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FAX FROM:	ALAN SMITH C. O. T.	DATE:	9.9.94
FAX NO:	055 267 230		
PHONE NO:	008 818 522	NUMBER OF PAGES (including this page)	2
FAX TO:	MR STEVE BLACK CUSTOMER AFFAIRS TELECOM		
	FAX NO: (03) 287 7001		

Dear Mr Black

In your facsimile dated 8 September 1994 you have made many statements which I refute.

The facts of the matter are:

- Telecom continually denied to myself and publicly that Telecom have been live monitoring my telephone service.

At the time I was interviewed by the Australian Federal Police, in about February 1994, I had no independent proof that my telephone conversations had been listened to or for what precise periods of times it was occurring.
- A considerable period of time after my interview with the Australian Federal Police, I received P.O.I. documents substantiating that my telephone conversations had been live monitored for an extended period of time in 1993. This new information has been forwarded to the Australian Federal Police.
- In late August 1994, I became aware that a Telecom employee, who must have been involved in the live monitoring, had been disclosing information in Portland that could only have been gained by listening to my telephone conversations during the period I was live monitored. (I have checked times and dates of events concerned.)
- I contacted Mr ~~Staines~~, the former Telecom employee at his home, to ask if he had disclosed any of my conversations in Portland. Mr ~~Staines~~ acknowledged that he had been one of the many Telecom technicians who had been involved in live monitoring my telephone service. Mr ~~Staines~~ undertook to provide me with a Statutory Declaration stating that, while he had been involved in the live monitoring, he had not been involved in disclosing any of the information gained. Mr ~~Staines~~ also undertook to provide me with the names of the other Telecom technicians that he was aware of, who had also been involved in the live monitoring.
- Mr ~~Staines~~ has not fulfilled his undertaking to me to provide a Statutory Declaration, nor has he provided me with the names of the other Telecom technicians involved in the live monitoring of my telephone conversations.
- Mr ~~Staines~~ does not return phone calls, and I am under the impression that he is attempting to avoid me.
- I have organised for a notice to be placed on the Deakin University noticeboard and their bulletin board. I do intend to continue to pursue this matter until Mr ~~Staines~~ honours his undertaking.
- I made contact with the then and still current Telecom manager to whom these Telecom technicians report to, a Mr Peter Taylor, located at the Warrnambool exchange. The day I contacted Mr Taylor by telephone he was in Ballarat at a Telecom conference. Mr Taylor informed me that he was not aware that my service had been live monitored. In response to my question, how could this could be so as these people reported directly to him and asked how would it be possible for them to live monitor my telephone conversations without his directive and authority, Mr Taylor explained to me that the technicians would have received their instructions direct from the office in Melbourne.
- I deny that at any stage did I abuse these gentlemen. I do not deny being very angry at the time that I spoke with these gentlemen. I made it quite clear to these gentlemen that I was determined to identify

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which Telecom employee had disclosed personal information gained by listening to my telephone conversations in Portland.

It is true that I contacted Mr David Stockdale as I wanted to identify which person in National Network Investigations was advising in writing the Telecom staff responsible for making decisions to exempt or delete information from me under the F.O.I. procedures on the basis that the information contained in the documents that he was supplying would be considered harmful to Telecom as an uninformed person would be able to correctly interpret the information. It is true that at the time I spoke to Mr Stockdale I called him a "bloody liar" and I can prove that he is.

I consider Telecom's actions in live monitoring my telephone service for an extended period of time without my knowledge or consent, an extremely improper action. I also consider that Telecom has been engaged in wholesale misleading, deceptive and unconscionable conduct by making public statements to the effect of denying that my service was not live monitored.

It is my understanding that Telecom even misled Austel, the Telecommunications Industry regulator.

Telecom have made no attempts to apologise to me, publicly or privately, for live monitoring my telephone service.

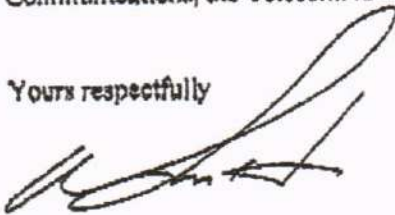
I have no intention of providing Telecom with any written undertaking regarding this matter.

I resent the inferences contained in your letter that this serious matter of disclosing information about my confidential and personal telephone conversations, can be addressed in the arbitration procedures. Mr Black you know and you have confirmed it with Graham Schorer, that the live monitoring issue is a separate issue and is not an issue being dealt with under the arbitration procedure.

I require from Telecom a list naming all the Telecom technicians who were involved in live monitoring my telephone conversations by close of business Tuesday 13 September 1994.

A copy of this letter has been sent to the Australian Federal Police, the Minister for Justice, the Minister for Communications, the Telecommunications Industry Ombudsman, Austel, and the Arbitrator.

Yours respectfully



Alan Smith
Cape Bridgewater Holiday Camp

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Hamilton
Smith
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Armitage
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Commercial & Consumer
Customer Affairs
Level 37
242 Exhibition Street
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Telephone (03) 832 7700
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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

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RECORD OF CONVERSATION BETWEEN CONSTABLE TIMOTHY DAHLSTROM AND
MR ALAN SMITH (CONTINUED) PAGE 7

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 [redacted] from here at Portland exchange, Mr [redacted] with [redacted] [redacted]

A. Mmhuh.

Q38. And I believe you approached Mr [redacted] 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, I'm sorry
allowed to talk to you, he said if you were a
solicitor, you are to talk to me, I was a
solicitor he said well look you, was I a
this man's already left, he's already, was I a
yet they've got a Telecom solicitor, was I a
I rang

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