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

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