

CAV
CHRONOLOGY
LGE

Exhibit 765-A to 789

INCOMING ANSWERED
END SEIZURE 13.40.40
CONVERS.TIME: 000675
SEIZURE : 13.29.25 }
DATE : 1992-10-13 }
NUMBER OF RINGS: 08
RINGING: 13.29.13
13.40.40 H-ON 000001
13.29.25 H-OFF 000001
13.29.23 R
13.29.22 R
13.29.20 R
13.29.19 R
13.29.17 R
13.29.16 R
13.29.14 R
13.29.13 R

INCOMING ANSWERED
END SEIZURE 15.04.03
CONVERS.TIME: 000172
SEIZURE : 15.01.11 }
DATE : 1992-10-13 }
NUMBER OF RINGS: 14
RINGING: 15.00.50
15.04.03 H-ON 000001
15.01.11 H-OFF 000001
15.01.09 R
15.01.08 R
15.01.06 R
15.01.05 R
15.01.03 R
15.01.02 R
15.01.00 R
15.00.59 R
15.00.57 R
15.00.56 R
15.00.54 R
15.00.53 R
15.00.51 R
15.00.50 R

765B

12/10/92	18:36:11	OUS	[REDACTED]	27	39	L	1
12/10/92	18:36:26	OUS	[REDACTED]	14	0	N	0
12/10/92	20:17:51	JA	[REDACTED]	17	0	D	0
12/10/92	20:33:20	IA	[REDACTED]	11	154		0
12/10/92	21:36:53	JA	[REDACTED]	9	474		0
13/10/92	08:09:13	DAU	[REDACTED]	18	359		0
13/10/92	08:11:43	DAS	[REDACTED]	21	112	L	1
13/10/92	09:14:33	DAU	[REDACTED]	21	1091	D	26
13/10/92	09:25:20	DAS	[REDACTED]	15	298	L	1
13/10/92	09:30:30	DAU	[REDACTED]	29	209	D	5
13/10/92	10:42:31	IU	[REDACTED]	21	43	L	1
13/10/92	10:44:37	IA	[REDACTED]	10	0		0
13/10/92	11:01:29	DNJ	[REDACTED]	25	64		0
13/10/92	11:01:58	DNS	[REDACTED]	13	0	L	0
13/10/92	11:05:29	DAS	[REDACTED]	44	0	N	0
				27	41	D	1

8230

 CUSTOMER *
 CONFIDENCE *

CALL DETAILS

267267

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DATE AND TIME	CALL TYPE	NUMBER DIALLED	WAIT TIME (SEC)	CONV. TIME (SEC)	RATE	METER PULSES REC'D	DIFF.
13/10/92 11:06:38	DAS	[REDACTED]	33	11	0	1	
13/10/92 11:08:39	DAS	[REDACTED]	22	554	0	13	
13/10/92 11:19:58	IA	[REDACTED]	5	17		0	
13/10/92 11:22:05	IA	[REDACTED]	7	168		0	
13/10/92 11:25:16	IA	[REDACTED]	8	74		0	
13/10/92 12:00:06	DAU	[REDACTED]	22	117	L	1	
13/10/92 12:05:48	DNS	[REDACTED]	45	0	N	0	
13/10/92 12:59:16	DNS	[REDACTED]	93	0	N	0	
13/10/92 13:01:02	DUU	[REDACTED]	49	0	L	0	
13/10/92 13:04:34	IA	[REDACTED]	4	57		0	
13/10/92 13:11:53	IA	[REDACTED]	5	598		0	
13/10/92 13:29:15	IA	[REDACTED]	11	676		0	
13/10/92 14:19:22	IA	[REDACTED]	9	105		0	
13/10/92 14:36:28	IA	[REDACTED]	9	34		0	
13/10/92 14:39:05	DAU	[REDACTED]	16	79	L	1	
13/10/92 14:45:37	DAU	[REDACTED]	16	8	L	1	
13/10/92 14:46:01	DUU	[REDACTED]	64	0	L	0	
13/10/92 14:47:30	IA	[REDACTED]	11	10		0	
13/10/92 14:51:30	IA	[REDACTED]	25	75		0	
13/10/92 15:00:52	IA	[REDACTED]	20	173		0	
13/10/92 15:08:40	IA	[REDACTED]	14	181		0	
13/10/92 15:20:34	DAS	[REDACTED]	23	272	D	7	
13/10/92 15:27:34	DAS	[REDACTED]	31	105	D	3	
13/10/92 15:56:07	DAU	[REDACTED]	12	23	L	1	
13/10/92 16:03:50	DUU	[REDACTED]	34	0	L	0	
13/10/92 16:06:30	DUU	[REDACTED]	26	0	L	0	
13/10/92 16:14:18	DUU	[REDACTED]	10	0	L	0	
13/10/92 16:14:29	DUU	[REDACTED]	66	0	L	0	
13/10/92 16:21:30	DUU	[REDACTED]	9	0	L	0	
13/10/92 16:21:53	DNS	[REDACTED]	9	0	N	0	
13/10/92 16:22:07	IA	[REDACTED]	11	3		0	
13/10/92 16:24:03	DUU	[REDACTED]	11	0	L	0	
13/10/92 17:49:12	IA	[REDACTED]	10	757		0	
13/10/92 18:22:50	IU	[REDACTED]	54	0		0	
13/10/92 20:10:54	DAU	[REDACTED]	15	198	L	1	

765-c

THIS IS A TAPED RECORD OF CONVERSATION BETWEEN CONSTABLE
TIMOTHY WAYNE DAHLSTROM AND MR ALAN SMITH CONDUCTED AT CAPE
BRIDGEWATER HOLIDAY CAMP, VICTORIA, ON MONDAY 26TH OF
SEPTEMBER 1994

PERSONS PRESENT: Timothy Wayne DAHLSTROM
Detective Superintendent Jeffrey PENROSE
Mr Alan SMITH

TIME COMMENCED: IS APPROXIMATELY 6.30PM

Q1. Alan just, we're conducting a further interview or record of conversation with you. You were previously interviewed by Superintendent PENROSE in February of this year?

A. I was yes.

Q2. And since then you've received quite a number of documents from Telecom?

A. I have yes.

Q3. Which have been released under Freedom of Information after you applied for them. Subsequent to your conversation earlier in February, you have now been made aware that your service here at Cape Bridgewater was live monitored at some stage by Telecom?

A. Yes I have. Actually, first of all I was made aware of that by Austel, John McMAHON and with, actually a letter from John McMAHON and with my FOI I gained a notification that, that, that you know they had monitored my lines and listened in on my lines for a period of about three months.

Q4. And in that previous record of conversation you weren't aware of that, you, you were only surmising that your service might have been monitored at some stage?

A. That's right, I had, I had good thoughts that, for different reasons we all thought we were being live monitored and I guess a lot of it, we, we might have thought was paranoia. And, but I had the the thoughts that I was being monitored yes.

Q5. Okay. I'll just show you a few documents that you've actually sent on to us and we've given to us from other sources. But one of the documents is an internal email message, it's dated Friday 14th January 1994. And as you can see from some of the problems with Cape Bridgewater Holiday Camp and clearly states that monitoring

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RECORD OF CONVERSATION BETWEEN CONSTABLE TIMOTHY DAHLSTROM AND
MR ALAN SMITH (CONTINUED)

PAGE 2

A. Did, did take place.

Q6. Took place and the dates there are June 1993 to August 1993?

A. August.

Q7. Since then have you also had other information about monitoring on your service?

A. Yes I, I come up with a document I guess, maybe a month ago or six weeks ago, five weeks, it clearly states that the malicious call trace was on my other line which was my 26723, 230 line. And they would come out of the actual diary notes of the Portland Exchange, which is a different, a different number to what, the, the prior one you were talking about, was 267267.

Q8. Okay. I'll just show you a, just show you a photocopy of a document, which you sent to me on the 14th of September, and that's a photocopy of a diary note, page dated the 7th October 1993?

A. That's right.

Q9. And is that the one you're referring to where?

A. That's the one I'm referring to.

Q10. And that states down here, at 9.00am a malicious call trace was removed from 267230?

A. 7230 that's right.

Q11. Okay. Just for the purpose of the tape, and for our own information prior to these dates, had you ever made any request, request with Telecom for a malicious call trace to be placed on your lines?

A. No I have never, never once have I asked for malicious call trace and I make it very clear that never at any stage has Telecom said they were going to do any monitoring on my lines or any, any tapping or any listening of calls, at all at any time.

Q12. Okay. So the only testing that you were fully aware of that was conducted by Telecom on your lines, which involved recording of details etc, etc, the Elmi testing arranged by Austel?

A. Elmi the, this is this year Elmi by Austel but I was

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aware that there was Elmi in 92. But only because of the briefcase being left here at my premises in 93, in June, the 3rd or 4th of 93, that I found that there was Elmi being monitoring the call, like the, as the tapes in at the RCM. But I didn't, I wasn't aware of them being done.

Q13. That, that, but that pre, previous Elmi testing wasn't done with your knowledge at the time. Is that correct?

A. That wasn't done, yes. The 92 was done at my time I knew about that, but certainly not the one in the Elmi, in, in May of 93, I wasn't aware of that at all.

DAHLSTROM Okay.

A. And they've refused to give me any tapes from, from, from that. I've only got the five day tape that I managed to get a copy of out of the briefcase. Now they, they have stated in their FOI that they've had, it ran from May to July and I've received no documentation and I've applied for it twice under FOI and I've received none.

Q14. And the live monitoring as Telecom term it, that ran from approximately June 93 till August 93. Were you * consulted in relation to that?

A. No.

Q15. And no approach was made from Telecom to gain your consent to live monitor your telephone calls?

A. No. Definitely not.

Q16. Another document that you've sent me, is the detail of telephone calls made, call details dated the 31st of, the calls were made on the 31st of January 1994 and along with a number of printed information on the document, it's a two page document, ah numbered K01410 and K01411, for the purpose of the tape. That's the document you sent me is that correct? *

A. That's right yes.

Q17. Now along with the printed data on the two pages there is also a number of entries on that? *

A. Mmhuh.

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Q18. And those entries actually identify the callers or the numbers called from this, from your premises?

A. It does yes.

Q19. Now those handwritten entries were not made by yourself?

A. No.

Q20. Can you tell me who might've made those entries?

A. No I, I don't recognise the handwriting. But I certainly didn't, it certainly wasn't, wasn't mine and you'll see that who actually rung these, Fay SMITH, my ex-wife, which you know I find rather, rather poor.

Q21. The other numbers called can you just run through those for me as to the sort of general people they were writing down of who you called?

A. GM, which, which if you go across the page you'll see that it was Graham SCHORER from, from Golden Messenger. If you go across the page you'll see the phone number of Austel which was then the, the General Manager, you go across the page you'll see GM again which was the Graham SCHORER, go across the page to Telecommunications Ombudsman's office, a domestic number. You go across the line again you see Austel, you see Golden Messenger, you see Austel, you see Austel, you see Fay SMITH was my ex-wife, you see the Ombudsman again, you see Golden Messenger, Golden Messenger that's twice. You turn the page you come up to the top of the page you see GM which, check the number it's the Golden Messenger and then the bottom page you see where I rang my son, Golden Messenger and if you go to the bottom of the page you will find, which is very relevant although it's not relevant to perhaps the, the monitoring is that it registered the next call which was the, in the evening registered 3,599 seconds. We've never been able to prove that the phone was completely, they, they were locked up. communication ex, has shown the calls being locked up into this business and that's a clear example of calls locking up.

Q22. There are also a number of other numbers listed in the printed details?

A. That's right.

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Q23. Which haven't, haven't had anything written next to them?

A. But they are, they are, they are non, non company calls in other words they're calls that didn't terminate, so of them calls didn't terminate. And that, they haven't see that they didn't terminate. Some did, some didn't.

Q24. So generally the thrust of the people written into this, into this document are people associated with the COT issue?

A. With, well everyone of them on there is to do with a COT issue except my ex-wife.

Q25. Right. And do you have any recollection as to at that time back in January 94, whether you may have been speaking with your ex-wife about the COT issue?

A. I was talking to my son yeah. My son resides with my ex-wife and by gee I was yeah. Well I mean the, the whole, the whole issue has been probably last 18 months. My, my son and I have discussed, because I've been pretty sick with worry and, and like through the son and thing what's happening, he'll say, well look every time we talk it's always on, you know how far is the process going and what's happening and this, see yeah it would've been, I never, in actual fact until just now I hadn't realised. I mean I've taken and looked at all the others right and I've put them, hang on this is all to do with, with COT. But it wasn't until yeah, yeah.

Q26. And you also raised with me several weeks ago on the phone the fact that you'd be tendering for a bus service and you made mention that Telecom had written down the name of the bus service etc? *

A. Mmm.

Q27. That, that's also on another document, just take a bit of time and find it. This documents, it's dated the 10/9/92?

A. That's right. ↑

Q28. Written by yourself to Mark Ross, the Customer Service Manager, Commercial Country, Victoria, where you actually told him, in the letter itself, that you would be possibly tendering for a service,

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in which you don't mention the name of the bus service, and you're asking for a guarantee of your phone service?

A. That's right.

Q29. And again you've shown on this document that handwritten onto the document is the actual name of the bus service? *

A. I think this is the worst out of the lot of them, because at no stage, I mean it was only a small charter but I, I kept this one very, very clear and there's no way in the world that I disclosed who it was. Because let's face it, I'm not saying anyone else would've got this contract, it was only a small charter but the point is I mentioned it in the letter form that I wanted a, a guarantee so that I could tell this gentleman, because the same person experienced problems with my phone, and I thought well at least I can do the right thing if I can give him a guarantee then, you know, then he could guarantee to his people that yeah okay, we can, we can do the service. A handwritten note is the name of the bus company on the right hand side which, it's just. *

Q30. And had you been making calls to the bus company around that time, or to the owner?

A. Oh yes, yes, yeah, yeah.

Q31. And that handwritten note just for the purpose of the tape is O'Meara is the name?

A. O'Meara and actually that same fellow did send a letter prior, prior to that, that he'd experienced problems with my phones, prior. So there is a letter in Telecom archives and I have a copy, where he actually sent a letter complaining about getting through to Cape Bridgewater. ↑

Q32. Right. All right so we'll just, you've also said that there are other documents there, although they're not directly relating to the live monitoring issue they show that the malicious call trace has been set up on your line without your knowledge.

A. That's right.

Q33. And those documents you say clearly that the malicious call trace has affected the service

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here?

A. Well there are notes say in August of, of 93 that because of lines jamming and because of their own net, like network investigations it clearly said that it malfunctioned, lock ups so they, supposedly to take it off the, off the line and yet when you see the other document we talked about a moment ago, the 267230 line, well that was still on three months later or two and a half months later then when they originally found that the, was interfered with the incoming line, so why do they have it on my fax line. Which is my direct line that I ring out on. And, and you know I, I find that, that's ludicrous. They, they either was listening to my calls which I believe they were on my, in, outgoing lines, but even so they still knew at that time that it was interfering with my line at that time. It was proven they'd proven it themselves that it was malfunctioning in my, my service. So they, they didn't give a, a razoo about the, the service they were providing as long as they could listen in to my calls, and that's how I see it. *

Q34. Prior to you receiving the documents under FOI were you, had you been informed earlier that the malicious call trace had been placed on? *

A. No, no.

Q35. And that would lead to say that Telecom had never told you prior to you getting these documents under FOI that the malicious call trace was affecting your line?

A. No, no.

Q36. So each time that you made a complaint about your telephone service and the faults that you were experiencing, no explanation was given to you that it was possibly testing equipment on the line that was causing the problems?

A. No, no.

Q37. Okay. Now the other issue that you raised with several weeks ago was in relation to a technician from here at Portland exchange, Mr Go... *
STOPS BY

A. Mmhuh.

Q38. And I believe you approached Mr ... and he's *

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given you some information in relation to live *
monitoring of your telephone service?

A. Well first of all I guess I, I'd had this document probably for about a month and it's regarding, I believe that the circumstances arose that I believe that a certain discussions were, was, was spoke about in Portland. So I rang him up, it was on a Sunday, and I, I made a, it was a pretty, pretty straight level conversation and there wasn't, it wasn't really hot headed and I'd asked him had he listened in on my calls. And he said now look, he said, look, you know there was a, you've got the documentation but he said no, he said, look there was no taping that I can assure you, there was no taping of the calls. I said well if there's no taping, I said there must be records and I said I've received no records under FOI of any faults on my line. Now if this was for fault reading where's the bloody FOI faults where's the faults on the diaries which I'm entitled to and I said well so, if you were the only one who was li, he said well there were other people across this at the time. And I said so you weren't the only one that was listening. He said, well as I said to you before there's a lot, there's a lot of people across your problem at that time. And I said well I'd like something in writing, he said, well I've got to go to, to college tomorrow, or to, to Warrnambool early in the morning, I said well you can pick up a, a, in actual fact he didn't realise, he thought you had to, his actual statement was, well that means I've got to go to the, to the Police Station or to the, to the, to the Courts to pick up a, an affidavit, and I said no, I said you can go to a local, Davis', the local newsagent, I said you can pick one up there, I can do that anywhere now. So I said if you pick that up, I said I'll accept that, I said I won't worry you again. I said even if you write it on, on a piece of paper, I said, but I want something official because I said enough's enough and that's what he was going to do. Now, I heard nothing from him for about a week, I then put a notice on the notice board at the College just asking him to ring me. I heard nothing from him then and then I rang him, it was about a week later and he said I'm allowed to talk to you, he said if I want any information, you are to talk to my solicitor, I said, oh I said well look you rang, I rang our solicitor he said Simon CHALMER of Telecom, Now this man's already left, he's already left, I rang yet they've got a Telecom solicitor.

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Simon CHALMERS and he said like this is an arbitration process, I said no it's not it doesn't come under the, under the arbitration umbrella. And I said it's I want, I want to, you know I want to get to the bottom of you know what's happened. And he was reluctant to talk about it.

Q39. So the conversation you had with Gordon STOKES you said to me before we started the tape, that was on Sunday the 21st of August 94?

A. I've got, I've got to be, be sure, if it wasn't the 21st it was the following Sunday, I've got it written down somewhere.

Q40. So it'd be round about the, so almost a month ago?

A. Yeah about a month yeah.

Q41. And, Mr STOKES is an ex-Telecom employee, to your knowledge he's been out of Telecom for several months before that?

A. I think about four months yeah.

Q42. Okay. But he was a main technician here before that?

A. He was, he was the main fellow, he, he was the main.

Q43. And he's been out to your premises several times while he was with Telecom?

A. He has.

Q44. To service your phone system?

A. Right.

Q45. And during that time, he had not discussed or disclosed to you that monitoring was taking place on your lines?

A. Never, never.

Q46. And I think you mentioned before we started the tape that he in fact also, blamed your answering machine at some stage for problems?

A. Not, not him, Ross ANDERSON back in April the 13th 92, he blamed the answering machine as, as my problem, source of problems.

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DAHLSTROM Okay.

A. I don't know whether I ever told you gentlemen this but, and it, it's well documented in Telecom notes, that and I don't know, remember the date. But it was within about two days after we had a, the first Current Affair program, I had rang ELSTERNWICK from the ABC and I wanted to speak to Mr MCNIGHT, did I mention that before.

DAHLSTROM Yes.

PENROSE Yes.

A. Oh,

DAHLSTROM Yeah, yeah I do recall that.

A. Okay.

Q47. Okay. So when you spoke to Gordon STOKES a month ago, he didn't specifically say that other people were monitoring the line or monitoring your service. His general thrust was that?

A. Across, across my fault so. And he, he more or less made it quite clear that he wasn't the only one. But it wasn't until I sort of badgered him or put him in a, in a corner if you'd like to say that, he said well look, he said there was a lot of people, I said well you were the only one listening in to my calls. And he said, well no, there was, what I'm saying to you, there was a lot of people across your case at that time. But he made it quite clear that there was no taping so, when you put one against the other, I got the, I got the, the reference that yeah there was quite a few people listening in on it. * ↑

Q48. And this all came about as, as a result of certain rumours or?

A. Well it's just a gut feelin that I've got that, there's a discussion took place yeah.

Q49. About a certain incident?

A. About a certain incident, where, where, where, can't say, out where that instance there. It wouldn't happen, it just wouldn't happen, it just wouldn't happen, it just wouldn't happen, it just wouldn't happen.

Q50. And the only information or the only information that it became known?

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A. Well how I saw it yeah, is through the, Q51. Is over the telephone service?

A. Yeah mm.

PENROSE

Q52. What was the incident?

A. It was an incident that's sort of a little bit delicate.

DAHLSTROM

Q53. All right, so since you've spoken to Simon CHALMERS it's been your opinion or, it was virtually stated to you that Mr STOKES won't be speaking to you or making any affidavit?

A. He said there'd be no affidavits from Gordon STOKES, any, any reference has got to be dealt with this office, and I said well if, if Mr STOKES is not employed by Telecom how can you be representing him. I said all I want is an affidavit, or a, a letter of some sort to, to give the arbitrator, although it's not arbitration process I said, I want something that, to show how much we, us fellas have been under you know, under stress. And I make it very, make it known here I believe it's not only three or four or five months I think they've been monitoring the lines, and listen in on calls a lot longer than that. There was a period of time where we used to hear clicks, I've heard, I've heard like background as if I can hear the actual exchange, someone in the exchange. Now about two months ago I think it, I rang, I rang Tim, Ann was on the other line and we were getting, and we, it was, I actually taped it, and it was like as if we had, and when we first got on the line as if you could hear background, as it was hollow and you could hear sort of footsteps or, or, or work being done in the background as if he was inside an exchange, it was, it was strange. Now I've had that happen a couple of times, when I've picked the phone up I can hear that background noise, when I put the phone down and about 16 seconds or 15 seconds later, I try to pick it up because I'm, I've worked this 90, this second business on my phone, where I've been charged for the, I've tried to do my own testing and I've heard an echo in background on the line and that's happened about twice, going back probably I don't know two months ago, three months ago, probably round about February, March.

ASK ME ABOUT THIS LATER

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Q54. Just one last thing Alan that I've got, there's a letter here that you've written to Mr Paul RUMBLE of Telecom? *

A. Right.

~~Q55. And it relates to a conversation that you had on the 31st of June with him?~~

A. Mmhuh.

Q56. And I believe it also relates to the bus?

A. Right, it does yes.

Q57. Company matters etcetera. The thing that I'm intrigued by is the statement here that you've given Mr RUMBLE your word that you would not go running off to the Federal Police etcetera? *

A. Mmhuh.

Q58. Can you tell me what he background of that is?

A. Well I rang Paul RUMBLE up and I said look, I want some sort of clarification with all these, I said we, we get people saying that my staff no longer, as soon as I leave, that they, turn me back they're away. I said we get people that are saying that this person no longer here, and I went through all this, what you've got there. And I said, now I come up with the documentation, I said with Malcolm FRASER that I spoke to Malcolm FRASER and I know damn well I didn't tell anybody. I said I come up with this document and I said and there's no, nobody, nobody's given me any information to, to, to where you got all this information from. And he said well look I'll, I said my.. the one thing I want to know I said, how the bloody hell did you, or what made you fella's write this notifications at the side of these columns of people I've rang I said I want to know. And he said look, well I'll do anything, he said, just don't go running off to the Federal Police. I said I won't go, I said I'll tell you what, you do the right thing by me, you return me a letter, you give me some a letter back on this, I said I won't go off to the Federal Police. I said I've got letters regarding that, and I gave that to Warwick SMITH too. *

Q59. And that, I mean that relates directly to the monitoring of your service where, it would

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indicate that monitoring was taking place without your consent? *

A. That was before I found the other document under malicious call trace, on my 267230, as I said they haven't got back to me since.

Q60. And you know what Mr RUMBLE's position is in Telecom?

A. Yes. He's Customer Response Unit, which would be sort of number, number one underneath Mr BLACK.

Q61. And he is fully aware of our investigation in relation to monitoring of telephone services? *

A. Oh yeah sure.

DAHLSTROM Okay. Superintendent PENROSE have you got any questions.

PENROSE Q62. Thanks Tim. The information that John McMAHON passed on you from Austel about live monitoring. Do you know where he got that information from? *

A. No, but it, it is in an Austel document, I can't find it but it wouldn't be that hard to find. At a, it's amazing because I wanted to put it into my, my own submission but it's a document saying Mr SMITH was one of two people that were, the lines were in, and it's really to that, very similar to that one that it's in the Telecom stuff. So it did mention Glen Waters being John MAIN and it mentioned me but it did say that the certain times of 1993 that Mr SMITH's lines was, you know was monitored. And that's when I first knew right. And then I come across me FOI and of course that, that clarified it.

PENROSE Do we have that document.

DAHLSTROM Yeah I think I've seen it somewhere before, which is virtually a mirror of the document we spoke about earlier.

A. Yeah it's very close to that.

DAHLSTROM Where, it's an internal report stating where the monitoring did take place.

PENROSE Q63. And live monitoring as far as he was was aural

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some documents, to how I've asked for it. Now that was on the line for three months and they still haven't given me under FOI.

Q70. And that would be an Elmi machine connected to your service at the Portland exchange?

A. Yeah. At the Portland exchange to the RCM.

Q71. In relation to live monitoring, you spoke about it occurring in June or July of 1993?

A. Mmhuh.

Q72. Where does that information come from?

A. That's, that's in that document.

Q73. The one that you identified earlier?

A. Mmm.

Q74. And in 1993 were you still reporting faults with your telephone?

A. I have been reporting faults right up until June 1994. And, and, and Telecom themselves have found faults in 1994, a lot of faults in 1994. Well up to, even up to June, May the 25th we are, I had repeated voice announcements, I'll tell you something that, that I've, I've done a four minute video clip, that when I rang, I rang 1100, a girl got on the phone and I've signed a Stat Dec to this, her name was Heidi and I gave her a nice little bit of a run around about her name, about a Swiss story that we will, probably shouldn't tell.

PENROSE I think you've told me about this before.

A. Yeah.

PENROSE From Ballarat.

A. Yeah and from Bendigo. And this lady turns around and says mate, turns around and I asked her to, to tell me what she heard if you rang 2626 number, 008 number. No phones rang and one ring and that's all that happened and I had somebody present in, in, in the building here. She gets back on to my fax line which I was dialling out and I said what did you hear, and she says something about the Camp. I said I beg your pardon she said

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Telecom, I'm, I won't show it to you. *

A. You can't yeah I understand.

DAHLSTROM But it does identify the fact that, that you were
live monitored for a period of time. So we're quite
satisfied that, that there are other references to
it. *

A. Right.

PENROSE
Q82. How often does it rain down here?

A. Only when you fellas come down. We've had about
five good days actually.

DAHLSTROM
Q83. Have you got anything else Alan to do with the live
monitoring issue?

A. Ah, no but I, this, I mean how can you say that you
know, because it's, it's documented that it happened
from this time to that time, but nothing, in my
wildest dreams would think that I'd ever been taped
but now I know that what I'd thought for five
months, six months, 12 months. I believe I've been
taped or listened too over a good, you know a good
period of time, 12 months, 18 months, and I believe
up until only a matter of two months ago, a lot of
funny things used to happen on the line, we'd hear
clicks and, and it's just, well I can no longer use
the phone. I, I really bel, I mean just cause you
fellas are here now I, really don't know, I mean
when I go in there I go to the gold phone, I really
don't know whether I can use the phone with, with
any, you know any safety. I, I, you know it's just, *

Q84. There is just one more document that you've sent to
us that probably wasn't in the initial record of
conversation and that's a handwritten note?

A. Sorry.

FEMALE Brad wants you to know if he can break
second.

DAHLSTROM I'll just suspend the tape then
approximately 7.05pm.

TAPED RECORD OF CONVERSATION
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you specifically that, that's suggested that he was involved in live monitoring of your telephone service?

A. Well now you've put it this way. I assumed, so that's why I rang him, I thought well he'd have to be the person, him being in charge right. And that's, and he, he didn't refute it, now I found that strange at the time, he didn't re, he didn't say oh it wasn't me, he didn't deny it, he didn't deny it at all, he just said that I wasn't, no, he said, there was no taping. *

Q78. I haven't heard, I'd haven't heard rain like that for six months?

A. Didn't ask, take it with you. He said it's, it's, it's, we, we, there was, there was no taping done and he made it quite, in fact, which I believe right. But what I'm left, what I'm wondering is, is quite common I've been lead to believe now it's quite common that they, they, when they, when they listen in on the calls it goes through the whole exchange. Now I've been told that on a lot of occasions, so I'm wondering if this, if that's the case how many other people could've listened to it. Could be Mrs SMITH, could've been Mrs BROWN, Mrs BROWN talks to Mrs SMITH, husband and next minute it's all around town. *

Q79. At which college did you put the notice up at?

A. Ah, the, the Warrnambool Deakin University.

Q80. What's, Mr STOKES associated with it is he?

A. He, he's doing a, a course there at the moment. And all I done was put a please contact me Mr STOKES.

Q81. Did John McMAHON ever describe the document that he'd spoken to you where it had been identified to him about the live monitoring? *

A. No, no never.

DAHLSTROM Okay. That, that document that you, that you were referring to, or John McMAHON may be referring to, we do have a copy of it.

A. Right.

DAHLSTROM However, because it's been provided to us by

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- A. Did, did take place.
- Q6. Took place and the dates there are June 1993 to August 1993?
- A. August.
-
- Q7. Since then have you also had other information about monitoring on your service?
- A. Yes I, I come up with a document I guess, maybe a month ago or six weeks ago, five weeks, it clearly states that the malicious call trace was on my other line which was my 26723, 230 line. And they would come out of the actual diary notes of the Portland Exchange, which is a different, a different number to what, the, the prior one you were talking about, was 267267.
- Q8. Okay. I'll just show you a, just show you a photocopy of a document, which you sent to me on the 14th of September, and that's a photocopy of a diary note, page dated the 7th October 1993?
- A. That's right.
- Q9. And is that the one you're referring to where?
- A. That's the one I'm referring to.
- Q10. And that states down here, at 9.00am a malicious call trace was removed from 267230?
- A. 7230 that's right.
- Q11. Okay. Just for the purpose of the tape, and for our own information prior to these dates, had you ever made any request, request with Telecom for a malicious call trace to be placed on your lines?
- A. No I have never, never once have I asked for malicious call trace and I make it very clear that never at any stage has Telecom said they were going to do any monitoring on my lines or any, any tapping or any listening of calls, at all at any time.
- Q12. Okay. So the only testing that you were fully aware of that was conducted by Telecom on your lines, which involved recording of details etc, were the Elmi testing arranged by Austel?
- A. Elmi the, this is this year Elmi by Austel but I was

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something about a camp, I said I'm sorry I didn't quite hear you what did you say, she said something about a camp, she said I heard somebody say something about a camp. I said my lady I said nobody even picked the phone up, I said it only rang once, she said well I heard something about it, I said do you mind, she said what, what are you trying *

to do. I said well go get me the supervisor, so the supervisor come on, I said look, I said I want to go into all this, I said but there, there's something wrong, I said now this is what's happened. Do you mind getting her to ring the phone again, with that she got back, she rang the phone, it rang once or twice as normal right, the person picked the phone up and spoke on the phone and said hello, and that's all she done right. Okay, now the phone was put down and then we left it at that, three weeks later I get my phone bill, and I was charged for the first call, I was charged for 19, for 19 seconds which I never even picked up. The next call which was said hello, and Telecom's admitted this right, I was charged for four minutes and 19 seconds. Now I've done a video clip of this, of, of in front of a professional video right, of exactly this case because she, there was something wrong and she didn't want to, she didn't want to, at no time did I speak on that phone, nobody said the Cape Bridgewater Holiday Camp, I find another documentation that, that I rang, I was ringing Graham SCHORER's and I couldn't get through to him. I rang 132999, the reporter from there turns around and says, when he realised we were COT he didn't report the call. So we've not only been dealing with, with, with COT issues like with, with, with through Telecom, we've been try, we're getting bum steered by 132999 and 1100. Now that, that's clarified, I mean I, I've, I mean it's documented that that's a fact it happened yeah. *

Q75. And when did you discover that the malicious call trace was on your line in the FOI documents that you received. Just roughly?

A. About two months ago, oh six weeks ago.

Q76. And you had no knowledge of it?

A. No I had, I'd seen it but I didn't report written so much of, I've listened to it, yes, yes, I hadn't put a great significance to it, yes, yes, I

Q77. And in relation to Gordon STOKES what have you say to

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Telecom, I'm, I won't show it to you. *

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Have you got anything else Alan to do with the live
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months, six months, 12 months. I believe I've been
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up until only a matter of two months ago, a lot of
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clicks and, and it's just, well I can no longer use
the phone. I, I really bel, I mean just cause you
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Q84. There is just one more document that you've sent to
us that probably wasn't in the initial record of
conversation and that's a handwritten note?

A. Sorry.

FEMALE Brad wants you to know if he can break
second.

DAHLSTROM I'll just suspend the tape then
approximately 7.05pm.

TAPED RECORD OF CONVERSATION RECOMMENCED. TIME IS
APPROXIMATELY 7.08PM

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Q85. Alan just before the suspension we were just discussing the live monitoring and we established that it was around June, July, August of 93?

A. Right.

Q86. ~~The document here that you've sent to us earlier has got the date, 27/6 on it?~~

A. Right.

Q87. We can only assume I suppose that it's 1993. But there is a number blacked out?

A. Mmhuh.

Q88. And an arrow to your number which would show that this, this person called you?

A. Right.

Q89. At 6.40pm. And the notation written on it is caller, caller is usually from this number but apparently somewhere in Adelaide on this occasion? *

A. Right.

Q90. And I think you've brought that to our attention to say well how would they know that this person, and whether he calls from?

A. Yeah how would they know.

Q91. A certain number but is away in Adelaide. Other then, as you say, listening in to the telephone? *

A. I, that's it, I mean how would you know. I, I've shown that to quite a few people and they said oh God yeah, you know how, how would they know. You tell me, it's a, it's a pizza parlour and he had a dial-a-pizza parlour, and he's gone broke and he's pretty, clear set sort of a fella, and he put in about 60 grand and he's done the lot. And I was using this as an example to give to Senator BOSWELL and at that time we were getting all these people that I could get the information so that I could forward it to BOSWELL at that time to the present to the Senate. So all this was being done, being known at that time, because they were getting as much information we could give to BOSWELL and to Richard ALSTON, Shadow Minister, to present to the Senate.

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- Q92. And that's not Ralphie's Pizza, that's someone else?
- A. No that's, I can't think of it, think of the name of the place but it's, it's in Adelaide and, he actually was on, on, on the Current Affair program that, not Current Affair, yeah Current Affair program, and he's the gentleman that was, so I contacted him and I said well give me as much information you can and we can present your case perhaps to, you know to, to the Senate, which we did.

Q93. Okay. All right do you have anything else Alan?

A. No I don't, not really, no.

DAHLSTROM And Superintendent PENROSE anything else that you'd like to discuss with Alan.

PENROSE No thanks.

DAHLSTROM Okay. That being the case I'll turn the tape off.

AND THE TIME IS 7.11PM

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R.M.B. 408 CAPE BRIDGEWATER VIC, 3308
TELEPHONE: (053) 267 267.

10-9-92

Mark Ross
Customer Service Manager
Commercial-Country Victoria
P.O. Box 299
Ballarat.
Fax-053-3491776

...
- Owen
- Family Group
ONGAA

Dear Mark

I will keep this letter short and direct and to the point as you are well aware of my telecommunication problems. While at the South West Tourism promotion campaign in Melbourne early this week, I was approached by the proprietor of a bus charter company to tender for a very lucrative tourism venture starting next year. How ever with fairness to the many people who would be involved with this proposition I would have to be able to guarantee them I have a reliable phone service. This company has over many months tried to contact me without much success hearing an engaged signal constantly before making contact, so they are well aware of my past problems. I have explained I am under the assumption my telecommunication problems are now over or at least just about rectified which I hope is the case. If Telecon would now guarantee me an efficient service I can pursue this tender, could you Mark or your Victorian Divisional Manager write me a short note confirming this guarantee. I am counting on this venture to not only give me a much needed occupant boost but an awareness of our local tourism outlets. I would need this letter now later than 15th of September as offers of interest must be in by then, if this could be arranged I would be obliged.

Respectfully

Alan Smith

Gorey 124 765E

05: 257 267

000611

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* IN CONFIDENCE *

CALL DETAILED

055 267230

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DAY	DATE	AND TIME	CALL TYPE	NUMBER DIALLED	WAIT TIME (SEC)	CONV. TIME (SEC)	METER	METER PULSE REC'D	DIFF	RA	R	O	R	O	P	C
MON	31/01/94	06:46:12	OAS	I	3599	3910?		0			N					
MON	31/01/94	09:08:02	OAS	032877009103	18	0	WRONG NO.	0			Q					
MON	31/01/94	09:08:20	ONU	1100	22	772		0			Q					
MON	31/01/94	09:21:37	OAS	032860055	26	10	C.M.	0			Q					
MON	31/01/94	09:29:15	ONU	1100	22	97		0			Q					
MON	31/01/94	09:38:01	OAS	038287342	31	202	AUSTEL	0			Q					
MON	31/01/94	09:43:20	OAS	234780	22	16	LOCAL CALL	0			Q					
MON	31/01/94	09:57:12	OAS	032877001	22	86	FAK TO C.M.	0			Q					
MON	31/01/94	10:06:12	OAS	032778777	32	33	T OMBUDSMAN	0			Q					
MON	31/01/94	10:10:54	OAS	087258158	31	137	DONOR CALL	0			Q					
MON	31/01/94	10:13:45	OAS	057252364	12			0			Q					
MON	31/01/94	10:13:58	OAS	057252364	24	0	LOCAL CALL	0			Q					
MON	31/01/94	10:14:22	OAS	057286234	27	0	NO STD	0			Q					
MON	31/01/94	10:14:54	OAS	057252364	17	0	LOCAL REQ.	0			Q					
MON	31/01/94	10:17:32	OAS	286234	27	70		0			Q					
MON	31/01/94	10:27:42	OAS	036327700	26	28		0			Q					
MON	31/01/94	10:45:00	OAS	036174617	37	51		0			Q					
MON	31/01/94	10:46:44	ONU	0175	24	61		0			Q					
MON	31/01/94	10:54:52	ONS	008033849	29	216		0			L					
MON	31/01/94	11:15:43	OAS	032877099	27	1	ABANDONED?	0			N					
MON	31/01/94	11:16:19	OAS	078925040	13	0	CM	0			Q					
MON	31/01/94	11:18:17	OAS	078925040	13	0		0			Y					
MON	31/01/94	11:20:40	ONU	013	9	0		0			Y					
MON	31/01/94	11:21:03	OAS	078925040	12	0		0			Y					
MON	31/01/94	11:23:46	OAS	078925040	11	0		0			Y					
MON	31/01/94	11:25:29	OAS	078925040	12	0		0			Y					
MON	31/01/94	11:26:18	OAS	078925040	33	119		0			Y					
MON	31/01/94	11:31:26	OAS	078925040	12	0		0			Y					
MON	31/01/94	11:37:43	OAS	078925040	12	0		0			Y					
MON	31/01/94	11:41:35	OAS	032877099	27	129		0			Y					
MON	31/01/94	11:44:37	OAS	038893543	27	85		0			Q					
MON	31/01/94	11:46:44	OAS	078925040	13	0		0			Y					
MON	31/01/94	11:52:03	IA		4	93		0			Y					
MON	31/01/94	11:56:33	OAS	078925040	11	0		0			Y					
MON	31/01/94	11:56:47	ONU	1100	22	157		0			L					
MON	31/01/94	11:59:50	OAS	078925040	27	432		0			Y					
MON	31/01/94	12:07:48	IA		4	54		0			Y					
MON	31/01/94	12:09:02	OAS	038893543	27	260		0			Q					
MON	31/01/94	12:20:15	OAS	038893543	33	103		0			Q					
MON	31/01/94	12:22:39	OAS	0367073103670721	35	82		0			Q					
MON	31/01/94	12:35:16	OAS	231000	24	597		0			L					
MON	31/01/94	14:15:11	OAS	036346671	37	25		0			Q					
MON	31/01/94	14:16:53	OAS	036343876	38	46		0			Q					
MON	31/01/94	14:18:54	OAS	022642044	37	45		0			Y					
MON	31/01/94	14:26:04	OAS	038203021	37	34	AUSTEL	0			Q					
MON	31/01/94	14:49:30	OAS	038203021	38	93	AUSTEL	0			Q					
MON	31/01/94	14:51:46	OAS	038893543	27	104		0			Q					
MON	31/01/94	14:55:14	OAS	035681824	25	16	FATE SMITH	0			Q					
MON	31/01/94	14:56:04	OAS	234780	23	96		0			L					
MON	31/01/94	15:12:24	OAS	036707211	30	1010		0			Q					
MON	31/01/94	15:29:52	OAS	031	7	0		0			Q					
MON	31/01/94	15:30:18	OAS	032877099	27	0	ABANDONED?	0			Q					
MON	31/01/94	15:32:18	OAS	032877099	27	128	AM	0			Q					
MON	31/01/94	15:42:46	OAS	032877099	27	15	AM	0			Q					
MON	31/01/94	15:43:45	OAS	217777	25	165		0			L					
MON	31/01/94	15:47:13	OAS	053428357	16	0		0			Q					
MON	31/01/94	16:05:11	IA		4	112		0			Q					
MON	31/01/94	16:24:18	OAS	035622080	39	110		0			Q					
MON	31/01/94	16:26:54	OAS	032877099	27	313	AM	0			Q					
MON	31/01/94	16:32:51	IA		3	61		0			Q					
MON	31/01/94	17:21:51	OAS	038287342	32	1178		0			Q					
MON	31/01/94	17:57:53	OAS	053428357	48	2464		0			Q					

AS-765 F

MON 31/01/94 15:01:00 CAS	032877099	1607	Am	0	Q
MON 31/01/94 15:11:14 OUI		70		0	
MON 31/01/94 15:17:00 OUI	0175	41		0	L
MON 31/01/94 15:21:22 OUI	0175	160		0	L
MON 31/01/94 21:06:30 OUI	035681824	30	6407 F-16 Intm.	0	Q
MON 31/01/94 22:58:43 OUI	I	3599	3059 ?	0	N

 * COMMERCIAL *
 * IN CONFIDENCE *

CALL DETAILS 055 267260 Page 16

DAY DATE AND TIME	CALL TYPE	NUMBER DIALLED	WAIT CONV.		METER		R			
			TIME (SEC)	TIME (SEC)	PULSE REC'D	DIFF	RA	RO	TE	PC
MON 31/01/94 15:01:00	CAS	032877099	63	582	14			Q		
MON 31/01/94 15:11:14	OUI		191	0	0			?		

AS-765 F

Telecom 'spying' on its employees

By BRUCE JONES
Political Correspondent

UNIONS may take industrial action over claims Telecom is using "dirty tricks" and breaking privacy laws to spy on employees.

Telecom's alleged campaign involves gaining evidence to discredit workers who have made compensation claims.

Democrat Senator Jean Jenkins told the Senate last week Telecom's activities included bugging workers' homes.

She also said compo claimants were referred to by their boss managers as "slimeballs".

She said the accusations were contained in a statement by a former member of Telecom's Protective Services branch.

Senator Jenkins said the man claimed:

- He and other Telecom employees and private investigators hired by Telecom did secret surveillance on hundreds of compensation recipients.
- Compo claimants had their



SENATOR JENKINS: complained car tyres let down to see if they pumped them back up to improve their alleged physical disabilities.



KIM BEAZLEY: ordered report claimant was genuinely injured.

● Claimants have had a "CLASS run" on their homes, which is a procedure where a computer can print out all numbers dialled on a home phone.

● He was instructed to gain access to claimants' bank accounts.

● He overheard discussions on how to discredit two doctors

who had been sympathetic to repetitive strain injury (RSI) claimants.

Senator Jenkins said the "concludes his statement by saying the mere act of lodging a compensation claim appears to be justification enough for claimants to be surveilled, filmed, followed, photographed, set up, vilified and have their private lives laid bare."

"Such flagrantly undemocratic behaviour should not be tolerated in this country."

Len Cooper, acting secretary of the Australian Telecommunications Employees Association, yesterday described the allegations against Telecom, which include phone-tapping, as "dynamite".

Mr Cooper said the union was "horrified" Telecom could employ people to spy on workers' homes and activities and was considering industrial action.

"It is bloody outrageous," he said.

Transport and Communications Minister Kim Beazley has asked Telecom for an urgent report on the allegations.

Navy rescues Asians adrift

IMMIGRATION officials in Darwin

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BRANCH
ON SALE
GO to 9400
in May will
to 1990
1500P
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scale models to be
released during 1990
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Free Phone
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02/94/02/392

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STATEMENT

Of Des DIREEN

NAME:	Des DIREEN
ADDRESS:	
OCCUPATION :	
TELEPHONE :	

1. My name is Des DIREEN and my address and contact details are known to Mr Bob Hynninen.
2. In September 1995 I commenced employment with Telecom Australia which later changed its business name to the Telstra Corporation. I was originally employed as an Investigator attached to the Special Services Unit within Telecom Investigations which was later to become Telstra Protective Services. Over the next twelve years i was promoted to the roles of Senior Investigator and then Principal Investigator.
3. My duties over the years included initiating and conducting investigations involving all types of fraudulent activity against Telecom/Telstra as well as the unlawful use of the Telephone network. I was also very heavily involving in assisting Law Enforcement Agencies such as the Victorian, NSW and Queensland Police Task forces set up to investigate SP Bookmaking throughout those states which involved the use of Telephone Landlines as well as the Mobile phone network.
4. In April 1997 Telstra was downsizing its staff and offering redundancy packages. I applied and was granted a package leaving the company after completing just short of twelve years service. .
5. After leaving Telstra, I am not sure of actual dates but it was either late 1997 or early 1998, I received a call from a person who I know as Rod KUERIS. Rod was working as a Detective Sergeant at the Victoria Police Fraud Squad, St. Kilda Road, Melbourne. I can recall that at the time, Rod was investigating criminal behaviour allegations directed against Telstra. The allegations, which related to 'Perverting the Course of Justice', were initiated by a group of complainants who called themselves Casualties of Telstra (COT Cases).



A5 766

Statement by Des DREEN
Page 2 of 4

6. At the time when Rod called me, I had left Telstra. He called me and asked me to meet him at his private address in Coburg, Victoria. He told me at the time that he was reading reports submitted by Telstra that related to his investigation. He had trouble deciphering the acronyms, abbreviations etc. that were in the report. He knew of my background as an investigator with Telstra and that I could assist him.
7. I attended at his house in Coburg. It was either on a Saturday or a Sunday. I can remember that it was on a weekend.
8. When I got there and during general talk, he stated that he believed that his phones were being 'bugged'. He seemed to be quite distressed at the time. He said that his phone was making clicking noises, the same noises that were occurring on the phones at the Fraud Squad.
9. I said to him that we should do a quick drive around to find out where the nearest pillar or telephone line pit was to his home because if what he was telling me, was true, it was possible that his telephone line could be being tapped from that location and his telephone conversations monitored. He told me that he thought there was pillar down on a corner about two hundred (200) metres away. We left together and when we got to the corner, a plain van was present and a male person was replacing the cover to the pillar. The male then got into his van and left.
10. We then drove to the main exchange in Sydney Road, Brunswick. There were two other vehicles at the exchange as well as the same van. These vehicles were in behind the exchange compound and were not marked with the company logo which indicated that they were not technician's vehicles.
11. It was unusual to have any vehicles at exchanges on weekends unless there was repair work being conducted by technical crews, but as I said all these vehicles were ^{not} marked with the Telstra logo.
12. From what I observed on this day, and applying the knowledge that I gained during my twelve years at Telstra, I have no doubt in my mind that the phones at Rod KUERIS's home address were possibly being interfered with.
13. Rod had also informed me that he believed that the phones at the Fraud Squad were also being monitored. He stated that the clicking noises were constantly being heard while using the phones.



766

Statement by Des DIBBEN

Page 3 of 4

14. Rod also stated that he believed that all of his actions and meetings were pre-empted by Telstra. He stated that he thought it was possible that someone from Telstra was monitoring his calls.
15. This belief was later reinforced by what happened after this event.
16. A few weeks later on a Saturday morning Rod had to go to Tullamarine Airport to meet one of the complainants in his investigations, Anne GARMES. He called me early on this day and stated that he believed that he was being followed and wanted me to help him verify this.
17. Rod was going to meet Anne GARMES at Tullamarine Airport in the Ansett Departure area on the 1st floor. He was driving his private car to the airport. I arranged to meet Rod at Kellor Park Drive, East Keilor. I sat off his car as he drove past. I then followed him at a reasonable distance to the Ansett Departure Area Cafeteria on the 1st floor.
18. I met him outside the Cafeteria, and he pointed out Anne GARMES and her husband who were already there and then pointed out a male person sitting near them who he said he recognised as being a person who was following him around Melbourne. This guy was reading the paper. When this person realised that we had noticed him, he left. Rod appeared angry and distressed by this.
19. I also know that these occurrences were causing problems with Rod's family life. I believe that Rod left the police force not long after these events.
20. Finally, I would like to say that while I was working at Telstra and it would have been the early nineties I had cause to travel to Portland in western Victoria in relation to a complaint involving suspected illegal interference to telephone lines at the Portland telephone exchange.
21. As part of my investigation, I first attended at the exchange to speak to staff and check the exchange log book which was a record of all visitors to the exchange and a record of work conducted by the technical officers.
22. When I attended at the exchange, I found that the log book was missing and could not be located. I was informed at the time by the local staff that a customer from the Cape Bridgewater area south of Portland was also complaining about his phone service and that the log book could have been removed as part of that investigation. I was not told about this complaint prior to travelling to Portland and when I made inquiries by telephone back to



766

Statement by Des DREEN
Page 4 of 4

Melbourne I was told not to get involved and that it was being handled by another area of Telstra. I later found out that the Cape Brigewater complaintant was a part of the COT cases.

Signature: [Handwritten Signature]

Date: 10/08/06

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

Signature: [Handwritten Signature]

Date: 10/08/06

Acknowledgment made and signature witnessed by me at MELBOURNE on 10/8/06
at 5.15 am/pm

Signature: [Handwritten Signature]

Name: P. J. SPENCE

Title: SENIOR INVESTIGATOR

AS 766

STATEMENT Of Bob HYNNINEN

NAME:	Robert Thomas HYNNINEN
ADDRESS:	Unit 4, 79 Mimosa Road, Carnegie Victoria 3163.
OCCUPATION :	Public Servant – Australian Taxation Office
TELEPHONE :	(03) 9285 1570

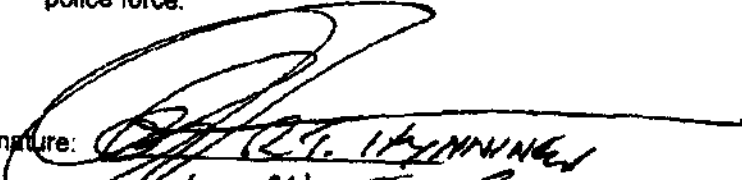
1. My full name is Robert (Bob) Thomas HYNNINEN. I currently reside at Unit 4, 79 Mimosa Road, Carnegie, Victoria.
2. I had been previously involved in an arbitration process with Telstra. I was part of a group known as the Casualties of Telstra (COT Cases).
3. I can recall that during the period 2000/2001 I had arranged to meet Detective Sergeant Rod KUERIS from the Victoria Police Major Fraud Squad at the foyer of Casselden Place, 2 Lonsdale Street, Melbourne. At the time, I was assisting Rod with his investigation into alleged illegal activity of Telstra against the COT Cases.
4. Rod and I would occasionally meet in the city to discuss the progress of his investigation.
5. I met Rod at about mid – morning. I observed him seated on a sofa in the foyer near the right side of the entrance. I approached him and sat down next to him. When I did this, I noticed that he appeared to be distressed and red in the face.
6. Rod then stated that he wanted me to follow him to the left side of the foyer. When we did this he then directed my attention to a male person seated on a sofa opposite our seat. He then told me that this person had been following him around the city all morning. At this stage Rod was becoming visibly upset and I had to calm him down.
7. This male then noticed that we were both looking at him and got up and left the building.
8. Rod kept on saying that he couldn't believe in what was happening to him. I had to again calm him down.



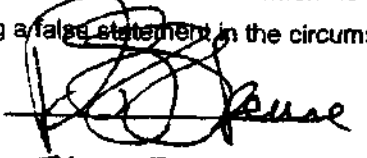
AS 766

Statement by Bob Hynninen
Page 2 of 2


- 9. When I spoke to Rod on a number of occasions at the Fraud Squad, he stated that he believed his office phones were being monitored by Telstra. He said that they were continually making clicking noises.
- 10. He told me that he had complained to senior management about the problem.
- 11. Over time, I believed that this investigation had caused a number of health problems with Rod. It also had an affect on his marriage.
- 12. Rod called me during the latter part of 2001 to inform me that he has resigned from the police force.

Signature: 
 Date: 8/1 August 2006

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

Signature: 
 Date: 8/8/2006

Acknowledgment made and signature witnessed by me at MELBOURNE on 8/8/2006
 at 1.40 am/pm

Signature: 
 Name: P. J. SPENCE
 Title: SENDS INVESTIGATOR
FL1

AS 766

Facsimile



To Ross Anderson

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

Company Telecom Portland

Australia
Telephone 03 634 6993
Facsimile 03 640 0997

Facsimile 055 236 56

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 ~~1 Hour and 15 Minutes~~ ^{45-46 MIN} 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 Mistubishi 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

FIS 767A

7

No
011

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

03 6400997-

055 267230:# 1

SENT BY:0

STOP APPROX
HERE.



THIS FAX TOOK. 3.11 MIN. TO RECEIVE
ALL BUT LAST 1 1/2" RECEIVED
THEN SENDING PARTY FAX
DISCONNECTED, ~~RECEIVED~~ WITHIN 1 MIN.
RECEIVING FAX. MACHINE SILENT
FOR APPROX 2 MIN; THEN THE
REST OF MESSAGE RECEIVED

FAX

TEST

(STORED IN FAX
STREAM
?)

K03754

AS 767-B

AMPLE #3

K03751

10

PROTOCOL MONITOR

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

28-10-93 12:32 PM
 6136400997
 0J 6400997
 0

*** SEND ***

No	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	055 267230	28-10-93 12:30 PM	0'49"	0		COMMUNICATION ERROR S600 E204

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

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

'APSE	LOCAL	REMOTE	FCF	FIF
7		← CED		
16		← 2100HZ		
3'35		← NSF	20	00000580004EB8000825202070202020202020202020202020
4'35				200060001808
5'05		← CSI	40	3033323736322035353020202020202020202020202020
6'29	TSI	← OIS	80	094EB800
7'05	DCS		43	
7'42	TRN		63	0046A800
7'57	TRN			
7'67	TRN			
7'67	TCF			
9'18	TCF			
10'56		← CFR	84	
10'56	TRN			
11'10	TRN			
12'11	PIX			
32'60	PIX			
33'68	EOP		2F	
38'32	EOP		2F	
42'77	EOP		2F	
46'18	*		ERROR 3B10	
47'29	DCN		FB	

Mitsubishi machine failed to respond to valid EOP. MITSUBISHI MACHINE LOCKED UP FOR 2 MINUTES INSTEAD OF TIMING OUT AFTER 9 SECONDS.
 XEROX Telecopier 7017

At Mitsubishi 3-11-NG

AS 767B

SAMPLE #2

PROTOCOL MONITOR

K03752

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

28-10-93 12:09 PM
613640099?
03 640099?
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 EQL:08

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

LAPSE	LOCAL	REMOTE	FCF	FIF
2'35	CED	→		
6'47	NSF	→	20	00001917C0AUDEC1C081F9D8A4A081010A373939S030343620 3330
7'42	CSI	→	40	
8'18	DIS	→	80	00CEE804
10'48		← TSI	43	303332373632203535302020202020202020
11'19		← DCS	83	0006A800
11'47		← TRN		
11'69		← TRN		
11'69		← TCF		
12'96	*		EQM	00B3
13'22		← TCF		
14'26	CFR	→	84	
15'59		← PIX		
33'03		← PIX		
35'58		← EOP	2F	
37'21	MCF	→	JC	
39'19		← DCN	FB	

*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 info on it.*

Page received
↓

AS 767 B.

Fax from : 61 3 6323241

9:50 CRISBERRY/ML

JAN 11 '94 08:53AM CUSTOMER AFFAIRS 632 3241

11/01/94 08:57 Pg: 2

P.2/2


Commercial & Consumer
Customer AffairsLocked Bag 4990
Melbourne Vic 3100Telephone (03) 632 7700
Facsimile (03) 632 8241

11 January, 1994

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

Dear Warwick,

I refer to your suggestion re. Mr Pengilly as an alternative assessor. Telecom's position is still as per my original letter to you of 24 December 1993. Telecom's view is that your nominee, Mr Rogers QC, is a suitable person who will provide an independent and impartial view. In respect of Mr Pengilly I do not have a detailed CV, but my enquiries have revealed that his primary expertise is Trade Practices Law and this background is not of direct relevance to this arbitration. An assessor with a greater level of direct commercial expertise and judicial background such as Mr Rogers QC is seen as necessary.

I have received your facsimile of 11 January 1994 and the attached letter from Mrs Garma. Mr Rumble's contact with Mrs Garma was in direct response to the voice monitoring issue and was also intended to deal with the supply of information under her FOI request. At no stage did Paul Rumble raise the issue of alternative assessors. Please be assured that Telecom will only consider assessors nominated by yourself and has not, and has no intention of, entering into discussions with the other parties to the arbitration in respect of potential assessors.

I have asked the Corporate Solicitor to comment on Mrs Garma's statement that Telecom had previously accepted the appointment of Mr Fox as suitable to themselves. Apparently, the name of Mr Fox was included on a list of names which was discussed with Mrs Garma some time ago. My understanding is that this matter never progressed and does not appear relevant to the current deliberations.

My personal view is that the appropriate way forward is to appoint one assessor to ensure the consistent application of legal principles in these cases. In addition, the assessor needs to be a person of some eminence in legal and commercial negotiations as the outcome of these cases is likely to establish a precedent for future complaint handling.

However, it does appear to me that the claimants are losing sight of an important factor and that is the fact that the TIO is the person with the responsibility for arbitrating on this matter, and that the assessor that is now under discussion is in fact making a recommendation to the TIO. Under these circumstances it appears to me that far too much weight is being placed on the appointment of the assessor. The primary requirement is that this person is definitively impartial and has the necessary professional standing and legal and commercial qualifications.

Please contact me directly (6327700) if I can be of any further assistance in obtaining a speedy resolution of this matter.

Yours sincerely,



Steve Black
GROUP GENERAL MANAGER - CUSTOMER AFFAIRS

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SELWYN COHEN
CHARTERED ACCOUNTANT

Level 8
450 St Kilda Road
Melbourne, Victoria 3004

Telephone: (03) 866 5255
Facsimile: (03) 866 4314

FACSIMILE MESSAGE

DATE: 21ST JANUARY 1994
TO: ALAN SMITH
FROM: SELWYN COHEN
FACSIMILE NO.: (055) 267 230
NO. OF PAGES INCLUDING HEADER SHEET: 1 (ONE)

Dear Alan

OUTSTANDING FAX

I refer to your facsimile of 10.42 a.m. on 17th January 1994. The fax cover sheet refers to 7 pages being sent. Unfortunately, I only received 2 pages.

Please forward the remaining 5 pages to enable me to begin the required work.

Kind regards,


SELWYN COHEN

P.T.O

769

**STEDMAN
CAMERON**
Barristers & Solicitors

2072

OUR REF:

D TWIGG
SMIT3001-001

YOUR REF:

2 February 1994

Mr A Smith
RMB 4408
Cape Bridgewater
PORTLAND VIC 3305

Dear Mr Smith,

Re: FACSIMILE DIFFICULTIES

We note that you did not receive two pages at all and only the number 2 from the third page and the signature from the last page of the facsimile sent to you at approximately 2.23 p.m. on the 1st February, 1994.

It was successfully sent approximately two hours later.

Yours faithfully,
STEDMAN CAMERON

Per: 

455 BOURKE STREET, MELBOURNE. 3000 TELEPHONE: (03) 670 7211
AUSDOC: 217 FAX: (03) 670 0785

PARTNERS: JAN PANNAM, ALAN SHEPPET, ANDREW R. COX, DAVID WHITING.
SENIOR ASSOCIATES: SUSAN HAMILTON-GREEN, JIM KORFIATIS, MARGARET HASSETT.
CONSULTANT: MARY CAMERON

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Telecommunications
Industry
Ombudsman

Warwick L Smith LLB
Ombudsman

~~XXXXXXXXXX~~
Ms Fiona Hills
Manager, Serious Disputes
Commercial and Consumer Customer Affairs
Telecom
Locked Bag 4960
MELBOURNE VIC 8100

Dear Fiona

I am enclosing a complaint received from Mr A Smith, proprietor of the Cape Bridgewater Holiday Camp. Mr Smith believes there is some fault(s) with his service which has resulted in callers reporting to him they have had difficulty in contacting him on his service number. He has also cited an example where facsimile transmissions have been sent but not apparently received by the recipient even though his facsimile machine report shows a successful transmission.

I would be grateful if you would investigate his complaint under the agreed complaint handling procedures and provide me with a prompt response on your findings.

Yours sincerely

Grant Campbell
Manager, Enquiries and Complaints

gc0046:cc

771

M34363

"... providing independent, just, informal, speedy resolution of complaints."



Communications and the Arts

Our Reference:

Your Reference:

Contact:

FAXED
25.2.94

25 February 1994

Mr Jim Holmes ~~Mr~~
Corporate Secretary
Telstra Corporation
41st Floor
242 Exhibition St
MELBOURNE VIC 3000

Dear Mr Holmes

Attached are copies of correspondence received by the Hon Michael Lee MP from Mr Alan Smith of Cape Bridgewater Holiday Camp, Victoria, outlining further difficulties he is having with his telephone and facsimile service.

I ask that you investigate Mr Smith's allegations and take all appropriate steps to resolve his problems. I have also written to AUSTEL asking that the matter be included in the scope of its investigation into Telecom's handling of the COT cases.

Yours sincerely

Fay Holthuyzen
Assistant Secretary
regulatory Policy Branch
Telecommunications Policy Division

*S/ send her original
to Steve Black pl*

↓
772A

*Steve further to
has already
on-forwarded to
you. Please confirm
you will acknowledge
direct to Fay Holthuyzen*

R11431

Mr Michael Lees,
Minister for Communication,

3-2-94

Canberra,
A.C.T

Dear Mr Lees,

To date these past few days, I have registered a statutory declaration and sent it to both Telecom and Austel. This was written in relation to my experience of getting an engaged signal from Golden Messenger service in receiving telephone service. This service has 30 in-coming lines. If this service had been fully engaged due to customer demand, Mr Schorer, spokesperson for C.O.T. would be dancing with joy. However, this is not the case. His customers are repeatedly complaining about his lines being engaged.

Also, these past days I have likewise received a statutory declaration from a Mrs Velthuyzen who tried to ring this business, to no avail. After ringing seven times and receiving an engaged signal, she rang again only to hear an announcement that the number she was calling was not connected, she was ringing my correct number, 008 816522.

It is also ironic that in the past days, on mistakingly sending me a fax on my 008 number, the Portland Tourist Office could not get this fax through. We accept this as human error as, after four tries the officer realised her blunder and faxed the information through on the correct fax number 055 267230. I received the fax. However, on receiving my phone bill I have been charged on my 008 account for four phone calls from The Tourist Office even though these calls were not received.

Also, these past few days, I ended up getting a fax from St George Bank, saying, sorry we were so late in informing you that the loan you were after to pay your F.O.I. payment was so late. We have tried to ring your telephone number only to get a dead line.

Also these past days, I sent a fax to my accountant who I owe money too as well, 7 faxes. My fax has registered them as being sent, however he only received two?

Also these past few days Telecom themselves have tried to send me a fax to no avail. An employee of Telecom had to ring me to check if the number she was ringing was correct, it was.

Likewise these past few days my solicitor has also sent me a five page fax, I only received two pages. Along with my accountants fax, these documents were very confidential and private.

I now ask the Minister, Mr Minister, for five years, we four businesses C.O.T. Ms Maureen Gillen, Ms Anne Garms, Mr Graham Schorer and myself have between us 31 years of plagued telecommunication problems. We have the proof, we have the evidence of an inadequate telephone system to all four members. We believe we

772B

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have enough evidence that our phones have been illegally tapped. We all have lost much, health, revenue and partners due to the stress over these years associated with our business having to be run without the same privileges as our fellow competitors.

I, along with Graham Schorer are close to losing ours, all through a phone service not fit for the purpose.

I ask for your immediate response.

I believe that Telecom is now interfering with the due process of my faxes, if this is not so, then I request you to obtain an alternative answer.

I also have evidence of Telecom knowing that this service has been faulty for many years. The government of this day, pledges a level playing field for all Australians. If this is so, what happened in our cases?

I demand a fax today on the question I have raised. Are my faxes being illegally interfered with?

I find it alarming when the Group General Manager Consumer Affairs of Telecom rings me at work at 9:47pm last night and talks for 15 minutes about associated telecommunication faults.

We have accepted this "Fast Track" from Telecom to C.O.T. However on applying under F.O.I. I am amazed that the costs to receive this information is \$3,042.00, for some 9,400 pages, and I was told that I had no telecommunication faults. I believe for public interest sake, my files, along with the files of the other members of C.O.T should be made available at no fee.

I await for your response by fax.

Sincerely,



Alan Smith, C.O.T. Casualties Of Telecom,
Cape Bridgewater Holiday Camp,
Portland, 3305.
Phone: 055 267287 or 008 816522
Fax: 055 267230.

OFFICE OF HON MICHAEL LEE MP	
Ack/Rep by Min	<input checked="" type="checkbox"/> Information <input type="checkbox"/>
Ack/Rep by SA	<input type="checkbox"/> Approp. Action <input type="checkbox"/>
Ack/Rep by Dept	<input type="checkbox"/> Advice <input type="checkbox"/>
Copy held for min to see <input checked="" type="checkbox"/>	
Final within.....	

C B

772B



P93/515

25 February 1994

MINISTER FOR COMMUNICATIONS AND THE ARTS

cc Secretary
Deputy Secretary
A/g FAS T-POL

SUBJECT: Casualties of Telecom (COT) - Complaint by Mr Alan Smith, Cape Bridgewater Holiday Camp, concerning his telephone and facsimile service.

ACTION SOUGHT: That you sign the attached letter to Mr Smith informing him that AUSTEL is carrying out a detailed investigation of the complaints made by members of the Casualties of Telecom.

PRIORITY: AUSTEL should receive the letter well before it finalises its report.

ISSUES

- Mr Smith is a member of a group of business people (COT) that allege they have suffered financial loss due to unsatisfactory service from Telecom.
- Mr Smith also alleges possible breaches of the *Telecommunications (Interception) Act 1979*.

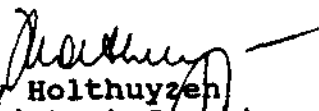
CURRENT SITUATION

- In August 1992 AUSTEL commenced a detailed investigation of the way Telecom was handling complaints by COT members. AUSTEL advises that the investigation is continuing and that they will be issuing a preliminary report shortly.
- The Australian Federal Police has been asked to investigate possible breaches of the *Telecommunications (Interception) Act 1979* and it would be inappropriate for you to make any further comments on details of the allegations while the matter is before the Federal Police.
- A draft letter to Mr Smith has been cleared by Legal and General Branch of the Department (Attachment A).
- We have provided both Telecom and AUSTEL with copies of Mr Smith's letters requesting that they investigate his allegations (Attachment B).

AS 773-A

RECOMMENDATION

That you sign the attached letter to Mr Smith.


Fay Holthuyzen
Assistant Secretary
Regulatory Policy Branch
Telecommunications Policy Division

Action Officer: Tom Dale
Telephone: 274 7063

AGREED/NOT AGREED

MICHAEL LEE

/ /94

773-A

Telecom broadside

CASUALTIES of Telecom has claimed a major victory with the tabling of the damning Austel report into Australia's national telecommunications carrier.

The Austel report, publicly released on Wednesday, launched a broadside at Telecom over claims of mishandling customer complaints, mischarging, overcharging, major connection faults, transmission drop-outs, covering up problems and, most damaging of all, allegations of illegal phone bugging or "monitoring" as it is referred to within the industry.

Founding member of COT and operator of the Cape Bridgewater Holiday Camp, Alan Smith, has claimed the release of the report as a major victory, not just for COT, but for all Australians.

Mr Smith also welcomed a full-page advertisement taken out by Telecom chief executive, Frank Blount, in major daily papers this week, addressing the report.

He said that if Mr Blount's statements about improving and refining Telecom's services came to fruition, all Aus-

tralianes would be winners.

"Certainly I welcome Mr Blount's statement, but he now has to implement it by bringing in a major restructuring within Telecom itself," Mr Smith said.

"The old culture within the organisational structure has to go."

However, while a whiff of victory now hangs in the air for COT, the battle is not over yet.

While welcoming Austel chairman Robin Darcy's comments that "Telecom has been less than an ideal corporate citizen", Mr Smith fears Austel itself remains largely a toothless tiger.

As damning as the report is, Mr Smith said Austel still has not been given the power by the Federal Government to enforce the recommendations contained within its own report.

"Austel must be given the power to get on with the job of bringing about the changes it recommended," he said.

The next step for COT's three remaining foundation members, Graham Schorer, Ann Garms and Alan Smith, is for each of them to sign an agreement with Telecom and the independent assessor, past

president of the Law Institute, Dr Gordon Hughes.

An assessment of the extent of damage caused to their businesses over the last six years will then be carried out, with Purrier-Hughson acting as official accountants.

Mr Smith said Austel would be formally challenged by the Senate probably on May 6 - to substantiate the claims made in its report.

"I now believe that a full Senate inquiry into the activities and practices of Telecom is clearer than ever," he said.

Although pleased with Mr Blount's statement, Mr Smith is concerned that the Telecom chief has so far not answered a question about the alleged bugging of a conversation between Mr Smith and former Prime Minister, Malcolm Fraser.

"I spoke to Mr Fraser in a telephone conversation about the problems we were having with Telecom almost exactly a year ago," Mr Smith said.

"In some of the internal Telecom documents I retrieved under FOI (Freedom Of Information), there are entries logging my conversation with Mr Fraser.

"I rang Mr Fraser after I saw this and he assured me that he spoke to no-one else about our conversation.

"So how did Telecom know about it?"

"Was Telecom monitoring a private phone conversation between a private citizen and a former Prime Minister?"

Mr Smith said he sent a letter to Mr Blount demanding an explanation within 24 hours.

At the time of going to press, Mr Smith had still not received a response.

"If he (Mr Blount) is true to his word about change, he will respond," Mr Smith said.

Mr Smith said the Austel report would not open the floodgates for claims from anyone with a complaint against Telecom.

"Only people with genuine, long-term and well-documented problems will have any chance at all," he said.

"I don't believe this should open the way for opportunists."

Mr Smith is due to meet with senior officials of the Australian Postal and Telecommunications Union in Melbourne today about the issue.

"I will be assuring them that at no time have we ever attacked the grass-roots technicians of Telecom," he said.

"All of the COT mem-

bers have openly praised the co-operation and diligence of the technicians ... they're doing a marvellous job, considering what they have to work with.

"We've never struck a bad one yet.

"The problem lies higher up in middle to upper management.

"I think that, at the end of the day, if Telecom is true to its word, they'll kick the hell out of any opposition.

"After all, they do have all the right ingredients."

15-APR-94 FRI 10:27 580.GALORE-PORTLAND P.01

773-c

Claims of possible illegal activity by Telecom Australia

FEDERAL Police officers are investigating allegations of possible illegal activity on the part of Telecom Australia.

Officers from the Federal Police visited Portland last week and interviewed Cape Bridgewater Holiday Camp proprietor, Alan Smith, who is one of the four original members of COT (Casualties of Telecom).

The supposedly illegal activity alleged by COT members including unauthorised phone tapping (referred in official documentation as "monitoring") and, in extreme cases, industrial sabotage against specific

businesses. Mr Smith told the Observer that COT's problems with Telecom were becoming increasingly serious.

He said the original complaints against the national telecommunications carrier involved primarily line faults, incorrect "disconnected number" recordings and incorrect billing problems.

Now, however, the problems cited by COT involve alleged buggings and other potentially criminal behavior within Telecom ranks.

COT is now pushing for a Royal Commission into Telecom, rather than a Parliamentary or

Senate Inquiry.

Mr Smith said the reason for this was because people could be subpoenaed to give evidence before a Royal Commission; not so with either a Parliamentary or a Senate Inquiry.

"The Federal Police are certainly looking into this to see if there is any criminal involvement," Mr Smith said.

"The Federal officers who were here for about five and a half hours on Monday, were surprised at the blatant way in which some of these matters were handled (by Telecom).

"They were also surprised to find that much important information released to us under FOI (Freedom of Information) has apparently

been heavily censored.

"Certain sensitive pieces of information have been blanked out on our copies of the documents, even though this information doesn't fall within the area of law which allows it to be suppressed."

Mr Smith said he had been reliably informed that there were about 9500 documents relating to his on-going complaints.

He said some documents had been claimed to have been lost, while others never existed.

Mr Smith already has about 3500 documents relating directly to his business.

"I've now been told I

will have to put down a deposit of \$750 for the rest of the documents for my business alone," he said.

"David Hawker (Liberal Member for Western Province) has written to the Federal Ombudsman off his own bat, seeking that these fees be waived, on the grounds that our research is in the public interest.

"With some of the information which has been coming out under FOI, we are finding that country Victoria, and especially within the Warrnong electorate, have a large number of know telecommunications problems."

Mr Smith cited one case which had come to COT's attention regarding a retired Victorian police officer.

He said the former officer believed he had been over-charged for all of his Telecom bills over the past 10 years.

According to Mr Smith, the former officer had logged all of his calls since his telephone problems first came to his attention.

"He was being billed for calls he never made, and these discrepancies were being shown up in his itemised accounts," Mr Smith said.

"He eventually moved from Echuca to Phillip Island, and his bills were more than halved, despite making a similar average number of phone calls.

"It has been estimated that the incorrect billing has cost this man a minimum of between \$4000 and \$6000 over the last decade."

Mr Smith said the Federal police had shown a great deal of interest in the case.

He urged anyone with genuine, documented complaints against Telecom about billing or over-charging, to get in touch with COT on (03) 2877094 or (03) 2877095 as quickly as possible.



**Save time and money
Let us deliver your order**

Legs of Lamb

\$3.90 kg

BBQ Chops

\$2.90 kg

Beef Schnitzel

\$5.99 kg

Marinated Steak

\$6.90 kg

Corned S/Side

\$5.50 kg

Porterhouse Steak

\$6.50 kg

PORTLAND: Mon-Fri morning

HEYWOOD: Mon-Thurs night



Australian Meat Holdings Pty Ltd



The latest in an occasional series from Portland Vic Roads Customer Service Manager Ross Colley.

Drink drive laws and heavy duty licences

Why .00 has become law for drivers of heavy vehicles.

In most jobs, alcohol and working don't mix. Jobs involving the safety of other people require absolute concentration and alertness. Professional driving is one of these jobs.

Professional drivers face greater demands on their driving skills because of the power and size of their vehicles.

They also have to cope with long hours at the wheel and driver fatigue.

Who has to blow .00?

From January 1, 1992, any driver of a truck with a gross vehicle mass of more than 15 tonnes, or a bus with seating for more than 12 people (including the driver), can only drive with a .00 blood alcohol concentration.

Blow over .00 and you'll blow your licence and wallet.

First offence:

If caught with a blood alcohol level between .00 and .05 your licence can be cancelled for up to six months and you will receive a heavy fine.

Subsequent offences:

The case is taken to court.

Your licence may be suspended until the court hearing.

On conviction, you can be fined up to \$2500 and all your driving licences cancelled for a minimum of 12 months.

Carry your licence:

From January 1, 1992, drivers are required to carry their licence. Failure to do so will see the fine to \$500.

However, if they are within 80kms of their normal operating area they may be fined if they:

773 B

2 March 1994



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.

774
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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A53982

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

774

A53988

14 April 1994

PROTECTEDDetective Superintendent Jeff Penrose
Australian Federal PoliceCOMMERCIAL AND CONSUMER
CUSTOMER AFFAIRS37/242 EXHIBITION STREET
MELBOURNE
VICTORIA 3000
AustraliaTelephone (03) 632 7700
Facsimile (03) 632 3241

Facsimile No. (06) 275 7437

Dear Mr Penrose

I have attached for your information a copy of correspondence received from Mr Alan Smith of Cape Bridgewater Holiday Camp and a response from Telecom. Mr Smith's letter to Telecom appears to be inferring that Telecom has obtained this information by monitoring his service. Mr Clinton Porteous, a journalist from the Herald Sun has rung Telecom indicating that Mr Smith has made allegations to him that Telecom has obtained this information through monitoring of his service. Telecom has not responded to Mr Porteous.

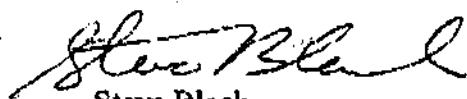
As you will note from the correspondence, Telecom has records indicating that Mr Smith has disclosed this information to three Telecom officers over the last 12 months. Accordingly, Mr Smith's allegation that he has not disclosed this information to Telecom is untrue.

By advice dated 14 January 1994, Mr Trevor Hindson of the Vic/Tas Region has advised me that voice monitoring of Mr Smith's Cape Bridgewater telephone service has been carried out as follows:

"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. This process was established from approximately June 1993 to August 1993, however, the equipment was only set up to trap data while this particular officer was available."

The documents provided to Mr Smith appear to have been prepared in April 1993. Comparison of this with the technical information on voice monitoring outlined above indicates that the information was disclosed to Telecom, and the documents were prepared, prior to the voice monitoring taking place.

Yours faithfully

Steve Black
GROUP GENERAL MANAGER
CUSTOMER AFFAIRS**PROTECTED****FREEDOM OF INFORMATION ACT 1982**
(COMMONWEALTH)
DOCUMENT HAS BEEN RE-CLASSIFIED
UNDER THE FOI ACT
THE AUSTRALIAN FEDERAL GOVERNMENT

775



AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

35

92/0598(9)

22 April 1984

Mr Alan Smith
RMB 4408
Cape Bridgewater
PORTLAND 3308

Dear Mr Smith

FACSIMILE TRANSMISSION FROM CAPE BRIDGEWATER

As requested by you today in our telephone conversation, I have enclosed three sheets of paper which were received this morning in our Records Management area on AUSTEL's facsimile number 03 820 3021. An AUSTEL Records Management staff member stated that these sheets possibly arrived around a time when you were attempting to send a facsimile to AUSTEL. This staff member also assured me that the Records Management area received no facsimile from the Cape Bridgewater Holiday Camp this morning. The journal transaction for AUSTEL's facsimile 03 820 3021, however, identifies 3 transmissions from your facsimile number 055 267 230 at 10:12, 10:14 and 10:17.

As I informed you in our conversation today, and as can be demonstrated by the sheets of paper themselves, they cannot be positively linked to your facsimile transmissions to AUSTEL. I have also enclosed a copy of the journal from AUSTEL's facsimile machine which was printed at 12.23 pm, this being the time I investigated the matter of your missing facsimile transmission.

Yours sincerely

B. D. Matthews

K37977

Bruce Matthews
Consumer Protection

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JOURNAL

JOURNAL

AUSTE.

(22 APR '94 12:23)

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	MODE	TIME	RESULTS	TOTAL PAGES	DEPT. CODE	FILE NO.
21 APR	17:46	CC [REDACTED]	G3ESR	00'49"	OK	01		
	18:17	DYNAMIC TECHNOLOGY	G3SR	01'49"	OK	03		
22 APR	07:02	CC [REDACTED]	G3ESR	00'37"	OK	01		
	08:32		G3SR	01'11"	OK	02		
	08:35		G3DR	01'51"	OK	02		
	09:13	CC [REDACTED]	G3ESRM	02'34"	OK	05		11-71
	09:18	TALKING TECHNOLOGY	G3ESR	00'53"	OK	02		
	09:29	CC [REDACTED]	G3SR	01'35"	OK	02		
	09:45	CC [REDACTED]	G3SR	01'26"	OK	01		
	09:47	CC [REDACTED]	G3SR	00'56"	OK	01		
	09:55	CC [REDACTED]	G3SR	00'57"	OK	01		
	10:01	CC [REDACTED]	G3SR	02'25"	OK	05		
	10:04	CC [REDACTED]	G3SR	03'09"	OK	06		
	10:12	✓ 055 267230	G3SR	01'40"	OK	01		
	10:14	055 267230	G3SR	02'13"	OK	01		
	10:17	055 267230	G3SR	02'22"	OK	01		
	10:26	CC [REDACTED]	G3SR	03'11"	OK	05		
	10:33	CC [REDACTED]	G3ESR	11'34"	OK	29		
	11:46	CC [REDACTED]	G3ESR	00'42"	OK	01		
	11:47	CC [REDACTED]	G3ESR	01'20"	OK	03		
	11:53	CC [REDACTED]	G3SR	00'48"	OK	01		
	11:54	CC [REDACTED]	G3SR	00'57"	OK	01		
	12:18	CC [REDACTED]	G3ESR	01'42"	OK	03		

K37981

TX:006129 RX:045534

AS 776

9	026	18	APR	08.55P	Melbourne	032877099	D	2:18	0.92
9	026	20	APR	01.34P	Buninyong	053418008	D	0:48	0.52
10	026	22	APR	08.13A	Brisbane	078923739	D	1:41	0.70
11	026	22	APR	08.53A	Melbourne	038282154	D	2:56	0.80
12	026	22	APR	08.55A	Warrnambool	055614854	D	3:53	1.36
13	026	22	APR	10.06A	Melbourne	038287389	D	1:38	0.68
14	026	22	APR	10.10A	Melbourne	038203021	D		

TELECOM AUSTRALIA DUPLICATE BILL
055 267267 626 A Z D CDTL 19 JUN 94 LIVE P 36/101 V34 025 001
MR ALAN SMITH
RMB 4408

TELEPHONE SERVICE 055-26 7230

STD CALLS

TYPE	IN	RAC	DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT	
	1	026	22	APR	10.13A	Melbourne	038203021	D	2:10	0.87
	2	026	22	APR	10.16A	Melbourne	038203021	D	2:20	0.93
	3	026	22	APR	10.19A	Melbourne	038287389	D	2:42	1.05
	4	026	22	APR	10.23A	Brisbane	078925040	D	2:19	1.28
	5	026	22	APR	10.48A	Canberra	062497444	D	1:09	0.69
	6	026	22	APR	10.51A	Melbourne	032877099	D	0:52	0.42
	7	026	22	APR	11.09A	Melbourne	032877099	D	0:45	0.38
	8	026	22	APR	11.38A	Toowoomba	076384777	D	1:00	0.62
	9	026	22	APR	11.47A	Melbourne	038287300	D	0:11	0.18
	10	026	22	APR	11.48A	Melbourne	032877099	D	0:56	0.44
	11	026	22	APR	11.49A	Canberra	062497444	D	1:47	1.01
	12	026	22	APR	11.59A	Warrnambool	055623833	D	1:03	0.36
	13	026	22	APR	12.02P	Warrnambool	055626855	D	1:18	0.42
	14	026	22	APR	12.33P	Melbourne	038287450	D	4:16	1.60

TELECOM AUSTRALIA DUPLICATE BILL
055 267267 626 A Z D CDTL 19 JUN 94 LIVE P 37/101 V34 025 001
MR ALAN SMITH
RMB 4408

TELEPHONE SERVICE 055-26 7230

STD CALLS

PE	IN	RAC	DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT	
	1	026	22	APR	12.38P	Melbourne	038287450	D	1:37	0.68
	2	026	22	APR	12.52P	Melbourne	038287389	D	1:47	0.74
	3	026	22	APR	01.49P	Toowoomba	076384777	D	0:30	0.37
	4	026	22	APR	05.36P	Melbourne	032877099	D	0:46	0.39
	5	026	23	APR	08.25A	Melbourne	038773045	D	1:35	0.67
	6	026	23	APR	09.25A	Melbourne	038489482	D	1:00	0.47
	7	026	23	APR	09.56A	Bridgewater	054373226	D	1:14	0.55
	8	026	23	APR	12.12P	Melbourne	035062434	D	0:36	0.33
	9	026	23	APR	09.05P	Sydney	022883000	E	0:13	0.16
	10	026	24	APR	12.46P	Melbourne	035681824	E	20:17	2.91
	11	026	24	APR	03.23P	Warrnambool	055614854	E	0:29	0.18
	12	026	25	APR	07.59A	Brisbane	078923739	D	0:54	0.32
	13	026	25	APR	09.04A	Brisbane	078923739	D	0:57	0.59
	14	026	25	APR	05.08A	Melbourne	038275227	D	14:04	4.97

TELECOM AUSTRALIA DUPLICATE BILL
055 267267 626 A Z D CDTL 19 JUN 94 LIVE P 38/101 V34 025 001
MR ALAN SMITH
RMB 4408

TELEPHONE SERVICE 055-26 7230

STD CALLS

TYPE	IN	RAC	DATE	TIME	PLACE	NUMBER	RATE	MIN/SEC	AMOUNT	
	1	026	25	APR	09.24A	Melbourne	038275227	D	12:50	18.39

AS 776

K37979

AS 776

I, CATHERINE JOAN EZARD (LINDSEY)

2006

of LOT 1
PITFIELD RD
NEWTOWN
VIA SCARSDALE Vic 3352
sincerely declare

in the State of Victoria
do solemnly and

THAT In May 1993 on a request from Alan Smith, I went to collect mail sent to Ballarat Courier Newspaper in response to an advertisement placed in this newspaper re persons experiencing phone problems.

On two occasions there was no mail to collect even though prior inquiries to the Courier had indicated there was.

Over a period of one week I collected two letters. Mr Smith requested I open these letters and read them to him over the phone.

One letter was very unusual. It was from a Telecom employee who had written as if in response to an advertisement for a house to rent, stating his number of years employment with Telecom, etc.

A contact number and address was in this letter.

On a trip through Ballarat, Mr Smith collected the letters from me and also phoned the Telecom employee concerned from my home. He did not speak to the employee but relayed a message through the person who took the call.

Mr Smith's call was not returned while he was in Ballarat.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at Portarlington in the
State of Victoria this 20th
day of May One thousand
nine hundred 94

C. Ezard (Lindsey)

Before me *R.R. Halliday JP*

AS 777

23rd May 1994 problems faxing documents to Dr Hughes

Telstra's CCAS data and my billed account for these calls show these five short duration call attempts lasting 45/46 seconds were charged as successful from (08:04am to 08:26am) the two pages I was sending finally transmitted successfully at 08:29am lasting 02:02 seconds. An extract from Telstra's arbitration B004 defence report page 45 (produced below) confirms Tony Watson of Telstra, admitted these fax transmissions were not successful because the arbitrators fax machines at his office were busy at the time I was attempting to fax these calls.

The fact that Telstra's B004 defence report was signed under oath 12th December 1994, which acknowledged on this occasion 23rd May 1994 that my faxes were not received at the arbitrators office adds further weight to my evidence that Telstra are aware they charge for non-transmitted faxes.

My Telstra Fax Account for the 23rd May 1994

Line	Time	Day	Time	Location	Number	Status	Duration	Charge	
3	026	23	MAY	08.13A	Maroochydore	074434022			
4	026	23	MAY	08.04A	Melbourne	036148730 *	D	0:46	0.39
5	026	23	MAY	08.05A	Melbourne	036148730 *	D	0:45	0.38
6	026	23	MAY	08.06A	Melbourne	036148730 *	D	0:45	0.38
7	026	23	MAY	08.11A	Melbourne	036148730 *	D	0:45	0.38
8	026	23	MAY	08.12A	Warrnambool	055613614	D	0:52	0.32
9	026	23	MAY	08.17A	Maroochydore	074434022	D	2:10	1.20
10	026	23	MAY	08.26A	Melbourne	036148730 *	D	0:45	0.38
11	026	23	MAY	08.29A	Melbourne	036148730 *	D	2:02	0.82
12	026	23	MAY	08.34A	Melbourne	032877099	D	15:55	5.63
13	026	23	MAY	08.57A	Maroochydore	074434234	D	2:34	1.40
14	026	23	MAY	09.05A	Maroochydore	074434022	D	0:49	0.53

TELECOM AUSTRALIA DUPLICATE BILL
055 267267 626 A Z D CDTL 19 JUN 94 LIVE P 61/101 V34 025 001
MR ALAN SMITH
RMB 4408

Page 45 from Telstra's B004 Arbitration Defence Report

On 23 May 1994, Smith complained that he was getting engaged signal when sending a facsimile to the Arbitrator's offices at Hunt & Hunt (614 8730). A subsequent investigation revealed that facsimile number 614 8730 is part of a two line rotary (hunt) group together with number 614 2189. Both 614 8730 and 614 2189 were tested and no fault was found. Telecom's Tony Watson telephoned Hunt & Hunt to inform them that a person had reported getting busy while calling their facsimile. The receptionist told Mr Watson that their facsimiles were very busy all the time. In light of this discussion and the testing undertaken, Mr Watson concluded that Hunt & Hunt was probably busy at the time when Smith attempted to send his facsimile and the incident was not the result of a network problem (reference document 4.10).

AS 778

---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



OFFICE OF HON MICHAEL LEE MP

Rep by Min Information
 Rep by Parl Access Action
 Rep by SA Advice
 Rep by Dept

Copy info for min to son

Final with

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Parliament House
Canberra ACT 2600

Circumstances and past actions of senior staff within Telecom have made it necessary to bring to your attention some very concerning activity that my colleagues and I feel can no longer be ignored or dismissed.

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We hesitate to bring the following instances to your attention but decided it was necessary as this situation is far too serious to be allowed to continue, and attempts we have made within the organisation to bring our concerns to light have fallen unheard. In bringing this matter to your attention we do not wish to paint the picture that all staff are involved in certain activities, we strenuously would like to make the point here, there are staff within the whole framework of the staff of Mr Steven Black who have and are continuing to work towards the recommendations of the Cooper and Librand and Austel report toward addressing customer issues fairly and ethically.

Concerns and Issues.

Mr Steven Black Group General Manager of Customer Affairs who has the charter to work to address and compensate Telecom's "COT" customers as well as the management of other customer issues related to Telecom is involved in and initiates conduct and work practices that are totally unethical and he has managed to achieve certain results in relation to major cases due to the assistance of key senior executives, past colleague and friends with whom key strategic activities have been assigned. These individuals have not the skills or expertise required for the job and has jeopardised Telecom's position in attaining positive beneficial results for customers as the following instances will highlight.

1. Implementation of a complaint handling procedure throughout Telecom though outwardly giving the appearance of acceptance and uniformity of work practices, is nothing more than outward deception to external regulating parties. Mr David Fickling in association with Mr Steven Moaro have deceived AUSTEL as to the implementation of core initiatives. Existing within Telecom nationally is different Regional offices operating in various ways to address customer complaints. This situation is attributable to a lack of:

- comprehensive documentation to staff at time of training - *Fickling report that they initially provided full much documentation - training - del. based, downsized*
- comprehensive training by competent individuals to all manner of staff
- a incomplete database unable to capture and store required criteria for most purposes specifically reporting
- continued failed deadlines to major initiatives resulting in blatant short cuts being needed. *such as?*

To meet certain commitments to AUSTEL made by Mr Black and Mr Fickling a incomplete complaints handling process has been forced down staffs throats, resulting in much resentment and confusion whereby key initiatives are not in place.

2. The management of COT customers by Mr Rod Pollock is nothing more than a unprofessional, adversarial approach towards customers. Mr Pollocks approach to these customers has been one of manipulation and deception as in his dealings with the top four COT customers and subsequent eleven customers Mr Pollock has lied and deceived these customers. Damaging evidence against Telecom has been conveniently removed or altered to suit the case. Junior staff or temporary agency staff have been requested not to place pertinent information on customer files so as no to weaken Telecom's case further. COT customers that may prove to be a threat to Telecom have been expertly manipulated and paid settlements. *|| evidence?*

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Warrick Smith has been critical of Pollock a some issue.

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3. Unfortunately the Legal advise and expertise that Telecom has sought from its internal legal group has also been sadly lacking in ethical direction. In the management of major customer disputes the legal area has sought to hide and skirt around the truth. ~~Telecom's legal advisors have responded to external statutory authorities with only half of the information required. Fully aware of not providing all information. Their general position has been to sit behind the legal word and its many interpretations in so doing avoiding full disclosure of information. There have been instances where the legal group has directed or advised staff to limit the disclosure of information to external authorities, in so doing slowing down or redirecting the wheels of natural justice.~~

Not sure of context of the could be the if talker about A's COT, investigate of 12 months

4. There are three main areas which Steve Black and his senior executives have sought to influence and manipulate:

1. Remove or change clear information on the position of liability.
2. Diminish the level of compensation payable to COT customers.
3. Dismissive of breaches in relation to matters regarding customer Privacy.

In relation to the Robert Bray case Steve Black has sought to cover up the true facts of disclosure of customer information. Particularly he has sought to cover up "broadcasting" of the customers private information.

penicillin Sn has been discussed this issue

As you can see from what I have mentioned to you something needs to be done. As you can appreciate we are not in a position to go any deeper than what has already been outlined. As to where next that lies in your hands. We have done what is unfortunately our only form of address to the situation.

AS 780

Black
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Chalmers
Hamilton
Smith
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~~21~~



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

MS
AS 781

Between

ALAN SMITH

13
Claimant

and

TELSTRA CORPORATION LTD trading as
TELECOM AUSTRALIA

Telecom

WITNESS STATEMENT OF GORDON STOKES

I, GORDON STOKES, Student, of 13 Bentinck Street, Portland, in the State of Victoria, solemnly and sincerely declare and affirm as follows:

BACKGROUND

1. I commenced employment with Telecom in 1967. I initially spent 22 years with Telecom's Country Network Engineering group ("CNE") installing telephone switching equipment and associated equipment including AXE nodes, AXE 104 exchanges (rurals), ARK exchanges, ARF exchanges and associated equipment such as RCM systems. Between 1982 and 1989 I was a Projects Supervisor with CNE.
2. I transferred to Network Operations Portland in 1989 and between 1990 and 1994 I was responsible for maintaining switching equipment at the Portland exchange, including the AXE 104 exchange, the ARF exchange and associated equipment such as the RCM systems which connected customers to Portland AXE 104 exchange.
3. In 1972 I obtained a Telecommunications Technicians Certificate. In 1975 I obtained a Certificate of Technology with specialist studies in electronics and communications. I have also attended many Telecom provided courses relating to specific areas of work and equipment within the Telecom network (for example, in relation to AXE and ARF exchanges and RCM systems).
4. In February 1994 I left Telecom to further my studies.

MR SMITH

5. Mr Smith initially made complaints concerning his telephone service to Telecom's 1100 fault reporting number. Complaints made to 1100 that may have related to the Portland exchange were generally referred to me.
6. I regularly telephoned Mr Smith particularly during 1992 and 1993 to clarify the details of complaints he had made in relation to his telephone service. I never experienced any abnormal problems in attempting to telephone Mr Smith.

AS 782-A

Cape Bridgewater RAX

7. Until August 1991, Mr Smith's telephone service was connected to the Cape Bridgewater Rural Automatic Exchange ("RAX"). The RAX switched its local Cape Bridgewater telephone traffic and telephone traffic to/from Cape Bridgewater was switched via the Portland ARF exchange. There were 5 outgoing circuits and 5 incoming circuits between the RAX and the Portland ARF exchange and therefore the RAX could facilitate a maximum of 5 incoming and 5 outgoing calls at any one time. It is important to recognise that Cape Bridgewater is essentially a rural area. In rural areas telephone traffic peaks occur after 6:00 pm when farmers have finished their work. People seeking to make bookings with Mr Smith's camp (such as school teachers) would generally require telephone access to Mr Smith during office hours of 9:00 am to 5:00 pm. In rural areas traditional business hours are periods of low telephone traffic. Accordingly, any congestion caused by the 5 in and 5 out limit of the RAX would have had a minimal effect on Mr Smith's telephone service during traditional business hours.

Portland to Cape Bridgewater RCM systems

8. Since August 1991, Mr Smith's telephone service at Cape Bridgewater has been connected to the Portland AXE 104 exchange by an RCM system. The Portland to Cape Bridgewater RCM system is in fact made up of 3 separate RCM systems, each of which is capable of holding a maximum of 30 subscribers.
9. After the Portland to Cape Bridgewater RCM systems were installed, I became aware that the performance of the systems could be measured using the facility known as CRC. I checked the CRC error counters regularly between the date the RCM systems were installed and February 1994 when I left Telecom. Checking the CRC counters in this way was a normal maintenance practice. I can recall checking the CRC counters prior to March 1993. When I checked the CRC counters pre March 1993 I did not observe any errors that could have impacted upon the telephone service provided to Cape Bridgewater customers. A typical reading for each RCM system was 5 to 10 errored seconds, no degraded minutes and no severely errored seconds. I regularly checked the CRC counters for possible faults particularly when Mr Smith reported complaints.
10. Mr Smith's normal line (055 267 267), his facsimile line (055 267 230) and the line for his gold phone (055 267 260) were originally all on different subscriber cards in the same RCM system (number 1). In February 1993, in response to complaints from Mr Smith, I transferred both his 267 267 and 267 230 services from RCM system no. 1, connecting 267 230 to system no. 2 and 267 267 to system no. 3. These changes were made as a precautionary measure because if one of the RCM systems went down Mr Smith would still have two telephone services in operation.
11. Mr Smith's telephone service was of a good standard as would be expected with the Cape Bridgewater to Portland RCM system.
12. The Portland to Cape Bridgewater RCM system provides Cape Bridgewater customers with a direct connection to the Portland AXE 104 exchange. As a result, Mr Smith's telephone service system is clearly one of the most advanced and best systems available to Telecom's rural customers.

Recorded Voice Announcements

13. In digital exchanges all numbers that are not recognised as a legitimate number result in recorded voice announcements ("RVA") being sent to the originating caller. In analogue exchanges originating callers receive number unobtainable tones in the same circumstances. In 1991/92/93 the conversion of Telecom's network from analogue to digital technology was occurring throughout country Victoria. As a result, the likelihood of customers receiving RVA when calling customers in country Victoria (for example, when dialling incorrect numbers) increased. This could account for an increase in RVA complaints coming to my notice during the 1991/92 period.
14. In March 1992 Mr Smith did have a genuine problem with RVA which was caused by a data entry problem at Telecom's MELU exchange. This fault existed for less than three weeks and came to Telecom's attention due to complaints being received from several Cape Bridgewater customers including Mr Smith.
15. I am aware that a file note exists dated 24 July 1992 which records that I told Mr Tom Leydon of Telecom's Network Management in relation to RVA that:

"Network Investigation should have been bought [sic] in as fault has gone on for 8 months."

This note refers to the occurrence of RVA in the entire Telecom rural network after conversion of analogue to digital and does not relate to Mr Smith. I refer to and confirm the matters set out in section 3.3.1 of Briefing paper B 004 which deal with the effect of the MELU condition on the services to Mr Smith.

16. Subsequent to March 1992 my practice was to initiate test calls from the exchange of an incoming call reported by Smith to be affected by RVA. The object of these test calls was to test the standard of the services provided to the Portland exchange. The number of test calls varied between approximately 10 and 100 on each occasion. No problems were discovered as a result of this testing.

NNI Investigations

17. Despite extensive investigations conducted by myself and other local Telecom staff, in the July 1992 Mr Smith still believed his telephone service was not performing satisfactorily. I therefore requested that Telecom's National Network Investigation group ("NNI") conduct a full investigation. NNI investigated Mr Smith's service in 1992 and ran approximately 35,000 test calls. These test calls were first made to a to line located initially in Portland and later at the Cape Bridgewater end of the Portland to Cape Bridgewater RCM. The service number for this test line was 267 211. Sometime in August 1992 we also set up a test line all the way to Mr Smith's premises. The service number for this test line was 267 230 and this line was later provided to Mr Smith for him to use as a facsimile and outgoing line.
18. The thousands of test calls conducted by NNI did not locate any network problems which could support Mr Smith's concerns about his telephone service.
19. On or around 19 August 1993, NNI's David Stockdale asked me to remove the MCT facility off Mr Smith's service. I immediately removed the MCT facility off Mr Smith's 267 267 incoming line. However, I did not at that time recall that the MCT

facility was also connected to Mr Smith's 267 230 line and the facility was not removed from this line until 7 September 1993.

20. At the beginning of NNI's 1993 investigation, NNI's David Stockdale and Hew MacIntosh visited Mr Smith's camp to discuss concerns that Mr Smith had with his telephone service. At the conclusion of this visit, a briefcase belonging to Mr MacIntosh was left at Mr Smith's premises. After retrieving the briefcase from Mr Smith the following day I sat in my car to check the contents of the case. Whilst doing so Mr Smith came out to the car and gave me a file which had previously been in the briefcase. There was no doubt that Mr Smith had looked at what was in the briefcase and from ELMI call data records it can be seen that after acquiring the briefcase Mr Smith's facsimile line was particularly busy.

EOS Tracing

19. For a period of several months random voice monitoring was undertaken by myself on incoming calls to Mr Smith's 267 267 telephone line. The monitoring was undertaken to assist in the identification of reported problems to this service. On each occasion the monitoring confirmed that incoming calls to Mr Smith's telephone were effective and successful except when Mr Smith was engaged on another call and on at least two occasions when Mr Smith's phone was left off the hook.

Visits to the Cape Bridgewater Holiday Camp

20. I attended Mr Smith's camp on a number of occasions to install ELMI line testing devices and self answering equipment and to pick up ELMI tapes containing call data. I recall that on one occasion in 1993 when I arrived at Mr Smith's camp, Mr Smith was talking to someone on his telephone and subsequently ended this conversation. Shortly thereafter Mr Smith received an incoming telephone call and I heard Mr Smith tell this incoming caller that "he had not just been on the phone" (or words to that effect).
21. On Wednesday 8 September 1993 Ross Anderson and myself attended Cape Bridgewater Holiday Camp to pick up call data tapes that were produced by the ELMI equipment we had installed at the camp. It was usual for us to pick these tapes up on a Wednesday and, as a courtesy, we attempted to ring Mr Smith's 267 267 number prior to our visit. However, Mr Smith's line was giving an engaged tone and we decided to go out to the camp anyway. When we arrived we went into the room where the ELMI equipment was and checked the line which indicated the telephone was "off hook" by reference to the term "H-OFF". I asked Mr Smith if his telephone was off the hook and Mr Smith quickly walked to his office to investigate. From a distance I observed Mr Smith reach over to where his telephone sat. As a result of Mr Smith's action the ELMI equipment printed "H-ON" which we interpret as "phone on hook". I therefore concluded that Mr Smith's telephone had been off the hook.

Increase software blocks

22. In March 1993, it became apparent that the Warrnambool AXE exchange did not have enough software blocks to handle all of its traffic during peak periods. This condition only occurred during peak traffic periods at the Warrnambool AXE exchange and would have resulted in all customers whose calls were switched through the Warrnambool AXE exchange to intermittently experience congestion tone if they originated the call or one burst of ring and dial tone on lift off if they were being called. Software deficiencies such as this are addressed by Telecom

AXE staff at Ballarat as soon as fault reports indicate a problem or a result-of routine checking of software blocks. The need to increase software blocks occurs as traffic through an exchange increases. This is a normal requirement as a result of increased traffic.

No Lock Ups of Mr Smith's Line Interfaces

23. From mid 1990 to February 1994, over which period I was responsible for the Portland exchange, I did not encounter a locked up line interface ("LI") for any of Mr Smith's services.

Problems calling Cape Bridgewater from Portland Hospital

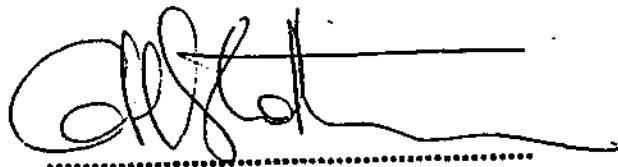
24. I am aware that Mr Smith has made some issue of the fact that in September 1993 the Portland Hospital had difficulties calling Cape Bridgewater numbers. A Further investigation subsequently revealed that a PABX at the hospital was at fault. This problem with Hospital's privately owned customer equipment was remedied by Telecom staff.

Conclusion

25. During the period that I was maintaining the Portland exchange my file containing details relating to Mr Smith's service complaints was of a similar size to my file for the other 7000 odd subscribers connected directly to the Portland exchange.
26. From my experience in dealing with rural Telecom exchanges, both during my time with CNE and whilst in Portland, it is my opinion the performance of Telecom's network in the Portland district is above average compared to other rural exchange networks. In my opinion customers in the Portland district, inclusive of Cape Bridgewater customers, were provided with a most satisfactory telephone service.
27. The standard of services provided to Mr Smith was entirely consistent to be a very good level of service provided to other rural customers.
28. Throughout the whole of my service at Portland Mr Smith's complaints have always been investigated in a professional manner. All possible assistance has been given by Telecom personnel to Mr Smith. Considerable efforts have been made to ensure that the telephone service provided to Mr Smith are of a high standard.

AND I MAKE this solemn declaration conscientiously believing the same to be true and correct.

DECLARED at Melbourne)
in the State of Victoria)
this 2nd day of December 1994.)



Before me:



CHRISTOPHER MARK McLEOD
Freehill Hollingdale & Page
101 Collins Street, Melbourne
A Solicitor holding a current
Practising Certificate pursuant
to the Legal Profession
Practice Act 1958.

AS 782 A



Telecommunications
Industry
Ombudsman

Warwick L Smith LLB
Ombudsman

**SPEECH TO THE
CONFERENCE ON INFORMATION PRIVACY
IN THE PUBLIC SECTOR**

**The Sydney Boulevard Hotel
Sydney
Friday March 24, 1995**

***PRIVACY IN THE TELECOMMUNICATIONS INDUSTRY
A TIO PERSPECTIVE***

**Warwick Smith
Telecommunications Industry Ombudsman**

AS 783A

"... providing independent, just, informal, speedy resolution of complaints."

The main features of the Guidelines are:

- that prior consent of the customer is required before voice monitoring for the purposes of maintenance of the telecommunications service is undertaken;
- that a continuing overview and regular independent audit of the process be established; and that
- all equipment used will carry 'pip tones' during a call indicating to both parties that voice monitoring is taking place.

The broad acceptance of the guidelines by industry and by government is reflected in the Telecommunications (Interception) Amendment Bill which I will discuss shortly. The guidelines have been accepted by government and will, I understand, form the basis of a code being developed for possible inclusion in the Telecommunications Act.

This has been a quantum leap in the embrace of privacy issues within the industry and is a good example of a co-regulatory approach which I see in the fast moving telecommunications industry as the most appropriate way to go forward.

AS 783



85

FERRIER HODGSON CORPORATE ADVISORY

STRICTLY PRIVATE & CONFIDENTIAL

BY COURIER

18 April 1995

*Pia
14/4/95
we to discuss*

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

Dear Sir,

RE : Fast Track Arbitration Procedure - Resource Unit
Arbitrations: Smith, Garms, Gillan/Valkobi

I acknowledge receipt of your letter of 23 March 1995. The matters raised in your letter were discussed at a meeting with Sue Hodgkinson and me on Tuesday, 4 April 1995. I now formally reply to your letter and update you on further developments since our meeting.

I note from the tone of your letter that you are somewhat concerned as to the apparent time frames within which you, as Administrator of the Fast Track Arbitrations, can expect finalisation of the above named arbitrations.

You have requested advice as to when, in terms of weeks, the Resource Unit envisages being in a position to provide its integrated financial and technical assessments to the Arbitrator for the above arbitrations. I now respond accordingly in relation to each:

Smith

The Resource Units role is almost complete, but more work is to be done to tidy our reports (both technical and financial) to a form suitable for submission to the parties by the end of April 1995.

The Resource Unit has completed a preliminary review of the financial material contained in the claim, defence and reply. The interim report has been drafted based on the assumption that technical faults did occur.

FERRIER HODGSON CORPORATE ADVISORY (VIC) PTY LTD

A.C.N. 052 403 040

EXECUTIVE DIRECTORS: DOUG CARLSON, JOHN SELAK

LEVEL 25 140 WILLIAM STREET MELBOURNE VICTORIA 3000

TELEPHONE 03 629 8855 FACSIMILE 03 629 8361

LICENSED INVESTMENT ADVISER

AS 784



No further questions are anticipated from the Arbitrator. An important meeting took place between the Resource Unit and the Arbitrator on 10 April 1995 over the need to manage the issuance of Resource Unit reports.

Lane Telecommunications have commenced their detailed review in mid March and now have completed their draft interim report (on 6 April 1995). This report is subject to review and amendment by Paul Howell of DMR Inc prior to issuance.

Garms

The Resource Unit has commenced its review of the financial issues. A preliminary report is envisaged to be finalised within three weeks. Lane Telecommunications have commenced their review and, at this stage, they estimate that their preliminary review will be completed within one month (mid to late May) for review by Paul Howell of DMR Inc.

Gillan/Valkobi

The Resource Unit has commenced its review of the financial issues. We envisage that our preliminary report will be finalised within three weeks. Lane Telecommunications have commenced their review and, at this stage, they likewise expect their preliminary review will be completed within one month for review by Paul Howell of DMR Inc.

Resource Unit (including Technical Support)

I note your comment that the Resource Unit reports issued to the Arbitrator must also be provided to the claimant and Telecom for their comment. We agree that this may prolong the process further, but the fact is that this is a requirement of the fast track arbitration. The Smith report will be available imminently and subsequent reports can, with the benefit of experience be expected to proceed more expeditiously.

I also advise that Mr Paul Howell, Director of DMR Inc Canada arrived in Australia on 13 April 1995 and worked over the Easter Holiday period, particularly on the Smith claim. Any technical report prepared in draft by Lanes will be signed off and appear on the letterhead of DMR Inc. Paul Howell anticipates completing the Smith technical report by the end of April. || W/h

Further, I advise that additional resources have been applied to the assignments and work on each has been undertaken contemporaneously. We have technical staff and financial support staff working on Garms and Gillan (in parallel) and visits to Brisbane are anticipated by the end of April 1995.



Arbitration

I understand that Dr Hughes will contact you directly (in your capacity as Administrator of the Fast Track Arbitration Procedures) on any legal procedural issues associated with the progress of the Arbitrations.

Conclusion

In conjunction with Dr Gordon Hughes, we are fast tracking the procedure with the aim of achieving a decision that has regard for due process and investigation.

In closing, I hope that it is possible for you (in your capacity as Administrator for the above referred Fast Track Arbitrations) to continue in that position until we can resolve these claims.

It is unfortunate that there have been forces at work collectively beyond our reasonable control that have delayed us in undertaking our work. It is only now, following the review and acceptance of our Resource Unit (including acceptance of Lane Telecommunications by the COT claimants), that we are in a position to analyse the merits (including technical aspects) of each claim.

Do not hesitate to contact the writer directly on (03) 629 8855.

Yours faithfully,
FERRIER HODGSON CORPORATE ADVISORY

JOHN RUNDELL
Project Manager - Resource Unit
Associate Director

Encl.

c.c. Mr Peter Bartlett, Partner, Minter Ellison Morris Fletcher.
Dr Gordon Hughes, Arbitrator, Managing Partner, Hunt & Hunt.

AS 784

BY: HUNT & HUNT

12- 5-95 : 2:41PM :

MELBOURNE OFFICE

61 3 277 8797;# 2



Hunt & Hunt

LAWYERS

Partners
 David M. Scriver
 Edward S. Boyco
 James C.F. Harrowell
 Christine A. Galley
 Gordon L. Hughes
 Mark T. Krugman
 Ian S. Craig
 Peter J. Swin
 Wayne B. Cahill
 Neville C.H. Dobson
 Grant D. Sefson
 Charles Veeman
 Andrew Legge-Smith
 William P. O'Shea

Consultants
 Kenneth M. Martin
 Richard J. Sullivan
 Andrew Jenkins

Associates
 Shane C. Hind
 John S. Molnar
 Melissa A. Henderson
 Francis V. Gelfichio
 John D.F. Moran

12 May 1995

Our Ref: GLH

Matter No:

Your Ref:

BY FAX: 277 8797

Mr Warwick Smith
 Telecommunications Industry Ombudsman
 321 Exhibition Street
 Melbourne VIC 3000

Dear Warwick

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

melbourne
 sydney
 sydney west
 Brisbane
 Canberra
 Newcastle
 represented by
 AS 785
 data

BY:HUNT & HUNT

:12- 5-85 : 2:41PM :

MELBOURNE OFFICE→

61 3 277 8797# 3

2

against it is entitled to be presented with particularised complaints,
not generalised and unsubstantiated allegations;

the preparation of technical reports by the claimants is always going
to be a problem - in simple terms, Telecom has all the information
and the claimant has to pay a technical expert to examine and
interpret it.

In summary, it is my view that if the process is to remain credible, it is
necessary to contemplate a time frame for completion which is longer
than presently contained in the Arbitration Agreement.

There are some other procedural difficulties which revealed themselves
during the Smith arbitration and which I would like to discuss with you
when I return. These centre principally upon the fact that claimants, who
are often seeking large sums, are generally unable to specify the legal basis
for their claim (eg negligence, breach of contract, Trade Practices Act), yet
it is necessary for me to base my rulings upon a breach of legal duty. This
means that I have to in part rely upon Telecom to identify the legal basis of
the claim made against it (which is somewhat perverse and which was in
any event handled by Telecom in a less than satisfactory manner), and/or I
have to search myself for a legal basis without assistance from the parties
(which inevitably contributes to the time and expense associated with the
proceedings).

I wonder whether some pro forma document could be developed which
could point claimants in the right direction.

I apologise for the brevity of these comments. I am happy to provide you
with a more detailed written report when I return from leave in 2 weeks.
Ultimately, I think we should have a conference involving you, me and
Peter Bartlett to consider these and related issues.

Yours sincerely


GORDON HUGHES

AS 785

FAX FROM: ALAN SMITH
Cape Bridgewater
Holiday Camp
Portland 3305

FAX NO: 055 267 230

PHONE NO: 008 816 522

FAX TO: MR JOHN PINNOCK
TELECOMMUNICATIONS
INDUSTRY OMBUDSMAN
EXHIBITION ST
MELBOURNE

DATE: 16.10.95

NUMBER OF PAGES (including this page)

LETTER NUMBER 2.

Dear Mr Pinnock,

Surely, after reading the document marked "Letter Number 1" and also dated 16.10.95, you must begin to wonder if, in fact, what I have continued to state over these past months is correct, after all.

The FTAP is a farce - or was a farce - for the first THREE COT MEMBERS.

Since you 'chipped' me the other day, and rightly so, I shall try to be polite to you from now on. I learned to eat crow in the Navy if I stepped out of line; can you?

When I received my Defence Documents back from Ferrier Hodgson on 6th October, 1995, I compared their ledger of returned documents to the letters I had sent to Dr Hughes as Defence Documents because all parties were supposed to pass on all internal mail, all correspondence, documents and the like (even though Dr Hughes withheld the Austel letters). I find 39 letters which were included with Dr Hughes documents are missing from Ferrier Hodgson's ledger. This means that these 39 documents were not read by Ferrier Hodgson or Lanes - DMR Telecommunications Resource Group.

One of these 39 letters had attached a copy of a letter addressed to Frank Blount, Chief Executive Officer, Telstra from John Wynack, Senior Investigating Officer, Commonwealth Ombudsman's Office, Canberra. Mr Wynack had written outlining 16 separate complaints of instances where I believed that Telstra had misled the Resource Team and disadvantaged my Arbitration Procedure by not supplying data and documents I had requested under the Freedom of Information Act. Since a copy of this document was not recorded in Ferrier Hodgson's Register, it can therefore be assumed that, along with the other 39 letters and defence documents, the Resource Team also did not see this letter from Mr Wynack to Mr Blount.

I now refer to the document attached, which I have marked "A". When Ferrier Hodgson returned my own Defence Documents on 6th October, 1995, they also forwarded a register of the Defence material which included an outline of the documents they had received from Gordon Hughes with my Defence Documents. Document "A" is taken from a twelve page booklet which I produced as a guide to find relevant Defence material in certain Defence Documents that were presented to the FTAP. When Ferrier Hodgson returned the other Defence Documents they included this twelve page booklet - minus a file marked S1 to S61. The booklet was tabled in the Ferrier Hodgson register, at point 7, yet there has been no response from Ferrier Hodgson to enquiries as to where the file is now and whether they actually ever received it from Dr Hughes.

The booklet lists documents from S1 to S61 which show 206 CONFIRMED FAULTS on my phone service, in just this one index alone. WHERE IS THIS BOUND FOLDER NOW?

Once you have read the following list of 'missing' information, Mr Pinnock, I hope you can understand my concerns even better.

AS 786

The Register of Defence Documents received back from Ferrier Hodgson also does not list my PROMOTIONAL VIDEO.

This Video was narrated by Mal Walden of Channel 7 News. He charges more than a Collins St Barrister for 20 minutes of speaking (\$400.00). The Portland Tourist Association paid out \$6,000 to a production company to produce a professional promotional video of the area, with Mal Walden narrating and I had permission to add my own six minutes of Cape Bridgewater promotion to the end of this Video, again with Mal Walden narrating. I paid the production company \$1,400 for this privilege. One copy of the final video was given to Telstra and the other to Dr Hughes. Neither copy has been returned. My questions now are: Did the Resource Team ever view this Video? Did Dr Hughes ever view this Video? Who knows?

According to the Tourist Information Centre for the South West Region, there has been a significant increase in tourism to the South West Region over the past four to five years yet, in his award, Dr Hughes states that there has been a decline in tourism. Who is wrong, Dr Hughes or the Tourist Information Centre?

In 1988, because of the faults I was suffering with my phone, I went to Horsham myself on a tourism venture to speak direct with schools and clubs in that area, about Cape Bridgewater Holiday Camp. The result appears on the video mentioned above: two 49-seat buses and a mini bus arriving at my Camp with 115 children and staff.

Ferrier Hodgson states that my business could not cope with 100 people and therefore I was targeting the wrong clientele. I have since shown similar camps taking this number but this information was not used. I have also shown further evidence of more than 100 people being accommodated at my Camp yet Ferrier Hodgson still insist that the business could not cater for 100 patrons, or was it Dr Hughes who was insisting?

I find myself wondering if the Video was hidden so as not to show that I can accommodate this number of people (115: two full buses plus a mini bus). The Video shows the Ship Wreck Coast, Portland and many other attractions including canoeing on the Lakes, in MY canoes. Ferrier Hodgson (or again, maybe it was Dr Hughes) also insist that Cape Bridgewater is too remote and this was a factor in the decline of tourists. Don't tourists usually find remote areas interesting? Isn't this often why they are actually visiting areas - for the wild scenery? This Video also showed 17 kilometres of beaches in the bay and a direct, made road from Cape Bridgewater to Portland, a major tourist town of 11,000 people and yet Dr Hughes states that my business is TOO REMOTE?

WHERE IS THIS VIDEO? DOES DR HUGHES HAVE IT? OR IS HE ACTUALLY DR JECKLE AND MR HYDE? MR PINNOCK - PLEASE DO SOMETHING.

Sincerely,

Alan Smith

AS 786

FAX FROM:	ALAN SMITH Cape Bridgewater Holiday Camp Portland 3305	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.

AS 787

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

A5 787

Mr A. Smith,
Cape Bridgewater Camp,
PORTLAND. 3305.
Ph: 03 5526 7267

1st July 1998

Mr. Wally Rothwell,
Deputy Telecommunication
Industry Ombudsman,
T.I.O.'s Office,
MELBOURNE. 3000.

Dear Mr. Rothwell,

I draw your attention to the following attachments:

1. A letter from Austel dated 22nd April 1994 - one day after I had signed the arbitration (FTAP).
2. A copy of Austel's journal dated 22nd April 1994 showing 3 calls from my fax "Mitisbusi" facsimile lasting for 6 minutes and 15 seconds.
3. A letter from my solicitor William Hunt dated 29th June 1998. This letter is self explanatory.
4. A copy of Mr. Hunt's journal dated 29th June 1998 showing 7 pages received, time duration 3 minutes 46 seconds. One record was his own print out - 6 faxes were received including two blank sheets of paper.
5. One of 3 FOI documents originally sent by me to Telstra during my arbitration procedure (K37979).

This white blank sheet of paper was one of the faxes Austel received instead of one of my Telstra incorrect charged billing recordings.

I asked both Telstra and the arbitrator to please explain the funny little symbol at the corner of each 3 blank sheets of paper, re K37979 below arrow - a little faded - but a visible square with a number or marking centre of square.

6. A similar blank sheet of paper with the same symbol, a square with a number centre of square showing 2. Please also note the signature of Mr. Hunt's secretary.

This blank sheet of paper was received on the 29th June 1998 from my office via my Xerox Facsimile machine.

AS 788 A

Your office is fully aware the COT's concern, that a number of COT members lived so far away from Melbourne that we felt disadvantaged that most of our claim material outside our original letter of claim had to be sent by fax.

Your office is equally aware as Telstra's defence shows my complaint at not being able to fax material at 'will' through to Dr. Hughes' office in Melbourne 400 kilometres away.

Your office is equally aware that as records show Minter Ellison your legal counsel also could not send me faxes at will, during and leading up to the 'FTAP'.

Your office is again aware that I lodged complaints with the TIO regarding blank sheets of paper being received by various persons associated with my business since the FTAP allegedly was finalised.

To date you have not responded on these issues.

I again ask the TIO's Office to enquire from Telstra as I did during my arbitration now four years gone, what do those symbols portray at the corners of the blank sheets enclosed, as shown in 2 and 4 of this letter of today's date.

A matter of only weeks ago, I complained again, this time regarding Chrissy Hawker - my local secretary service, who also received blank paper, this facsimile machine was a 'panafax'.

We now have 3 different facsimile machines involved.

I have had technological advice to what that company believes these symbols as mentioned above are.

I do not believe it shows credibility if one only assumes what they represent.

As the network is associated with the supply by Telstra, their charging for these blank sheets of paper I have, I believe have every right to an explanation especially since my arbitration cost me some \$170,000 to prepare, not including the consequential and resultant losses I continue to bare because my questions have still not been answered now and during my arbitration.

I await your response.

Sincerely,



A SMITH

AS 788A

MR. F. J. HUNT, B.A., LL.B.
SOLICITOR

CONSULTANT:
F. J. R. HUNT, B.A., LL.B.
ASSOCIATE:
J. R. P. HUNT, B.A., LL.B.

HUNTS'
SOLICITORS AND CONSULTANTS

MITCHELL HOUSE
358 LONSDALE STREET
MELBOURNE 3000
(CNR. ELIZABETH & LONSDALE STREETS)

PHONE: 9670 5694
FAX: 9670 6596

YOUR REF.
OUR REF. **WRH.DF**

29 June 1998

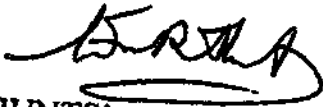
Mr Alan Smith
Capebridgewater Holiday Camp
RMB 4408
PORTLAND VIC 3305

Dear Mr. Smith,

There are enclosed six sheets of paper which are the material received by fax from you this morning. I have numbered each of the pages at the bottom in ink and signed my name on the two blank pages.

There is a seventh separate page which is a read-out from our fax machine as at quarter to three this afternoon.

Yours truly,



HUNTS'

(SENT TO THE TIO.)

AS - 788 B

⑤ FRAB

AS 788C

② AS 788 C

AS 788 C

DATE START TIME REMOTE TERMINAL IDENTIFICATION TIME RE-SULTS MODE TOTAL PAGES PERSONAL LABEL (MANUAL) FILE NO.

TRANSMISSION

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	TIME	RE-SULTS	MODE	TOTAL PAGES	PERSONAL LABEL	FILE NO.
JUN 26	02:42PM		00'33"	OK	ESM	01		
	03:07PM		01'28"	OK	SM	02		003
	03:30PM	0355267230	03'46"	OK	SM	07		005
	03:34PM		00'31"	OK	ESM	01		009
	04:28PM		05'35"	OK	SM	06		010
	06:18PM		00'57"	OK	SM	01		014
JUN 29	09:09AM	96003016	00'49"	OK	ESM	02		023
	09:36AM		01'16"	OK	ESM	03		024
	09:38AM		00'28"	OK	ESM	01		025
	10:50AM		00'27"	OK	ESM	01		026
	02:16PM		00'27"	OK	ESM	01		029
	02:52PM	COMBANK IB	00'33"	OK	ESM	01		031
	03:08PM	CBA FIN MARKETS	00'32"	OK	ESM	01		033
	03:18PM		00'43"	OK	ESM	02		034
	03:18PM		00'35"	OK	ESM	02		036
	03:20PM		00'45"	OK	ESM	02		037
	03:33PM		00'54"	OK	ESM	02		038

RECEPTION

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	TIME	RE-SULTS	MODE	TOTAL PAGES	PERSONAL LABEL	FILE NO.
JUN 26	01:37PM		00'42"	OK	ES	01		
	02:20PM		01'29"	OK	S	01		090
	02:23PM		00'56"	OK	S	01		099
	02:27PM		01'44"	OK	S	02		100
	02:45PM		02'36"	OK	S	03		002
	03:19PM		00'48"	OK	ES	01		004
	03:20PM		00'48"	OK	ES	01		006
	03:22PM		01'01"	OK	ES	03		007
	03:42PM		00'26"	OK	ES	01		008
	04:23PM		01'49"	OK	ED	03		012
	04:35PM		00'58"	OK	ES	02		013
	04:37PM		05'10"	OK	S	05		015
	05:07PM		00'53"	OK	ES	01		016
	05:50PM		00'55"	OK	S	01		019
JUN 29	10:11AM		00'35"	OK	ES	01		021
	10:31AM		02'16"	OK	S	04		027
	12:00PM		00'36"	OK	ES	01		028
	02:42PM		01'43"	OK	ES	04		030

AS 7887

TX: 016754

RX: 014657

E)ECM >)REDUCTION S)STANDARD @)FORWARDING M)MEMORY C)CONFIDENTIAL *)BATCH
 D)DETAIL F)FINE \$)TRANSFER P)POLLING

Alan Smith
Cape Bridgewater Holiday Camp
Blowholes Road
RMB 4408
Portland 3305
Victoria, Australia.

12 July 1998

Phone: 03 55 267 267

Fax: 03 55 267 230

Mr W Rothwell
Deputy Chairman
Telecommunications Industry Ombudsman's Office
Melbourne

Dear Wally,

I refer you to my letter of 1 July 1998 regarding two blank sheets of paper faxed from William Hunt, my Solicitor, on 29 June 1998. In my letter I brought to your attention the symbols which appeared on these blank pages and gave further examples of three other blank sheets, with the same symbols, which were received by Austel on 22nd April 1994.

The fax journal printouts attached to both sets of blank sheets show that the faxes took between 1 minute 13 seconds and 2 minutes 33 seconds to transmit but, as I am sure you would be aware, between Portland and Melbourne, a blank sheet would take only approximately 10 seconds to transmit. I believe this indicates that these faxes were interfered with during transmission.

The following documents are attached to further support my allegations that some of the documents I faxed to Dr Hughes during my Arbitration were not received at his office:

Attachment 1: An 11 page list of FTAP interprocedural documents exchanged between the Arbitrator (Dr Hughes) and Telstra and titled "Smith FOI Data Base". I received my copy of these 11 pages, under FOI, on 18/10/96.

Attachment 2: A list of 43 faxes which I sent to Gordon Hughes between 21/9/94 and 6/3/95 (during my Arbitration), in date order. Some of these faxes included multiple pages of attachments. This list has been compiled from Telstra's billing records for my fax line, 055 267 230. These billing records clearly show that these faxes were sent from my fax to 036148730 which is Dr Hughes' office but none of these faxes are included in the document titled "Smith FOI Data Base" (Attachment 1).

Attachment 3: A copy of a letter dated 3/2/1994, to the Hon. Michael Lee, Minister for Communications. In paragraphs 4 and 6 I refer to my concern that Telecom was interfering with my faxes during the FTSP.

Attachment 4: A copy of a letter dated 10/6/94 from Austel to Telstra expressing my concerns about the ability to receive or send facsimiles.

During the early part of 1994 I also made it known to Warrick Smith, then the TIO, in the presence of Claire Allston, that I believed my phones had been bugged and my faxes were being waylaid or somehow interfered with. I raised this issue with Warrick Smith again later, during a chance meeting at Tullamarine Airport when our separate flights crossed, pointing out that I was still concerned but that nothing appeared to have been done to rectify the situation. Mr Smith responded by saying that when he first had dealings with Ann Garms (another COT member) and me he believed we were paranoid but that now, having spoken to the Federal Police and other people with problems similar to the COTs, he had changed his opinion (approximate quote only).

Among the documents I showed the Arbitrator during my Arbitration, in support of my allegations regarding phone bugging, were some showing that Telstra knew my movements months in advance and others showing that Telstra also knew who rang me, even when they were not ringing from their usual base.

To support my allegations regarding interference with my faxes during the FTSP, I supplied the following information to the Arbitrator. Please note that these are only some of the examples I included:

- A. 21/1/1994:
5 out of 7 faxes lost. Blank sheets of paper received by my FTSP accountant, Selwyn Cohen. All 7 faxes charged to my account by Telstra.
- B. 2/2/1994:
2 important private faxes to Stedman Cameron, my legal counsel, both lost.
- C. 3 blank sheets received from Austel but charged to me by Telstra.

Please now take Attachment 1 and compare it to Attachment 2. This comparison clearly shows that the 43 faxed claim documents (and their attachments) listed on Attachment 2, which were taken from my Telstra accounts over an 8 month period and which were faxed to Dr Hughes, are not included in the 11 page document at Attachment 1, which is a list of documents received by Telstra, from Dr Hughes. In other words, not all the faxes I sent were received by the people they were intended for. How can these missing faxes be explained? Surely no Arbitrator would deliberately refrain from sending 43 documents and attachments on to the other party in an Arbitration? Even allowing for possible human error on the part of Dr Hughes's office, it is not possible to explain the high number of documents which were not received by Telstra.

The FTAP rules are very clear: any document received by the Arbitrator from one party during the Arbitration must be copied to the Special Counsel and the other party (in this case the other party was Telstra). Since 43 of the faxed copies of my claim documents (attachment 2) which I sent to Dr Hughes do not appear on the list which was sent back to me by Telstra (attachment 1), it is clear that very issue I was attempting to raise in my Arbitration, that is Telstra's defective network, had a twofold effect on my business:

- (1) I was involved in this Arbitration so that the business I had lost over the previous 6½ years, due to network problems, could be assessed.
- (2) I could not supply all the relevant documents to the Arbitrator or the resource units because of the inadequate network and my claim was therefore disadvantaged.

Obviously there was a serious network problem in the Portland or Cape Bridgewater region and this letter and attachments supports my assertions regarding the past inadequacies of the Telstra network.

I would be grateful if you would now notify me what the TIO intends to do with this further information which clearly shows that I was DOUBLY disadvantaged as a claimant in this Arbitration, firstly because my business suffered initially as a result of Telstra's past inadequate network and secondly because that inadequate network then meant that at least 43 of my claim documents were not seen or assessed by the Arbitrator, the resource units or Telstra.

I await your early response.

Sincerely,



Alan Smith

copies to:

Senator Richard Alston, Minister for Communications and the Arts, Canberra
Senator Chris Schacht, Shadow Minister for Communications, Canberra
Mr David Hawker MP, Federal Member for Wannon, Hamilton

Attachment 2

DATE SENT		TIME SENT	DURATION	DATE SENT		TIME SENT	DURATION
Month/ Year	Day		(in seconds)	Month/ Year	Day		(in seconds)
Sept 1994	21	02.59	0.51	Jan 1995	4	05.04	1.10
Oct 1994	3	06.31	1.13		5	01.39	1.44
	7	05.13	0.53		16	10.28	1.38
	10	05.52	1.36		24	18.49	2.19
	10	12.25	2.46		24	04.13	4.18
	13	02.20	8.23		25	09.41	0.41
	13	07.32	0.57		25	09.42	0.41
	14	03.57	6.42		26	04.22	4.38
	17	11.60	2.04	Feb 1995	15	06.58	6.20
	18	02.33	0.07	Mar 1995	6	10.41	3.03
	18	02.33	3.10		24	01.17	3.33
	19	11.38	9.16		31	10.32	1.27
	23	05.42	5.17		31	12.32	0.49
	25	10.29	1.32	Apr 1995	7	2.46	1.06
	27	07.04	1.32		13	02.45	1.17
Nov 1994	7	02.32	1.31		17	15.27	0.21
	9	03.41	1.02		17	5.57	6.24
	11	04.17	1.56		19	10.21	1.51
	24	11.24	0.46		24	03.18	1.03
	28	10.41	2.33	May 1995	1	03.16	1.43
Dec 1994	5	10.09	4.24		3	02.49	1.16
	6	11.33	2.13				

TOTAL = 43 DOCUMENTS

NOTE: some documents included multiple pages of attachments