

TELECOM CORPORATE SOLICITORS OFFICE  
LEGAL SUPPORT SERVICES

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TELEPHONE: (03) 606 8007

FAX OPERATOR: (03) 606 5431

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Page 1 of 2 Pages (Total)

DATE: 2 November, 1990

C04550

RECIPIENT: TELECOM BUSINESS TERMINALS.

ATTENTION: MR PETER GAMBLE.

FAX NO: (03) 642 0091

FROM: TREVOR HILL

RE: TELECOM V GOLDEN MESSENGER LEGAL PROCEEDINGS

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If you do not receive all pages please telephone (03) 606 5431

COMMENTS:

PETER,

AS DISCUSSED, THE FOLLOWING COMMENTS ARE OFFERED TO ASSIST  
YOUR BRIEFING OF FRANK JONES:

- (1) AT THIS MORNING'S DIRECTIONS HEARING IN THE FEDERAL COURT THE MATTER WAS STOOD OVER UNTIL THE 7TH DECEMBER 1990. THIS WAS AGREED TO BY BOTH PARTIES.
- (2) BETWEEN NOW AND THE 7TH DEC. TELECOM WILL BE REQUIRED TO FINALISE THE DISCOVERY OF DOCUMENTS RELEVANT TO THE PROCEEDINGS.
- (3) TELECOM WILL ALSO NEED TO INSPECT ANY DOCUMENTS LODGED BY GOLDEN MESSENGER AS PART OF ITS (GM'S) DISCOVERY OBLIGATIONS

C04551

(4) TELECOM NEEDS TO EXAMINE THOSE DOCUMENTS PERTAINING TO THE TESTS CARRIED OUT ON NORTH MELB. EXCHANGE TO DETERMINE IF ANY OF THOSE DOCUMENTS HAVE BEEN GENERATED AS A RESULT OF AN "INTERCEPTION". IF SO, THEN TELECOM WILL BE PRECLUDED FROM DISCLOSING THEM UNDER THE DISCOVERY PROCESS. I INTEND TO ASK MR PAUL KILLEN OF NETWORK INVESTIGATIONS TO UNDERTAKE THIS TASK.

(5) THE AUSTRALIAN GOVERNMENT SOLICITOR, ON BEHALF OF TELECOM, HAS WRITTEN TO THE SOLICITORS ACTING FOR GOLDEN MESSENGER SEEKING THEIR UNDERTAKING NOT TO DISCLOSE TO THEIR CLIENT OR OTHERS THE CONTENTS OF THE REPORT ON THE NORTH MELB. EXCHANGE. TO DATE, THERE HAS BEEN NO RESPONSE.

(6) AT THIS STAGE IT IS UNLIKELY THAT THIS CASE WILL BE HEARD BEFORE JUNE 1991.

(7) TELECOM NEEDS TO CONSIDER THE TACTICAL QUESTION AS TO HOW TO BEST PRESENT ITS EVIDENCE AT THE FINAL HEARING. THAT IS, ORALLY OR IN WRITTEN (SWORN AFFIDAVIT) FORM.

WOULD YOU PLEASE KEEP ME INFORMED AS TO ANY DEVELOPMENTS THAT MIGHT OCCUR IN FUTURE DISCUSSIONS BETWEEN TBS AND GOLDEN MESSENGER AS TO SETTLEMENT OF THIS LITIGATION.

SHOULD YOU OR FRANK HAVE ANY QUESTIONS IN RELATION TO THIS MATTER PLEASE DON'T HESITATE TO CONTACT ME ON 606 8007.

REGARDS,

*Trevor Hill*

TREVOR HILL  
MANAGER - LEGAL SUPPORT SERVICES

CO:TREVOR1:19



2012-11-21

Re: Telecom/Telstra Dispute, 1986 – present date

To whom it may concern -

In mid 1986, Golden Messenger's mild telephone problems became major problems.

Max Oates, who was then the State Manager of Telecom of Victoria, was originally assigned to remedy Golden's unresolved telephony issues. When he could not resolve the issue, the matter was taken to Stan Moon, the Telecom Corporate Secretary.

Mr Moon personally advised me, by phone, that I should issue a writ against Telecom for the express purpose of uniting all Telecom departments to think, focus and act as one.

I was referred to Gordon Hughes by a suburban solicitor. Mr Hughes recommended that I retain the law firm Landers & Rogers, which he was a partner of, as they were experienced in the relevant area of law.

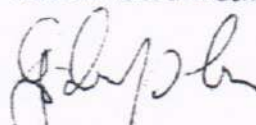
During the period that I retained Landers & Rogers, at no stage was I informed by Gordon Hughes or any other member of Landers & Rogers staff, that Telecom or the Australian Government Solicitor contacted them with information regarding the North Melbourne exchange.

Had I known of this letter, I would have been in the position to use it to convince the judge in my Federal court case to force Telecom to provide the documentation required.

By not showing me the letter, they allowed Telecom to effectively manipulate the information that I could be provided under FOI and/or during the court discovery process.

Furthermore, had I known that Gordon Hughes had concealed knowledge of such an important document from me, I would not have accepted his appointment as the arbitrator in my arbitration process.

Had he not been arbitrator, there may not have been a repeat circumstance of Telecom/Telstra influencing the material that I was able to obtain.

  
Graham Schorer  
Managing Director

Telecom Business Services Minute

File Subject GOLDEN MESSENGER LITIGATION

Phone 606 8437

From Peter Gamble

001801

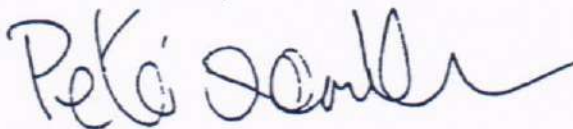
To: Executive General Manager, Telecom Business Services  
Mr F. Jones

CC: TBS Regional General Manager, Victoria North  
Mr N. Hamilton

Attached please see a briefing note from Trevor Hill of the Corporate Solicitors Office, giving an update on the Golden Messenger situation. The hearing which was expected to be on Monday 5th November was in fact held on Friday 2nd November.

In a separate conversation with Trevor, he emphasised the importance of the Corporate Solicitors Office being involved in the final negotiations and preparation of any agreement to be signed between Telecom and Golden Messenger.

It would appear that any concerns over the disclosure of the adverse report on the North Melbourne Exchange can now be set to rest as it will not be released until point (5) has been complied with.



Peter Gamble  
Manager, Business Network Planning  
7th November 1990

Three copies Received from Peter Gamble

~~on~~ 7 September 1992.

R M

Fax: 650 2391

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**MICHAEL SHAND**

Owen Dixon Chambers West,  
205 William Street,  
Melbourne.

(03) 608 7650  
Fax 608 8395

**FACSIMILE TRANSMISSION**

This transmission consists of 3 pages including this page.

TO: LANDER & ROGERS Attention - Mr Gordon Hughes or Mr Michael  
Champion's secretary

Receiver's Fax Number: 670 2723

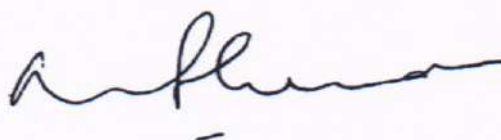
FROM: MICHAEL SHAND Fax No. 03 608 8395

DATE: 15 June 1990 TIME: .....

RE: GOLDEN MESSENGER

**MESSAGE**

Here is a draft letter as discussed yesterday with Graham Schorer. I shall be happy  
to discuss this later in the day.



**MICHAEL SHAND**



DRAFT LETTER

WITHOUT PREJUDICE

15 June 1990

Mr Mel Ward  
Managing Director  
Telecom Australia  
99 William Street  
MELBOURNE VIC 3000

Dear Sir,

FLEXITEL TELEPHONE SYSTEM

Golden Messenger operates a courier business in Melbourne and bought the above system from Telecom in July 1987. As you might gather, telephones are critical to a business of this kind.

As its proprietor and managing director, I write out of a sense of utter frustration with Telecom. I feel it is necessary for those at the highest level of Telecom to appreciate the deficiencies in your organization and to take steps to ensure that they are remedied.

Over the past three years, my business has suffered enormous damage as a result of the above system supplied by Telecom. I look to Telecom for compensation in this respect. My specific complaints are set out in the enclosed statement of claim which, as presently advised, I propose to file in the Federal Court in 10 days time.

I have made countless attempts to have Telecom honour its commitments, all without success. The Telecom staff with whom I have dealt either refuse to accept that there is a problem or disclaim responsibility for what they call technical problems or, in more recent times, tell me that the Flexitel system is inherently flawed. The latter is of little comfort to me since it was on Telecom's advice that Golden Messenger bought the system in the first place. Attempts by Telecom to rectify the problem have been in vain.

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Meanwhile, my business continues to suffer.

This letter is one last attempt before litigation to obtain a solution to the problem. No one at Telecom to date has ~~appeared ready or~~ willing to make any commitment to ensure that Golden Messenger's telephone difficulties will be satisfactorily resolved once and for all, one way or another.

*acknowledged having* *with the authority as well as the willingness*

I look forward to your response.

Yours faithfully,

**LANDER &  
ROGERS**  
SOLICITORS

September 19, 1990

Your Ref:

Our Ref: GLH:MP

Mr G. Schorer  
Golden Messengers  
493-495 Queensberry Street  
NORTH MELBOURNE VIC 3051



Dear Mr Schorer,

**Computer Law**

I am often asked by clients to forward a copy of an article or articles which I have previously published in my regular "Australian Accountant" column.

I have therefore decided to distribute a complete set of articles which I have published in the "Australian Accountant" over the past four years.

I trust some of these may prove to be of interest to you. If you require further advice about any of the topics raised, please do not hesitate to contact me.

Yours sincerely,

**GORDON HUGHES**

Encl.

Harry Curtis  
Michael Butcher  
Peter Atkinson  
Gordon Hughes  
David Fitch  
Michael Landvogt  
Denise Weybury  
Alexandra Macmillan  
David Dallas  
Rick Horsley  
Simon Fraser  
Brett Macgillivray  
Craig Henderson

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Richard de Gille

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