

FAX FROM: ALAN SMITH
G. O. T. DATE: 28.1.95

FAX NO: 055 267 230

PHONE NO: 008 816 522 NUMBER OF PAGES (including this page)

FAX TO: DR GORDON HUGHES
HUNT & HUNT
LAWYERS
MELBOURNE

ARBITRATION - TELECOM

Dear Dr Hughes,

I seek to have the following three documents included in my claim/submission.

The Resource Team would be well aware of my continued allegations regarding CCS7, CCAS and ELMI data, and their in-effectiveness, when used in monitoring incoming calls to the PTARS at the RCM in Cape Bridgewater, as well as incoming calls to this business. Telecom's Defence Documents have shown written information only regarding test calls to the above outlets. They have not supplied raw ELMI data tapes or CCS7 data statistics analysis of the supposed effective test calls to the locations mentioned.

Telecom is reluctant to provide this monitoring data to substantiate the test calls which they have stated were effective, within the guide-lines, and on a percentage basis. I believe it is imperative that the Resource Team view this reluctance as non-compliance. The Resource Team would also be aware by now that the information I have supplied in both submissions and also in my reply to Telecom's Defence Documents has shown, I believe, beyond all reasonable doubt, that Telecom's test calls and the statements by Telecom that incoming calls registered correctly has not been the case. I also believe my examples of incorrect charging have shown a hole in Telecom's technical monitoring.

I have labelled the three documents following as A, B and C. A is my latest 008 account which relates to my 055 267 267 number.

I received this account on the 25th January, 1995. For easy viewing I have indicated the appropriate points I wish to make with an arrow.

The 13th January, at 11.50am - 07443, an incoming call: conversation time 9.49 seconds.

Below 13th January, 11.57am - 03585, an incoming call: .42 seconds.

The obvious can be seen in those two examples. The Resource Team should question Telecom as to how a 9.49 second conversation period could be intercepted at 11.57am. Telecom's incorrect charging can be seen, once again, in that a 2.49 second conversation could actually have been a lockup, or the 11.57am incident did not transpire into a call which was answered by this business. We have two issues here that must be addressed by Telecom.

I ask for your patience in viewing 11th January at 03.49 - 05526. I have marked this with an 'O' for easy viewing. A conversation time of 13 seconds is shown. This 05526 number is in fact 055 267 204 (the house I now rent, next door). This call was an engaged call and I noted the time (my time) at 3.52. The following call at 3.50pm was activated and conversation took place.

17A

The day prior, on 10th January, there was a call at 09.43 from the same number. I believe this was an engaged signal also, however I did not make a note at the time.

Documents B and C: Please excuse the crosses and notes on these documents. This was done when previously assessing my submissions. I have included documents B and C to validate document A.

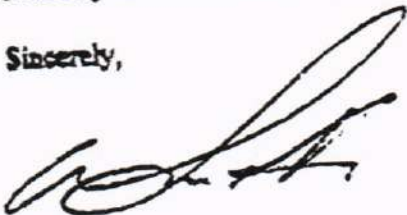
At the 8.2.94 at 20.03 we have an incoming unanswered call (document B) and a wait time of 4 seconds. This document has been ticked for easy viewing.

Document C (my 008 account) shows, on the same day (8.2.94) at 8.03 a call being charged for 9 seconds. My question to Telecom is "How is this so, if their monitoring equipment and technical data is correct?"

In conclusion, I believe that I have shown, both in previous submissions and with these three documents, that Telecom's processing of calls is flawed. Telecom must supply all raw data, ELMI tapes, CCS7, CCAS and EOS data so that the Resource Team can view these three documents with supported material. I do not intend to drip feed the Arbitration Procedure, Dr Hughes, with information such as this on a regular basis, however, I believe that this latest example must be viewed as relevant material and the Resource Team must be supplied with this technical monitoring data.

I thank you for this time,

Sincerely,



Alan Smith.

233307

Office
Use

Itemised Call Details continued

Freecall 008/1800 calls continued

Date	Time	Origin	Destination	Rate	Min:Sec	\$
Answering number 055267267 continued						
6-4	06 Jan 11:17 am	05526	055267267	Day	2:36	0.58
6-5	07 Jan 11:19 am	05968	055267267	Day	1:11	0.36
6-6	07 Jan 01:25 pm		055267267	Day	0:35	0.13
6-7	07 Jan 01:57 pm	03580	055267267	Day	0:21	0.11
6-8	09 Jan 09:20 am	07443	055267267	Day	0:43	0.29
6-9	09 Jan 01:06 pm	09457	055267267	Day	0:13	0.08
6-10	09 Jan 04:24 pm	07443	055267267	Day	2:41	1.09
6-11	09 Jan 06:54 pm	05526	055267267	Night	0:35	0.09
6-12	10 Jan 09:43 am	05526	055267267	Day	0:14	0.05
7-1	10 Jan 01:16 pm	05221	055267267	Day	2:06	0.85
7-2	10 Jan 06:57 pm	05526	055267267	Night	1:41	0.25
7-3	10 Jan 07:44 pm	03889	055267267	Night	10:23	2.18
7-4	11 Jan 08:07 am	05526	055267267	Day	1:09	0.26
7-5	11 Jan 09:27 am	05526	055267267	Day	0:51	0.19
7-6	11 Jan 02:15 pm	05526	055267267	Day	1:47	0.40
7-7	11 Jan 03:18 pm	05	055267267	Day	1:24	0.43
7-8	11 Jan 03:49 pm	05526	055267267	Day	0:13	0.06
7-9	11 Jan 03:50 pm	05526	055267267	Day	1:12	0.27
7-10	12 Jan 09:19 am	05526	055267267	Day	0:52	0.20
7-11	12 Jan 01:10 pm	03480	055267267	Day	0:30	0.16
7-12	12 Jan 02:32 pm	05342	055267267	Day	0:56	0.29
8-1	12 Jan 08:02 pm	03162	055267267	Night	0:30	0.11
8-2	13 Jan 11:44 am	05526	055267267	Day	2:25	0.64
8-3	13 Jan 11:48 am	05526	055267267	Day	0:45	0.17
8-4	13 Jan 11:50 am	07443	055267267	Day	9:49	3.99
8-5	13 Jan 11:57 am	03585	055267267	Day	0:42	0.22
8-6	13 Jan 01:54 pm	05526	055267267	Day	2:07	0.48
8-7	13 Jan 03:57 pm	05	055267267	Day	4:51	1.50
8-8	14 Jan 10:27 am	05784	055267267	Day	0:47	0.24
8-9	14 Jan 11:27 am	05342	055267267	Day	1:24	0.43
8-10	15 Jan 05:23 pm	05341	055267267	Economy	0:35	0.08
8-11	16 Jan 03:25 am	04	055267267	Economy	0:30	0.08
8-12	16 Jan 09:16 am	03161	055267267	Day	2:30	0.77
Total for 055267267						\$29.67

Other Charges and Credits

For miscellaneous charges and credits on 19Oct
3 of 12 instalments on charges
of 62.00

3-1

Telecom Australia holds PPS Reporting
Exemption Approval No. RM327671.

117B 5.16

Total other charges and credits \$5.16

FILE NOTE

Legal and Professional Privilege Applies - Telecom Confidential

FILE: MR ALAN SMITH
FROM: LYN CHISHOLM
SUBJECT: BILLING DISPUTE 1800 TELEPHONE SERVICE
DATE: 16 JANUARY, 1998

On 14 January, 1998, Lyn Chisholm and Phil Carless of Telstra's Customer Response Unit met with Mr Smith to examine documentation in relation to his complaints lodged with the Minister's Office and the Telecommunications Industry Ombudsman regarding his 1800 telephone service.

Mr Smith in these complaints had made general allegations with regard to overcharging of the 1800 telephone service, however, Telstra had not received any supporting documentation along with his complaints.

In telephone discussions with Mr Smith, I advised him that in order for Telstra to address his claims, documentation supporting his complaints would need to be forwarded to allow Telstra to fully investigate the matter.

Mr Smith raised concerns with regard to the matter and the Arbitration and I advised that I would be investigating any instances he put forward since the conclusion of the Arbitration. Mr Smith stated that he had evidence of instances that spanned through the Arbitration and that the problem was not addressed in the Arbitration and further that the same instances continued after the Arbitration.

I suggested that we meet so that Telstra could view the documents he was referring to and work at resolving the matter from there.

Meeting Notes 14 January, 1998

Present at Meeting

Lyn Chisholm - Telstra Alan Smith - Cape Bridgewater Holiday Camp
Phil Carless - Telstra Ray Whitworth - Observer

Alan Smith explained that he had attempted to have this matter addressed in his Arbitration and via Austel and the Ministers office for quite some time. He believes that this issue was not addressed in his Arbitration although Telstra had given an undertaking to Austel in November, 1994.

I explained to Alan that it was my understanding that at the time Austel wrote to Telstra, the Arbitration was in process and that Telstra had written back to Austel and the Arbitrator that it believed the matter would be addressed in the Arbitration.

17c

I then explained to Alan that Telstra had replied to the letter from Austel dated 4 October, 1994 and to further letters from Austel on this matter dated 1 December, 1994 and 3 October, 1995 and in this provided a response to his complaints of charging discrepancies and short duration calls on the 1800 telephone number.

Mr Smith put forward two copies of the Lanes Resource Unit reports. One that had been forwarded to him as part of the Arbitration and one that had been obtained from Dr Hughes's office by mistake when he collected his Arbitration documents.

In what appeared to be a "Draft" of the Lanes report, a paragraph appears relating to Mr Smith's billing complaints, that an addendum report was to be provided at a later date otherwise the report is complete.

Mr Smith stated that the issued report did not include the addendum report nor did it make any reference to his 1800 complaints.

Further Mr Smith produced various printouts of CCAS data in comparison with his Telstra accounts. In many instances the calls add up however, in some cases there appeared to be differences in the duration of the call times.

Mr Smith also provided Telstra accounts that showed an overlap in the time of calls.

Mr Smith stated that there were also discrepancies in details taken by the Commonwealth Ombudsman. He advised that he had asked the Commonwealth Ombudsman to only use the 1800 telephone number when contacting Mr Smith. In the Assessment Documentation for Mr Smith's claim for compensation for FOI matters, Mr Smith states that there is a large discrepancy between the number of calls listed by the CO as being made to Mr Smith and the number of calls he had been charged for on the 1800 account.

I note that the examples given by Mr Smith at the meeting spanned the period of the Arbitration and after the conclusion of the Arbitration.

I advised that Telstra had not seen copies of his examples and had not been able to clearly respond to his complaints without being able to examine the documentation he had put forward at the meeting.

Mr Smith advised that he had provided all details to the TIO office, I responded that we may not have seen all the documentation he had put forward and that the TIO at this point had not raised a formal dispute or complaint regarding the matter.

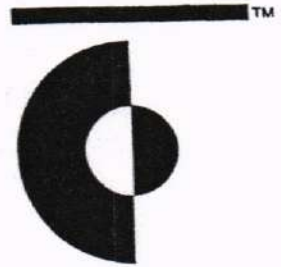
I advised Mr Smith that I would seek copies of any additional information that they may have with regard to his complaint.

Mr Smith advised that he would provide me copies of all documentation that he had with regard to the 1800 number and copies of the documentation he had produced at the meeting. Mr Smith advised that he would provide this material to me during the week beginning 19 January, 1998.

17c

I advised that once Telstra had received the information, further investigation could be carried out in the matter.

Mr Smith again enquired about the matter of the Arbitration. I again advised that I would be examining the documents with regard to complaints after the Arbitration, and that a further response with regard to the Arbitration would be provided.



Telecommunications
Industry
Ombudsman

John Pinnock
Ombudsman

10 February, 1999

Mr Mark Dunstone
Department of Communications Information
Technology and the Arts
GPO Box 2154
CANBERRA 2601

Facsimile 02 6271 1901

Dear Mr Dunstone

Mr Alan Smith

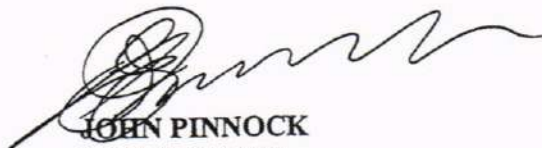
I refer to your letter of 29 January 1999.

You would be aware from a perusal of departmental files that there has been extensive correspondence between the Department and the TIO concerning the COT Cases, including Mr Smith.

Mr Smith's most recent letter of 2 November 1998 is but one of many in a steady stream of complaints concerning the administration by the TIO of his Arbitration and the Award of the Arbitrator. Much of this correspondence contains allegations of impropriety on the part of the TIO, the Arbitrator and the Technical Resource Unit. I no longer have patience nor, I believe, the obligation to continue to respond to these repeated and unfounded complaints.

Mr Smith, however, raised issues in 1998 which I considered merited investigation, viz. whether the Arbitrator had, in his Award dealt with Mr Smith's claim that he had been overcharged on his 800 (now 1800) telephone service as well as complaints concerning his fax line. The TIO has carried out some preliminary, if protracted, investigation of the former claim and I will be writing to Mr Smith in the next week concerning this issue. In relation to the latter claim, Mr Smith wrote to me on 5 February 1999 requesting the return of all correspondence so that he could discuss the matter with the Commonwealth Ombudsman because, Mr Smith claimed, the TIO had not properly investigated the matters.

Yours sincerely



JOHN PINNOCK
OMBUDSMAN

17-D

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

Att/Plainan/1056

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Telecommunications
Industry
Ombudsman

John Pinnock
Ombudsman

10 February, 1999

Mr David Hawker MP
Federal Member for Wannon
190 Gray Street
HAMILTON 3300

Facsimile 03 5572 1141

Dear Mr Hawker

Mr Alan Smith

I refer to your letter of 11 December 1998 and apologise for the delay in replying.

You will be aware from previous correspondence that Mr Smith has made numerous and varied accusations about the conduct of his Arbitration, which was completed in May 1995, by the TIO, the Arbitrator and the Resource Unit which provided expert assistance to the Arbitrator.

His most recent complaint concerning the transmission of facsimiles is, in my opinion, without substance. First, there is no evidence that his facsimile service has been, at any time, intercepted by Telstra or anyone else. Second, with certain minor exceptions I can say that all documents relevant to his Arbitration were forwarded to Telstra and the Special Counsel.

More importantly documents supplied to the TIO were forwarded to the Arbitrator as required under the Fast Track Arbitration Procedure.

The only matter outstanding which the TIO is considering is whether the Arbitrator considered Mr Smith's claim for overcharging on his then 800 service when he made his Award. I shall be writing to Mr Smith on that matter in the next week.

Yours sincerely


JOHN PINNOCK
OMBUDSMAN

17-D

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

At/plaintiff/TIOSE

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