

T10 = T10 SPECIAL COUNSEL - NOT NAME THIS PERSON WE HAVE

Mr T10 indicated that in relation to a Court proceeding, if documents were used for other purposes than the actual proceeding, it would be contempt.

Mr T10 stated that if the evidence indicated illegal tapping and unfair means had been used then there may be some "moral" duty on the party to go forward.

I again confirmed the essential nature of confidentiality.

Ms Garms stated that she believed that from her sources a senate inquiry was definitely going to happen in relation to the telephone bugging.

Mr Schorer would not elaborate on his concern any further.

Mr T10 indicated that there may be a duty to disclose to the police criminal matters.

As there seemed to be a stumbling block in relation to this clause, Mr Schorer and Mr T10 went out of the room to draft a particular clause for him.

Ms Garms advised in Mr Schorer's absence that Mr Schorer's strained mental state was because of his rather tragic life which included his wife leaving him and a car accident subsequently that rendered one of his sons, now approximately 22-23 years old, a quadriplegic. Ms Garms stated that Mr Schorer's related anxiety was his family.

Mr Bartlett and Mr Schorer returned into the room and put forward the following proposal which was that:

"If Mr Schorer believes that he should go to public in relation to a particular document or information, then he would ask Mr T10 and provide Mr T10 with reasons as to why he should go public, if Mr T10 says no, then Mr Schorer has a right of appeal to Mr Hughes whose determination will be absolutely final."

Mr T10 was asked as to what criteria he would apply and indicated that going to the press would have to "sit together" with the integrity and neutral position of himself and the arbitrator and the paramount concern of the arbitration being that the integrity of the fast track procedure should be maintained.

Ms Garms indicated that she would not require such a clause in relation to her and that she would not go to the press as she considered the arbitration procedure would be a final binding resolution of her dispute with Telecom. It appeared that Ms Garms spoke on behalf of the other claimants and that Mr Schorer was in a special position.

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