The article stated, inter alia, that Mr Alan Smith had referred an alleged bugging incident to an A.F.P. officer the day before during five hours of questioning.

The article refers to a Telecom minute obtained under F.O.I. which indicates a series of tests were conducted on Mr Smith's telephone network in late November to determine whether the reported faults were legitimate. The article goes on to say that Mr Smith said he had never given Telecom permission to conduct such monitoring.

I have enquired into the circumstances surrounding the incident referred to and consider the outcome of that enquiry sufficiently disturbing so as to put certain information to you.

Firstly, a search of the information provided to Alan Smith under F.O.I. revealed a document headed FAX INVESTIGATION. A copy is attached hereto for your perusal. The background to that document is as follows.

Mr Smith made several reports of faulty fax transmissions during late October and the first 3 weeks of November 1993.

Ross Anderson of Warrnambool Customer Operations Group attended Mr Smith's property and conducted tests on Mr Smith's machine in conjunction with Waverley Business Service Centre and National Fax Support Centre. Some minor mis-operations were detected, but no difficulties were experienced sending faxes between machines in the test centres and Mr Smith's machine.

494 B A53981

Ross Anderson attended Mr Smith's property on 23.11.93 following a fault report. During the visit the fax machine rang once and stopped. No fax was received. A call was received immediately after on Mr Smith's voice line. It was Graham Schorer calling to inform Mr Smith he had attempted to send a fax from his machine at Golden Messenger to Mr Smith and had experienced a failure.

Ross Anderson made arrangements with Bert Lopes to test the Golden Messenger machine from the Waverley BSC. This was completed and no faults or protocol errors were detected between the Golden Messenger machine and the Waverley BSC.

Bert Lopes who had carried out the test on both machines spoke to Ross Anderson and concluded that there may be a protocol problem between the two machines.

In order to detect protocol problems between machines it is necessary to send test patterns between the machines and record the signals sent from machine to machine so that they can be analysed in conjunction with computer equipment at the Business Service Centre or Fax Support.

Arrangements were made with Mr Smith for Ross Anderson to attend Cape Bridgewater Holiday Camp and Bert Lopes made arrangements with Mr Schorer to attend Golden Messenger on 29 November 1993 to record test patterns and signals between the machines.

The procedure being carried out was explained in detail to both Mr Smith and Mr Schorer and it was explained to Mr Smith that tape recordings of the protocol and the test patterns would be made and subsequently deciphered to determine any interworking problem with the machines.

Mr Schorer and Mr Smith were both present during the test procedure.

Bert Lopes needed to leave Mr Schorer's premises temporarily during testing to put money in a parking meter. On his return one fax transmission had failed. Bert sent a total of 20 fax transmissions and there were no other failures.

Analysis of signalling between the machines gave no indication as to why the one transmission failed.

Mr Smith was given the originals of the test transmissions and the fax log by Ross Anderson before he left the premises that day.

I also attach a statement prepared by the two technicians involved in the testing. You will note that both state that they informed both Mr Schorer and Mr Smith of the proposed testing process and of the fact that the protocol and the test pattern would be taped for subsequent analysis. You will also note that Ross Anderson provided Mr Smith with the original test faxes and the Receive Transmit Journal.

Finally, I attach a copy of a minute prepared by Mr Bruce Pendlebury, the Difficult Network Fault Co-ordinator, Telecom Commercial Vic/Tas Region. The minute relates to a phone conversation he had with Mr Smith on 28 February 1994. It would seem that Mr Smith now is requesting Telecom to tape monitor his fax machine.

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If, as the newspaper article suggests, Mr Smith has alleged to the Federal Police that a "bugging" incident took place, this is a matter of extreme concern to Telecom. Telecom is of the view that the circumstances outlined above cannot on any reasonable interpretation be labelled a "bugging". No customers' conversations or transmissions were taped. Both customers were fully aware of the testing procedure and the fact that the test transmissions were to be taped. Both gave their complete informed consent to the testing.

The statement made in the article that Mr Smith said he had never given Telecom permission do not accord with events as recorded in the attached statements.

The staff involved in this particular incident are of course available to assist you in your enquiries.

Yours sincerely

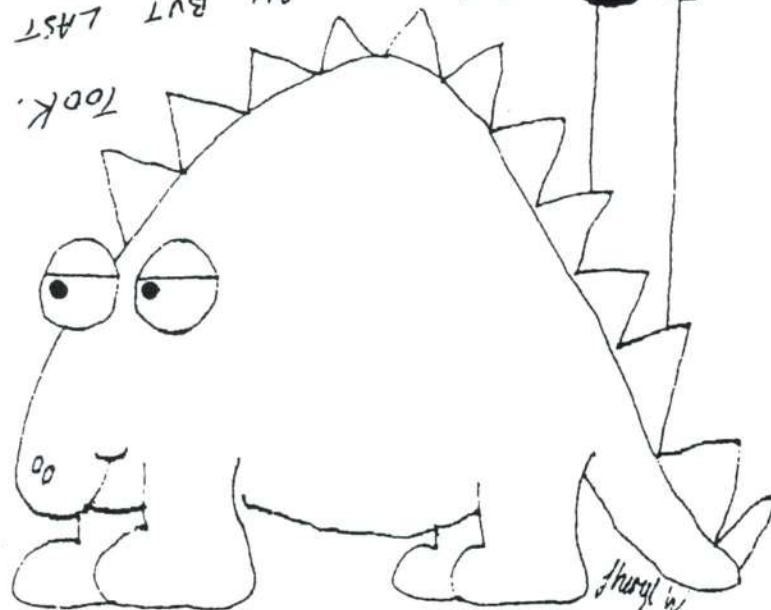
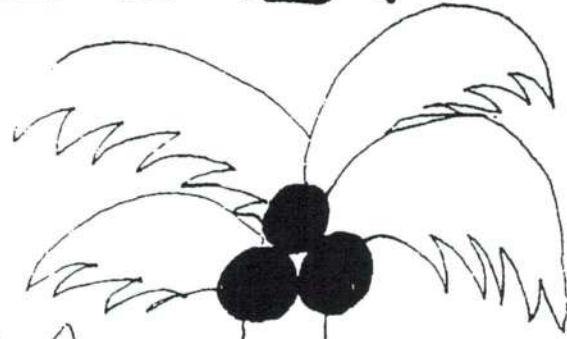
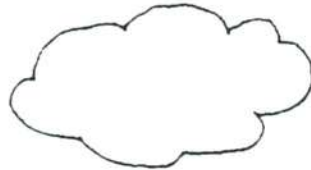


I Row  
CORPORATE SOLICITOR

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# TEST FAX



(STORED IN FAX)  
 STREAM 7  
 RECEIVING FAX 2 MIN! THEN T  
 FOR REST OF MESSAGE RECEIVE  
 DISCONTINUED, MACHINE SILENT  
 THEN SENDING PARTY FAX 1M  
 ALL BUT LAST 12" RECEIVED  
 3.11 MIN. TO RECEIVE  
 THIS FAX TOOK.

STOB APPROX HERE.

055 267230:# 1

03 6400997-

:28-10-93:12:31PM:

SENT BY:0

No 011

⑦

494c

SAMPLE #2

# PROTOCOL MONITOR

K03752

DATE/TIME  
LOCAL TERMINAL ID.  
LOCAL TERMINAL NAME  
COMPANY LOGO

28-10-93 12:09 PM  
6136400997  
03 6400997  
0

\*\*\* RECEIVE \*\*\*

No	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	055 267230	28-10-93 12:06 PM	1'02"	1		COMPLETED 9600

COM:0 G3S:0 G3R:0 ECM:0 CSI:1 CIG:0  
 CFG:4 RHP:0 LGO:0 THP:1 W/B:74 EGL:08

VERSION: KM1=X01.09 KM2=R01.09 KSP= 02.00 KCP=R04.03

LAPSE	LOCAL	REMOTE	FCF	FIF
2"35	→ CED		20	00001917C0AUDEC1C081F9D8A4A081010A3739393030343620
6"47	→ NSF		40	3330
7"42	→ CSI		80	00CEE204
8"18	→ DIS		43	30333237363220353530202020202020202020
10"48		← TSI	83	0006A800
11"19		← DCS		
11"47		← TRN		
11"69		← TRN		
11"69		← TCF		
12"96	*		EQM	00B3
13"22		← TCF	84	
14"26	→ CFR			
15"59		← PIX		
33"03		← PIX	2F	
35"58		← EOP	JC	
37"21	→ MCF		FB	
39"19		← DCN		

*Mitsubishi to my Xerox  
 Received a piece of paper  
 4cm long (blank)  
 XEROX Telecopier 7017*

*Although the page was  
 error free, it did not  
 terminate correctly &  
 did not have any informatio  
 on it.*

*Page received*  
 ↓

494E

