

The Hon Robert McClelland MP  
Federal Attorney-General

The Hon Robert Clark MP  
Victorian Attorney-General

In 1994 three young computer hackers telephoned Graham Schorer, the official Spokesperson for the Casualties of Telstra (COT), in relation to their Telstra arbitrations.

**Was Julian Assange one of these hackers?**

The hackers believed they had found evidence that Telstra was acting illegally.

Could they have found proof of:

- ❖ Collusion between some of Australia's most respected lawyers and the Telstra Corporation (which was then already pressuring the arbitrator to use Telstra's preferred rules of arbitration);
- ❖ A secret meeting between the arbitrator, the TIO, the TIO's Special Counsel and the defendants (Telstra), without the claimants (the members of COT), where the discussion centred on the removal of liability for the arbitrator's resource unit in relation to the COT arbitrations ;
- ❖ The arbitrator's secret agreement with Telstra, to use the arbitration agreement designed by Telstra (the defendants);
- ❖ An internal Telstra agreement to conceal just how bad their telephone network was, particularly in the areas serving the COT claimants, because if the truth was revealed, the Government and the public would discover that the Telstra network was operating way below the levels laid down by the Government;
- ❖ That the Government Communications Regulator, AUSTEL, had provided Telstra with a copy of their draft findings regarding the COT claimants' ongoing telephone problems, but had withheld those same findings from the Communications Minister, the arbitrator and the claimants;

Or was it something else that the hackers uncovered among the documents in Telstra's internal arbitration file that prompted them to telephone Mr Schorer? This is particularly interesting since, by 1997, when the Commonwealth Ombudsman's office tried in vain to obtain Telstra's 'arbitration file' on my behalf (as a COT claimant), Telstra responded by advising the Commonwealth Ombudsman that this file had been destroyed.

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Dear Sirs

Half way through our 1994 arbitration, Casualties of Telstra (COT Cases) Spokesperson Graham Schorer was contacted by three computer hackers (see covering page) and the attached statutory declaration dated 7<sup>th</sup> July 2011 from Graham Schorer which notes: *"...This call was to my unpublished direct number. The young man on the other end asked for me by name. When I had confirmed I was the named person, he stated that he and his two friends had gained internal access to Telstra's records, internal emails, faxes, etc. He stated that he did not like what they had uncovered. The caller tried to stress that it was Telstra's conducted towards me and the other COT members that they were trying to bring to our attention. After this call, I spoke to Alan Smith about the matter.*

I recall Graham telling me that these young hackers were prepared to provide us with copies of the evidence they had uncovered which supported Telstra's was acting unlawfully towards us. It should also be noted that, before this contact, at the suggestion of Detective Sergeant Jeff Penrose of the Australian Federal Police, and covered by a sworn statutory declaration dated 14<sup>th</sup> May 1994, I had already provided the Telecommunication Industry Ombudsman (Warwick Smith) and the arbitrator (Dr Gordon Hughes) with the very same type of documented evidence concerning this unlawful conduct that the hackers appeared to have uncovered. When Graham and I discussed the internal emails and faxes that these hackers were offering to provide, we did not know that Telstra's unlawful conduct towards us would be ignored by the TIO and arbitrator.

Please now carefully consider what the computer hackers could have uncovered in Telstra's 'Arbitration File' that would have prompted them to phone Graham and, since we don't yet know the answer to that question, I therefore believe it would be in the best interest of all parties if a joint application could be made, from your offices to the Victorian State Police, asking for any archival records the police may have, in relation to the computer hackers who were apprehended during 1994.

### **Telstra's Arbitration File**

During 1997 John Wynack, Director of Investigations for the Commonwealth Ombudsman Office, visited Telstra's Exhibition Street FOI complex as well as corresponding with Telstra seeking Telstra's arbitration file on my behalf - the same arbitration file that these young hackers had uncovered. It is clear from Mr Wynack's correspondence to Telstra that he did not believe their claims that this arbitration file was destroyed noting: *"...On the basis of the information given to me by Mr Benjamin and Ms Gill, it is extremely improbable that Ms Gill disposed of the documents in the "arbitration file", or indeed any other documents from Mr Black's office which would have been included in Mr Smith's FOI application of 18 October 1995".*

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In other words, we were fools not to have accepted this arbitration file when it was offered to us by the hackers who conveyed to Graham Schorer a sense of the enormity of the deception and misconduct undertaken by Telstra against the COT Cases. Given the events that transpired during the first two months of our arbitrations – the clandestine arbitration meeting; the covert alterations to the agreement exonerating the arbitration Resource Unit and the TIOs Special Counsel of all liability; and the agreement between Telstra and the Resource Unit for the vetting of material before it reached Dr Hughes – Julian Assange (if he was one of the hackers) was right on target.

In hindsight, if we had accepted the documents on offer from the hackers, those documents, combined with my own evidence, may well have been enough to prompt a major enquiry Senate Enquiry into Telstra's unlawful conduct, including a possible enquiry by the Victoria Police as to why both the TIO and arbitrator had no control over Telstra's abuse of the law during our arbitrations. Although we had been informed that our arbitrations would be conducted according to the *Commercial Arbitration Act 1984*, the TIO advised the Senate Estimates Committee on 26<sup>th</sup> September 1997 that the arbitrator had no control over our arbitrations because they were "*conducted entirely outside the ambit of the arbitration procedures*"

### **Privacy Issues – Unresolved**

In February 1994 I spoke to an Australian Federal Police (AFP) officer, Ms Melanie Cochrane, regarding a letter I had received from a Telstra customer in Mirriwinni, North Queensland. I explained that part of the letter had warned me that: "*...although no one may have let on that they want your land or business it will be made impossible for you to carry on in more ways than one. No one will threaten you, no one will ask you for it, there will be not the slightest hint, other than the telephone inconsistencies which you will attribute to incompetent staff, that there is something altogether different behind the whole thing.*" I don't for one minute believe that Telstra employees or the anonymous "*forces at work*" (see *Attachment 4*) in my letter dated 13<sup>th</sup> June 2011, to the Hon Reverend Dr Rowan Williams Archbishop of Canterbury (copied to you) were after my business, but Senate Hansard dated 24<sup>th</sup> June 1997, confirm that Telstra does have a 'surveillance network'. This same Queensland lady told me on the phone that we would find that we were experiencing odd telephone calls and odd telephone 'experiences' and she was exactly right because, over the years, exactly as that lady had described, Cathy and I often found music, or hollow, walking sounds (as if in an office corridor perhaps) on the phone line when the receiver was picked up to make a call, or we would find that the line would be completely dead until we disconnected the phone from the plug in the wall and re-connected it. This dead line – unable to make or receive incoming calls into our business was apparent on our service lines up to the time we sold the business in December 2001.

### **Telephone hacking**

On 16<sup>th</sup> July 1998 (three years after my arbitration) the Deputy TIO, Wally Rothwell, wrote to me noting: "*I refer to our telephone conversation this morning and your serious concerns about the recorded message left on your answering machine. Regarding the blank pages, I have asked Telstra, without mentioning your name, how this could happen*". I have never received advice from the TIO office to: "*how this could happen*".

Throughout 1993 and through to the end of my arbitration in May 1995, I continued to raise the issue of Telstra's admission to the AFP that they had intercepted my telephone conversations. I also raised the issue of how it was probable that this interception had led to complaints from some of my customers, particularly the female members of a singles, over-forties club that I ran at the Camp, who had asked me, on a number of occasions during this same period, if I had given out their private information because they had been receiving anonymous phone calls which, while not actually obscene, had the male caller hinting that he knew they were single.

On 14<sup>th</sup> April 1994 Telstra admitted to the AFP that the telephone exchange at Portland had an alarm bell set up to ring when a call came in for the Camp, and my phone conversations were then broadcast into the Portland telephone exchange. I believe Senate Hansard will show I raised this particular document on 21<sup>st</sup> March 1995, at Parliament House in Canberra, when I attended a Senate Estimates Committee hearing into the implementation of the *Telecommunications (interception) Amendment Bill*

1994, a very distressed COT Case Robert Brae provided a similar document to the Senate Committee concerning his telephone conversations being broadcast through the Ballarat telephone exchange.

If the letter dated 10<sup>th</sup> February 1994, from the Communications Regulator AUSTEL to Telstra's Steve Black noting: "...Yesterday we were called upon by officers of the Australian Federal Police in relation to the taping of the telephone services of COT Cases. Given the investigation now being conducted by that agency and the responsibilities imposed on AUSTEL by section 47 of the Telecommunications Act 1991, the nine tapes previously supplied by Telecom to AUSTEL were made available for the attention of the Commissioner of Police", doesn't convince your department that our telephone conversations were taped (listened to) then what will convince your department?

### **Forces at Work**

On 21<sup>st</sup> March 1995, during the same Telecommunications (Interception) Amendment Bill 1994 I asked Detective Sergeant Jeff Penrose of the Australian Federal Police if he could explain what protection the members of COT would have from Telstra once our arbitrations and the 'regulatory hype' was over regarding Telstra's prolonged interception of our telephone conversations – he made his way to the gallery without a reply. Thirteen months before this, when I spoke to Ms Cochrane (AFP) about the letter from Mirriwinni in Queensland (see above), I had no way of knowing that, on 18<sup>th</sup> April 1995, more than twelve months later, John Rundell, the Arbitration Project Manager, would warn the TIO, the arbitrator and the TIO's Special Counsel, that there had been "forces at work" that had derailed my arbitration process. Were these, I wonder, the same "forces at work" that, six months after my arbitration was no longer in the spot light, demanded that I pay all my outstanding Gold (customer) Phone accounts, even though that service was still suffering from major call drop-outs once my customers' calls had been connected, and even though this was the same service that the arbitration technical consultants' report had noted was routed through a faulty service line – and did the TIO, John Pinnock, help me with this matter? No, he did not. And so the Gold Phone service was disconnected in December 1995, by the authority of Ted Benjamin, Telstra's Customer Dispute Manager (who was also on the TIO Council), regardless of the many vain attempts the Hon David Hawker MP had made, in an effort to keep my phone connected and simply have the phone line fixed.

PLEASE NOTE: The Hon Mr Hawker was still writing to Telstra in June of 2001, but the service was never reinstated. My fax line suffered from the same kind of ongoing, lock-up problems – before, during and after my arbitration which Telstra also disconnected because I refused to pay for faxes that I could prove had never arrived at the intended destinations. This fax line was however, a vital tool for the survival of my business so I eventually paid for the faxes I knew had never arrived as complete documentation.

In January 2002 the TIO sent me a number of documents including some confirming that Telstra had provided the then-Communications Minister's office with copies of Telstra file notes dated 16<sup>th</sup> January 1998 that recorded how, from Telstra's investigation at the Cape Bridgewater Holiday Camp on 14<sup>th</sup> January 1998, it was apparent that the ongoing telephone problems raised in my arbitration had continued after my arbitration; but did the TIO (John Pinnock) help with this matter? No, he did not. Among these same documents from the TIO I found another one dated 2<sup>nd</sup> August 1996 to Dr Hughes (arbitrator) from Ferrier Hodgson Corporate Advisory (the TIO-appointed arbitration project managers), which admitted that Ferrier Hodgson had withheld various billing fault information from being addressed as part of my 1995 arbitration; but did the arbitrator or the TIO help me with this matter? No, they did not.

### **The Phone Problems Continue**

My letter to John Pinnock dated 17<sup>th</sup> February 1998 regarding these unaddressed phone/facsimile faults states: "...Pages 98 to 102 of the transcript of the oral hearing shows that, on four separate occasions during this hearing, I tried to submit these 4 exercise books into evidence in support on my claims. These pages also show that each time I tried to introduce them, Mr Black, Telstra executive, told the Arbitrator that he did not see the relevance of these exercise books and each time the Arbitrator agreed with him". It was unbeknown to me at the time I wrote this letter that John Pinnock had already advised the Senate Estimates Committee on 26<sup>th</sup> September 1997 that: "...Firstly, and perhaps most

*significantly, the arbitrator had no control over the process, because it was a process conducted entirely outside the ambit of the arbitration procedures".*

This means that Mr Pinnock had already advised the Senate Estimates Committee that Telstra controlled the arbitration process from the very beginning, before he received my letter dated 17<sup>th</sup> February 1998, advising him that, at my arbitration hearing, Telstra had dictated to Dr Hughes what evidence Telstra believed I should be allowed to submit to the arbitration and what they believed I should not be allowed to submit. This corresponds with the TIO-appointed arbitration resource unit's advice to Mr Pinnock's predecessor, Warwick Smith, on 18<sup>th</sup> April 1995, that there were 'forces at work' that had infiltrated the arbitration process.

During the Australian Federal Police (AFP) interview of February 1994, on the advice of the AFP, and when Cathy Ezard (who is now my partner) was still just a Holiday Camp client, she agreed to collect mail from the Ballarat Courier Mail Newspaper office on my behalf, after I had sent out a survey asking people in Ballarat if they had experienced problems trying to contact me at Cape Bridgewater, from their country phone exchange. On two separate occasions, after I had been told there was mail waiting for me at the newspaper's office and Cathy had then called to collect it, she was told that the mail had already been collected by someone else who claimed (falsely) that I had given them the authority to pick up the mail.

As further testament that the Ballarat Courier Mail Newspaper office lost mail issues has been ongoing for years is summarised in my letter dated 29<sup>th</sup> October 2000 to the Hon David Hawker MP how the invasion of my privacy had still not been addressed noting: *"...In relation to problems with my mail, I enclose a copy of a letter recently sent to me from the Portland Post Office, and dated October 28, 2000. This letter confirms that overnight mail that I had posted had not arrived at its intended destination five days later. On a number of occasions during my arbitration with Telstra in 1994/95, I confirmed with the arbitrator's secretary that arbitration claim material which I had faxed to the arbitrator's office never arrived, even though my fax journal and telephone accounts register the documents as having been faxed to the correct number. I believe the attached letter from the Portland Post Office (as referred to on the previous page) is an indication that other documents mailed during my arbitration may also have 'gone missing.*

*Many of the people I deal with on a regular basis received overnight mail late: the Australian Tax Office, my accountant, Derek Ryan and my secretarial service, The Occasional Office. Like the incident documented by the Portland Post Office, on one particular occasion Derek Ryan received overnight mail four days after it was posted. These three businesses all have one thing in common: the documents in the mail were all related to matters involving my dispute with Telstra".*

To explain how these privacy issues have affected our lives ever since, particularly Cathy's, even as recently as this year, in our home of the last sixteen years (which has never really been our private castle) Cathy would look up at the smoke alarm in the ceiling over our bed after we had finished our love making and ask, out loud, "Did you get that Telstra?" If Cathy didn't joke about these privacy issues she would simply walk away! Three years ago she did walk away for six months moving into a one bedroom flat in Ballarat because of the stress associated with these unaddressed Telstra issues. Even today we never make a booking over the telephone for a planned trip away from our residence. It is therefore quite clear that open harassment and unnamed "forces at work" are problems that the COT claimants have had to live with for years and years, simply because we chose to ask for a phone service equal to the service provided to other Telstra customers accept as a right.

While I was going through arbitration I sought help from two psychologists, one of whom provided the arbitrator with a brief assessment of my mental state at the time. After hearing my story and reading some of my Telstra files, both psychologists commented that, although the Telstra saga had certainly affected my well-being, I was certainly not mentally ill. One of them reported also that, part way through my arbitration, someone had approached her, at her professional rooms, pretending to be acting on my behalf, and asked her for a copy of my file because 'it was needed to support my arbitration claim'. The psychologist, of course, simply noted that she could only provide medical information to me in person or to me through a recognised medical practitioner. I certainly did not ask