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AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

94/0269

8 December 1994

GPO Box 1533N
MELBOURNE 3001

Dear [redacted]

ISSUES RAISED WITH AUSTEL BY MR ALAN SMITH AND ISSUES RAISED BY MR SMITH UNDER THE FAST TRACK ARBITRATION PROCEDURE

I am writing to you in your capacity as Arbitrator of Mr Alan Smith's claim against Telecom under the Fast Track Arbitration Procedure, and am seeking your confirmation that Mr Smith has raised certain issues in his claim under this procedure.

The reason for my request is as follows. On 3 October 1994 Mr Smith wrote to AUSTEL raising issues concerning the operation of his telephone service at the Cape Bridgewater Holiday Camp. I wrote to Mr [redacted] on 4 October 1994 requesting a response to the issues raised by Mr Smith. On 11 November 1994 Mr Ted Benjamin of Telecom replied to this letter stating that, inter alia:

Each of the questions put by you in your letter of 4 October, 1994 will be answered as part of Telecom's defence to Mr Smith's claim lodged under the Fast Track Arbitration Procedure.

This letter went on to argue that the issues raised by Mr Smith would be more appropriately dealt with under the Fast Track Arbitration Procedure, noting that the parties to this procedure are bound by the confidentiality provisions contained within it, and therefore unable to disclose "information relevant to defence documents" to third parties. I have enclosed my response to this letter, dated 1 December 1994, as well as copies of the other correspondence referred to above.

A major consideration in AUSTEL's pursuit of the issues raised by Mr Smith was the likelihood that these problems, if proved to exist, would almost certainly affect a number

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of other Telecom customers. In pursuing these issues, however, AUSTEL does not wish to disrupt Mr Smith's Fast Track Arbitration Procedure. As foreshadowed in my letter to Mr [redacted] of 1 December 1994, AUSTEL is therefore seeking your confirmation that Mr Smith has raised in his Statement of Claim the issues raised in my 4 October 1994 letter to [redacted]. If you are able to confirm that Mr Smith has raised these issues in his Statement of Claim then AUSTEL will not provide Mr Smith with a response to his 3 October 1994 letter, as he will have received a response from Telecom to the issues he raised in this letter through the mechanisms of the Fast Track Arbitration Procedure. I should emphasise that AUSTEL is not seeking any information whatsoever on the specific details of the issues raised by Mr Smith under the Fast Track Arbitration Procedure, and is essentially seeking a general confirmation that the identified issues have been raised in this procedure.

Should you require more information on the matters raised in this letter or the accompanying correspondence please telephone me on (03) 828 7443.

Yours sincerely,



Bruce Matthews
Consumer Protection

Enclosures: *Alan Smith letter of 3 October 1994 to Cliff Mathieson.*
Bruce Matthews letter of 4 October 1994 to [redacted] "Charging Discrepancies Reported by Alan Smith and Issues Related to Short Duration Calls on 008 Services."
[redacted] letter of 11 November 1994 to Bruce Matthews "Charging Discrepancies Recorded by Alan Smith and Issues Related to Short Duration Calls on 008 Services"
Bruce Matthews letter of 1 December 1994 to [redacted] "Charging Discrepancies Recorded by Alan Smith, Short Duration Calls on 008 Services and Alan Smith's Arbitration"