

CAV
CHRONOLOGY
LGE

Exhibits 648-a to 700

1st July 2009

The Hon Alan Henry Goldberg AO
Federal Court of Australia
Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne 3000

Dear Sir,

Alan Smith from the Seal Cove Guest House has informed me he has provided you with information regarding his Fast Track Arbitration Procedure that occurred in the period of April 1994 to May 1995 and of Golden Messenger's arbitration process for the period of April 1994 to July 1999.

After the end of Alan Smith's arbitration in 1995, Alan has continually registered his concerns with the appropriate regulators that his arbitration was not conducted in accordance with the official arbitration agreement, the agreement you assessed on behalf of Alan Smith and Golden Messenger in April 1994.

As Alan has already explained in previous correspondence sent to you, the arbitration agreement presented to Alan Smith & Golden Messenger for signature by the TIO special council Mr Peter Bartlett, was materially altered without our knowledge or consent, or your knowledge or consent, after both you and William Hunt (now deceased) had evaluated the arbitration document forwarded to William Hunt and yourself by Dr Hughes' (the arbitrator) secretary.

These covert alterations clearly favoured the TIO's Special Counsel and the Arbitration Resource Unit over the claimants and placed us the claimants in a position where we are defenceless as the TIO Special Council and the Arbitration Recourse Unit are not liable for their respective negligence and or wrong doing.

I am aware that, in some circles, it is believed that I was correctly compensated in July 1999 for my business losses as a result of a Senate investigation during the period of September 1997 to March 1999.

While it is true that Golden Messenger did receive some compensation in July 1999, William Hunt's files and transcripts of conversations with other parties associated with Telstra identify how I was forced to accept less than 30% of the losses that I could substantiate, which was a direct result of the limited supply of Telstra documents that only identified some of the call losses Golden had incurred during the period of May 1985 to April 1994, none of these limited claim losses included cost of preparation of claim, legal and technical expenses which amounted to numerous hundreds of thousand of dollars over the period of April 1985 to July 1999.

Golden Messenger's telephone service difficulties problems and faults extended well beyond April 1994 which was the claim period ending under the Fast Track Arbitration Procedure, as we were still experiencing these problems in 1998 and beyond.

More recently obtained Telstra documents identify Telstra's recording and knowledge of Golden's incoming call losses exceeding 5,000 lost calls per week during the 1980's and the 1990's.

648A

In October 2008, in response to a Golden Messenger FOI request placed upon ACMA, the Regulator supplied to Golden Messenger the Telstra and Regulator documents identified the Telephone Industry Regulator and Telstra's accountants knowledge the Golden Messenger claim was understated as a direct consequence of Telstra's failure to correctly supply documents sought under FOI and under the discovery process of the Fast Track Arbitration Procedure.

This information is being directly forwarded to you because Alan Smith and I are both aware of certain people, with a vested interest in maintaining concealment of conduct and events that occurred during the respective arbitrations conducted under Fast Track Arbitration Procedures, will argue that our claims of misconduct and the failure of the arbitration process are without foundation.

I am confident the information Alan Smith has forwarded to you, demonstrates that our joint claims that occurred during the Alan Smith and Golden Messenger arbitrations, the people who engaged in the conduct to pervert the course of justice, is a factual complaint and cannot be considered by a fair minded person with a knowledge of law, to be a frivolous or vexatious complaint.

Since I was the claimant who asked William Hunt to contact you on 19th April 1994, to obtain your legal opinion in relation to whether or not we should sign the arbitration agreement, I feel I am obligated to inform you, that the arbitration agreement you assessed for William Hunt on behalf of Alan Smith and Golden Messenger was covertly altered without Alan Smith's and Golden Messenger's consent, after you had assessed the said document.

To date, none of the parties directly and or indirectly associated with the Alan Smith and Golden Messenger's Fast Track Arbitration Procedure are prepared to address any of these issues of wrong doing.

Sir, given that the Hon William Hunt and yourself are the only two people who can give direct evidence as to the reason you advised Golden Messenger and Alan Smith to enter into the Fast Track Arbitration Procedure as per the document supplied to William Hunt and yourself by Dr Hughes' secretary, and only both of you can verify the content of the document your legal opinion was given upon.

As the Hon William Hunt is now deceased, I believe Golden Messenger is dependant upon obtaining direct evidence from yourself as to what was contained within or what constituted the final draft of the Fast Track Arbitration Procedure document forwarded to you.

I will appreciate receiving your response.

Yours Sincerely,

Graham Schorer.
Managing Director
GOLDEN MESSENGER

648A



Hunt & Hunt LAWYERS

Partners
 Edward S Boyce
 James G.F. Harrowell
 Christine A. Gately
 Gordon L. Hughes
 Mark T. Knapman
 Ian S. Craig
 Peter J. Ewin
 Wayne B. Cahill
 Neville G.H. Dabney
 Grant D. Sefton
 Charles Veivers
 Andrew Logie-Smith

Consultants
 Kenneth M. Martin
 Richard J. Kelloway

Associates
 Peter A. Cornish
 Shane G. Mird
 John S. Molnar
 Melissa A. Henderson
 Francis V. Galichio
 Roy Selt
 Randall P. Williams

FACSIMILE TRANSMISSION

Our Ref: GLH

Matter No:

Date: 19 April 1994
To: MR GOLDBERG
Fax No: 670 8389
From: CAROLINE FRIEND
Subject: TIO ARBITRATION

Further to my telephone discussion with Mr. Graham Schorer of todays date, please find attached "Fast Track" Arbitration Procedure as of 31st March 1994 for your attention.

Yours faithfully

 HUNT & HUNT

Att.

We are transmitting 20 (twenty) pages (including this cover sheet). If you have problems with this transmission call

This document and any following pages are confidential, may contain legally privileged information and are intended solely for the named addressee. If you receive this document in error please destroy it and please let us know.

- melbourne
- sydney
- sydney west
- brisbane
- canberra
- newcastle
- perth
- adelaide
- darwin

11234454 AGZR/CF
 Level 21, 459 Collins Street, Melbourne 3000, Australia. Telephone: (61-3) 614 8711.
 Facsimile: (61-3) 614 8730. G.P.O. Box 1533N, Melbourne 3001. DX 252, Melbourne.

The Australian Member of Interlaw, an International Association of law firms • Asia Pacific • The Americas • Europe • The Middle East

648A

↑

Mr Paul Rumble
National Manager-Customer Response Unit
Telecom Australia
Level 8
242 Exhibition Street
Melbourne Victoria 3000

by being delivered by hand or sent by prepaid mail.

Liability of Administrator and Arbitrator

24. Neither the Administrator nor the Arbitrator shall be liable to any party for any act or omission in connection with any arbitration conducted under these Rules save that the Arbitrator (but not the Administrator) shall be liable for any conscious or deliberate wrongdoing on the Arbitrator's own part.
25. The liability of Ferrier Hodgson and the partners and employees of Ferrier Hodgson for any act or omission in connection with any arbitration conducted under these rules (other than in relation to a breach of their confidentiality obligations) shall be limited to \$250,000 jointly.
26. The liability of DMR Group Australia Pty Ltd and the directors and employees of DMR Group Australia Pty Ltd for any act or omission in connection with any arbitration conducted under these rules (other than in relation to a breach of their confidentiality obligations) shall be limited to \$250,000 jointly.

Return of Documents after Arbitration

27. Within 6 weeks of publication of the Arbitrator's award, all documents received under this Procedure by the parties the Administrator, the Resource Unit and/or the Arbitrator and all copies thereof, shall be returned to the party who lodged such documents.

648A



Hunt & Hunt

LAWYERS

FACSIMILE TRANSMISSION

Our Ref: GLH

Matter No: 5122795

Date: 19 April 1994

To: MR. WILLIAM HUNT

Fax No: 670 6598

From: CAROLINE FRIEND

Subject: TIO ARBITRATION PROCEEDURE

Partners
 Edward S Boyce
 James C.F. Harrowell
 Christine A. Gailey
 Gordon L. Hughes
 Mark T. Knapman
 Ian S. Craig
 Peter J. Ewin
 Wayne B. Cahill
 Neville G.H. Debney
 Grant D. Sefton
 Charles Veevers
 Andrew Logie-Smith

Consultants
 Kenneth M. Martin
 Richard J. Kellewsky

Associates
 Peter A. Cornish
 Shane G. Hird
 John S. Mohar
 Melissa A. Henderson
 Francis V. Gallichio
 Roy Seit
 Randal P. Williams

Further to my telephone discussion with Mr. Graham Schorer of todays date, at his request, I attach for your attention a copy of the "Fast Track" Arbitration Procedure of 31st March 1994.

File
Golden re
COT Cases

Yours faithfully,
Hunt & Hunt
 HUNT & HUNT

Att.

melbourne

sydney

sydney west

brisbane

canberra

newcastle

represented in

adelaide

darwin

We are transmitting 20 (twenty) pages (including this cover sheet). If you have problems with this transmission call

This document and any following pages are confidential, may contain legally privileged information and are intended solely for the named addressee. If you receive this document in error please destroy it and please let us know.

648 B

Mr Paul Rumble
National Manager-Customer Response Unit
Telecom Australia
Level 8
242 Exhibition Street
Melbourne Victoria 3000

by being delivered by hand or sent by prepaid mail.

Liability of Administrator and Arbitrator

24. Neither the Administrator nor the Arbitrator shall be liable to any party for any act or omission in connection with any arbitration conducted under these Rules save that the Arbitrator (but not the Administrator) shall be liable for any conscious or deliberate wrongdoing on the Arbitrator's own part.
25. The liability of Ferrier Hodgson and the partners and employees of Ferrier Hodgson for any act or omission in connection with any arbitration conducted under these rules (other than in relation to a breach of their confidentiality obligations) shall be limited to \$250,000 jointly.
26. The liability of DMR Group Australia Pty Ltd and the directors and employees of DMR Group Australia Pty Ltd for any act or omission in connection with any arbitration conducted under these rules (other than in relation to a breach of their confidentiality obligations) shall be limited to \$250,000 jointly.

Return of Documents after Arbitration

27. Within 6 weeks of publication of the Arbitrator's award, all documents received under this Procedure by the parties the Administrator, the Resource Unit and/or the Arbitrator and all copies thereof, shall be returned to the party who lodged such documents.

648B

The \$250,000.00 liability caps which were firmly in place in clauses 25 and 26, as shown in the arbitration agreement on the previous page, were covertly removed from the final agreement either just prior to me signing it or removed by persons within the Telstra Corporation after the signed agreement was couriered to Telstra's Melbourne office.

Please note Steve Black's signature (see below) is not witnessed.



Liability of Administrator and Arbitrator

24. Neither the Administrator, the Arbitrator, the Special Counsel, a partner or employee of the legal firm of which the Special Counsel is a partner, a member of the Resources Unit, Ferrier Hodgson or a partner or employee of Ferrier Hodgson, DMR Group Australia Pty. Ltd. or a Director or employee of DMR Group Australia Pty. Ltd. shall be liable to any party for an act or omission in connection with any arbitration conducted under these Rules or involved in the preparation of these Rules save that the Arbitrator (but not the Administrator) shall be liable for any conscious or deliberate wrongdoing on the Arbitrator's own part.

Return of Documents after Arbitration

25. Within 6 weeks of publication of the Arbitrator's award, all documents received under this Procedure by the parties the Administrator, the Resource Unit and/or the Arbitrator and all copies thereof, shall be returned to the party who lodged such documents.

Conflict of Rules

26. In the event of any inconsistency between these rules and the provisions of the Act, these rules shall prevail to the extent of that inconsistency.

648C

Steve Black

Alan Smith

From: "Reception at Yamba Physio" <reception@yambaphysio.com>
To: <capecove@bigpond.com>
Sent: Friday, 5 August 2011 1:48 PM
Subject: from george close
To: Alan Smith

Dear Alan

Confirming our recent telephone conversation:

I recall a discussion with Senator Ron Boswell during the late 90's. He had been shown fax's which had clear indication of change in the headers, indicating interruption in transmission by a third party or parties. He questioned whether it was possible that faxes to and from senators could be interrupted, read or copied. My response in the affirmative brought about an expression of extreme anger. Stating that if it could be proven that it occurred the offender(s) would be jailed.

If required I am prepared to re-state this on an affidavit.

Regards

George

NB: this is not from George's email address, we have sent it on his behalf.

649

6/08/2011

Seal Cove Guest House
1703 Bridgewater Road
Portland 3305
Phone: 03 55 267 170

20th July 2009

Mr Paul Crowley
Chief Executive Officer
C/o the Ethics and Professional Affairs Committee
Institute of Arbitrators and Mediators Australia
PO Box 13064, Law Courts
Melbourne 8010

Dear Sir,

My letter to you on 16th July advised that the following documents would be hand-delivered to you. These reports are now attached for your information:

1. Service Verification Tests (SVT) – Telstra’s Misleading and Deceptive Conduct – Part 1, pages 1 to 38 (August 2008);
2. Bell Canada International (BCI) – Telstra’s Misleading and Deceptive Conduct – Part 2, pages 39 to 50 (September 2008);
3. 008/1800 & Fax Billing Issues – Telstra’s Misleading and Deceptive Conduct – Part 3, pages 1 to 23 (3rd October 2008);
4. Statement of Facts and Contentions as submitted to the Administrative Appeals Tribunal (26th July 2008);
5. Nine bound spiral bound volumes of exhibits 339 in total have been provided in support of my AAT submission, numbered as 1 to 47; 48 to 91; 92 to 127; 128 to 180; 181 to 233; 234 to 281; 282 to 318; 319a to 323; and 324 to 339;
6. A document titled Questions to the (LAMA) and accompanying 58 *Exhibits*;
7. A draft manuscript titled the “COT CASE” *One of the stories from the “Casualties of Telstra’ saga’*. This document has been provided to give a human interest side of the saga.
8. Draft & Final Arbitrators Award,
9. Lane Technical report dated 6th April 1995;
10. Draft DMR & Lane Report dated 30th April 1995;
11. Formal DMR & Lane Report dated 30th April 1995;
12. Letter of Claim submitted to arbitration 15th June 1994;
13. The Arbitration Agreement faxed on 19th April 1994, from Dr Hughes’ office to Mr Alan Goldberg AO (Now a Federal Court Judge), please note page 12 of this agreement shows clauses 24, 25 and 26 was firmly in place when this document was received.
14. The Arbitration Agreement I signed on 21st April 1994, showing clause 24 exonerated Peter Bartlett and the Resource Unit – both clause 25 and 26 regarding the liability clause have been deleted (i.e. do not match the agreement faxed to Mr Goldberg).
15. Report to the Senate Environment, Recreation, Communications and the Arts Legislation Committee (Ministers Office) from John Pinnock (TIO) dated 26th September 1997, noting on page 4: “*Firstly, the Arbitrator had no control over the process because it was conducted outside the ambit of the Arbitration Procedures*”. Senate Hansard (attached) noting the same.

650

16. Report titled Dr Gordon Hughes – Interception of Telephone Conversations not addressed during Alan Smith's Arbitration, Prepared for the IAMA July 2009;
17. Report titled Dr Gordon Hughes, Arbitration, Prepared for the IAMA July 2009
18. Report titled Dr Gordon Hughes, Arbitration Billing Issues Not Addressed, Prepared for the IAMA July 2009;
19. Report titled Dr Gordon Hughes, Arbitration Service Verification Tests (SVT) Prepared for the IAMA July 2009;
20. Report titled Dr Gordon Hughes, Conspiracy to Pervert the Course of Justice, Prepared for the IAMA July 2009;
21. Report titled Dr Gordon Hughes' Resource Unit, Conspiracy to Pervert the Course of Justice, Prepared for the IAMA July 2009

The exhibits on the enclosed CD (point 5, above) should be read in conjunction with the AAT Statement of Facts and Contentions (point 4, above) – the appropriate exhibits are referred to in the AAT submission, with each number preceded by my initials, i.e. AS1, AS2 etc.

The documents at points 1 to 4, and the exhibits on the CD (point 5, above) were all provided to the Administrative Appeals Tribunal (AAT) between August and October 2008, in support of my AAT Statement of Facts and Contentions.

Although the document at point 6 (above) was not provided to the AAT, it will be useful to the Ethics and Professional Affairs Committee during their investigation into my matters because it includes a detailed explanation of the way our arbitration agreement was secretly altered.

The Ethics and Professional Affairs Committee should also know that, during my arbitration, I raised the problems with the arbitration SVT tests, and the ongoing billing problems associated with my 008/1800 phone service, with Dr Hughes, but not only did he fail to investigate my complaints, he also made no mention of them in my arbitration award. The award did mention that both AUSTEL and the COT claimants complained, in general, about the BCI testing process but did not note that BCI could not possibly have carried out the 13,000 test calls they record in their report on the Cape Bridgewater RCM Exchange. Dr Hughes did not instruct the arbitration technical resource unit to investigate any of the three issues covered by the enclosed reports, even though all three were registered in my claim documents.

I was telephoned late this afternoon by a representative (Alan) of the IAMA Ethics and Professional Affairs Committee of the Institute asking whether I had provided all the relevant information concerning my complaint against Dr Gordon Hughes.

I have attached here and in my previous correspondence to the Ethics and Professional Affairs Committee, all the information I consider relevant to my claims. However, I trust that if the IAMA require any further information that they might see is important to their investigations they will in fairness under the circumstances see a need to request any further documentation that they require.

I have also attached copies of Dr Hughes draft Award and final Award along with the 6th April 1995, draft Lane technical report and the Dr Hughes' copy of the DMR & Lane draft 30th April report as well as the final DMR & Lane 30th April 1995 formal technical report. My Letter of claim submitted 15th June 1994 to Dr Hughes, has also been attached as background information.

Please note: because some of the reports such as the Ferrier Hodgson Corporate Advisory financial draft and final report along with Telstra's interrogatories are voluminous they have not been attached. If any documentation along these lines is needed for assessment purposes please request for the information to be forwarded.

Sincerely,



Alan Smith

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "capesealcove" <capecove12@bigpond.com>
Sent: Tuesday, 20 October 2009 9:49 AM
Subject: RE: Registered Documents

Dear Mr Smith,

I can confirm that all the documentation has been received into the IAMA office and passed to Mr Crowley.

Regards,

Richard

From: capesealcove [mailto:capecove12@bigpond.com]
Sent: Monday, 19 October 2009 3:47 PM
To: Richard Atherton
Subject: Registered Documents

- ✓ Attention Mr Paul Crowley
- ✓ Chief Executive Officer
- ✓ Institute of Arbitrators
Melbourne

Dear Mr Crowley

Please find attached confirmation that I registered a parcel on 5 October 2009 which was not received by your office and/or the Law Courts Post Shop until 13 October 2009. I am concerned that perhaps your office might not have received the documentation I sent and would appreciate confirmation what your office actually received. Your office should have received the following three documents:

1. An 8 page letter to you titled: *Final Submission to Mr Paul Crowley dated 29th September 2009*;
2. A bound submission dated 28th September 2009 with accompanying *Exhibits*
3. A bound submission dated 29th September 2009 with accompanying *Attachments*

I apologise for any inconvenience this extra work will cause your office staff but I am sure you will understand my concerns.

- ✓ An email concerning this matter will alleviate my concerns.

Thank you
Alan Smith

651

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "Alan Smith" <capecove12@bigpond.com>
Sent: Wednesday, 21 October 2009 12:50 PM
Subject: RE: Alan Smith - Document issue

Dear Mr Smith,

Presently, IAMA does not require this further documentation to be sent. However, the investigating persons will be notified of these documents and may request them at a later date.

Regards,

Richard

From: Alan Smith [mailto:capecove12@bigpond.com]
Sent: Wednesday, 21 October 2009 12:16 PM
To: Richard Atherton
Subject: Alan Smith - Document issue

Dear Mr Atherton,

Since I confirmed that my submission to the IAMA is now complete I have been advised that I should also have clearly explained that I have a large file of documents that confirm that, between 1998 and 2001, at least fifty-two Telstra/arbitration related faxed documents were intercepted by a third party after the faxes had been sent from either my residence or my business premises. Since these faxes were not sent during my actual arbitration, this material has not been included in my submission to the IAMA.

If you refer back to *pages 137 and 138* in my Administration Appeals Tribunal (AAT) Statement of Facts and Contentions, a copy of which was provided to the IAMA on 20th July 2009, you will see that, two professional technical consultants have stated that, in their opinion, (the faxed material provided to them) confirmed they were intercepted and then redirected to their intended destination.

If Mr Paul Crowley believes this file would be of assistance during the IAMA investigation, (the intercepted faxes are all related to my Telstra/arbitration matters, please let me know and I will arrange to send it to the IAMA. I must confirm again though, that the evidence in this file only confirms the interception of faxes that were sent after the end of my arbitration.

As I stated earlier today, my IAMA claim is now complete.

Sincerely,
Alan Smith

651

Alan Smith

From: "Alan Smith" <capecove12@bigpond.com>
To: "Richard Atherton" <Trust@iama.org.au>
Sent: Wednesday, 21 October 2009 9:12 AM
Subject: Re: Registered Documents
Dear Mr Atherton

I confirm that my two submissions dated 28 and 29 September 2009, and the accompanying 8 page letter to Mr Paul Crowley on 29th September 2009 is my final submission to the IAMA Ethics and Professional Affairs Committee. My letter of 5th October 2009 to Mr Paul Crowley was sent only to clarify that while I suspected facsimiles were intercepted by a third party during my arbitration, I only have documented evidence showing documents were being intercepted i.e. after leaving my business and residence for the dates between 1998 and 2001. I apologise if my 5 October letter confused the IAMA.

I again thank the IAMA for investigating my matters.

Sincerely
Alan Smith

----- Original Message -----

From: Richard Atherton
To: Alan Smith
Sent: Tuesday, October 20, 2009 5:55 PM
Subject: RE: Registered Documents

Dear Mr Smith,

Further to our correspondence below; please can you confirm that these documents are final submissions in regard to your complaint.

Regards,

Richard

From: Alan Smith [mailto:capecove12@bigpond.com]
Sent: Tuesday, 20 October 2009 10:44 AM
To: Richard Atherton
Subject: Re: Registered Documents

Dear Mr Atherton

Thank you for your prompt response

Kind regards
Alan Smith

----- Original Message -----

From: Richard Atherton
To: capesealcove
Sent: Tuesday, October 20, 2009 9:49 AM
Subject: RE: Registered Documents

Dear Mr Smith,

I can confirm that all the documentation has been received into the IAMA office and passed to Mr Crowley.

Regards,

651

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "capesealcove" <capecove12@bigpond.com>
Sent: Friday, 23 October 2009 3:39 PM
Subject: RE: Letter to Mr Crowley
Dear Mr Smith,

This document will be accepted.

I have been advised that the final day for submissions is October 30th.

Regards,

Richard

From: capesealcove [mailto:capecove12@bigpond.com]
Sent: Friday, 23 October 2009 2:07 PM
To: Richard Atherton
Subject: Letter to Mr Crowley

Attention Richard Atherton

Dear Mr Atherton

Please find attached my two page letter to Mr Paul Crowley, the original will be posted on Monday. Also attached is page 57 from my AAT Statement of Facts and Contentions referred to in my letter to Mr Crowley.

I trust that Mr Crowley and the Ethics and Professional Affairs Committee will accept that I am not submitting new material at this stage I am only clarifying information that I have already submitted.

Kind regards
Alan Smith

651

THE
INSTITUTE of
ARBITRATORS & MEDIATORS
— I A —
AUSTRALIA

Australia's leading ADR organisation since 1975

9 May 2011

Mr Alan Smith
Seal Cove Guest House
1703 Bridgewater Road
PORTLAND VIC 3305

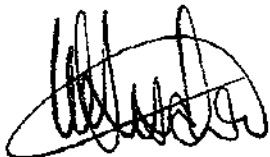
Dear Mr Smith

I have to hand your correspondence dated 2 May 2011. I observe that in that correspondence you state that you *"have some concern that the IAMA Ethics and Professional Affairs Committee has not yet responded to my claim against Dr Gordon Hughes, which was lodged in July 2009"*.

I advise that my receipt of your other recent correspondence, dated 17 April 2011, caused me to enquire of the IAMA CEO as to the status of this matter as I had understood that the IAMA Ethics and Professional Affairs Committee had concluded its deliberations and notified you accordingly. In response to that enquiry, I was advised by the CEO that a response was dispatched to you in late December 2010.

In light of your most recent correspondence, I have today requested that the CEO forward you a further copy of that correspondence.

Yours faithfully



Warren Fischer
President

652

THE
INSTITUTE of
ARBITRATORS & MEDIATORS
— (i) —
AUSTRALIA

Dear Mr Smith

Copy of letter sent to you on December 21st, 2010

Regards
Peter Shears

The Institute of Arbitrators & Mediators Australia, A.C.N. 008 520 045. Incorporated in the ACT.
Level 9, 52 Phillip Street, Sydney, N.S.W. 2000. Telephone: (02) 9241 1188. Facsimile: (02) 9252 2500. Email: nsw.chapter@iama.org.au

653

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, ALAN SMITH
1703 Bridgewater Road
Portland
VICTORIA

make the following declaration under the Statutory Declarations Act 1959:

2 Set out matter declared to in numbered paragraphs

Individual copies of this Statutory Declaration will be forwarded to the following list of people, together with the attachments listed below:

- The Hon Mr Frank (Judge) Shelton, County Court Victoria;
- The Hon Michael Kirby, AC CMG;
- Ms Kate Conners, Associate to Mr G.D. Friedman, Senior Member of the Administrative Appeals Tribunal; and
- Ms Melissa Gangemi, Lawyer with the Australian Government Solicitor.

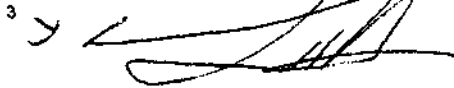
ATTACHMENT 1: A letter dated 9th May 2011, from Mr Warren Fischer, clearly stating that, some time in December 2010, the IAMA CEO notified me, in writing, that the IAMA Ethics and Professional Affairs Committee had completed their investigations into my arbitration complaints. While this may be true, it is also true that neither my partner (Cathy Ezard) nor I have ever received that document and this is why, at various times in the past, I have written to those listed above, noting that the IAMA had not notified me of the result of their investigation. The more recent IAMA investigations began on 26th July 2009. If I had received the document that Mr Fischer alleges was sent in December 2010 I would not have continued to complain about what seemed to be an inordinately slow IAMA Ethics and Professional Affairs Committee investigation.

ATTACHMENT 2: My response dated 16th May 2011, to Mr Fischer's letter of 9th May 2010;

ATTACHMENT 3: My joint letter dated 16th May 2011 to The Hon Mr Frank (Judge) Shelton, County Court Victoria, The Hon Michael Kirby, AC CMG, Ms Kate Conners, Associate to Mr G.D. Friedman, Senior Member of the Administrative Appeals Tribunal, and Ms Melissa Gangemi, Lawyer with the Australian Government Solicitor.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration



4 Place

Declared at ⁴ PORTLAND

5 Day

on ⁵ 16TH

6 Month and year

of ⁶ MAY 2011

7 Signature of person before whom the declaration is made (see over)

Before me, 

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

JACK FLETCHER
CONST. 37241
Portland Police Station
Glenelg Street
PORTLAND 3305

655

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 — see section 5A of the Statutory Declarations Act 1959.



Australian Government

**Department of Communications,
Information Technology and the Arts**

our reference

Mr Alan Smith
Seal Cove Guest House
1703 Bridgewater Road
Cape Bridgewater
PORTLAND VIC 3305

Dear Mr Smith

Thank you for your letter of 10 March 2006 to Ms Forman concerning the independent assessment process.

There is an implication in your letter that I advised you that the independent assessment process is not the process agreed to by Senator Joyce. I did not advise accordingly.

If the material you have provided to the Department as part of the independent assessment process indicates that Telstra or its employees have committed criminal offences in connection with your arbitration, we will refer the matter to the relevant authority.

Yours sincerely

David Lever

David Lever
Manager, Consumer Section
Telecommunications Division

17 March 2006

657



SENATOR KIM CARR

Manager of Opposition Business in the Senate
Labor's Parliamentary Secretary for Education

27th January 1999

Mr Alan Smith
Cape Bridgewater Holiday Camp
Blowholes Road
RMB 4408
PORTLAND 3305

Dear Alan,

Thank you very much for sending me a draft copy of your publication detailing your battle for justice with Telstra.

I continue to maintain a strong interest in your case along with those of your fellow 'Casualties of Telstra'. The appalling manner in which you have been treated by Telstra is in itself reason to pursue the issues, but also confirms my strongly held belief in the need for Telstra to remain firmly in public ownership and subject to public and parliamentary scrutiny and accountability.

Your manuscript demonstrates quite clearly how Telstra has been prepared to infringe upon the civil liberties of Australian citizens in a manner that is most disturbing and unacceptable.

It is for this reason, as well as the fact that Telstra has spent \$30 million to fight the Casualties of Telstra, that I believe it is incumbent upon elected representatives to continue to demand answers and expect greater justice to be done.

I congratulate you on your efforts to bring these matters to light, and hope your publication brings greater awareness of what has happened.

Yours sincerely,

A handwritten signature in black ink that reads 'Kim Carr'.

SENATOR KIM CARR

658

| Applicant | File number | Document number | Document date | Description | Primary Table | Decision |
|------------|---|-----------------|---------------|---|---------------|----------|
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47223 - 230 | 9.9.99 | Coopers & Lybrand report initial response | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47231 | 10.11.93 | Fax coversheet from D Pinel to B Bland | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47232 - 237 | 9.9.99 | Comments on draft report of Coopers & Lybrand by D Pinel | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47238 - 239 | 9.9.99 | Comments on Coopers and Lybrand Report Draft of 1 November 1993 | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47240 - 242 | 3.11.93 | Internal Memo from J Holmes to R Nason | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47243 | 9.9.99 | Initial comments on Cooper and Lybrand report | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47244 | 10.11.93 | Fax coversheet from D Pinel to B Bland | A | LPP |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47245 - 250 | 9.9.99 | Comments on draft report of Coopers & Lybrand by D Pinel | A | LPP |

659

LEGEND: TABLE A - WHOLLY EXEMPT TABLE B - RELEASED WITH DELETIONS TABLE C - RELEASED IN FULL TABLE D - IRRELEVANT MATERIAL

21.12.94 659₄

SMITH LATE REVIEW DATABASE

| | | | | | | |
|-----------|-------------|-----------------|---------------|-------------|------------------------|-------------------|
| Applicant | File number | Document number | Document date | Description | Primary Decision Table | Exemption Claimed |
|-----------|-------------|-----------------|---------------|-------------|------------------------|-------------------|

| | | | | | | |
|-------------|---|-------------------|---------|--|---|----|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02554- K02555 | 21.8.92 | 2 pages of an interim report by Hew MacIntosh | B | OC |
|-------------|---|-------------------|---------|--|---|----|

099

| | | | | | | |
|-------------|---|-------------------|---------|--|---|----|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02556- K02559 | 21.8.92 | Telecom fax enclosing interim report by Hew MacIntosh | B | OC |
|-------------|---|-------------------|---------|--|---|----|

| | | | | | | |
|-------------|---|--------|--------|----------------------------------|---|------------------|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02560 | 9.9.99 | Final page of letter by A. Smith | C | Released in full |
|-------------|---|--------|--------|----------------------------------|---|------------------|

| | | | | | | |
|-------------|---|-------------------|---------|-------------|---|-----|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02561- K02564 | 27.5.92 | Telecom Fax | A | LPP |
|-------------|---|-------------------|---------|-------------|---|-----|

| | | | | | | |
|-------------|---|-------------------|---------|-------------|---|-----|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02565- K02566 | 25.5.92 | Telecom Fax | A | LPP |
|-------------|---|-------------------|---------|-------------|---|-----|

| | | | | | | |
|-------------|---|-------------------|--------|---|---|------------------|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02567- K02569 | 9.9.99 | General Conditions issued September 1991 | C | Released in full |
|-------------|---|-------------------|--------|---|---|------------------|

| | | | | | | |
|-------------|---|--------|--------|---|---|------------------|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02570 | 9.9.99 | Page 1 of a Telecom minute re: Grade of Service Complaint - Smith | C | Released in full |
|-------------|---|--------|--------|---|---|------------------|

| | | | | | | |
|-------------|---|--------|---------|---------------------------------|---|------------------|
| Smith 30 | Smith Cape Bridgewater (Processed) K02514-K02668 | K02571 | 26.3.92 | Handwritten filenotes re: Smith | C | Released in full |
|-------------|---|--------|---------|---------------------------------|---|------------------|

660

GENERAL REVIEW FOI DATA BASE U2

Primary Decision

| File | File number | Document number | Document date | Description | Table | Exemption Claimed | New Table | Review Column |
|------|-------------------------------------|-----------------|---------------|---|--------------|-------------------|-----------|------------------|
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11623-24 | 24.02.94 | E-mails Re: COT Action | A | ADV | C | Released in full |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11625-27 | 09.09.99 | "Document, "Recent Telecom Initiatives in Relation to Customer Service" & "Telecom Actions in Response to the Coopers and Lybrand Report" | C | Released in full | C | Released in full |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11628 - 630 | 09.09.99 | Telecom internal memo : COT and DNF Customer Communications & Correspondence procedures from P Rumble to Telecom Employees. | New document | C | C | Released in full |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11631 | 09.09.99 | Attachment. | New document | B | OC | |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11632 - R11636 | 09.09.99 | Telecom internal memo COT & DNF Customer Communications & Correspondence procedures from P Rumble to Telecom employees. | New document | C | C | Released in full |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11637-38 | 16.02.94 | Telecom fax attaching report | A | ADV | C | Released in full |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11639 | 16.02.94 | Fax from Hunt and Hunt to Telecom. | New document | A | LPP | |
| 74 | COT GENERAL JAN 94 R11582-R11739 | R11640 | 16.02.94 | Fax to S Black from P Rumble impact of service plus failure & interim action re COT case. | New document | C | C | Release in full |

661

661

| Applicant | File number | Document number | Document date | Description | Primary Table | Decision | Exemption Claimed |
|------------|---|-----------------|---------------|---|---------------|----------|-------------------|
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47223 - 230 | 9.9.99 | Coopers & Lybrand report initial response | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47231 | 10.11.93 | Fax coversheet from D Prial to B Bland | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47232 - 237 | 9.9.99 | Comments on draft report of Coopers & Lybrand by D Prial | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47238 - 239 | 9.9.99 | Comments on Coopers and Lybrand Report Draft of 1 November 1993 | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47240 - 242 | 3.11.93 | Internal Memo from J Holmes to R Nason | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47243 | 9.9.99 | Initial comments on Cooper and Lybrand report | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47244 | 10.11.93 | Fax coversheet from D Prial to B Bland | A | LPP | |
| General 95 | Coopers & Lybrand Administration Papers (Processed) K47170 - K47400 | K47245 - 250 | 9.9.99 | Comments on draft report of Coopers & Lybrand by D Prial | A | LPP | |

662

LEGEND: TABLE A - WHOLLY EXEMPT TABLE B - RELEASED WITH DELETIONS TABLE C - RELEASED IN FULL TABLE D - IRRELEVANT MATERIAL

ENTERED
5/5/95



Hunt & Hunt

LAWYERS



Partners
 David M. Scarlett
 Edward S. Royce
 James C.F. Harwood
 Christine A. Caley
 Gordon L. Hughes
 Mark T. Knappman
 Ian S. Craig
 Peter J. Ewin
 Wayne B. Cahill
 Neville C.M. Oabner
 Grant D. Selton
 Charles Youros
 Andrew Lege-Smith
 William P. O'Shea

Consultants
 Kenneth M. Martin
 Richard J. Kellaway
 Andrew Jenkins

Associates
 Shale C. Hird
 John S. Molinar
 Melissa A. Henderson
 Francis V. Galichio
 John D. Morris

5 May 1995

Our Ref: GLH

Matter No: 5126886

Your Ref:

Mr Alan Smith
 Cape Bridgewater Holiday Camp
 RMB 4408
 CAPE BRIDGEWATER
 Portland Vic 3505

Dear Mr Smith

ARBITRATION - TELECOM

I refer to your telephone message of 4 May and your facsimiles of 4 and 5 May 1995 and advise I do not consider grounds exist for the introduction of new evidence or the convening of a hearing at this stage.

I reiterate that any comments regarding the factual content of the Resource Unit reports must be received by me in writing by 5.00 p.m. on Tuesday 9 May 1995.

Yours sincerely

GORDON HUGHES

cc E Benjamin, W Smith, P Bartlett, J Rundell

melbourne
 sydney
 sydney wa
 brisbane
 canberra
 newcastle
 perth
 adelaide
 darwin

L69483

663

11459723_ACZF/CF

Arbitrator).

This information would have produced evidence of calls not being answered at the Camp, yet Telecom has suggested otherwise.

Mr Steve Black informs me there were no MCT on my line from August 1993, I have proof that there was, Telecom's own technical staff has said this interfered with the calls coming into the Camp, yet Telecom still had this device in operation. Data will show calls not getting through. CCAS Data miss calls, this can be checked by tracing Raw Data.

Telecom have not produced Bell Canada Data. Three lots of calls coming into the same PTARS.

L69184

664 A

CLAIM DOCUMENTS SUBMITTED BY THE CLAIMANT ON 18 AUGUST 1994

1. In relation to the document (untitled and undated) which contains a table consisting of five columns and a further table which the Claimant has stated contains an example of some of the "Raw Data" which Telecom refused to give to Cape Bridgewater Holiday Camp during this Arbitration Procedure:
 - (a) Provide an explanation of how this document is relevant to the documentation submitted by the Claimant.
 - (b) Provide details of other examples of the type of "Raw Data" which Telecom has refused to give Cape Bridgewater Holiday Camp during this Arbitration Procedure.

Answer Question 1:

- (a) It is relevant to the extent that the Raw Data I believe proves technical issues. I believe production of all the Raw Data would benefit my claim.
- (b) If Telecom produces Raw ELMi Data over a period of time, two weeks in May 1993 and 13 October 1992 to 30 October 1992. As I was at the Camp at the time of 13 October 1992 and Telecom lied about this monitoring being in use. I can show the Assessor four calls in a one day period which I did not receive. We go to the 28 October 1992. Produce the full Raw Data for this day and I will show how the ELMi registers in coming calls as incoming, yet they were not answered at the Camp.

L69183

All Raw Data from May to July 1993. Raw Data which is on Telecom fault records. Check and you will see many CCAS and CCA7 data, which have not been provided.

A letter to Simon Chalmers from Dave Stockdale 11 January 1994, clearly shows Telecom withheld information from my resource team (see attachment forwarded direct to

664
A

Answer Question 12:

The basis upon which it is alleged that Telecom failed to maintain Leopard records or any other fault records over a long period of time is the amount of times that people complained of the faults re the above and the subsequent details I have discovered since obtaining my F.O.I. and the material supplied to me by Telecom over the period of my dispute. I would of course refer you to Page 115 of the Austel Report through to 121 inclusive and in particular Sir I would point out 6.38 with reference to Coopers & Lybrand Report "*Telecom unreasonably used its inability to adequately document faults and tests for causes as a defence against claims.*" Furthermore I refer you to Page 32 of my letter of claim where you will note that reference Page 1124 is clearly set out where Telecom admit that some files have simply disappeared or never existed. I would also ask you to read further through Page 34, 35 and 36, 37, 38.

Again, the amount of times people complained of faults re above. Palmer School Teacher, Gladys Crittenden, Lorreto College Ballarat. Sister Donellon complained, Telecom in reports about MELU; if complaints had of been received prior to 16 March 1992 then this RVA may have been in existent a lot longer. We have Palmer, Crittenden, my letters of complaints to 1100 as well as Hamilton. Where are those reports. Are these people lying.

Re my letters sent to Telecom in 1988. 1998-1991 re letter from Gladys Crittenden. She rang 1100 many times, yet not on fault report.

Robert Palmer rang 1100, yet no report of these calls being on fault reports.

Coopers & Lybrand indicated the same response of which the Cape Bridgewater Camp received.

Letters I have in Ref. 2001-2158. Some of these complaints were to 1100, yet Telecom has not sent these in my Freedom of Information.

L69167

60 Minutes, TV Program contacted 1100, William Dutton Motel Portland contacted 1100 for Jim Constandinidis, Mrs Hancock of South Melbourne. These did not go on leopard fault.

664 B

12

2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2055, 2056, 2057, 2058,
2059, 2060, 2061, 2062, 2063, 2064, 2073, 2076, 2077, 2078, 2079, 2080, 2081, 2082,
2083, 2084, 2085, 2086, 2087, 2088, 2091, 2092, 2094, 2095.

11. In relation to pages 16 and 17:

The Claimant states that he "attached correspondence" from clients and other business operators in the Cape Bridgewater area which show that they also suffered severe fault conditions with their service from Telecom.

- (a) Provide details of the location in the Claim Documents of the "attached correspondence" from clients and other business operators in the Cape Bridgewater area which show that they also suffered severe fault conditions with their service from Telecom.

Answer Question 11:

- (a) 2093, 2108-2118 inclusive, 2075 and 2073.

12. In relation to page 17:

The Claimant has stated that Telecom failed to maintain Leopard records or any other fault records over a long period of time.

- (a) State the basis upon which it is alleged that Telecom failed to maintain Leopard records or any other fault records over a long period of time.
- (b) State what documentation, if any, has been submitted by the Claimant to support the allegation that Telecom has failed to maintain Leopard records or any other fault records over a long period of time.

L 69166

664 B

COPY



28 June 1995

Strictly Confidential

Telecommunications
Industry
Ombudsman

Mr Alan Smith
Cape Bridgewater Holiday Camp
Blowholes Road
RMB 4408
CAPE BRIDGEWATER VIC 3306

John Pinnock
Ombudsman

By facsimile: (055) 267 230

Dear Mr Smith

I refer to your recent correspondence.

So far as your request concerning the Bell Canada raw data is concerned, our file shows that on 15 August 1994 you asked the Arbitrator to direct Telecom to produce this information. On 16 August 1994 Dr Hughes asked Telecom for its reaction to your request so that he could consider appropriate directions on the matter. There is no indication on our file that Telecom responded. Nonetheless, on 25 August 1994 you provided statutory declarations to the Arbitrator to the effect that your claim documentation was complete.

Our file then shows that by letter dated 28 December 1994 you again formally requested the Arbitrator to require Telecom to provide the raw data associated with the Bell Canada testing. The Arbitrator wrote to Telecom that day enclosing a copy of your letter and requesting a submission in relation to your request. Telecom's submission, dated 13 January 1995, insofar as it related to your request for the raw data stated:

" Telecom located some of Bell Canada International's working documents which were thought to be in the possession of Bell Canada International but which were later found to have been left with Telecom staff in Australia.

Those working documents, insofar as they related to Mr Smith's business and fell within the scope of his FOI request of December 1993 were provided to Mr Smith under cover of my letter dated 21 October 1994. Mr Smith has previously been informed (by letter dated 15 December 1994 from Telecom to Mr Smith) that, as far as I am aware, all Bell Canada International's working documents (including raw data) in Telecom's possession have already been provided to him."

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

665A

Dr Hughes provided you with a copy of this submission on 23 January 1995, noting that Telecom did not consider it had any further information of relevance in its possession. Dr Hughes then invited you, within twenty-four hours, to respond to Telecom's submission. Our file does not indicate that you took the matter any further.

In other correspondence you refer to what you apparently now see as problems in the process of developing the Fast-Track Arbitration Procedure, an agreement which flowed from the Fast Track Settlement Proposal negotiated by AUSTEL and the parties in November 1993.

I understand that during that negotiation process Mr Schorer and Mrs Garms sought their own independent legal advice. Of course you had the opportunity to do likewise.

The Arbitration Procedure that was subsequently agreed to by all the parties set out a fair and realistic framework within which these longstanding disputes could be resolved.

The problems in the provision of documentation under FOI did cause delays in the progress of these arbitrations. However, as you are aware, this office has no jurisdiction over FOI, which is instead within the realm of the Commonwealth Ombudsman.

As you know, Dr Hughes took the view that it would assist neither the parties nor the process itself to insist on the adherence to submission deadlines when FOI applications by the claimants remained outstanding. It was not possible or appropriate for Dr Hughes or this office to play a more active role in the FOI issue.

Your concerns, only recently expressed, with the Arbitration Procedure appear to be based on the grounds that you had no guidance as to how to present your claim to the Arbitrator, in the face of the far greater resources available to Telstra for the preparation of its defence. Of course, in order to maintain the integrity and impartiality of the arbitration procedure, neither this office nor the Arbitrator could provide you with such guidance. Dr Hughes states in his Award that he took into account the fact that you formulated your claim submissions without legal representation. He also notes that he did not believe it would have been reasonable to expect you to present your claim in a manner similar to that which would have been adopted by a legal practitioner.

While you may be disappointed with the Arbitrator's findings as to the losses which flowed from the considerable technical difficulties for which Telecom was found liable, this should not detract from your justifiable sense of great achievement with regard to the technical findings.

The Arbitration process has run its course, and a final resolution has been achieved. There is nothing to be gained by revisiting issues which have been dealt with in the arbitration procedure. Neither Dr Hughes nor this office has any further role to play in the matters which gave rise to your dispute with Telecom which has now been resolved.

665A

However, if you do experience any further problems with your telecommunications services that are unrelated to the matters resolved by the arbitration procedure please do not hesitate to contact us.

Yours sincerely



John Pinnock
Ombudsman

665A

FAX FROM: ALAN SMITH
C. O. T.

DATE: 24.1.85

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

Dear Dr Hughes,

ARBITRATION - TELECOM

I refer to your letter of 23 January, 1995.

Please may I suggest that, after viewing my reply to Telecom's Defence Documents titled "Brief Summary Witness Statements Conflicting Evidence", under the heading of "Bell Canada International", you and the Resource Team will be in a better position to see the point I am making regarding the CCS7 data.

The report clearly shows that such CCS7 data was used in the Bell Canada testing for their findings regarding faults, switching losses, busy, congestion etc. This information would have only come from the CCS7 equipment used to trap these test calls.

Mr Ted Benjamin of Telecom, in his letter to Dr Hughes, states that Telecom have supplied to Mr Smith all CCS7 and working documents associated with the Bell Canada testing, but Telecom have only sent me one day of CCS7 data, for the 4/11/93. The Bell Canada testing did not start until 5/11/93 and it ended at 14.30 hours on 9/11/93. The working documents that have been supplied, copies of which are being sent with this document, do not completely correspond with those from the Bell Canada Publicly Released Documents. Although I do not wish to confuse the main issue in your response to Telecom's letter, I do believe that there are still issues related to this Bell Canada testing that should be clarified, along with the response to this letter.

After the Resource Team views this report of mine, using the Bell Canada Report and Telecom notes, the Resource Team will again see variations, conflicting testing results associated not only with the Bell Canada testing, but also associated with the NEAT testing which was carried out at the same time as the Bell Canada testing.

My letter to you on the 28th August, 1994 regarding the contents of this report shows three different acts of testing on the 5/11/93, from three separate locations and all to the same PTARS at the RCM in Cape Bridgewater. This letter spells out my concerns.

Dr Hughes, Telecom's defence documents show testing from 1988, some 44 monthly test sheets, tests to a PTARS at Cape Bridgewater. Not one of these test sheets was signed. We have so many tests that were supposed to have been received at Cape Bridgewater yet NO signatures can be seen anywhere.

On 11th December, 1992, Jim Holmes of the Corporate Secretary's Office, sent a letter to Jill Cardiff, Senior Assistant Ombudsman at the Commonwealth Ombudsman's Office. This letter speaks of test calls. There are improprieties apart from this issue concerning these test calls that I have addressed with the Commonwealth Ombudsman's Office under section 9 of the Act. However, in relation to the test calls in question, some 34,646 calls that were supposed to have been generated to Cape Bridgewater, Telecom has not been able to produce

66513

technical data to validate any of these test calls. Telecom has though, in their letter to Ms Cardiff, stated that, out of those 34,686 test calls only 106 failures occurred. However, in Telecom's own Defence Documents, appendix 5 at 31, they state that the failure rate was 1,569.

C.O.T. and its members, myself included, have asked Telecom repeatedly to provide this technical data regarding these so called 'received calls' at our businesses and at test stations. Telecom has failed here at Cape Bridgewater to supply any data at all to validate even one set of test calls.

Further to my report on the Bell Canada testing it will be seen, from Telecom's own documents, that the NEAT testing was capturing (or should I say, was supposed to capture) all tests to my business. My question is, did Telecom have two sets of CCS7 operating at the one time; one to my business and one to the PTARS at the RCM at Cape Bridgewater? Whichever, not one piece of CCS7 data has been produced for my viewing.

Also in this Bell Canada report, again using Telecom's own documents, it will be seen that Telecom had raw ELMI tape testing at this business sent directly to AUSTEL, but I have not yet seen the raw tape data which was asked for some six months ago.

The claim that I have against Telecom is that I did not receive all the calls which were intended for this business. Telecom states that they were received on a percentage basis. Telecom says that I received those calls percentage-wise but I have documentation that shows that this is not the case: letters from clients, businesses and from Telecom themselves, stating that they could not make contact as will. Test calls were a part of Telecom's proof that these calls did get through.

Telecom used CCAS and CCS7 testing equipment to capture these test calls to present a pattern in a graph/table form, for their own NNI investigating teams. The proof is in the CCS7 data. If Telecom have been unable to provide any testing results or data to show that test calls did finish at the intended location, the PTARS RCM at Cape Bridgewater or this business, then Telecom have no defence.

Your letter of 23 January, 1995 specifically mentioned that you wanted to be sure that there was no confusion surrounding the CCS7 data; that the dates shown in Mr Benjamin's letter were not misunderstood. My request is once again presented in this letter. CCS7 data had to be used in this testing, it is shown in the Bell Canada Report as being used. Without these CCS7 test results it must be seen that either Telecom is hindering my case, or they fabricated the testing.

I leave this matter in your hands.

Sincerely,



Alan Smith

665B

Her parting words were similar to "That's as far as I will go, Mr Smith it's up to you." Due to the stresses placed on me at the time, the fact that I felt that Telecom was threatening me with tying me up in legal action I took the settlement. I took this settlement because I believed Telecom at their word in respect to faults.

I now find that Telecom did have records of faults prior to June 1991. I find also that Telecom withheld documents from my hearing with Ms Pittard. I can also note the connotation of Ms Pittard's letter to Network Investigations, "I cannot comment on the variations between what Mr Smith was told on the settlement day and the contents of the Network files." I would state this, in closing, in respect to Ms Pittard's Statutory Declaration: I have been misled in not only the negotiations at the settlement in 1992, but I was also deceived in regard to my F.O.I. Application in 1992. How many unethical business transactions would Telecom expect me to swallow. When I showed that I had had enough I was cunningly transferred over to Freehill Hollingdale & Page where I was misled and deceived by them also. Perhaps, inadvertently, stress nearly won the day for Telecom. The fact that a fault report, via Freehill Hollingdale & Page Telecom's Response Unit, could take up to two weeks to get an answer mattered not to those in charge of Telecom Commercial. Breach of terms and conditions for the supply of a Telecom communication service has taken place.

Mr Arbitrator you would find that Telecom has been negligent in their dealings with my phone service and the actions of Ms Pittard in refusing me historical fault information prior to the settlement was not only negligent, misleading and deceptive, it was also unconscionable conduct. Mr Arbitrator you would also have to wonder about Ms Pittard's statement that I had unlimited use of a telephone and that she was aware that in her absence I made several telephone calls during the negotiation period. Was Ms Pittard that concerned about me that she had this telephone monitored?

Statement Two - Ross Stewart Anderson

I would address the following issues in respect to the defence statement of Mr Anderson.

666

- A. At point 4 Mr Anderson indicates that I took over telephone service 055 267267 on the 6 April 1988 at the Cape Bridgewater Holiday Camp from the previous owner. In fact, as I have previously stated at page 10 of my original letter of claim dated 12 June 1994 I took over Cape Bridgewater Holiday Camp in February 1988 and thus the telephone service.

I make mention of this due to my correspondence to Telecom in 1989, in part addressing the problems I had with Telecom in having them recognise my business as a commercial service. Refer documents 2104 to 2106 of the Cape Bridgewater Assessment Submission 7/6/94.

- B. At point 5, acknowledgment is made of faults on 1100 having been experienced. Previously Telecom have denied that any correspondence exists in regard to this reference document 1289 Cape Bridgewater Assessment Submission 7/6/94.

I now note at Section 25 of the Telecom defence document Appendix file number 5 they have managed to locate details of six faults in 1988 and two faults in 1989 for 055 267267. You will note the same document refers to fault on my Gold phone 055 267260 a month after installation in August 1988.

- C. At points 8, 9 and 10 a reference is made only to 1992 onwards. I am concerned about the accuracy of Telecom's statements about documentation in respect to the years prior to 1992 due to the above paragraph B.

Technicians from Portland certainly attended my premises on a myriad of occasions prior to this. Due to Mr Anderson's early statement at point 2 that he has been at Portland for twenty two years, I would request that you undertake inquiries to establish the technician's records of service for the Cape Bridgewater area prior to and during my time at Cape Bridgewater Holiday Camp. Surely Mr Anderson or Mr Bloomfield or other technicians could give evidence on oath as to the problem they have attended to with the Cape Bridgewater area.

666

- D. Please refer to page 2/3 with a heading Answering Machine. I have previously explained the answering machine in my letter of claim document dated 12/6/94 at pages 45 to 46.

I do not agree with the account by Mr Anderson, at point 13 where he states that I did not have the Instruction Booklet because the answering machine had been given to me. I can say that I purchased the answering machine from Portland Bulk Store new and I now enclose the Instruction Booklet. If Mr Anderson had asked for the booklet he would have been provided with the same. I believe that Mr Anderson has fabricated this evidence to suit Telecom's defence.

The statements of Mr Anderson at point 11 also seem strange in that he would have a test call made, on his account, by Mr Crease for the length of thirty seconds on the first occasion prior to hearing any click. This would therefore suggest that he did not have any evidence before him at the time to even consider the answering machine as the problem. I would note that all of the test calls made to my premises have been short duration three, four, five ring calls and I believe Mr Anderson should be made to clarify his statement and to produce any contemporaneous notes in regard to his allegations.

- E. In regard to the cordless phone allegations at page 14 to 21 inclusive, I would simply deny the accuracy and substance of the same. I can state that I only had the cordless phone for a period of three months and during that time I had two different phones (at separate times) on the advice of Mr Ray Morris. I would refer you to F.O.I. document A09452 in regard to Loveys Restaurant (*another C.O.T. case*). It would appear Telecom are, as I have previously stated in my Letter of Claim dated 12/6/94 page 44, eager to place the fault on customer equipment.

In my submission you would put no weight on point 26 of the statement in relation to the Gold phone. This is uncorroborated, unqualified and not substantiated in the defence documentation.

666

- F. I have not left my fax on auto simply due to the fact that I use 055 267230 for outgoing calls. My facsimile machines (two) have been both new and have been installed by professionals. The first facsimile machine was installed by Mark Ross of Telecom and the second machine was installed by Greg from Retravision in Portland. Mr Anderson states in relation to my facsimile line 055 267230 that Portland technicians have attended my premises on at least five occasions. Mr Anderson has neglected to mention his own difficulty in sending facsimiles whilst he attended at my business.
- G. Businesses at Cape Bridgewater. I would draw your attention to the matters at point 37 of Mr Anderson's statement which in my view are questionable.

I have made inquiries and established that none of the "alleged" commercial enterprises or business persons are in the Yellow Pages Directory of Telecom, as a Cape Bridgewater business.

Further, I would bring to your attention that Mr Anderson's "knowledge" at point 38 is questionable. Mr Anderson does not supply the service records and fault histories of these telephone numbers to support his statement. Unfortunately, I would suggest for Telecom, I have located in the defence documents, (please refer to Appendix 5 numbers 19 and 20), fault records that indicate a number of these services have experienced faults. In particular Mr Anderson's "personal friend", Mr Wilson, reported eight faults on both lines between January and March of 1994.

Mr LePage reported five faults between March and May of 1994. Mr Blacksell reported five faults between October 1992 and May 1994. Further, I find that the Seaview Guest House that opened in 1994 (267217) has reported five faults between March 1994 and July of 1994.

The records of faults only cover brief periods of time, that is 3 three month quarters of a period of three years from August 1991 until September 1994. Refer Appendix 4 number 30, Appendix 5 number 20, Appendix 3 number 46, Cape Bridgewater Submission Number Two reference AI Cobpack Adhoc Request.

666

Therefore records of nine of these three month periods are missing. How many faults are there? You will note that my Submission of Cape Bridgewater Number Two shows thirty faults from 13 January 1992 to 14 August 1992. There are also sixteen faults shown between April and May of 1993.

You would note of course from reference 1145 of my Cape Bridgewater Holiday Camp Assessment dated the 12 June 1994 that on the 4 June 1993 Telecom have sixteen pages of faults between the 2 April 1993 and the 4 June 1993. The eight pages I have previously referenced above contain one hundred and sixteen faults with obviously nine of the twelve quarters missing. If we take into account that document 1145 shows sixteen pages for a two month period, then I would believe you would conclude that the equation would be that for every quarter there are one hundred and sixteen faults shown. The period of my claim is over six years therefore $24 \times 116 = 2,784$ complaints from sixty seven to eighty consumers.

I believe you would conclude a serious doubt hangs over the statements by Telecom's senior "knowledgeable" technicians for the Cape Bridgewater area.

Mr Arbitrator I would refer you to Page 5 of Mr Anderson's statement with the title Incident with Portland to Cape Bridgewater RCM System Number One 8 March 1994. I would ask that you cross reference this particular incident with the Witness Statement of Mr Banks. At point 13 Mr Banks states that lightning affected the RCM at Cape Bridgewater in late November 1992. Mr Banks however fails to conclude that this fault appeared not to be fixed until late January 1993. I would refer you in this regard to Telecom Defence Appendix 1 at 11 documents D402 on the 9 February 1993. I would also point out in Mr Banks' statements he fails to mention that just seven days prior on the 2 March 1993 that he had found several problems with the RCM System Mr Smith was previously connected to. Mr Banks has not shown the above fault to be of much significance and I would ask the Resource Team to combine further evidence that the lightning strikes mentioned by Mr Banks and in this statement of Mr Anderson are significant. In this regard I would refer you to Telecom Defence document Appendix 5 at 32 at number R01447.

666

This document states that on the week ending 11 September 1992 another lightning strike has damaged the PTARS.

In this regard Mr Arbitrator I would ask that the Resource Team pay particular attention to the article Can We Fix The Can Appendix Cape Bridgewater 2 Page 79 re lightning strikes. I would quote directly from this article:-

"Lightning strikes are being encouraged by our own actions. Our focus is on quickly getting to the fault rather than preventing the fault. As a result we are ensuring that we get hit by lightning far more often."

Mr Arbitrator apart from drawing the obvious conclusion that Telecom have had a serious problem with lightning strikes in the Cape Bridgewater area for the entire period of my claim, it would appear to be somewhat concerning that Mr Anderson pays particular attention to his statement in all eight pages, however when it comes to lightning he refers to one minor issue on the 8 March 1994, you will note that Mr Anderson is a person who has been with Telecom in Portland for 22 years. You would have to consider that there is a glaring breach of the duty of care or that there is negligence and misleading and deceptive conduct on the part of Telecom and its employees at Portland in not recognising the problems concerned.

Mr Arbitrator I would submit that this particular incident on page 5 of Mr Anderson's statement would have you wondering and would be one particular issue that your Resource Team would want to pay particular attention to. Not only can't Telecom acknowledge their problems but would like to remove the blame into the simplest category that they can. Mr Arbitrator as a result of what Mr Anderson is saying in regard to heat, cooling and moisture you would ask that your Resource Team examine the possibility that the Cape Bridgewater RCM was affected by moisture over the entire period of my claim. Due to the fact that it would appear that the RCM could not be properly sealed I would suggest that you would have to draw the appropriate conclusions based on what I consider would be necessary investigations into this aspect of Telecom's defence.

666

Mr Arbitrator I would refer you to point 30 in Mr Anderson's statement and I believe that this again shows that Mr Anderson has an ability to not completely represent the true picture of events. Mr Anderson states he organised test calls from Ballarat to 267267 and I would point out that he failed to mention that these calls did not get answered. A note Ross Anderson states several test calls were made and the 267267 telephone rang. Ross Anderson was at my business. It would appear strange he didn't take the trouble to answer those seventeen test calls. Dr Hughes like the time with my answering machine and my cordless machine, things did not register correctly. I ask the Resource Team to check my 008 account for those seventeen test calls and note that I was charged for those calls yet the conversation time ranged from two seconds to five seconds.

Ross Anderson has clarified one thing in his statement, the telephone rang ok, he never mentioned he answered the test calls, how could he have a two second conversation or a five second conversation with a fellow Telecom technician.

I have continually complained to Telecom, Austel that I have been incorrectly charged for my phone service. This is just one of many incidents where there is proof yet still denied by the powers to be within Telstra.

Statement 3 - David John Stockdale

I would argue that Mr Stockdale's assessment of RVA problems at points 9 through 12 inclusive is understating the problem. I refer you to pages 14, 15 and 16 of my Second Report of Cape Bridgewater. I doubt if Telecom really know the periods of this fault and I suggest investigations and evidence already presented in my Submission confirm recorded voice announcements throughout the period of my claim. It is interesting that Mr Stockdale mentions only one fault of substance was found to be a problem on my service. If this is the case then Rosanna Pittard, Telecom General Manager Commercial Victoria/Tasmania has badgered me into a settlement of \$80,000.00 for one fault of substance. Perhaps by this arrangement Ms Pittard has set a precedent. I consider that you would find throughout your investigations that I certainly had considerably more than one fault of substance.

666

| | |
|--|---|
| FAX FROM: ALAN SMITH Cape Bridgewater Holiday Camp Portland 3305 | FAX TO: Mr John Pinnock TIO Melbourne, Victoria. |
| FAX NO: 03 55 267 265 | DATE: 9.3.99 |
| PHONE NO: 03 55 267 267 | NUMBER OF PAGES (including this page) |

If you have received this document in error, please phone us on 03 55 267 267.

Dear Mr Pinnock,

The enclosed copy of a fax and attachments dated 9.3.99, to Senator Ian Campbell, is forwarded for your information.

As you can see from this one example, my fax problems continued for some considerable time after the completion of my arbitration.

My main concern is not with the phone/fax line to my residence, since I have only experienced two fax faults since I connected the fax machine to this line. What does seriously concern me, however, are all the problems I experienced with the fax line prior to July of 1998, when it was not uncommon to lose faxes on a regular basis, even after my arbitration had completed.

I certainly hope that Senator Campbell can understand how significantly my business has been damaged as a result of these matters not being correctly addressed.

Sincerely,

Alan Smith

667A

FAX FROM: ALAN SMITH

Cape Bridgewater
Holiday Camp

Portland 3305

FAX NO: 03 55 267 265

PHONE NO: 03 55 267 267

FAX TO: SENATOR IAN CAMPBELL
C/O MINISTER FOR
COMMUNICATIONS &
INFORMATION TECHNOLOGY
PARLIAMENT HOUSE
CANBERRA

DATE:

17/3/99

NUMBER OF PAGES (including this page)

If you have received this document in error, please phone us on 03 55 267 267.

Dear Senator Campbell,

In the course of preparing my last fax to you, as I watched the last draft arriving via my fax from my secretarial agency, the fax began to ring, even though a fax was rolling through. The fax from the secretarial agency stopped and a totally different fax, from my barrister in Melbourne, began to appear. The phone rang again and the barrister's fax stopped. The last pages of the fax from my secretarial agency then arrived. In other words, on a continuous strip of fax paper I have two pages from my secretarial agency then two pages from my barrister and another three (the covering faxes to the three cc's listed on your fax) from the agency.

I find this quite confusing. How can my fax machine have accepted two separate calls from two different addresses but at the same time? How could it be that the fax/phone actually rang as if a call was coming in when the second caller should have received an engaged signal?

All this is even more ironic when we remember that I was in the process of preparing my fax to you and that this fax was specifically related to past fax problems I had experienced!

So, I now have a continuous piece of fax paper showing the mix-up of these two different faxes and a print-out of my fax journal records which shows these faxes arriving consecutively. The fax journal also indicates a '490' fault had occurred with one of the faxes from the agency and one from the barrister. According to my fax manual, a '490' fault indicates 'received data has too many errors'. The manual suggests that this should be checked with the 'other party'. When these faxes were later re-sent to me there were no problems.

I have to now ask: How many faults are Telstra customers expected to accept?

Alan Smith

copies to:
Mr John Wynack
Commonwealth Ombudsman's Office, Canberra
Senator Kim Carr
Labor Party, Canberra
Senator Ron Boswell
National Party, Canberra

667B



DAVID HAWKER MP
FEDERAL MEMBER FOR WANNON

27 February 1998


Mr Alan Smith
Cape Bridgewater Holiday Camp
Blowholes Road
RMB 4408
PORTLAND VIC 3305

Dear Alan

Thank you very much for the material recently forwarded to my office.

I will be writing to the Minister for Communications asking him to carefully examine your claims.

Yours sincerely


DAVID HAWKER, MP
Federal Member for Wannon

Ref: Z-1448:mc

Electorate Office: 1800 810 481, Hamilton, VIC. 3300
Telephone: (03) 5572 1100. Free Call 1800 810 481. Fax: (03) 5572 1141

668

Appendices: page 24



210
DAVID HAWKER MP
FEDERAL MEMBER FOR WANNON

16 October 1998

Mr John Pinnock
Telecommunications Industry Ombudsman
Box 18098
Collins Street East
MELBOURNE VIC 8003

[Handwritten signature]
23/10-

Dear Mr Pinnock

Please find enclosed correspondence I have received from my constituent, Mr Alan Smith of Cape Bridgewater Holiday Camp, Portland, 3305.

I would appreciate your assistance in resolving Mr Smith's complaint.

I look forward to receiving your advice in due course.

Yours sincerely

[Handwritten signature of David Hawker]
DAVID HAWKER, MP
Federal Member for Wannon

Enc

Ref: 10-12.doc/dh:mc

669



Department of
Communications
Information Technology
and the Arts

FACSIMILE

our reference

| | |
|--|-----------------------|
| to: Telecommunications Industry Ombudsman | from: Mark Dunstone |
| fax: 1800-630-634 | phone: (02) 6271 1848 |
| phone: | fax: (02) 6271 1850 |
| number of pages: 17 | date: 29 January 1999 |

GPO Box 2154 Canberra ACT 2601 Australia • telephone 02 6271 1000 • facsimile 02 6271 1901
email dcita.mail@dcita.gov.au • website <http://www.dcita.gov.au>

Mr John Pinnock
Telecommunications Industry Ombudsman

COT CASES - ALAN SMITH

Following a Departmental restructuring I am now the Manager of Consumer and Pricing Section, replacing Ms O'Grady. I understand that my team has frequent contact with your office concerning various consumer complaints.

We have been referred correspondence from one of the COT cases - Mr Alan Smith who has written to the Treasurer. I understand he also sent you a copy.

Previous advice from your office concerning Mr Smith was to the effect that you were still considering whether or not you would investigate his claim of overcharging on his 1800 number.

I would be grateful if you could advise the status of the TIO's investigation into Mr Smith's claim of overcharging - I understand this matter has been before the TIO for some years.

Mark Dunstone

670

ALAN SMITH

Cape Bridgewater Holiday Camp
Blowholes Road, RMB 4408
Portland, 3305, Vic, Aust.
Phone: 03 55 267 267
Fax: 03 55 267 265

9 May 2000

Mr John Pinnock
Telecommunications Industry Ombudsman
Exhibition St
Melbourne, 3000

Dear Mr Pinnock,

Arbitration: Telstra v Alan Smith

After reading copies of correspondence I have received from your office in the past, a number of impartial persons have suggested that you knowingly misled the parties you were writing to at the time. Attached documents A1 to A11 are just some samples of these letters which show that, as late as 23 February 1999, a number of elected Federal politicians were still of the opinion that you were investigating my claims regarding overcharging on my phone and fax services.

Not only were these claims never addressed during my arbitration procedure (refer attachment A5) but Telstra's comments regarding whether or not they addressed these incorrect charging issues have never been released by your office. Evidence at hand proves beyond any doubt that the arbitrator, Dr Gordon Hughes, acted in concert with Telstra during my arbitration to ensure that my evidence of systemic billing problems in the Telstra network would not be recorded. This meant that the issues relating to billing problems, which I raised as part of my claim, were not included in the arbitrator's written findings.

Your correspondence to me indicates that you were aware of the continuing systemic billing problems relating to my phone system and that you were aware of how this affected the normal running of my business, even after the completion of my arbitration. Your correspondence also confirms that you knew that the problems had not been rectified, as they should have been, according to the rules of my arbitration procedure. Since these problems clearly continued after my arbitration it is obvious that the issues were therefore not correctly addressed during that process.

✓ Attachments A6 and A7 indicate that you are also fully aware that, three years after Dr Hughes had handed down his 'award', your office raised with him the question of whether or not he had addressed the 1800 and gold phone issues in his award. Further, your office was provided with a legal opinion, from your own legal counsel, which confirmed that Dr Hughes did NOT address these incorrect charging issues in his written findings, as he should have, according to the rules of the Fast Track Arbitration Procedure.

671

You are also aware that Mr Ted Benjamin, Telstra's Customer Liaison officer during my arbitration, authorised the disconnection of my gold phone customer service in December 1995, because I had refused to pay a phone account of more than \$2,000. Telstra's own records have conclusively shown that this account had been incorrectly calculated and had charged for calls that were never successfully connected. This evidence was supported by letters from my customers who wrote of their experiences when trying, unsuccessfully, to make calls from the gold phone. It is even more alarming to note that Telstra has still not reconnected this gold phone service. ↙

My submission to your office in March/April of 1997, which was supported by copies of Telstra's own internal data (obtained under the *Freedom of Information Act 1982*), proves conclusively that the fault was not with my gold phone but was caused by the Telstra network into Cape Bridgewater (RCM System One).

I am not the only person to provide your office with conclusive evidence that, prior to, during and after my arbitration was deemed to have been completed, faxes sent from my office were still not all reaching their intended destination. Again Telstra was notified, both by your office and by me, regarding this problem and yet, in August 1998, while the matter was still under investigation by your office, Telstra unlawfully disconnected my fax service line (55 267 230) because I refused to pay for these disputed unsuccessful transactions.

Attachment A1 shows that Mr James Cameron, from Senator Alston's office, was under the impression that you had agreed that my previously raised concerns regarding overcharging on my 1800 phone line and on my fax line were warranted (paragraph two, page one). Mr Cameron indicates in this letter that he believed you would write to me regarding the outcome of your investigations. It is now fourteen months since Mr Cameron wrote his letter and I have still not received this document from your office.

Attachment A11, a letter dated 27 February 1998, from Senator Richard Alston to David Hawker MP, refers to a visit made by Telstra to my office in January 1998. The Telstra people who made this visit were Lyn Chisholm and Phil Carless. This visit, to discuss my evidence regarding incorrect charging, was witnessed by a retired Bank Manager from Portland. Both Ms Chisholm and Mr Carless acknowledged that the material I produced for this meeting was authentic. This same material has also been assessed by technical communication experts and acknowledged as factual. With all this evidence in place, why then have I not received a response regarding your investigations into these matters, which were raised with your office?

Why did you allow Telstra to unlawfully disconnect my business fax service in August 1998 when your office had received information from my customers before that, in June and July 1998, detailing the problems they had experienced when I had attempted to send faxes to them from May 1995 (after my arbitration was 'completed') and onward? Why haven't you told Senator Alston's office that, due to the disconnection of my fax service in August 1998, I have been forced to use my residential phone line to send and receive business documents?

Further evidence which I submitted as claim documents under the arbitration proved conclusively that not only were some of the 1800 incoming calls being incorrectly charged by Telstra but many of these calls were also being illegally diverted to someone with access to Telstra's network.

671

If you were truly impartial, as is expected from an Ombudsman, you would investigate the documents I have. These documents confirm all of my allegations, including my allegations regarding calls that were illegally diverted before they reached my business. These documents also confirm that, during one three-month period, at least eighty-six of the calls which were diverted (and therefore did not reach me) were also charged by Telstra as successfully connecting to my business.

Try living with this type of evidence for five years, Mr Pinnock. Try living with further evidence which shows that Mr Ray Bell, a Telstra employee, knowingly conjured up and then submitted a fraudulent Telstra arbitration defence document. In this document Mr Bell falsely stated that the lock up faults on my TF200 fax/phone service were caused by 'wet and sticky' beer which had been spilt inside the phone, inferring that my alcoholic drinking habits were to blame. Evidence received from Telstra under FOI, and then provided to your office since my arbitration, proves that Mr Bell was fully aware that his TF200 report was to be fraudulently submitted by Telstra in their defence of my claims, which had been lodged under arbitration. Mr Bell is still employed by Telstra, in the same special products laboratory from where he produced this fraudulent report. This makes a mockery of my arbitration and the Australian legal system. Mr Bell continues on his merry way, without being charged, because both your office and my arbitrator failed to address Telstra's unlawful conduct during my arbitration. This leaves me wondering if the person or persons responsible for the illegal phone diversion is also still employed by Telstra, perhaps in charge of a service department similar to Ray Bell. Could it be that this person is still diverting my calls, even now? Since this issue was never correctly addressed, how will I ever know? Try also living with this doubt for five years, Mr Pinnock.

Finally, I would be interested to know if your office intends to inform Senator Alston's office of the outcome of the investigations your office is allegedly making into the incorrect charging issues relating to my telephone service. I would also like to know if you intend to investigate why Telstra disconnected my phone service while your office was still investigating my valid complaint.

I look forward to your response.

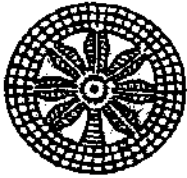
Sincerely,

Alan Smith

Copies to:

Mr Bob Mansfield, Chairman of the Board of the Telstra Corporation, Melbourne
The Hon. Daryl Williams, Federal Attorney General, Parliament House, Canberra
Senior Detective Rod Keuris, Major Fraud Group, Victoria Police, Melbourne
Mr John Wynack, Senior Investigation Officer, Commonwealth Ombudsman's Office
Ms Roslyn Kellcher, Australian Communications Authority, Melbourne.

671



Centre for Adolescent Health

2034

William Buckland House
2 Gatehouse Street
Parkville Victoria 3052

Telephone: 61 - (0)3 - 345 5890
Facsimile: 61 - (0)3 - 345 6502

28th April, 1993.

To Whom It May Concern,

I am writing this letter to acknowledge that Alan Smith, owner of Cape Bridgewater Camp at Portland, experiences extreme difficulties with his current telephone system.

A group from the Centre for Adolescent Health (Royal Children's Hospital) in Melbourne, recently spent a week from Monday 19th April to Friday 23rd April at the campsite. Two of our leaders attempted to make phone calls at 6.25 pm on Tuesday evening and experienced a dead line when trying to ring out. A number of our campers attempted to make calls on the Gold phone during the week and were unsuccessful.

Many of our campers and leaders had chronic illnesses, therefore it was vitally important that our group had easy access to an operating telephone system 24 hours a day, in the event of a medical emergency. We would require a guarantee that the telephone system was fully operational before considering Cape Bridgewater Camp as a future venue.

Yours sincerely,

Louise Rolls

LOUISE ROLLS.

The Centre for Adolescent Health is a Victorian Health Promotion Centre established at the Royal Children's Hospital in collaboration with The University of Melbourne, Royal Melbourne Hospital and the Royal Women's Hospital.

673 A



Prahran Secondary College
Molesworth Street,
PRAHRAN 3181.
Telephone: 510 5276 Fax: 521 3747

5th May 1993

Mr Allan Smith
RMB 4408
CAPE BRIDGEWATER 3306

Dear Allan

This is just a short note to thank you for the use of your lovely Holiday Camp at Cape Bridgewater last week. The students and staff had a wonderful time and the weather was especially kind to us. We also appreciated your assistance with the program, the catering and the meals.

The one drawback which you must try and do something about is the telephone. Many parents were anxious when their children failed to contact them on arrival. They had expressed concern about the long drive and we assured them that we would let them know when we reached camp. Unfortunately the Gold phone was not operational and we did not want students using your private phone as we were aware of the important calls you were expecting.

It is essential that a telephone is available to a camping group at all times in case an emergency develops when you are not on the site. Please emphasise the importance of this to Telecom as an unreliable service will prove extremely detrimental to your operation at Cape Bridgewater.

On behalf of the whole group and especially the staff, thankyou once again for your generosity and co-operation. I wish you success in your ventures. If you are interested in further feedback re improvements to the site, I would be happy to discuss our thoughts with you if you have some spare time when next in Melbourne.

Yours sincerely

Russ Geddes
Outdoor Education Co-ordinator

673B

Mr Smith's claim is based on his complaints made during the period that Telecom was, effectively, failing to fulfil its universal service obligations and was providing an inadequate quality of standard telephone service. His complaints have been made in terms like:

- phones do not ring when [holiday camp] customers call
- [holiday camp] customers receive a "busy" tone when phones are not engaged
- calls placed to the holiday camp "drop out"
- recorded voice announcements inform callers that phones are disconnected when they are not.

✓ Telecom recorded and responded to Mr. Smith's complaints in a variety of ways. But Mr Smith did not express his satisfaction--in fact, in his claim of June 1994, he refers [p 3] to "the continuing problems that I am experiencing" and states that "my phone service is still operating at a totally deficient level." The alleged faults were not rectified up to the time of the claim.

Telecom, as the sole universal service carrier for Australia (both before and after the Telecommunications Act), has no alternative but to "ensure that a standard telephone service is reasonably accessible to all people in Australia on an equitable basis." This spirit is confirmed by Telecom in the letter to Mr Smith of 1 September 1992: "Should this investigation identify any faults in the Telecom component of your service they will be rectified in accordance with normal practice." And again in Telecom's letter to Mr Smith of 18 September 1992: "We believe that the quality of your telephone service can be guaranteed and although it would be impossible to suggest that there would never be a service problem we could see no reason why this should be a factor in your business endeavours." And again in Telecom's letter to Mr Smith of 25 May 1993: "Telecom Australia endeavours to provide at all times the telecommunications services in respect of which a customer has made application..." (Copies of the letters are attached.)

We have reviewed the specific faults reported, based exclusively on the sources of information listed at the end of the Technical Report. Were they Telecom's faults? Whether they were Telecom's faults or not, what action did Telecom take to rectify them, (or refer them to others, if they were not Telecom's faults), and in what timeframes? Was there appropriate management of network operations, fault logging, and network monitoring? Was the customer appropriately handled, considering the intensity and long duration of his complaint?

Our investigations of the documentation and the site focused only on the technical issues which might have affected the level of service, which we take to include:

- design of the network--i.e., was the network correctly configured and was the design (and capacity planning) process sufficient to give a reasonable level of service?

674

Cape Bridgewater Holiday Camp
Blowholes Road, RMB 4408
Portland, 3305, Vic, Aust.
Phone: 03 55 267 267
Fax: 03 55 267 265

29 June 2001

Mr David Thompson
Case Manager
Customer Relations
Telstra
Locked Bag 4170
Melbourne 3000

Re Goldphone 055 267 260

Dear Mr Thompson,

There may well be a new breed of upstanding, honest-beyond-reproach Australian employees at Telstra and no doubt you are one of these. Some of your predecessors, however, have proved to be very difficult to deal with in relation to my complaints, particularly people like Rod Pollock and Ted Benjamin, to name just two. Both Mr Pollock and Mr Benjamin lied or misled me on a number of occasions; they also changed documents to suit Telstra's position.

On 23 November 1993 I signed an agreement with Telecom/Telstra to have an assessor value my outstanding telephone complaints. Included in this agreement was a clause which stated that, before the assessor could bring down an award, Telecom/Telstra must rectify all the telephone faults that I had proved were in existence until then.

On 11 May 1995 my assessor brought down his award, even though he was fully aware that Telstra had not rectified the ongoing phone faults that were occurring on my phone lines. During the assessment and arbitration processes, Telstra pretended to repair the faults and then, in September and October of 1994, carried out a verification testing procedure. An independent witness has since prepared a statutory declaration regarding the fact that Telstra technicians could not get their verification equipment to function correctly on the days this testing was supposed to have taken place. I have also written to the assessor/arbitrator regarding this same matter. Telstra, however, still supplied the arbitrator and Austel/ACA with a report confirming that the verification testing was a success.

By mid June 1995, my Goldphone service (one of the services supposedly tested by Telstra) was either still taking my customer's money but not connecting them to the party they had called or, on those rare occasions when the connection actually worked, the line dropped out only a few seconds later.

I fought for justice from Telstra for six years before finally reaching arbitration. That arbitration then took eighteen months to 'complete'. During this time, as a direct result of the phone problems my business suffered and the enormous amount of time and

675

effort I was forced to allocate to preparing my claims against Telstra, customer numbers dwindled. Over the same period however my Gold Phone account increased. By the time this service was disconnected by Telstra in December 1995, I had used Telstra's own data to prove, for the arbitration, beyond all doubt, that the fault was not with the phone, but was within the Telstra network.

The Hon. Senator Richard Alston is aware that some of Telstra's employees altered documentation before it was sent to the Casualties of Telstra (COT) claimants under the Freedom of Information (FOI) Act. The claimants needed to have these documents, in their original, un-tampered-with state, to support their arbitration claims.

Since my arbitrator brought down his award, I have obtained documents under FOI which prove that, during their defence of my claims, not only did Telstra tamper with FOI documents but they also fabricated at least one technical report. I can only assume this was accomplished by Telstra's defence unit so that the arbitrator and his technical unit would not have to investigate the continuing fax faults my business was still experiencing, even though the verification testing was supposed to have repaired the faults.

If you are in any doubt about this fabricated report I can arrange for a copy of an opinion, provided by an independent technical consultant, which states that Telstra produced this fraudulent report in an attempt to pervert the course of justice. This is only one example of many ways that Telstra has attempted to interfere with a legal process during my arbitration but even this single example must lead us to ask why I now have to provide documentation to prove that I am right. Surely Telstra has an obligation to produce their own documentation to show how they calculated the amount they allege I now owe on my Gold Phone account.

I look forward to hearing that Telstra has provided this information to David Hawker MP.

Sincerely,

Alan Smith

Copies to:
David Hawker MP, Federal Member for Wannan
and other parties.

675

1.3 Customer Access Network (CAN) Testing

During this period, when complaints were made, Mr Smith's CAN and CPE were tested and/or changed (including replacement of private cable), with NFF (no fault found) being generally reported with "no subsequent action being required," though we observe that in Telecom's Network Management Philosophy of 9 December 1994 [p 8] "effective network management relies on the detection of patterns of incidents which identify a probable network abnormality. It may take time for information about a number of incidents to accumulate to allow a problem to be traced and corrected." And Telecom's briefing paper B004, 12/12/94, page 80 in reference to Mr Smith states of Non-standard faults (NSF) "details held in service plus records/scratch pad records." In any case, it would appear, as detailed above, that the problems were predominantly in the network (exchange, IEN). Testing was not highlighting these conditions, as it was generally conducted out of the busy periods. However, reading of the exchange congestion meters (which was regularly performed) should (and did) highlight the situation. During this period 12 fault calls were logged on the Telecom fault report system, although there appear to be several not logged (e.g. 14th August 1991 - refer B004/5 sections 23, 24).

2. Period Post 21 August 1991

The significance of 21 August 1991 is that the exchange configuration was changed (to configuration 'B'), that is, 'individual derived services via an RCM unit to the Portland new AXE exchange'.

2.1 This should (and did) relieve the link congestion problem Portland to CB. However, subsequently, congestion may have occurred in other links (refer to 2.17).

2.2 Various RCM (Transmission Equipment) Faults

There were consistent problems with the RCM system. Mr Smith's services were carried on RCM No 1 until 24 February 1993. This system had a track record of problems, and the RCM system components were the subject of several design corrections (Work Specifications). These issues were likely to cause a range of problems (as reported) over the period August 1991 to February 1993 (a period of 18 months) when Mr Smith's services were transferred off RCM 1 and service improved. Specific problems caused are covered in later paragraphs (ref: 2.8, 2.9, 2.21).

M34197
676

"Congestion could have been experienced by callers due to a combination of the two faults indicated above and the volume of test calls being generated by Telecom to locate faults. I understand that some of your customers expressed this condition as 'getting busy tone' when you were not using the telephone."

2.8 RCM 1 Failure due to Lightning Strike 21 November 1992 Affected Service for Four Days

A lightning strike on 21 November damaged the Cape Bridgewater RCM equipment: Telecom received 22 customer complaints from CB customers for No dial tone, No ring received, noisy. No complaint was identified from CBHC, however RCM 1 was affected, and this was the unit CBHC services were on. The condition affected services for 4 days, before restorative action was taken, which may have been less than successful, refer 2.9.

2.9 Various Call Problems for 50-70 Days

Network 'reception' breaks during STD calls - (reported 6 January 1993 - fault occurred two-to-three weeks prior to this).

Believed to be network problems (ref B004 1/4), and occurring in RCM 1 - RCM 1 was reporting a large number of degraded minutes--i.e., minutes in which error ratio is worse than 1 in 10^{-6} (ref B004 1/4 internal letter of 12 July 1993 reporting on this matter).

Problems had been occurring for some time (such as, clicking, breaks in transmission, and callers not getting through). Mr Smith's services (with the exception of the Goldphone) were transferred to RCM systems 2 and 3 on 24 February 1993. Mr Smith's services were affected for at least 50 days (probably 70 days) whilst the RCM problems were tracked down. Telecom initially investigated CAN with NFF, but subsequent investigations 'revealed 4 problems with the CB RCM' - i.e., it was a network problem (refer to the copies of correspondence dated 12 July 1993, and further system difficulties occurring early in 1994 - 2.21.).

Telecom Pair Gains Support expert group (E-mail of 5/3/93 from RM) found on RCM 1:

"Major problem, faulty termination of resistors on bearer block protection" - this is believed to be protection against lightning strikes, and the problem could have been in place since the repair due to the strike of 21 November, and "another (problem) caused by non modification to channel cards" - that is, modification to correct design faults (as detailed in Work Specifications) had not been carried out.

25 August, 1998



**Telecommunications
Industry
Ombudsman**

**John Pinnock
Ombudsman**

TIO Ref: D/98/3

Mr Alan Smith
Cape Bridgewater Holiday Camp
RMB 4408
PORTLAND VIC 3305

Dear Mr Smith

I have considered the material which you have recently sent to the Deputy Ombudsman, regarding the non-receipt of documents by the Arbitrator. I would remind you however, of the completion of the arbitration in May, 1995 and confirm my repeated advice to you, which I have also provided to the Department of Communications, Information Economy and the Arts. I am unable to now consider these matters.

The only issues that I am considering, as the former Administrator of your Arbitration, are the alleged overcharging for your 1800 service and matters pertaining to your Gold Phone service, and whether they were considered in the final award. The Deputy Ombudsman has taken up these issues with the Arbitrator of your case, as I believe you have been informed.

Yours sincerely

**JOHN PINNOCK
OMBUDSMAN**

678

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

Telecommunications Industry Ombudsman Ltd ACN 057 634 787

Website: www.tio.com.au
E-mail: tio@tio.com.au
National Headquarters
315 Exhibition Street Melbourne Victoria 3000

Box 18098
Collins Street East
Melbourne
Victoria 8003

Telephone (03) 9277 8777
Facsimile (03) 9277 8797
Tel. Freecall 1800 062 058
Fax Freecall 1800 630 614

FAX FROM: ALAN SMITH

*Cape Bridgewater
Holiday Camp*

Portland 3305

FAX NO: (03) 5526 7230

PHONE NO: 1800 816 522

FAX TO: MR JOHN PINNOCK
TELECOMMUNICATIONS
INDUSTRY OMBUDSMAN
MELBOURNE

DATE: 3.4.97

NUMBER OF PAGES (including this page)

If you have received this document in error, please phone us on 008 816 522.

Dear Mr Pinnock,

Just five days after my award was handed down I was rushed to hospital by ambulance. I was kept there for five days as a result of stress which was directly related to my Arbitration. I had produced irrefutable evidence to support my allegations against Telstra and yet those in charge of my Arbitration insisted I was wrong and down-played the losses I had suffered. They had their own agenda and their own terms of reference that the COT four were not aware of when we signed for Arbitration.

The day after I returned home from my hospital stay (in May 1995) I received two phone calls within hours of each other: the first from *John Rundell of Ferrier Hodgson*, the man who has since admitted that, on instructions from Dr Hughes, the Arbitrator, he took a large section out of his completed financial report on my losses and the second from *Paul Howell of DMR, Canada*.

John Rundell of Ferrier Hodgson

I had only spoken to Mr Rundell once before this, during an oral hearing, 11 October 1994. When he rang in May 1995 he told me that, *'although the Award was not what you had expected, you should get on with your life, show them what you can achieve and put the past behind you'*. Although these may not be his *exact* words, I swear on all that I hold dear that it is as close as it can be, under the circumstances.

Paul Howell of DMR, Canada.

As I have said, Mr Howell rang me a few hours later, on the same day. I had never met Mr Howell, nor had I ever spoken to him previously but his supposedly independent findings covered my claim documents.

During this phone discussion, Mr Howell told me that *'this had been the worst process he had ever been party to'*. He also commented that *'this would never have happened in North America'*. Again I note that this is as close as it can be to his words at the time.

679

I believe both these men rang me, believing me to be sicker than I actually was, in an effort to clear their consciences.

A copy follows of an article taken from the Melbourne Age Newspaper, dated 28 March, 1997. As you know, the COT claimants were concerned when Lane Telecommunications were brought out by Pacific Star. Our concerns were:

1. Lanes were the Technical Unit attached to our Arbitrations
2. Pacific Star was a major player associated with Telstra
3. Lanes had COT claim material at their fingertips - material that had taken years of individual research and which proved that there were serious faults in the Network and that we had suffered severely from incorrect charging to our phone services.

We believed that these three points raised serious conflict of interest issues. Apparently your office did not agree with us.

The second attachment following this letter is a copy of your letter dated 28 November 1995. You can see from this letter that David Read did not agree with my evidence and neither did Peter Gamble of Telstra. I can assure you that what David Read told you about this conversation is quite wrong. In fact, while these two were at Cape Bridgewater I told them that they could find evidence of incorrect charging in the Telstra Network in the two bound volumes of documents I had submitted to the Arbitrator on these matters.

From your letter it seems that, now that Lanes Telecommunications is a part of Pacific Star it appears that David Read and Lanes have changed their views on the incorrectly charged calls. How could David Read and Paul Howell state, in their technical report, that they only found one four-day fault and one eleven-day fault on my Goldphone line (055 267 260), in the entire six and a half years? From this assessment they stated that Telstra had provided a reliable service.

For your information I have attached a small sample of the documents I have acquired under FOI. These documents, which were submitted as part of my claim, clearly show that DMR / Lanes were criminally wrong in their assessment.

ATTACHMENT 1.

Documents supplied by George Close: Telstra's own data shows massive faults.

ATTACHMENT 2.

Documents I supplied: Telstra's own data shows massive faults.

ATTACHMENT 3.

Assorted other documents: customers' letters etc.

679

Mr Pinnock, this Goldphone was disconnected in December 1995. Why should Telstra cut off my phone when all I did was stand up for democracy and when their own data supports my allegations, even though David Read and Paul Howell have ignored this? You should be asking why these two men lied instead of telling me my Arbitration is over.

An independent professional has analysed your past correspondence to me and her opinion is that you have a bias in favour of Dr Hughes and his resource unit, which you may not be aware of. According to this third person, your letters indicate (even if you are not aware of it) that you had knowledge that the Arbitrations of the COT claimants were not conducted according to the rules which we believed we signed for. It also appears from your letters that the terms of reference which were agreed to by the Arbitrator, Telstra and your office were agreed to without the knowledge of the members of COT. Regardless, I have now placed enough evidence before you, particularly over the past few weeks, to suggest that the technical resource unit of DMR and Lanes were not impartial. The Goldphone CCAS document also support the information I have already forwarded to your office 22 March 1997. I am now told that the number I had for my Goldphone has been allocated to another of Telstra's clients in Cape Bridgewater. It would seem that my stand for democracy and my attempt to have my claims correctly addressed was all in vain.

There are still many documents which Telstra has not released under FOI. In the past, Elmi raw data has supported my allegations regarding incorrectly charged calls in the Telstra Network and yet not all these Elmi (and CCS7) documents have been supplied. This non-supply of FOI documents has seriously affected the preparation of my claim. For this reason, a copy of this letter will be forwarded to Mr Tony Morgan of GAB Robins who is currently assessing the effect of Telstra's defective administration of FOI requests.

A copy will also be forwarded to Mr Armstrong, Telstra's Legal Department and to Mr Wynack of the Commonwealth Ombudsman's office.

Please let me know what you intend to do regarding the attached documentation and my allegations that DMR and Lanes were not impartial.

I await your response.

Respectfully,

Alan Smith

copies to:

Mr Tony Morgan

GAB Robins Aust Pty Ltd, Greenwich, NSW

Mr Armstrong

Legal Department, Telstra, Melbourne

Mr John Wynack

Commonwealth Ombudsman's Office, Canberra

ATTACHMENT 1

George Close's assessment of my Goldphone losses.

Note: A single 7 month period was used as a guide only.

DOCUMENTS:

Telstra CCAS data shows that a continued fault was experienced for the seven months from 15/7/93 to 26/2/94 on this line.

679

Gold Phone Service

TOTAL SERVICE BOTH WAYS 455

138

593

TOTAL FAULTS BOTH WAYS 120

230

350

FAULTS

59%

679

F.O.I. SUPPLIED BY TELECOM AUSTRALIA

R21043,R21045,R21046,R21243,R21244,R21207,R21250,R21208,R21251,

R21254,R21212,R21002,R21003,R21006,

SERVICE 055-267260 - GOLD PHONE
CAPE BRIDGEWATER HOLIDAY CAMP

Information compiled from the above F.O.I. printouts supplied by Telecom Australia.

| | | |
|-------------------------------|-----|------------|
| TOTAL INCOMING CALLS ANSWERED | 138 | |
| CUT OFFS | | 113 |
| NO RING RECEIVED | | <u>7</u> |
| | | <u>120</u> |

FAULT % **95%**

| | | |
|----------------|-----|------------|
| TOTAL OUTGOING | 455 | |
| REPEAT DIAL | | 123 |
| OTHER FAULTS | | <u>107</u> |
| | | <u>230</u> |

FAULT % **50%**

679

11/10/01

117

93 / 0599 - 02
Max Mason
For Julie ph
19/5/94



18 May 1994

117

Telecommunications Industry Ombudsman

Warwick L Smith LLB Ombudsman

Mr Robin Daye
Chairman
AUSTEL
PO Box 7443
St Kilda Road
MELBOURNE VIC 3004

Facsimile: (03) 828 7394

Dear Robin,


Re: COT Claimants

Herewith a letter from Dr Gordon Hughes for your background on the issue of Statements of Claim. Concern about access to documents under F.O.I has been expressed, the outcome which is not yet clear. The contents of this letter is the advise we are providing to the COT claimants.

Re: Secondary Arbitration

As you know Telecom cancelled Tuesdays meeting. Apparently they are seeking outside legal advice on aspects of the agreements with Austel. When they will be ready to proceed is uncertain. I will keep Rick Campbell advised of any news - nothing has been heard yet on anything relating to these matters at this office.

Yours sincerely


Warwick L. Smith
Ombudsman

681

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

THU 15/07/93 13:46:28 OAU 231489

15 4 1 L

* COMMERCIAL *
* IN CONFIDENCE *

CALL DETAILS

055 267260

Page 2

GOLD PHONE

| CALL DAY DATE AND TIME | TYPE | WAIT CONV. TIME | CONV. TIME | METER PULSE | METER (SEC) | R A R O | METER REC'D | DIFF | TE | P C |
|------------------------|------|-----------------|------------|-------------|-------------|---------|-------------|------|----|-----|
|------------------------|------|-----------------|------------|-------------|-------------|---------|-------------|------|----|-----|

| | | | | | | | | | | |
|--|---|-----|-----|---|----|----|--|--|--|--|
| THU 15/07/93 13:48:04 OAS 031174 | | 28 | 5 | ← | 1 | Q | | | | |
| THU 15/07/93 14:07:11 OAU 1194 | | 19 | 1 | ← | 1 | L | | | | |
| THU 15/07/93 14:07:36 OAS 091174 | } | 48 | 63 | | 3 | Y | | | | |
| THU 15/07/93 14:09:29 OUS 091174 | | 40 | 0 | | 0 | Y | | | | |
| THU 15/07/93 14:10:09 OAS 091174 | | 33 | 64 | | 3 | Y | | | | |
| THU 15/07/93 14:11:48 OAS 091174 | } | 42 | 35 | | 2 | Y | | | | |
| THU 15/07/93 15:21:26 OUU 267267 | | 25 | 0 | | 0 | L | | | | |
| THU 15/07/93 15:21:55 OUU 267267 | | 44 | 0 | | 0 | L | | | | |
| THU 15/07/93 15:22:41 OUU 1194 | | 11 | 0 | | 0 | L | | | | |
| THU 15/07/93 15:22:53 OAU 231489 | | 20 | 34 | | 1 | L | | | | |
| THU 15/07/93 15:23:48 OAU 267230 | | 19 | 5 | ← | 1 | L | | | | |
| THU 15/07/93 15:24:14 OUU 231067 | | 157 | 0 | | 0 | NL | | | | |
| FRI 16/07/93 10:06:22 OUU 267267 | | 15 | 0 | | 0 | L | | | | |
| FRI 23/07/93 10:33:25 OUQ | | 182 | 0 | | 0 | ? | | | | |
| WED 28/07/93 08:59:05 IU | } | 44 | 0 | | 0 | | | | | |
| WED 28/07/93 09:00:26 IU | | 25 | 0 | | 0 | | | | | |
| WED 28/07/93 09:09:35 IU | | 38 | 0 | | 0 | | | | | |
| WED 28/07/93 10:03:14 IA | | 7 | 41 | | 0 | | | | | |
| WED 28/07/93 10:04:38 IA | | 2 | 99 | | 0 | | | | | |
| WED 28/07/93 10:07:09 IA | | 2 | 67 | | 0 | | | | | |
| WED 28/07/93 10:08:57 IA | | 8 | 613 | | 0 | | | | | |
| FRI 30/07/93 15:06:09 IU | | 5 | 0 | | 0 | | | | | |
| MON 02/08/93 13:49:10 OUS 0534428357 | } | 34 | 0 | | 0 | Q | | | | |
| MON 02/08/93 13:49:51 OAS 053428357 | | 40 | 34 | | 1 | Q | | | | |
| MON 02/08/93 13:51:20 OAS 053428357 | | 32 | 87 | | 3 | Q | | | | |
| SAT 07/08/93 14:08:38 OUU 2581580 | | 15 | 0 | | 0 | L | | | | |
| SAT 07/08/93 14:20:35 ONU 000 | | 19 | 0 | | 0 | L | | | | |
| SAT 07/08/93 14:22:57 ONU 0002 | | 30 | 0 | | 0 | L | | | | |
| SAT 07/08/93 18:31:15 ONU 000000 | | 24 | 0 | | 0 | L | | | | |
| SAT 07/08/93 19:05:43 OUU 2565632 | | 14 | 0 | | 0 | L | | | | |
| SAT 07/08/93 19:05:59 OUU 256563 | | 12 | 0 | | 0 | L | | | | |
| SAT 07/08/93 19:07:00 OUU 2544125 | | 12 | 0 | | 0 | L | | | | |
| SAT 07/08/93 19:07:46 ONU 000 | | 30 | 0 | | 0 | L | | | | |
| SUN 08/08/93 08:17:41 ONU 0002 | | 24 | 0 | | 0 | L | | | | |
| SUN 08/08/93 08:24:24 OUU 254808 | | 25 | 0 | | 0 | L | | | | |
| SUN 08/08/93 08:25:41 OUS 159259 | | 35 | 0 | | 0 | N | | | | |
| SUN 08/08/93 08:26:19 OUS 45615462544546 | | 34 | 0 | | 0 | N | | | | |
| TUE 17/08/93 15:13:25 OAS 038287342 | } | 37 | 44 | | 1 | Q | | | | |
| TUE 17/08/93 15:50:20 OAS 038287342 | | 30 | 483 | | 12 | Q | | | | |
| WED 18/08/93 19:04:01 IA | | 10 | 949 | | 0 | | | | | |
| WED 18/08/93 21:05:13 IU | | 37 | 0 | | 0 | | | | | |
| MON 30/08/93 17:53:58 IU | | 25 | 0 | | 0 | | | | | |
| MON 30/08/93 17:58:59 IA | | 5 | 535 | | 0 | | | | | |
| FRI 10/09/93 20:39:15 OAS 044744319 | | 30 | 788 | | 18 | Y | | | | |
| FRI 10/09/93 20:52:56 ONS 008814346 | | 82 | 0 | | 0 | N | | | | |
| SUN 12/09/93 17:35:16 OAI 00114492653508 | | 71 | 453 | | 31 | 8 | | | | |
| MON 13/09/93 19:03:48 OAS 724572 | | 44 | 297 | | 4 | F | | | | |
| MON 13/09/93 19:13:01 OAS 055701286 | | 34 | 341 | | 6 | M | | | | |
| TUE 14/09/93 08:46:16 OAS 701247 | | 22 | 138 | | 4 | M | | | | |
| TUE 14/09/93 09:04:05 OAS 723033 | | 30 | 151 | | 3 | F | | | | |

PART 4 F

COS?
~~NOT ANSWERED~~

1/0

1/0

REP DIALING

679

P21043

TUE 21/09/93 15:12:59 ONI 0014881330 64 0 0 a
 TUE 21/09/93 15:14:04 ONI 0014881330 56 0 0 a
 TUE 21/09/93 15:15:02 ONI 0014881330 49 0 0 a

***** CALL DETAILS 055 267260 Page 4

* COMMERCIAL *
 * IN CONFIDENCE *

WAIT CONV. METER R
 CALL TIME TIME PULSE RA R O
 DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

| | | | | |
|--|------|-----|---|---|
| TUE 21/09/93 15:15:55 ONI 0014881074 | 19 | 0 | 0 | a |
| TUE 21/09/93 15:16:18 ONI 0014881990 | 21 | 0 | 0 | a |
| TUE 21/09/93 15:16:40 ONS 199 * 7 0 0 N | 7 | 0 | 0 | N |
| TUE 21/09/93 15:16:49 OUS 005561892 | 24 | 0 | 0 | V |
| TUE 21/09/93 15:17:14 OAS 053424632 | 23 | 1 | 1 | Q |
| TUE 21/09/93 15:17:51 OAS 053448317 | 26 | 1 | 1 | Q |
| TUE 21/09/93 15:18:28 OUS 014881330 | 15 | 0 | 0 | N |
| TUE 21/09/93 15:18:46 ONI 0014881330 | 46 | 0 | 0 | a |
| TUE 21/09/93 15:19:34 ONI 0014881330 | 86 | 0 | 0 | a |
| TUE 21/09/93 15:52:02 OOU 236386 | 27 | 0 | 0 | L |
| TUE 21/09/93 15:52:32 OOU 267240 | 20 | 0 | 0 | L |
| TUE 21/09/93 15:52:55 OOU 267240 | 12 | 0 | 0 | L |
| TUE 21/09/93 15:53:14 OOU 267240 | 12 | 0 | 0 | L |
| TUE 21/09/93 15:53:28 OOU 2363 | 10 | 0 | 0 | L |
| TUE 21/09/93 15:53:40 OOU 236386 | 39 | 0 | 0 | L |
| TUE 21/09/93 16:31:22 OUS 053424892 | 65 | 0 | 0 | Q |
| TUE 21/09/93 16:33:18 OUS 053424892 | 44 | 0 | 0 | Q |
| TUE 21/09/93 16:37:53 ONI 0014881330 | 35 | 0 | 0 | Q |
| TUE 21/09/93 16:43:47 OUS 053424892 | 56 | 0 | 0 | Q |
| TUE 21/09/93 16:44:47 OOU 267004 | 17 | 0 | 0 | L |
| TUE 21/09/93 16:45:04 OOU 267004 | 17 | 0 | 0 | L |
| TUE 21/09/93 16:45:32 ONS 199 * 9 0 0 N | 9 | 0 | 0 | N |
| TUE 21/09/93 16:45:49 ONS 199 * 5 0 0 N | 5 | 0 | 0 | N |
| TUE 21/09/93 16:58:11 OUS 053424892 | 50 | 0 | 0 | Q |
| TUE 21/09/93 16:59:03 OUS 800534248 | 16 | 0 | 0 | Q |
| TUE 21/09/93 16:59:20 OUS 053424892 | 32 | 0 | 0 | Q |
| TUE 21/09/93 16:59:53 OUS 053424892 | 63 | 0 | 0 | Q |
| TUE 21/09/93 17:00:57 OUS 0534248 | 11 | 0 | 0 | Q |
| TUE 21/09/93 17:01:09 OUS 0534 | 6 | 0 | 0 | Q |
| TUE 21/09/93 17:01:16 OUS 053008796 | 25 | 0 | 0 | Q |
| TUE 21/09/93 17:01:42 OUS 0050087890534248 | 57 | 130 | 4 | N |
| TUE 21/09/93 17:48:55 OAS 053424892 | 27 | 1 | 1 | Q |
| TUE 21/09/93 17:51:58 OAS 053424892 | 22 | 1 | 1 | Q |
| TUE 21/09/93 17:52:28 OAS 053424463 | 26 | 1 | 1 | Q |
| TUE 21/09/93 17:52:59 OAS 053424236 | 30 | 1 | 1 | Q |
| TUE 21/09/93 19:15:05 ONI 0014881330 | 58 | 0 | 0 | Q |
| TUE 21/09/93 19:16:31 ONI 0014881330 | 58 | 0 | 0 | Q |
| WED 22/09/93 14:47:56 OAS 053448317 | 27 | 54 | 2 | Q |
| THU 23/09/93 10:10:49 OOU 3010 0 0 ? | 3010 | 0 | 0 | ? |
| THU 23/09/93 11:22:17 OUS 632563259 | 20 | 0 | 0 | F |
| THU 23/09/93 11:22:39 OUS 852654321 | 20 | 0 | 0 | M |
| THU 23/09/93 12:01:16 OUS 053448317 | 23 | 0 | 0 | Q |
| THU 23/09/93 12:01:41 OUS 053448317 | 22 | 0 | 0 | Q |
| THU 23/09/93 12:02:05 OUS 053448317 | 18 | 0 | 0 | Q |
| THU 23/09/93 12:13:03 OUS 053448317 | 22 | 0 | 0 | Q |
| THU 23/09/93 12:59:24 OUS 053448317 | 395 | 0 | 0 | Q |
| THU 23/09/93 13:25:32 OUS 0534488317 | 17 | 0 | 0 | Q |
| THU 23/09/93 13:25:51 OUS 053448317 | 22 | 0 | 0 | Q |

←

← 3 REAS

← 3 RC.

←

← 2 F.

679

← 7??

R21045

THU 23/09/93 13:26:14 ONU 013 20 0 0 L
 THU 23/09/93 13:26:38 ONI 0014881330 52 0 0 a
 THU 23/09/93 13:28:03 OUS 053424632 164 0 0 -N Q
 THU 23/09/93 13:47:28 OUS 0055008 12 0 0 N

***** CALL DETAILS 055 267260 Page 5

* COMMERCIAL *
 * IN CONFIDENCE *

| CALL DAY DATE AND TIME | TYPE | WAIT TIME | CONV. TIME | METER PULSE | METER (SEC) | R A R O | METER REC'D | DIFF | TE P C |
|------------------------|------|---------------|------------|-------------|-------------|---------|-------------|------|--------|
| THU 23/09/93 13:48:05 | ONU | 0176053424568 | 27 | 0 | 0 | 0 | L | | |
| THU 23/09/93 13:48:33 | ONU | 0176 | 35 | 0 | 0 | 0 | L | | |
| THU 23/09/93 13:50:06 | OUQ | | 1465 | 0 | 0 | 0 | 7 | | |
| THU 23/09/93 15:54:11 | OUS | 953448317 | 16 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:54:30 | OUS | 053448317 | 20 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:54:52 | OUS | 053448317 | 17 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:55:17 | OAS | 053448317 | 19 | 1 | 1 | 1 | 0 | | |
| THU 23/09/93 15:55:38 | OUS | 053448317 | 22 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:56:01 | ONU | 0176 | 59 | 0 | 0 | 0 | L | | |
| THU 23/09/93 15:57:02 | OUS | 053448317 | 15 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:57:22 | OUS | 053448317 | 17 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:58:51 | OUS | 053448317 | 16 | 0 | 0 | 0 | 0 | | |
| THU 23/09/93 15:59:39 | ONU | 0176A | 207 | 0 | 0 | 0 | L | | |
| THU 23/09/93 16:07:55 | IA | | 4 | 2 | 0 | 0 | 0 | | |
| THU 23/09/93 16:08:01 | IA | | 4 | 2 | 0 | 0 | 0 | | |
| THU 23/09/93 16:08:08 | IA | | 5 | 92 | 0 | 0 | 0 | | |
| THU 23/09/93 16:59:29 | ONS | 199 | 6 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:01:38 | ONS | 008789452 | 21 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:02:27 | ONS | 008005578 | 35 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:03:09 | ONS | 008053486 | 30 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:03:40 | ONS | 008 | 8 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:03:49 | ONS | 008053896 | 23 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:04:36 | ONU | 0176 | 85 | 0 | 0 | 0 | L | | |
| THU 23/09/93 17:06:33 | ONU | 000 | 8 | 0 | 0 | 0 | L | | |
| THU 23/09/93 17:06:58 | OUS | 33523968 | 15 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:07:23 | OUS | 052539970 | 25 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:07:50 | OUS | 396814 | 17 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:08:12 | OUS | 3552396812 | 22 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:08:45 | OUS | 053358963 | 48 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 17:09:36 | OUS | 53365896 | 15 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 17:10:39 | OUS | 05335663 | 35 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 17:11:35 | OUS | 053356963 | 35 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 17:12:38 | ONU | 000 | 23 | 0 | 0 | 0 | L | | |
| THU 23/09/93 17:13:09 | ONU | 000 | 10 | 0 | 0 | 0 | L | | |
| THU 23/09/93 17:13:22 | OUS | 1440 | 14 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:14:42 | OAS | 060552222 | 33 | 1 | 1 | 1 | Q | | |
| THU 23/09/93 17:15:17 | OUS | 06055 | 323 | 0 | 0 | 0 | N | | |
| THU 23/09/93 17:20:56 | OUS | 0600 | 11 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 17:21:10 | OAS | 060552222 | 25 | 1 | 1 | 1 | Q | | |
| THU 23/09/93 17:21:37 | OAS | 053424892 | 47 | 91 | 3 | 3 | Q | | |
| THU 23/09/93 17:23:56 | OUQ | | 334 | 0 | 0 | 0 | ? | | |
| THU 23/09/93 20:56:58 | OUS | 053223142 | 31 | 0 | 0 | 0 | Q | | |
| THU 23/09/93 21:35:02 | OUS | 422423 | 14 | 0 | 0 | 0 | N | | |
| THU 23/09/93 21:35:28 | OUS | 422423 | 15 | 0 | 0 | 0 | N | | |
| THU 23/09/93 21:35:46 | OUS | 422423 | 10 | 0 | 0 | 0 | N | | |
| THU 23/09/93 21:36:13 | OUS | 362972 | 13 | 0 | 0 | 0 | N | | |
| THU 23/09/93 21:36:29 | OUS | 362972 | 13 | 0 | 0 | 0 | N | | |

679

R21046

SUN 09/01/94 22:48:07 OAS 038854722 24 25 1 Q

***** CALL DETAILS 055 267260 Page 4

* COMMERCIAL *
* IN CONFIDENCE *

CALL WAIT CONV. METER R
TIME TIME PULSE RA R O
DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

| DAY DATE AND TIME | TYPE | NUMBER DIALLED | (SEC) | (SEC) | METER | REC'D | DIFF | TE | P | C |
|-----------------------|------|----------------|-------|-------|-------|-------|------|----|---|---|
| SUN 09/01/94 22:48:56 | OUQ | 2201 | 0 | 0 | ? | | | | | |
| MON 10/01/94 11:45:19 | OAS | 038485801 | 30 | 90 | 3 | Q | | | | |
| MON 10/01/94 11:47:20 | OUS | 038485801 | 26 | 0 | 0 | Q | | | | |
| MON 10/01/94 11:48:09 | OAS | 038485801 | 28 | 90 | 3 | Q | | | | |
| MON 10/01/94 11:50:08 | OAS | 034841896 | 83 | 326 | 8 | Q | | | | |
| MON 10/01/94 11:56:58 | ONU | 0175 | 294 | 0 | 0 | L | | | | |
| MON 10/01/94 12:02:24 | ONTU | 013 | 11 | 0 | 0 | L | | | | |
| MON 10/01/94 12:02:36 | ONU | 0175 | 12 | 0 | 0 | L | | | | |
| MON 10/01/94 12:02:49 | ONU | 013 | 55 | 0 | 0 | L | | | | |
| MON 10/01/94 14:20:01 | OAS | 034841896 | 30 | 120 | 3 | Q | | | | |
| MON 10/01/94 17:28:25 | OUQ | 1502 | 0 | 0 | ? | | | | | |
| MON 10/01/94 18:25:17 | OAU | 292303 | 19 | 3157 | 1 | L | | | | |
| MON 10/01/94 20:29:12 | OAS | 059966581 | 43 | 139 | 3 | Q | | | | |
| MON 10/01/94 20:32:15 | OUQ | 2980 | 0 | 0 | ? | | | | | |
| MON 10/01/94 21:21:54 | IA | 3 | 2 | 0 | | | | | | |
| MON 10/01/94 21:22:00 | IA | 4 | 1 | 0 | | | | | | |
| MON 10/01/94 21:22:06 | IA | 3 | 177 | 0 | | | | | | |
| MON 10/01/94 21:33:03 | OAS | 038594778 | 42 | 25 | 1 | Q | | | | |
| MON 10/01/94 21:34:10 | OUQ | 2501 | 0 | 0 | ? | | | | | |
| MON 10/01/94 22:15:59 | OAS | 038175758 | 27 | 123 | 2 | Q | | | | |
| MON 10/01/94 22:18:30 | OAS | 038175758 | 39 | 111 | 2 | Q | | | | |
| MON 10/01/94 22:21:01 | OUQ | 732 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 12:50:55 | OUU | 292303 | 31 | 0 | 0 | L | | | | |
| TUE 11/01/94 13:02:05 | OAU | 292303 | 22 | 218 | 1 | L | | | | |
| TUE 11/01/94 13:06:05 | OUQ | 126 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 13:47:24 | OUQ | 1489 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 14:48:55 | OUQ | 813 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 15:30:31 | OAS | 034841896 | 37 | 146 | 4 | Q | | | | |
| TUE 11/01/94 15:33:34 | OUQ | 299 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 18:23:45 | OAS | 038594778 | 38 | 280 | 5 | Q | | | | |
| TUE 11/01/94 18:29:03 | OUQ | 249 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 18:37:31 | OAS | 038599339 | 32 | 404 | 7 | Q | | | | |
| TUE 11/01/94 18:44:47 | OAS | 038175758 | 785 | 368 | 6 | Q | | | | |
| TUE 11/01/94 19:03:58 | OUQ | 878 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 19:23:10 | ONS | 008038000 | 169 | 0 | 0 | N | | | | |
| TUE 11/01/94 19:26:01 | ONU | 0176 | 995 | 0 | 0 | L | | | | |
| TUE 11/01/94 19:46:17 | OUS | 038763525 | 65 | 0 | 0 | Q | | | | |
| TUE 11/01/94 19:47:30 | OUS | 038763525 | 57 | 0 | 0 | Q | | | | |
| TUE 11/01/94 19:49:02 | OUS | 038533418 | 55 | 0 | 0 | Q | | | | |
| TUE 11/01/94 20:25:45 | OUS | 038533418 | 87 | 0 | 0 | Q | | | | |
| TUE 11/01/94 20:35:26 | OUS | 36976 | 15 | 0 | 0 | N | | | | |
| TUE 11/01/94 20:35:53 | OUU | 257 | 10 | 0 | 0 | L | | | | |
| TUE 11/01/94 20:36:05 | OAS | 033696751 | 34 | 173 | 3 | Q | | | | |
| TUE 11/01/94 20:39:33 | OUQ | 191 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 21:46:32 | OAS | 038854722 | 29 | 24 | 1 | Q | | | | |
| TUE 11/01/94 21:47:25 | OUQ | 3888 | 0 | 0 | ? | | | | | |
| TUE 11/01/94 23:27:21 | OAS | 038896895 | 40 | 114 | 2 | Q | | | | |
| TUE 11/01/94 23:29:56 | OUQ | 2626 | 0 | 0 | ? | | | | | |
| WED 12/01/94 09:20:13 | OAU | 292303 | 20 | 1 | 1 | L | | | | |
| WED 12/01/94 09:20:35 | OAU | 292303 | 37 | 30 | 1 | L | | | | |

679

R21243

WED 12/01/94 09:21:42 OUQ 1704 0 0 ?
 WED 12/01/94 09:50:06 IA 7 2 0

***** CALL DETAILS 055 267260 Page 5
 * COMMERCIAL *
 * IN CONFIDENCE *

 CALL WAIT CONV. METER R
 TIME TIME PULSE RA R O
 DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) METER REC'D DIFF TE P C

| DAY DATE AND TIME | TYPE | NUMBER DIALLED | (SEC) | METER | REC'D | DIFF | TE | P | C |
|---------------------------|------------|----------------|-------|-------|-------|------|----|---|---|
| WED 12/01/94 09:50:15 IA | 4 | 2 | 0 | | | | | | |
| WED 12/01/94 09:50:21 IA | 4 | 184 | 0 | | | | | | |
| WED 12/01/94 10:49:34 OAS | 034174466 | 38 | 73 | | 2 | | Q | | |
| WED 12/01/94 14:03:14 OUQ | 1102 | 0 | 0 | | ? | | | | |
| WED 12/01/94 15:54:54 OAU | 292303 | 23 | 55 | | 1 | | L | | |
| WED 12/01/94 15:56:13 OUQ | 355 | 0 | 0 | | ? | | | | |
| WED 12/01/94 17:19:27 OAS | 038742163 | 39 | 41 | | 1 | | Q | | |
| WED 12/01/94 17:20:48 OUQ | 585 | 0 | 0 | | ? | | | | |
| WED 12/01/94 20:25:33 IA | 4 | 2 | 0 | | | | | | |
| WED 12/01/94 20:25:40 IA | 3 | 2 | 0 | | | | | | |
| WED 12/01/94 20:25:46 IA | 6 | 2 | 0 | | | | | | |
| WED 12/01/94 20:25:55 IA | 3 | 2 | 0 | | | | | | |
| WED 12/01/94 20:26:01 IA | 1 | 12 | 0 | | | | | | |
| WED 12/01/94 22:30:21 OUS | 7863965 | 61 | 0 | | | | | | |
| WED 12/01/94 22:35:50 OAS | 064956610 | 38 | 517 | | 7 | | Y | | |
| WED 12/01/94 22:45:06 OUQ | 1093 | 0 | 0 | | ? | | | | |
| THU 13/01/94 01:00:29 OUQ | 2324 | 0 | 0 | | ? | | | | |
| THU 13/01/94 09:48:50 OUQ | 550 | 0 | 0 | | ? | | | | |
| THU 13/01/94 18:40:54 OUS | 0030303 | 26 | 0 | | 0 | | N | | |
| THU 13/01/94 18:41:53 OUS | 3177286 | 23 | 0 | | 0 | | N | | |
| THU 13/01/94 18:43:02 OAS | 033177286 | 58 | 25 | | 1 | | Q | | |
| THU 13/01/94 19:00:43 ONU | 013379 | 50 | 0 | | 0 | | L | | |
| THU 13/01/94 19:01:45 OUS | 033797802 | 76 | 0 | | 0 | | N | | |
| THU 13/01/94 19:03:41 OUS | 3865158 | 15 | 0 | | 0 | | N | | |
| THU 13/01/94 19:04:08 OUS | 033865158 | 36 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:04:49 OUS | 033865158 | 23 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:05:14 OUS | 033865158 | 26 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:05:41 OUS | 033865158 | 25 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:06:08 OUS | 033865158 | 23 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:06:32 OUS | 033865158 | 22 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:06:55 OUS | 033865158 | 24 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:07:26 OUS | 033865158 | 24 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:18:32 OAS | 033762354 | 29 | 19 | | 1 | | Q | | |
| THU 13/01/94 19:19:21 OUS | 9033638481 | 61 | 0 | | 0 | | M | | |
| THU 13/01/94 19:20:46 OAS | 033310420 | 26 | 36 | | 1 | | Q | | |
| THU 13/01/94 19:21:48 OUQ | 240 | 0 | 0 | | ? | | | | |
| THU 13/01/94 19:29:47 OUS | 035 | 24 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:30:12 OAS | 033505397 | 34 | 71 | | 2 | | Q | | |
| THU 13/01/94 19:31:58 OAS | 034845595 | 48 | 51 | | 1 | | Q | | |
| THU 13/01/94 19:33:37 OUS | 5571040 | 59 | 0 | | 0 | | M | | |
| THU 13/01/94 19:34:46 OUS | 557104 | 16 | 0 | | 0 | | M | | |
| THU 13/01/94 19:35:06 OUS | 035571 | 17 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:35:26 OAS | 035571040 | 32 | 73 | | 2 | | Q | | |
| THU 13/01/94 19:37:12 OUS | 033761645 | 62 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:38:31 OUS | 033761645 | 29 | 0 | | 0 | | Q | | |
| THU 13/01/94 19:39:22 OAS | 033427000 | 48 | 134 | | 3 | | Q | | |
| THU 13/01/94 19:42:25 OUS | 3721917 | 39 | 0 | | 0 | | N | | |
| THU 13/01/94 19:43:07 OUU | 2371 | 21 | 0 | | 0 | | L | | |
| THU 13/01/94 19:43:32 OUS | 327197 | 26 | 0 | | 0 | | N | | |

cos?

5 REDIONS??

679

R21244

| | | | | | | | | | |
|-------------------------------------|-----|-----|---|---|---|---|--|--|--|
| SUN 16/01/94 10:50:22 OUQ | | | | | | | | | |
| SUN 16/01/94 11:37:23 OUS 785501 | 634 | 0 | 0 | 0 | ? | | | | |
| SUN 16/01/94 12:05:20 OUS 035790039 | 76 | 0 | 0 | 0 | | A | | | |
| SUN 16/01/94 12:11:36 OUS 033763663 | 56 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 12:13:28 OUS 785501 | 52 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 12:15:36 OUS 303721372 | 96 | 0 | 0 | 0 | | A | | | |
| SUN 16/01/94 12:17:13 OAS 033721372 | 41 | 0 | 0 | 0 | | N | | | |
| SUN 16/01/94 12:18:13 OUQ | 38 | 21 | 1 | 1 | | Q | | | |
| SUN 16/01/94 12:20:45 OAS 033761645 | 146 | 0 | 0 | ? | | | | | |
| SUN 16/01/94 12:24:16 OAS 033768798 | 33 | 178 | 2 | 2 | | Q | | | |
| SUN 16/01/94 12:25:02 OUS 036878923 | 44 | 1 | 1 | 1 | | Q | | | |
| SUN 16/01/94 12:27:01 OUS 036878923 | 118 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 12:27:56 OAS 033178256 | 54 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 12:31:31 OUQ | 32 | 182 | 2 | 2 | | Q | | | |
| SUN 16/01/94 12:50:44 OUS 785501 | 348 | 0 | 0 | ? | | | | | |
| SUN 16/01/94 12:54:59 OAS 034845595 | 71 | 0 | 0 | 2 | | A | | | |
| SUN 16/01/94 12:57:36 OAS 033081505 | 35 | 121 | 2 | 2 | | Q | | | |
| SUN 16/01/94 13:00:02 OAS 033762354 | 59 | 86 | 1 | 1 | | Q | | | |
| SUN 16/01/94 13:01:20 OUS 03736036 | 45 | 32 | 1 | 1 | | Q | | | |
| SUN 16/01/94 13:08:46 OUS 03376043 | 119 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 13:09:04 OUS 033760436 | 16 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 13:13:18 ONS 199243 | 91 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 13:41:08 OUS 033760436 | 19 | 0 | 0 | 0 | | N | | | |
| SUN 16/01/94 13:54:19 OAS 033177286 | 84 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 13:56:45 OUS 033760436 | 28 | 117 | 2 | 2 | | Q | | | |
| SUN 16/01/94 14:08:14 OUS 033768798 | 233 | 0 | 0 | 0 | | N | | | |
| SUN 16/01/94 14:08:44 OUS 033768798 | ? | 28 | 0 | 0 | | Q | | | |
| SUN 16/01/94 14:09:38 OAS 033768798 | 38 | 0 | 0 | 0 | | Q | | | |
| SUN 16/01/94 14:09:38 OAS 033768798 | 44 | 1 | 1 | 1 | | Q | | | |

***** CALL DETAILS 055 267260 Page 11

* COMMERCIAL *
* IN CONFIDENCE *

CALL WAIT CONV. METER R
DAY DATE AND TIME TIME TIME PULSE RA R O
C TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P

| | | | | | | | | | |
|-------------------------------------|-----|-----|---|---|---|--|--|--|--|
| SUN 16/01/94 14:10:24 OUS 033768798 | 50 | 0 | 0 | 0 | Q | | | | |
| SUN 16/01/94 14:11:15 OAS 033768798 | 33 | 40 | 1 | 1 | Q | | | | |
| SUN 16/01/94 14:19:12 OUS 037445755 | 76 | 0 | 0 | 0 | Q | | | | |
| SUN 16/01/94 14:23:26 IA | 4 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:23:35 IA | 1 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:23:41 IA | 1 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:23:47 IA | 1 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:23:53 IA | 1 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:23:59 IA | 1 | 3 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:05 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:11 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:17 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:23 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:29 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:35 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:24:41 IA | 4 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 14:35:58 OAS 033763182 | 36 | 111 | 2 | 2 | Q | | | | |
| SUN 16/01/94 14:38:26 OUQ | 504 | 0 | 0 | ? | | | | | |
| SUN 16/01/94 14:57:12 ONU 0176 | 572 | 0 | 0 | 0 | L | | | | |
| SUN 16/01/94 15:51:29 IA | 1 | 2 | 0 | 0 | | | | | |
| SUN 16/01/94 15:51:32 IA | 4 | 2 | 0 | 0 | | | | | |

← 13 COS?

679

COS?
R21207

| | | | | |
|-------------------------------------|-----|-----|---|---|
| SUN 16/01/94 13:09:04 OUS 033760436 | 91 | 0 | 0 | Q |
| SUN 16/01/94 13:13:18 ONS 199243 | 19 | 0 | 0 | N |
| SUN 16/01/94 13:41:08 OUS 033760436 | 84 | 0 | 0 | Q |
| SUN 16/01/94 13:54:19 OAS 033177286 | 28 | 117 | 2 | Q |
| SUN 16/01/94 13:56:45 OUS 033760436 | 233 | 0 | 0 | Q |
| SUN 16/01/94 14:08:14 OUS 033768798 | 28 | 0 | 0 | N |
| SUN 16/01/94 14:08:44 OUS 033768798 | 38 | 0 | 0 | Q |
| SUN 16/01/94 14:09:38 OAS 033768798 | 44 | 1 | 1 | Q |

***** CALL DETAILS 055 267260 Page 11

* COMMERCIAL *
* IN CONFIDENCE *

CALL WAIT CONV. METER R
DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE PC

| | | | | |
|--------------------------------------|-----|-----|---|---|
| SUN 16/01/94 14:10:24 OUS 033768798 | 50 | 0 | 0 | Q |
| SUN 16/01/94 14:11:15 OAS 033768798 | 33 | 40 | 1 | Q |
| SUN 16/01/94 14:19:12 OUS 037445755 | 76 | 0 | 0 | Q |
| SUN 16/01/94 14:23:26 IA | 4 | 3 | 0 | |
| SUN 16/01/94 14:23:35 IA | 1 | 3 | 0 | |
| SUN 16/01/94 14:23:41 IA | 1 | 3 | 0 | |
| SUN 16/01/94 14:23:47 IA | 1 | 3 | 0 | |
| SUN 16/01/94 14:23:53 IA | 1 | 3 | 0 | |
| SUN 16/01/94 14:23:59 IA | 1 | 3 | 0 | |
| SUN 16/01/94 14:24:05 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:11 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:17 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:23 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:29 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:35 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:24:41 IA | 4 | 2 | 0 | |
| SUN 16/01/94 14:35:58 OAS 033763182 | 36 | 111 | 2 | Q |
| SUN 16/01/94 14:38:26 OUQ | 504 | 0 | 0 | ? |
| SUN 16/01/94 14:57:12 ONU 0176 | 572 | 0 | 0 | L |
| SUN 16/01/94 15:51:29 IA | 1 | 2 | 0 | |
| SUN 16/01/94 15:51:32 IA | 4 | 2 | 0 | |
| SUN 16/01/94 15:51:38 IA | 4 | 2 | 0 | |
| SUN 16/01/94 15:51:44 IA | 4 | 2 | 0 | |
| SUN 16/01/94 15:51:50 IA | 4 | 2 | 0 | |
| SUN 16/01/94 15:51:56 IA | 3 | 75 | 0 | |
| SUN 16/01/94 17:29:37 OAS 033178256 | 47 | 46 | 1 | Q |
| SUN 16/01/94 17:31:44 OAS 0368789235 | 31 | 103 | 1 | Q |
| SUN 16/01/94 17:33:59 OUS 033178 | 29 | 0 | 0 | Q |
| SUN 16/01/94 17:34:30 OAS 033178256 | 41 | 15 | 1 | Q |
| SUN 16/01/94 17:35:26 OUQ | 191 | 0 | 0 | ? |
| SUN 16/01/94 17:41:33 OUS 033764134 | 75 | 0 | 0 | Q |
| SUN 16/01/94 17:43:07 OUS 033764134 | 52 | 0 | 0 | Q |
| SUN 16/01/94 17:44:16 OAS 033707563 | 35 | 228 | 3 | Q |
| SUN 16/01/94 17:48:40 OUQ | 199 | 0 | 0 | ? |
| SUN 16/01/94 17:52:05 OUS 303125719 | 23 | 0 | 0 | N |
| SUN 16/01/94 17:53:01 OAS 033125719 | 32 | 119 | 2 | Q |
| SUN 16/01/94 17:55:32 OAS 033760436 | 67 | 111 | 2 | Q |
| SUN 16/01/94 17:58:31 OAS 035790039 | 81 | 1 | 1 | Q |
| SUN 16/01/94 17:59:54 OAS 035790039 | 47 | 1 | 1 | Q |
| SUN 16/01/94 18:00:41 OAS 035790039 | 65 | 60 | 1 | Q |
| SUN 16/01/94 18:02:46 OUS 033282514 | 165 | 0 | 0 | N |
| SUN 16/01/94 18:10:30 ONU 012D | 68 | 0 | 0 | L |
| SUN 16/01/94 18:12:19 ONU 0175 | 68 | 0 | 0 | L |

Handwritten: 13 to COS ?

Handwritten: 13 to COS ?

Handwritten: 5 COS ?

679

P21250

| | | | | | | | | | |
|--------------------------------------|-----|-----|---|----|---|---|--|--|--|
| SUN 16/01/94 15:51:38 IA | 4 | 2 | 0 | | | | | | |
| SUN 16/01/94 15:51:44 IA | 4 | 2 | 0 | | | | | | |
| SUN 16/01/94 15:51:50 IA | 4 | 2 | 0 | | | | | | |
| SUN 16/01/94 15:51:56 IA | 3 | 73 | 0 | | | | | | |
| SUN 16/01/94 17:29:37 OAS 033178256 | 47 | 46 | 1 | Q | | | | | |
| SUN 16/01/94 17:31:44 OAS 0368789235 | 31 | 103 | 1 | Q | | | | | |
| SUN 16/01/94 17:33:59 OUS 033178 | 29 | 0 | 0 | Q | | | | | |
| SUN 16/01/94 17:34:30 OAS 033178256 | 41 | 15 | 1 | Q | | | | | |
| SUN 16/01/94 17:35:26 OUQ | 191 | 0 | 0 | ? | | | | | |
| SUN 16/01/94 17:41:33 OUS 033764134 | ? | 75 | 0 | 0 | Q | ? | | | |
| SUN 16/01/94 17:43:07 OUS 033764134 | 52 | 0 | 0 | 0 | Q | | | | |
| SUN 16/01/94 17:44:16 OAS 033707563 | 35 | 228 | 3 | Q | | | | | |
| SUN 16/01/94 17:48:40 OUQ | 199 | 0 | 0 | ? | | | | | |
| SUN 16/01/94 17:52:05 OUS 303125719 | 23 | 0 | 0 | N | | | | | |
| SUN 16/01/94 17:53:01 OAS 033125719 | 32 | 119 | 2 | Q | | | | | |
| SUN 16/01/94 17:55:32 OAS 033760436 | 67 | 111 | 2 | Q | | | | | |
| SUN 16/01/94 17:58:31 OAS 035790039 | 81 | 1 | 1 | Q | | | | | |
| SUN 16/01/94 17:59:54 OAS 035790039 | 47 | 1 | 1 | Q | | | | | |
| SUN 16/01/94 18:00:41 OAS 035790039 | 65 | 60 | 1 | Q | | | | | |
| SUN 16/01/94 18:02:46 OUS 033282514 | 165 | 0 | 0 | -N | Q | | | | |
| SUN 16/01/94 18:10:30 ONU 012D | 68 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:12:19 ONU 0175 | 68 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:14:34 OUS 033282514 | 60 | 0 | 0 | Q | | | | | |
| SUN 16/01/94 18:20:32 OAS 033764134 | 45 | 107 | 1 | Q | | | | | |
| SUN 16/01/94 18:23:05 ONU 0175 | 249 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:27:16 ONU 0175 | 256 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:35:47 OUS 087 | 29 | 0 | 0 | N | | | | | |
| SUN 16/01/94 18:36:45 ONU 0175 | 49 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:39:27 ONU 0175 | 213 | 0 | 0 | L | | | | | |
| SUN 16/01/94 18:43:30 OAS 033764223 | 80 | 230 | 3 | Q | | | | | |
| SUN 16/01/94 18:48:41 OUQ | 446 | 0 | 0 | ? | | | | | |

← 10.

←
←

Pres

***** CALL DETAILS 055 267260 Page 12

* COMMERCIAL *
* IN CONFIDENCE *

| CALL | TIME | CONV. | METER | R |
|-------------------|---------------------|-------|-------|-----------------------|
| DAY DATE AND TIME | TYPE NUMBER DIALLED | (SEC) | (SEC) | METER REC'D DIFF TE P |

| | | | | |
|-------------------------------------|-----|-----|---|---|
| SUN 16/01/94 19:11:38 OUS 033 | 11 | 0 | 0 | Q |
| SUN 16/01/94 19:11:54 OAS 033115424 | ? | 35 | 1 | 1 |
| SUN 16/01/94 19:17:14 OAS 033115424 | 45 | 222 | 3 | Q |
| SUN 16/01/94 19:21:42 OUS 037442787 | 141 | 0 | 0 | Q |
| SUN 16/01/94 20:32:22 OAS 033764473 | 31 | 463 | 5 | Q |
| SUN 16/01/94 20:40:36 OAS 033282514 | 925 | 114 | 2 | Q |
| SUN 16/01/94 20:57:56 OUQ | 457 | 0 | 0 | ? |
| SUN 16/01/94 21:06:53 IA | 5 | 2 | 0 | |
| SUN 16/01/94 21:07:00 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:06 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:12 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:18 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:24 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:30 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:36 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:42 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:48 IA | 4 | 2 | 0 | |
| SUN 16/01/94 21:07:54 IA | 4 | 2 | 0 | |

← ?

679

← 11 eos ?

P21208

SUN 16/01/94 18:14:34 OUS 033282514 60 0 0 Q
 SUN 16/01/94 18:20:32 OAS 033764134 45 107 0 1 Q
 SUN 16/01/94 18:23:05 ONU 0175 249 0 0 L
 SUN 16/01/94 18:27:16 ONU 0175 256 0 0 L
 SUN 16/01/94 18:35:47 OUS 087 29 0 0 N
 SUN 16/01/94 18:36:45 ONU 0175 49 0 0 L
 SUN 16/01/94 18:39:27 ONU 0175 213 0 0 L
 SUN 16/01/94 18:43:30 OAS 033764223 80 230 3 Q
 SUN 16/01/94 18:48:41 OUQ 446 0 0 7

 * COMMERCIAL * CALL DETAILS 055 267260 Page 12
 * IN CONFIDENCE *

CALL WAIT CONV. METER R
 TIME TIME PULSE R A R O
 DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

SUN 16/01/94 19:11:38 OUS 033 11 0 0 Q
 SUN 16/01/94 19:11:54 OAS 033115424 ? 35 1 1 Q ?
 SUN 16/01/94 19:17:14 OAS 033115424 45 222 3 Q Q ?
 SUN 16/01/94 19:21:42 OUS 037442787 141 0 0 Q Q Q
 SUN 16/01/94 20:32:22 OAS 033764473 31 463 5 Q Q Q
 SUN 16/01/94 20:40:36 OAS 033282514 925 114 2 Q Q Q
 SUN 16/01/94 20:57:56 OUQ 457 0 0 ?
 SUN 16/01/94 21:06:53 IA 5 2 0
 SUN 16/01/94 21:07:00 IA 4 2 0
 SUN 16/01/94 21:07:06 IA 4 2 0
 SUN 16/01/94 21:07:12 IA 4 2 0
 SUN 16/01/94 21:07:18 IA 4 2 0
 SUN 16/01/94 21:07:24 IA 4 2 0
 SUN 16/01/94 21:07:30 IA 4 2 0
 SUN 16/01/94 21:07:36 IA 4 2 0
 SUN 16/01/94 21:07:42 IA 4 2 0
 SUN 16/01/94 21:07:48 IA 4 2 0
 SUN 16/01/94 21:07:54 IA 4 2 0
 SUN 16/01/94 21:08:00 IA 4 2 0
 SUN 16/01/94 21:58:25 IA 5 2886 0
 SUN 16/01/94 22:46:46 OAS 0330916821 42 46 1 Q
 SUN 16/01/94 22:48:14 OUS 033763663 97 0 0 Q
 SUN 16/01/94 23:21:44 OAS 033768798 30 0 1 Q Q
 SUN 16/01/94 23:22:16 OUS 933 54 0 0 M
 MON 17/01/94 00:20:09 OAS 033797802 28 0 1 Q Q ?
 MON 17/01/94 00:20:39 OAS 033797802 40 0 1 Q Q ?
 MON 17/01/94 00:28:00 OAS 933797802 33 231 3 M
 MON 17/01/94 00:32:25 OUQ 803 0 0 ?
 MON 17/01/94 08:15:02 OAS 033763663 57 53 2 Q Q
 MON 17/01/94 08:16:52 OAS 037442787 58 50 2 Q Q
 MON 17/01/94 08:18:40 OUS 03376898 779 0 0 -N Q
 MON 17/01/94 08:36:42 OUS 033768798 20 0 0 Q
 MON 17/01/94 18:06:28 ONS 199 8 0 0 N
 MON 17/01/94 20:03:24 OAU 236104 24 0 1 L
 MON 17/01/94 20:04:43 OOU 2366104 21 0 0 L
 MON 17/01/94 20:05:23 OAU 236104 22 361 1 L
 MON 17/01/94 20:11:46 OUQ 1142 0 0 ?
 TUE 18/01/94 09:29:34 ONS 199 10 0 0 N
 TUE 18/01/94 12:16:21 OAU 215368 20 41 1 L
 TUE 18/01/94 12:17:23 OUQ 802 0 0 ?
 TUE 18/01/94 13:21:41 ONU 0176 133 0 0 L
 TUE 18/01/94 15:40:45 OUS 038027948 49 0 0 Q

679

R21251

| | | | | | |
|-------------------------------------|------|-----|---|---|---|
| THU 20/01/94 17:14:06 OAU 231165 | 288 | 33 | 1 | L | ← |
| THU 20/01/94 17:21:07 OUU | 190 | 0 | 0 | ? | ← |
| THU 20/01/94 17:24:32 ONU 0176 | 652 | 0 | 0 | L | ← |
| THU 20/01/94 19:20:04 ONU 013 | 39 | 0 | 0 | L | |
| THU 20/01/94 19:58:44 OAS 038027948 | 29 | 146 | 3 | Q | |
| THU 20/01/94 20:01:37 OUU | 1305 | 0 | 0 | ? | ← |
| THU 20/01/94 20:33:06 OUU 236529 | 65 | 0 | 0 | L | |
| THU 20/01/94 21:11:58 OUU 236529 | 56 | 0 | 0 | L | |
| FRI 21/01/94 09:37:30 OUU 233027 | 18 | 0 | 0 | L | |
| FRI 21/01/94 09:37:49 OUU 233027 | 22 | 0 | 0 | L | |
| FRI 21/01/94 09:38:18 OUU 233027 | 26 | 0 | 0 | L | |
| FRI 21/01/94 09:38:45 OAU 233027 | 18 | 138 | 1 | L | |

***** CALL DETAILS 055 267260 Page 15
 * COMMERCIAL *
 * IN CONFIDENCE *

CALL WAIT CONV. METER R
 TIME TIME PULSE RA R O
 DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

| | | | | | |
|--------------------------------------|------|-----|---|---|---|
| FRI 21/01/94 09:41:22 OUU | 754 | 0 | 0 | ? | ← |
| FRI 21/01/94 11:54:50 OAU 215496 | 37 | 72 | 1 | L | |
| FRI 21/01/94 11:56:39 OUU | 394 | 0 | 0 | ? | ← |
| FRI 21/01/94 12:06:13 ONU 0176 | 57 | 0 | 0 | L | |
| FRI 21/01/94 12:08:10 ONU 0176 | 59 | 0 | 0 | L | |
| FRI 21/01/94 12:55:39 ONU 0176 | 191 | 0 | 0 | L | ← |
| FRI 21/01/94 17:11:05 ONU 0176 | 466 | 0 | 0 | L | ← |
| FRI 21/01/94 17:19:22 ONU 0176 | 117 | 0 | 0 | L | |
| FRI 21/01/94 17:34:10 OAU 233016 | 18 | 870 | 1 | L | |
| FRI 21/01/94 17:48:58 OAU 231696 | 31 | 876 | 1 | L | |
| FRI 21/01/94 18:04:03 OUU | 634 | 0 | 0 | ? | ← |
| FRI 21/01/94 18:14:58 ONU 0176 | 35 | 0 | 0 | L | |
| FRI 21/01/94 19:24:23 ONU 0176 | 85 | 0 | 0 | L | |
| FRI 21/01/94 19:34:42 OAS 038222726 | 27 | 20 | 1 | Q | |
| FRI 21/01/94 19:35:29 OUS 04824830 | 32 | 0 | 0 | Y | |
| FRI 21/01/94 19:36:02 OAS 034824830 | 34 | 152 | 3 | Q | |
| FRI 21/01/94 19:39:08 OUS 682266 | 84 | 0 | 0 | F | |
| FRI 21/01/94 19:40:57 ONU 0176 | 450 | 0 | 0 | L | ← |
| FRI 21/01/94 19:48:36 OAS 682266 | 27 | 105 | 2 | F | |
| FRI 21/01/94 19:52:03 OUS **682266 | 100 | 0 | 0 | N | |
| FRI 21/01/94 19:56:26 OAS 682266 | 40 | 267 | 3 | F | |
| FRI 21/01/94 20:01:31 OUU | 2456 | 0 | 0 | ? | ← |
| SAT 22/01/94 10:03:16 OAU 233027 | 23 | Ⓟ | 1 | L | ← |
| SAT 22/01/94 10:03:41 OAU 233027 | 27 | Ⓟ | 1 | L | ← |
| SAT 22/01/94 10:04:10 OUU 2327 | 23 | 0 | 0 | L | |
| SAT 22/01/94 10:04:35 OAU 233027 | 16 | Ⓟ | 1 | L | ← |
| SAT 22/01/94 10:05:31 OAU 233027 | 55 | 89 | 1 | L | |
| SAT 22/01/94 10:33:14 IA | 2 | 2 | 0 | | |
| SAT 22/01/94 10:33:18 IA | 4 | 2 | 0 | | |
| SAT 22/01/94 10:33:24 IA | 4 | 2 | 0 | | ← |
| SAT 22/01/94 10:33:30 IA | 4 | 2 | 0 | | |
| SAT 22/01/94 10:33:36 IA | 2 | 10 | 0 | ? | |
| SAT 22/01/94 10:37:13 OAU 232672 | 43 | 108 | 1 | L | |
| SAT 22/01/94 10:39:50 OAU 217235 | 20 | 10 | 1 | L | |
| SAT 22/01/94 10:40:20 OAS 038032091 | 370 | 44 | 1 | Q | ← |
| SAT 22/01/94 11:03:55 OUU | 783 | 0 | 0 | ? | |
| SAT 22/01/94 12:10:03 ONU 0176217899 | 31 | 0 | 0 | L | |
| SAT 22/01/94 17:29:38 OAU 232935 | 20 | 110 | 1 | L | |
| SAT 22/01/94 17:31:49 OAU 232935 | 339 | 160 | 1 | L | ← |

679

← 4 eos?

R21254

| | | | | |
|--------------------------------------|------|-----|---|-----|
| FRI 21/01/94 17:48:58 OAU 231696 | 31 | 876 | 1 | L |
| FRI 21/01/94 18:04:03 OUQ | 634 | 0 | 0 | ? |
| FRI 21/01/94 18:14:58 ONU 0176 | 35 | 0 | 0 | L |
| FRI 21/01/94 19:24:23 ONU 0176 | 85 | 0 | 0 | L |
| FRI 21/01/94 19:34:42 OAS 038222726 | 27 | 20 | 1 | Q |
| FRI 21/01/94 19:35:29 OUS 04824830 | 32 | 0 | 0 | Y |
| FRI 21/01/94 19:36:02 OAS 034824830 | 34 | 152 | 3 | Q |
| FRI 21/01/94 19:39:08 OUS 682266 | 84 | 0 | 0 | F |
| FRI 21/01/94 19:40:57 ONU 0176 | 450 | 0 | 0 | L |
| FRI 21/01/94 19:48:36 OAS 682266 | 27 | 105 | 2 | F |
| FRI 21/01/94 19:52:03 OUS **682266 | 100 | 0 | 0 | N |
| FRI 21/01/94 19:56:26 OAS 682266 | 40 | 267 | 3 | F |
| FRI 21/01/94 20:01:31 OUQ | 2456 | 0 | 0 | ? |
| SAT 22/01/94 10:03:16 OAU 233027 | 23 | ⊕ | 1 | L |
| SAT 22/01/94 10:03:41 OAU 233027 | 27 | ⊕ | 1 | L |
| SAT 22/01/94 10:04:10 OAU 2327 | 23 | 0 | 0 | L |
| SAT 22/01/94 10:04:35 OAU 233027 | 16 | ⊕ | 1 | L |
| SAT 22/01/94 10:05:31 OAU 233027 | 55 | 89 | 1 | L |
| SAT 22/01/94 10:33:14 IA | 2 | 2 | 0 | |
| SAT 22/01/94 10:33:18 IA | 4 | 2 | 0 | |
| SAT 22/01/94 10:33:24 IA | 4 | 2 | 0 | |
| SAT 22/01/94 10:33:30 IA | 4 | 2 | 0 | |
| SAT 22/01/94 10:33:36 IA | 2 | 10 | 0 | |
| SAT 22/01/94 10:37:13 OAU 232672 | 43 | 108 | 1 | L |
| SAT 22/01/94 10:39:50 OAU 217235 | 20 | 10 | 1 | L |
| SAT 22/01/94 10:40:20 OAS 038032091 | 1370 | 44 | 1 | Q |
| SAT 22/01/94 11:03:55 OUQ | 783 | 0 | 0 | ? |
| SAT 22/01/94 12:10:03 ONU 0176217899 | 31 | 0 | 0 | L |
| SAT 22/01/94 17:29:38 OAU 232935 | 20 | 110 | 1 | L |
| SAT 22/01/94 17:31:49 OAU 232935 | 339 | 160 | 1 | L |
| SAT 22/01/94 17:40:09 OUQ | 319 | 0 | 0 | ? |
| SAT 22/01/94 18:30:00 OAU 232935 | 23 | 87 | 1 | L |
| SAT 22/01/94 18:31:50 OUQ | 1148 | 0 | 0 | ? |
| SAT 22/01/94 19:19:59 OAU 232935 | 21 | 177 | 1 | L |
| SAT 22/01/94 19:23:17 OUS 1 | 1902 | 0 | 0 | -NN |
| SAT 22/01/94 20:18:56 OAU 231868 | 34 | 0 | 0 | L |
| SAT 22/01/94 20:19:30 OAU 232935 | 33 | 0 | 0 | L |
| SAT 22/01/94 23:32:52 OAU 235943 | 33 | 47 | 1 | L |
| SAT 22/01/94 23:34:13 OUQ | 3465 | 0 | 0 | ? |
| SUN 23/01/94 01:02:03 OAU 236354 | 23 | 25 | 1 | L |
| SUN 23/01/94 01:02:51 OUQ | 2078 | 0 | 0 | ? |
| SUN 23/01/94 10:50:53 OAU 232935 | 15 | 0 | 0 | L |
| SUN 23/01/94 10:51:09 OAU 232935 | 14 | 0 | 0 | L |

← eos?

***** CALL DETAILS 055 267260 Page 16 *****

* COMMERCIAL *
* IN CONFIDENCE *

CALL WAIT CONV. METER R
TIME TIME PULSE RA RO
DAY DATE AND TIME TYPE NUMBER DIALLED (SBC) (SEC) METER REC'D DIFF TE P
C

| | | | | |
|-------------------------------------|-----|-----|---|---|
| SUN 23/01/94 10:56:13 OAU 232935 | 16 | 137 | 1 | L |
| SUN 23/01/94 10:58:46 OUQ | 680 | 0 | 0 | ? |
| SUN 23/01/94 11:10:53 OAU 232613 | 34 | 0 | 0 | L |
| SUN 23/01/94 11:11:29 OAU 232613 | 31 | 28 | 1 | L |
| SUN 23/01/94 11:12:28 OUS 060562114 | 61 | 0 | 0 | Q |
| SUN 23/01/94 11:40:42 OUS 060562114 | 48 | 0 | 0 | Q |

679

P.21212



FRI 11/02/94 10:29:36 ONS 00802302507 38 0 0 N
 FRI 11/02/94 10:30:19 ONS 008023025 33 0 0 N
 FRI 11/02/94 10:31:09 ONS 008023025 51 0 0 N
 FRI 11/02/94 10:32:07 ONS 008023025 65 0 0 N

***** CALL DETAILS 055 267260 Page 8

* COMMERCIAL *
 * IN CONFIDENCE *

| CALL DAY DATE AND TIME | TYPE | WAIT TIME | CONV. TIME | METER PULSE | METER R A R O | R | METER REC'D | DIFF | TE P C |
|---|------|-----------|------------|-------------|---------------|---|-------------|------|--------|
| FRI 11/02/94 10:33:16 ONS 008227181 | | 40 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:34:06 ONS 008074483 | | 33 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:34:47 OUS COO | | 6 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:35:25 ONS 008224537 | | 43 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:38:11 ONS 008023025 | | 34 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:38:48 ONU 0176 | | 18 | 0 | 0 | 0 | L | | | |
| FRI 11/02/94 10:39:07 ONU 0176 | | 112 | 0 | 0 | 0 | L | | | |
| FRI 11/02/94 10:41:05 ONS 008 | | 8 | 0 | 0 | 0 | N | | | |
| FRI 11/02/94 10:41:57 OUS 8995 | | 8 | 0 | 0 | 0 | M | | | |
| MON 14/02/94 14:41:59 ONU 0130009 | | 24 | 0 | 0 | 0 | L | | | |
| MON 14/02/94 18:25:41 OAS 764284 | | 32 | 110 | 2 | 2 | F | | | |
| MON 14/02/94 18:28:04 OUQ | | 666 | 0 | 0 | ? | | | | |
| MON 14/02/94 19:26:22 OAS 772368 | | 34 | 157 | 3 | 3 | M | | | |
| MON 14/02/94 22:30:22 ONU 013 | | 44 | 0 | 0 | 0 | L | | | |
| MON 14/02/94 22:31:09 ONU 0176 | | 543 | 0 | 0 | 0 | L | | | |
| MON 14/02/94 22:40:24 ONU 0176 | | 370 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 12:53:51 ONU 0176 | | 147 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 13:31:34 OUS 725810 | | 31 | 0 | 0 | 0 | F | | | |
| TUE 15/02/94 13:32:34 OUS 725810 | | 28 | 0 | 0 | 0 | F | | | |
| TUE 15/02/94 14:02:45 OAS 722788 | | 128 | 30 | 1 | 1 | F | | | |
| TUE 15/02/94 14:05:24 OUQ | | 701 | 0 | 0 | ? | | | | |
| TUE 15/02/94 15:27:47 OUQ | | 181 | 0 | 0 | ? | | | | |
| TUE 15/02/94 15:31:52 OUQ | | 592 | 0 | 0 | ? | | | | |
| TUE 15/02/94 17:21:18 OUS 725810 | | 36 | 0 | 0 | 0 | F | | | |
| TUE 15/02/94 19:15:58 ONU 0176 | | 27 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:16:36 ONU 0176 | | 19 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:49:54 ONU 0176 | | 35 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:50:30 ONU 0176 | | 34 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:51:16 ONU 0176A05572118 | | 64 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:52:44 ONU 01761 | | 137 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 19:55:11 OAS 772368 | | 47 | 424 | 7 | 7 | M | | | |
| TUE 15/02/94 20:03:01 ONU 0176 | | 34 | 0 | 0 | 0 | L | | | |
| TUE 15/02/94 20:03:40 ONU 0176 | | 263 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 08:31:09 OUS 722788 | | 140 | 0 | 0 | 0 | F | | | |
| WED 16/02/94 08:33:32 OAS 722788 | | 23 | 94 | 2 | 2 | F | | | |
| WED 16/02/94 12:31:01 OUS 901 | | 6 | 0 | 0 | 0 | M | | | |
| WED 16/02/94 12:31:10 ONU 0176786331 | | 39 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 12:32:07 ONU 0176723654 | | 23 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 12:34:04 ONU 01176 | | 20 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 12:34:26 ONU 0176 | | 161 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 12:44:51 ONU 0176 | | 141 | 0 | 0 | 0 | L | | | |
| WED 16/02/94 12:47:27 OUS 725636 | | 14 | 0 | 0 | 0 | F | | | |
| WED 16/02/94 13:12:54 IA | | 5 | 2 | 0 | 0 | | | | |
| WED 16/02/94 13:13:01 IA | | 4 | 2 | 0 | 0 | | | | |
| WED 16/02/94 13:13:07 IA | | 7 | 2 | 0 | 0 | | | | |
| WED 16/02/94 13:13:16 IA | | 4 | 2 | 0 | 0 | | | | |
| WED 16/02/94 13:13:22 IA | | 7 | 2 | 0 | 0 | | | | |

679

← ROS

WED 16/02/94 13:13:31 IA 4 2 } 0
 WED 16/02/94 13:13:37 IA 4 2 } 0
 WED 16/02/94 13:13:43 IA 1 2 } 0
 WED 16/02/94 13:13:46 IA 4 2 } 0
 WED 16/02/94 13:13:52 IA 4 2 } 0

← COS ?

***** CALL DETAILS 055 267260 Page 9

* COMMERCIAL *
 * IN CONFIDENCE *

 CALL WAIT CONV. METER R
 TIME TIME PULSE RA R O
 DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

WED 16/02/94 13:13:58 IA 7 2 } 0
 WED 16/02/94 13:14:07 IA 4 2 } 0
 WED 16/02/94 13:14:13 IA 4 2 } 0
 WED 16/02/94 13:14:19 IA 1 4 } 0
 WED 16/02/94 13:15:21 IA 1 2 } 0
 WED 16/02/94 13:15:25 IA 3 2 } 0
 WED 16/02/94 13:15:31 IA 0 2 } 0
 WED 16/02/94 13:15:34 IA 3 2 } 0
 WED 16/02/94 13:15:40 IA 3 2 } 0
 WED 16/02/94 13:15:46 IA 6 2 } 0
 WED 16/02/94 13:15:55 IA 1 142 } 0
 WED 16/02/94 13:30:25 OUS 712289 61 0 0 F
 WED 16/02/94 13:33:10 OUS 71289 28 0 0 F
 WED 16/02/94 13:33:40 OUS 712289 51 0 0 F
 WED 16/02/94 16:11:27 OAS 712289 24 77 2 F
 WED 16/02/94 16:13:09 OUQ (1247) 0 0 ?
 WED 16/02/94 20:42:53 OAS 786276 35 182 2 A
 WED 16/02/94 20:46:31 OAS 786276 54 271 2 A
 WED 16/02/94 21:30:41 OAS 049263948 50 81 2 Y
 WED 16/02/94 21:32:52 OUQ (1446) 0 0 ?
 THU 17/02/94 07:31:20 OAS 772368 34 187 2 M
 THU 17/02/94 07:35:01 OUQ (2188) 0 0 ?
 THU 17/02/94 12:13:29 OUS 9189121640977 36 0 0 M
 THU 17/02/94 12:14:10 OUX 01800 9 0 0
 THU 17/02/94 12:14:21 OUX 018009121640977 34 0 0
 THU 17/02/94 12:15:37 ONU 01768A 70 0 0 L
 THU 17/02/94 12:16:50 ONU 0176 27 0 0 L
 THU 17/02/94 12:17:42 ONU 0176 (191) 0 0 L
 THU 17/02/94 12:21:26 ONU 0175 (159) 0 0 L
 THU 17/02/94 12:24:11 OAS 033831663 34 1 1 Q
 THU 17/02/94 12:24:47 OUQ (460) 0 0 ?
 THU 17/02/94 22:24:20 OAS 786276 35 419 2 A
 THU 17/02/94 22:31:54 OUQ (3303) 0 0 ?
 FRI 18/02/94 07:40:22 ONU 0176 37 0 0 L
 FRI 18/02/94 07:41:19 ONU 0176 42 0 0 L
 FRI 18/02/94 08:39:22 IA 1 2 } 0
 FRI 18/02/94 08:39:25 IA 4 2 } 0
 FRI 18/02/94 08:39:31 IA 2 21 } 0
 FRI 18/02/94 10:39:42 OAS 055659293 35 32 1 F
 FRI 18/02/94 10:41:10 OUS 612783 56 0 0 F
 FRI 18/02/94 10:42:30 OUS 676305 43 0 0 M
 FRI 18/02/94 10:43:23 OAS 620844 28 30 1 F
 FRI 18/02/94 10:44:21 OAS 622157 29 25 1 F
 FRI 18/02/94 10:45:16 OUQ (213) 0 0 ?
 FRI 18/02/94 11:28:58 ONS 199 7 0 0 N
 FRI 18/02/94 19:47:30 OAS 621541 36 50 1 F

← 10 COS.

679

R21003

| | | | | | |
|--------------------------------------|----|---|---|---|---|
| WED 23/02/94 18:46:07 OUS 054 | 8 | 0 | 0 | Q | |
| WED 23/02/94 18:46:23 OUS 0549 | 8 | 0 | 0 | Q | |
| WED 23/02/94 18:46:33 OAS 005533122 | 24 | 1 | 0 | Q | J |
| WED 23/02/94 18:46:59 ONS 00822052 | 56 | 0 | 0 | Q | N |
| WED 23/02/94 18:49:09 ONS 008759265 | 41 | 0 | 0 | Q | N |
| WED 23/02/94 18:49:51 ONS 008555957 | 29 | 0 | 0 | Q | N |
| WED 23/02/94 18:50:26 OUS 08654321 | 18 | 0 | 0 | Q | N |
| WED 23/02/94 18:50:53 ONS 0080520085 | 47 | 0 | 0 | Q | N |

cos

***** CALL DETAILS 055 267260 Page 12

* COMMERCIAL *
* IN CONFIDENCE *

CALL WAIT CONV. METER R
TIME TIME PULSE RA R O
DAY DATE AND TIME TYPE NUMBER DIALLED (SEC) (SEC) METER REC'D DIFF TE P C

| | | | | | |
|-------------------------------------|------|------|---|------|----|
| WED 23/02/94 18:51:52 ONS 008 | 8 | 0 | 0 | N | |
| WED 23/02/94 18:52:01 ONS 008023025 | 60 | 0 | 0 | N | |
| WED 23/02/94 18:53:15 ONS 008624153 | 29 | 0 | 0 | N | |
| WED 23/02/94 20:17:37 ONU 0176 | 23 | 0 | 0 | L | |
| WED 23/02/94 20:18:02 ONU 0176 | 21 | 0 | 0 | L | |
| WED 23/02/94 22:12:39 ONU 0176 | 761 | 0 | 0 | L | |
| WED 23/02/94 22:42:17 OUS 053311611 | 37 | 0 | 0 | Q | |
| WED 23/02/94 22:42:55 OAS 053342787 | 23 | 558 | 6 | Q | |
| WED 23/02/94 22:52:37 OUQ | 1078 | 0 | 0 | ? | |
| THU 24/02/94 08:52:36 OUU 232884 | 70 | 0 | 0 | L | |
| THU 24/02/94 13:06:16 OAU 250900 | 32 | 35 | 1 | L | |
| THU 24/02/94 13:07:24 OUQ | 1218 | 0 | 0 | ? | |
| THU 24/02/94 13:45:14 OAS 054922287 | 27 | 112 | 3 | Q | |
| THU 24/02/94 13:47:33 OUU 267267 | 29 | 0 | 0 | L | |
| THU 24/02/94 13:48:20 OUU 267267 | 258 | 0 | 0 | -N L | |
| THU 24/02/94 17:54:19 ONU 0176AA1 | 240 | 0 | 0 | L | |
| THU 24/02/94 18:07:11 IA | 7 | 2 | 0 | | |
| THU 24/02/94 18:07:20 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:26 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:32 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:38 IA | 1 | 2 | 0 | | |
| THU 24/02/94 18:07:41 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:47 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:53 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:07:59 IA | 1 | 3 | 0 | | |
| THU 24/02/94 18:08:31 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:08:37 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:08:43 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:08:49 IA | 7 | 2 | 0 | | |
| THU 24/02/94 18:08:58 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:09:04 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:09:10 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:09:16 IA | 1 | 2 | 0 | | |
| THU 24/02/94 18:09:19 IA | 4 | 497 | 0 | | |
| THU 24/02/94 18:17:40 IA | 0 | 3 | 0 | | |
| THU 24/02/94 18:17:45 IA | 1 | 3 | 0 | | |
| THU 24/02/94 18:17:49 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:17:55 IA | 4 | 2 | 0 | | |
| THU 24/02/94 18:18:01 IA | 3 | 2 | 0 | | |
| THU 24/02/94 18:18:07 IA | 0 | 3 | 0 | | 24 |
| THU 24/02/94 18:18:12 IA | 2 | 2 | 0 | | |
| THU 24/02/94 18:18:16 IA | 4 | 1385 | 0 | | |
| THU 24/02/94 18:41:26 ONU 0176 | 63 | 0 | 0 | L | |

267260

17 cos?

7 cos? 679

R21006

P. Lewis

Mobile phone coverage set to improve

By BILL MELDRUM

TELESTRRA is in the final negotiation stages with Portland Aluminium to install an 80-metre-high mobile phone base station at the site.

The \$180,000 planned upgrade is expected to result in the current repeater station at the industrial site being upgraded to a full base station.

Telstra Country Wide south-west region technical specialist Bill Purcell said the planned upgrade was expected to give South Portland residents and businesses a stronger mobile phone reception.

Mr Purcell said the upgrade may also extend some coverage as far away as Cape Bridgewater although this was yet to be confirmed.

It will also give the area its own designated call sign of South Portland Alcoa.

Mr Purcell said negotiations could be finalised within a month.

Telstra Country Wide staff and managers have set up a temporary office in Portland to enable residents to discuss any issues and discover the latest in telecommunications.

The representatives have been in Portland since Tuesday and today is their last day at 686 Percy Street.



RECEPTION... Telstra Country Wide technical specialist Bill Purcell says a planned mobile phone base station at Portland Aluminium will result in stronger mobile reception. Picture: JOSH MASH

680

090729/15

18- 5-94 ; 9:11AM ;

MELBOURNE OFFICE

81 3 277 8797:# 2

95 / 0599 - 02



Hunt & Hunt LAWYERS

118

Partners
 Edward S Boyce
 James G.F. Marrowell
 Christine A. Gellay
 Gordon L. Hughes
 Mark T. Knapman
 Ian S. Craig
 Peter L. Frith
 Wayne J. Cahill
 Neville C.H. Dobney
 Grant D. Salton
 Charles Veerens
 Andrew Logan Smith
 William P. O'Shea

Consultants
 Kenneth M. Martin
 Richard J. Kellaway

Associates
 Peter A. Cornish
 Shane G. Hird
 John S. Molnar
 Malissa A. Henderson
 Francis V. Gallicchio
 Roy Sell
 Randal P. Williams

17 May 1994

Our Ref: GLH

Matter No:

Your Ref:

BY FAX: 277 8797

Mr Warwick L Smith
 Telecommunications Industry Ombudsman
 321 Exhibition Street
 Melbourne VIC 3000

Dear Warwick

COT CLAIMS

I have been contacted during the past fortnight by Schorer, Smith, Garms and Amanda Davies (on behalf of Gillan), each requesting for one reason or another that I order Telecom to produce documentation to assist in the preparation of their respective Statements of Claim.

No doubt you will receive, if you have not already, similar approaches.

I have advised each of the claimants that I do not believe it would be appropriate for me to direct Telecom to produce any documents prior to the formal submission of a Statement of Claim. Until I have had an opportunity to gauge the ambit of each claim, I am unable to determine whether or not the information being sought from Telecom is relevant to the matters under consideration.

I have pointed out to each of the claimants that if they believe the preparation of the Statement of Claim is hindered by the absence of certain material, this fact can be highlighted in the Statement itself.

Pursuant to clause 7.5 of the "Fast-Track" Arbitration Procedure, the parties may apply to amend their respective Statements of Claim if granted leave by their arbitrator. Presumably I would be inclined to grant leave if documentation produced by Telecom subsequent to the lodging of the initial Statement of Claim revealed shortcomings in the Statement of Claim.

It is not for me to direct the claimants as to how they should prepare their respective Statements of Claim. Nevertheless I would have thought the most appropriate approach for them to adopt, if they are genuinely hampered by a lack of documentation, would be to serve simple

_____ melbourne
 _____ sydney
 _____ sydney west
 _____ brisbane
 _____ canberra
 _____ newcastle
 _____ represented by
 _____ adelaide

681

:18- 5-94 ; 9:12AM ;

MELBOURNE OFFICE-

613 277 6797;# 3

95/0599-02

Statements of Claim outlining their grievances against Telecom and indicating that leave will be sought to serve more detailed Statements of Claim following discovery. At the same time they may wish to foreshadow the documents which they each believe have been unjustifiably withheld and specify why they believe those documents should be made available in each case.

119

Yours sincerely

~~GORDON HUGHES~~

CC P Bartlett

681

**Darren and Jenny Lewis
Cape Bridgewater Coastal Camp
RMB 4408, Cape Bridgewater
Portland, 3305
Phone: 03 55 267 267**

1st October 2006

**David Hawker MP
Federal Member for Wannon
190 Gray Street
Hamilton 3300**

Dear Mr Hawker,

This brief letter is to let you know that after meeting with you last Wednesday I have had a visit from a Telstra technician. I believe this visit could well have been arranged as a result of your intervention, for which I am most grateful.

The technician, who comes from Colerain (also part of your electorate) advised me that he was aware that the problems I am experiencing now are the same problems experienced by the previous owner of the business (Alan Smith). When I asked him why this would be, he replied that the problems were caused because the wiring was so old that it was now totally incompatible with all the new technology ('totally' was his exact word).

He also told me that he was sorry that this was causing problems for my business and when I commented that I seem to be the only person in Cape Bridgewater to so constantly complain about problems with faxes he replied that if other people used their fax machines to promote their businesses as often as I do, then they would also be complaining.

When I told him that I know that these types of problems have been occurring in Cape Bridgewater for many years and that my service had been taken off the optical fibre line from the exchange some three weeks ago, but even this drastic action had not rectified the problem, he acknowledged that he knew about my business being removed from the optical fibre line, but noted that it was the first time he had heard of Telstra doing this in a situation like mine. I then described to him the latest fax problem – the one that I raised with you last Wednesday – when Alan Smith's fax (intended for a destination in Melbourne) arrived at my business, cutting off my conversation with Cathy (Alan's partner) as it came through. I also explained that Telstra's local (Portland) technician, James, had tested and programmed my fax machine just recently, so there is clearly no problem with the machine itself. At this point the technician said he was fully aware of the problem and that it was network related, with the fault occurring somewhere between the exchange at Cape Bridgewater and my service line. He also explained, quite clearly, that he didn't have the correct testing equipment to detect the location of the fault, but he would put in a request for a 'level two' Telstra technician who is conversant with the correct equipment.

Most alarming however was the technician's comment, 'I don't like your chances' of a level two technician being available. He was quite sympathetic when I suggested that perhaps my local Federal Member might be able to make the necessary arrangements and said he hoped the problems could be fixed because he could understand how frustrating it must be to try to run a business with all these continuing problems.

682

It is interesting to note that I am now on my third facsimile machine in my valient attempt to fix these on going problems. This technician seemed so angry that I have had to go to such extremes as I have in trying to eliminate the faults experienced.

I must also say that the technician was not at all unkind, rather he was quite understanding of my situation.

On completion of this letter today 2nd October, James from the local Portland exchange arrived and spent all morning trying to work out what the problems are. Together we spoke to a Mr Skinner in Tasmania, and after spending over two hours testing nothing could be achieved to bring a conclusion to why these problems continue the way they do. Both technicians agreed the problem was not my equipment.

I am now advised these problems and faults are beyond either of their expertise and further investigation will be undertaken. As I am going into hospital on Thursday this week, I thought I would provide this update now.

Thank you once again for you support.

Sincerely,

D. Lewis

Darren Lewis

682

ALAN SMITH

Cape Bridgewater Holiday Camp

Blowholes Road, RMB 4408

Portland, 3305, Vic, Aust.

Phone: 03 55 267 267

Fax: 03 55 267 265

1 May 2000

Mr John Pinnock
Telecommunications Industry Ombudsman
Exhibition St
Melbourne. 3000

Dear Mr Pinnock.

Arbitration: Telstra v Alan Smith

After reading copies of correspondence I have received from your office in the past, a number of impartial persons have suggested that you knowingly misled the parties you were writing to at the time. Attached documents A1 to A11 are just some samples of these letters which show that, as late as 23 February 1999, a number of elected Federal politicians were still of the opinion that you were investigating my claims regarding overcharging on my phone and fax services.

Not only were these claims never addressed during my arbitration procedure (refer attachment A5) but Telstra's comments regarding whether or not they addressed these incorrect charging issues have never been released by your office. Evidence at hand proves beyond any doubt that the arbitrator, Dr Gordon Hughes, acted in concert with Telstra during my arbitration to ensure that my evidence of systemic billing problems in the Telstra network would not be recorded. This meant that the issues relating to billing problems, which I raised as part of my claim, were not included in the arbitrator's written findings.

Your correspondence to me indicates that you were aware of the continuing systemic billing problems relating to my phone system and that you were aware of how this affected the normal running of my business, even after the completion of my arbitration. Your correspondence also confirms that you knew that the problems had not been rectified, as they should have been, according to the rules of my arbitration procedure. Since these problems clearly continued after my arbitration it is obvious that the issues were therefore not correctly addressed during that process.

Attachments A6 and A7 indicate that you are also fully aware that, three years after Dr Hughes had handed down his 'award', your office raised with him the question of whether or not he had addressed the 1800 and gold phone issues in his award. Further, your office was provided with a legal opinion, from your own legal counsel, which confirmed that Dr Hughes did NOT address these incorrect charging issues in his written findings, as he should have, according to the rules of the Fast Track Arbitration Procedure.

683

↓ You are also aware that Mr Ted Benjamin, Telstra's Customer Liaison officer during my arbitration, authorised the disconnection of my gold phone customer service in December 1995, because I had refused to pay a phone account of more than \$2,000. Telstra's own records have conclusively shown that this account had been incorrectly calculated and had charged for calls that were never successfully connected. This evidence was supported by letters from my customers who wrote of their experiences when trying, unsuccessfully, to make calls from the gold phone. It is even more alarming to note that Telstra has still not reconnected this gold phone service.

My submission to your office in March/April of 1997, which was supported by copies of Telstra's own internal data (obtained under the *Freedom of Information Act 1982*), proves conclusively that the fault was not with my gold phone but was caused by the Telstra network into Cape Bridgewater (RCM System One).

I am not the only person to provide your office with conclusive evidence that, prior to, during and after my arbitration was deemed to have been completed, faxes sent from my office were still not all reaching their intended destination. Again Telstra was notified, both by your office and by me, regarding this problem and yet, in August 1998, while the matter was still under investigation by your office, Telstra unlawfully disconnected my fax service line (55 267 230) because I refused to pay for these disputed unsuccessful transactions.

Attachment A1 shows that Mr James Cameron, from Senator Alston's office, was under the impression that you had agreed that my previously raised concerns regarding overcharging on my 1800 phone line and on my fax line were warranted (paragraph two, page one). Mr Cameron indicates in this letter that he believed you would write to me regarding the outcome of your investigations. It is now fourteen months since Mr Cameron wrote his letter and I have still not received this document from your office.

Attachment A11, a letter dated 27 February 1998, from Senator Richard Alston to David Hawker MP, refers to a visit made by Telstra to my office in January 1998. The Telstra people who made this visit were Lyn Chisholm and Phil Carless. This visit, to discuss my evidence regarding incorrect charging, was witnessed by a retired Bank Manager from Portland. Both Ms Chisholm and Mr Carless acknowledged that the material I produced for this meeting was authentic. This same material has also been assessed by technical communication experts and acknowledged as factual. With all this evidence in place, why then have I not received a response regarding your investigations into these matters, which were raised with your office?

Why did you allow Telstra to unlawfully disconnect my business fax service in August 1998 when your office had received information from my customers before that, in June and July 1998, detailing the problems they had experienced when I had attempted to send faxes to them from May 1995 (after my arbitration was 'completed') and onward? Why haven't you told Senator Alston's office that, due to the disconnection of my fax service in August 1998, I have been forced to use my residential phone line to send and receive business documents?

Further evidence which I submitted as claim documents under the arbitration proved conclusively that not only were some of the 1800 incoming calls being incorrectly charged by Telstra but many of these calls were also being illegally diverted to someone with access to Telstra's network.

683

If you were truly impartial, as is expected from an Ombudsman, you would investigate the documents I have. These documents confirm all of my allegations, including my allegations regarding calls that were illegally diverted before they reached my business. These documents also confirm that, during one three-month period, at least eighty-six of the calls which were diverted (and therefore did not reach me) were also charged by Telstra as successfully connecting to my business.

Try living with this type of evidence for five years, Mr Pinnock. Try living with further evidence which shows that Mr Ray Bell, a Telstra employee, knowingly conjured up and then submitted a fraudulent Telstra arbitration defence document. In this document Mr Bell falsely stated that some of the lock up faults on my TF200 fax machine were caused by 'wet and sticky' beer inside the phone, inferring that my alcoholic drinking habits were to blame. Evidence received from Telstra under FOI, and then provided to your office since my arbitration, proves that Mr Bell was fully aware that his TF200 report was to be fraudulently submitted by Telstra in their defence of my claims, which had been lodged under arbitration. Mr Bell is still employed by Telstra, in the same special products laboratory. This makes a mockery of my arbitration and the Australian legal system. Mr Bell continues on his merry way, without being charged, because both your office and my arbitrator failed to address Telstra's unlawful conduct during my arbitration. This leaves me wondering if the person or persons responsible for the illegal phone diversion is also still employed by Telstra, perhaps in charge of a service department similar to Ray Bell. Could it be that this person is still diverting my calls, even now? Since this issue was never correctly addressed, how will I ever know? Try also living with this doubt for five years, Mr Pinnock.

Finally, I would be interested to know if your office intends to inform Senator Alston's office of the outcome of the investigations your office is allegedly making into the incorrect charging issues relating to my telephone service. I would also like to know if you intend to investigate why Telstra disconnected my phone service while your office was still investigating my valid complaint.

I look forward to your response.

Sincerely,

Alan Smith

Copies to:

*Mr Bob Mansfield, Chairman of the Board of the Telstra Corporation, Melbourne
The Hon. Daryl Williams, Federal Attorney General, Parliament House, Canberra
Senior Detective Rod Keurts, Major Fraud Group, Victoria Police, Melbourne
Mr John Wynack, Senior Investigation Officer, Commonwealth Ombudsman's Office
Ms Roslyn Kelleher, Australian Communications Authority, Melbourne.*

683

ALAN SMITH

Cape Bridgewater Holiday Camp
Blowholes Road, RMB 4408
Portland, 3305, Vic, Aust.
Phone: 03 55 267 267
Fax: 03 55 267 265

9th December, 2000

Mr David Hawker, MP
Federal Member for Wannon
190 Grey St
Hamilton 3300

Dear Mr Hawker,

The attached letter from Cliff Mathieson of Austel to Steve Black of Telstra is, you will note, dated 3 October 1995 – five months after my arbitrator had brought down his award on 11 May 1995. Although this Austel letter was clearly copied on to Mr John Pinnock, TIO, (administrator to my arbitration), I only received a copy on 4th December 2000, from another COT member, through his latest FOI request. He only received this document on 1st December 2000.

This letter should be of particular interest, not only for you, but also for the Hon. Senator Richard Alston, Minister for Communications, because Mr Pinnock has previously stated in correspondence to both your office and to Senator Alston that I only raised the 008/1800 billing issues late in my arbitration claim documents. The attached letter from Austel, together with its appendices, clearly demonstrates that Mr Pinnock knowingly misled both you and Senator Alston in relation to the timing of the lodgement of my claims in regard to billing issues. This deception then led to the arbitrator, Dr Gordon Hughes, omitting to address the billing issues in his findings, even though it can now be seen that Austel also alerted Dr Hughes to the importance of these billing issues, on 8th December 1994.

It is obvious from Austel's letter of 3rd October 1995 that, at least at that time, Austel *had not received a reply from Telstra with regard to Austel's concerns in relation to these issues*. Even more alarming, Austel indicates in this same letter that the billing issues I had raised had *"the potential to affect a considerable number of Telstra's customers."*

The appendices attached to Austel's letter to Dr Hughes also point out that Ted Benjamin of Telstra had written to Austel on 11th November, 1994, indicating that both the billing issues and the RVA faults would be addressed by Telstra as part of their defence, because I had raised them as part of my arbitration claim. A considerable amount of internal correspondence from the TIO has been copied to you via my office. Much of this correspondence clearly shows that the TIO's office and Telstra were both intending to address the billing issues, particularly those which continued after the 'completion' of my arbitration. As you know, this never happened and the phone services affected by these billing faults (my Gold Phone and my fax line) were finally disconnected by Telstra in December 1995 and August 1998 respectively. Telstra's stated reason for disconnecting both these lines was my refusal to pay the disputed discrepancies in the phone accounts for these services, even though Telstra was, and still is, fully aware that my phone accounts for these lines were incorrect. ✓

684
1

Since neither the TIO nor Telstra would address the massive overcharging on my 800/1800 service, overcharging which occurred both before and after my arbitration was deemed to have been completed, I had no alternative but to have this third service also disconnected because of the continuing overcharging by Telstra. All these services remain disconnected to this day.

Other alarming documents, which I received in this latest FOI response, have been forwarded on the Victoria Police Major Fraud Group for assessment and I cannot therefore provide you with copies. It is clear from these documents however that my arbitration was not conducted according to the rules which were signed by each party. One of these 'rules' stated that NO award could be handed down by the assessor/arbitrator until Telstra had rectified the faults submitted by the four COT claimants. It is now painfully obvious that my arbitrator handed down his award, knowingly and in concert with Telstra, while fully aware that the billing issues I had raised had not been addressed. This 'award' was therefore incomplete.

As a further indication of the seriousness of the issues raised in this letter today, I ask that you read the enclosed copy of a letter from Darren Kearney of Austel, dated 6 December 1995, and addressed to me, together with the three page document headed '*CHARGING DISCREPANCIES RAISED BY ALAN SMITH*', dated 26 February 1996, also written by Darren Kearney, and addressed to Bruce Matthews. I received the Bruce Matthews document from the same source referred to in the first paragraph of this letter, and at the same time.

In his February 1996 letter, Mr Kearney, as a Senior Policy Analyst for Austel, clearly acknowledges that Telstra had, in fact, wrongly charged me on more than one of my phone services. The TIO, Telstra and Austel/ACA are all aware that the normal running of my business has been severely affected by these disconnections and they also know that my evidence is correct. Why then did Telstra unlawfully disconnect my phone lines and why does Telstra unlawfully continue to allow these phone lines to remain disconnected?

I now request that your office ask the Hon. Senator Alston when my telephone services are going to be reconnected and what issues, if any, his office intends to address regarding the information provided in this document.

I await your immediate response.

Sincerely,

Alan Smith

Copies to:

- Mr Geoff Kohlman, CEO, Glenelg Shire, Portland
- Councillor Jeff White, Mayor, Portland
- Dr Dennis Naphine, Leader in Opposition, State Parliament, Portland.
- Senator Kim Carr, Manager of Opposition Business in the Senate. ✓

684

Summary

- 117 There is no indication that the multiplicity of possible causes of RVA's on the Cape Bridgewater Holiday Camp service were ever adequately explained to Mr Smith. A number of factors may have contributed to this failure, foremost of these being the length of time it took to identify some of the causes of RVA on the Camp service.
- 118 When Telecom wrote to Mr Smith on 24 November 1992 explaining two known causes of RVA on his service the information provided was inadequate. The duration of both RVA problems did not correspond with information Mr Smith had received from callers of their experience of RVA's when trying to contact the camp. Telecom's own internal documentation on the duration of both problems demonstrates that there was evidence that faulty relay problem almost certainly existed longer than stated, and that uncertainty exists on the duration of the MELU RVA problem.
- 119 Given the questionable information provided to Mr Smith on RVA's affecting his service and the delay in providing this information it is not surprising he questioned the explanations provided by Telecom when they arrived. Information received from local technicians would have compounded Mr Smith's perception of the problem.
- 120 The consequence of Telecom's failure to adequately advise Mr Smith on RVA problems affecting his service was that Mr Smith's faith in Telecom's integrity and capacity to resolve faults was severely undermined. Mr Smith was subsequently highly sceptical of Telecom's interpretation of faults on his service, and he undertook extensive inquiries within his industry and with people in contact with the Camp to try and ascertain the extent of the problems affecting the Cape Bridgewater Holiday Camp services.

Failure to advise of consequences of testing program

- 121 In July 1993 Mr Smith complained to Telecom that callers from payphones in his local region could not make contact with the Cape Bridgewater Holiday Camp. It transpired that the cause of this problem was specialised monitoring equipment then being used on

685

would have affected approximately one third of subscribers receiving a service of this RCM. Given the nature of Mr Smith's business in comparison with the essentially domestic services surrounding subscribers, Mr Smith would have been more affected by this problem due to the greater volume of incoming traffic than his neighbours. (A summary of the circumstances surrounding the RCM fault are detailed under Allegation (iii)).

- 47 Telecom's ignorance of the existence of the RCM fault raises a number of questions in regard to Telecom's settlement with Smith. For example, on what basis was settlement made by Telecom if this fault was not known to them at this time? Did Telecom settle with Mr Smith on the basis that his complaints of faults were justified without a full investigation of the validity of these complaints, or did Telecom settle on the basis of faults substantiated to the time of settlement? Either criteria for settlement would have been inadequate, with the latter criteria disadvantaging Mr Smith, as knowledge of the existence of more faults on his service may have led to an increase in the amount offered for settlement of his claims.

Allegation (ii) Failure to keep clients advised

Introductory Comment

- 48 AUSTEL has been hampered in assessing Telecom's dealings with Mr Smith by Telecom's failure to provide files relating to Mr Smith's complaints. A file from the local Telecom area who first dealt with Mr Smith's complaint has not been provided to AUSTEL, although documents from this file have been copied to other files. At the time of writing, no explanation for the failure to provide this file or other files has been received from Telecom.³⁰
- 49 As a result of Telecom's failure to provide file documentation relating to Mr Smith some of the following conclusions are consequently based on insufficient information. The information which is available, however, demonstrates that on a number of issues Telecom failed to

³⁰ May need to be re-written if other information comes to light.

686

: - DOES NOT EXIST
:CUS - CUSTOMER

SOLUTION = 10/05/94 CSR: ZV333FIELD EMPLOYEE: E767 TONY WATSON
IN HAND TONY WATSON
10/05/94 I reported this incident in LEOPARD on 055217777
and notified Chris Doody. We were able to duplicate the
incident during testing; 217777 was diverted to 236101 with
easycall and when 236101 was busy, a call to 217777 would
return one burst of ring then busy.
11/05/94 Chris Doody called me this morning and said the
incident is caused by AXE104 system limitation, that is the
incident is normal and the customer is aware of that.
11/05/94 09:25, Mr Alan Smith was notified of the result.
Tony Watson.....

SOLUTION = 11/05/94 10:33 ZV333
Chris Doody is sending a report on the incident.
Tony Watson.....


DATE START END SYMPT CAUSE ACT'N EMP
10/05/94 13.47 13.48 NF WJ YT E767
***** NO PART DETAIL *****

ORDER = S6701981 STATUS = CL
CUSTOMER = 259289 TELEPHONE = 055 267267
CAPE BRIDGEWATER HOL. CAMP ALAN SMITH
BLOWHOLE RD
CAPE BOWTR VIC 3306

CALLLED IN = 04/05/94 14.03
CLOSED = 04/05/94 14.04
DESCRIPTION = 27/04/94 13:30 Visit to Alan Smith by Ross Anderson.....
NARRATIVE = 4/05/94 13:48 ZV333
27/04/94 13:30 Apointment for Ross Anderson to visit Alan
Smith to investigate the report of 267230 possibly holding
up, after the phone was hung up.
:BNU - BUSY NOT IN USE
: - DOES NOT EXIST
:CUS - CUSTOMER

SOLUTION = 4/05/94 CSR: ZV333FIELD EMPLOYEE: E767 TONY WATSON
This fault report was initiated by Peter Gamble. Peter was
doing some testing with Alan Smith and apparently they were
able to hang up Smith's phone and while Peter was still
listening at his phone he could hear Mr Smith talking in his
office. In fact Mr Smith counted to 10 then picked up his
phone again and Peter had been able to hear the count to 10.
On the 27/04/94 at 13:30 Ross Anderson visited the premises
to investigate these claims. Ross called Peter Raphael on
03 5507309 and made 10 test calls, Ross was hanging up then
counting to 10 and picking the phone up again, each test
call was released (that is line was heard to drop out) at
5/05/94 9:10 ZV333

SOLUTION = 5/05/94 9:10 ZV333
within 1 second of hanging up. Peter was able to hear Ross
count 1 then the line released.
I spoke to Ross whilst he was on site and we made further
test call (18 calls of which 2 were from 267267), during
these test calls we obtained the same result as previous,
that is the line released within 1 second. We also tried the
T200 from 267267 on 267230 and it released immediately on
hanging up. We then tested the suspect T200 on 267267 and it
displayed the same symptom on this different line. This T200
is an EXICOM and the other T200 is an ALCATEL, we thought
that this may be a design "fault???" with the EXICOM so Ross

SOLUTION = 5/05/94 9:27 ZV333
tried a new EXICOM from his car and it worked perfectly,
that is, released the line immediately on hanging up. We
decided to leave the new phone and the old phone was marked
and tagged, Ross forwarded the phone to FM&D. 
I was speaking to Mr Smith the next day (28/04/94) and he
said he has witnesses to prove that his phone used to hold
up for over 10 seconds. He wants a letter to say nothing
else has been fixed prior to the visit by Ross that could

687 R37911

EXICOM TELEPHONES.

With the onset of the "wet" season in Northern Australia it has become apparent that we are having a significantly higher fault rate with T 200 telephones that would have been normally expected. The problem was first apparent in Darwin but it has been closely followed by Cairns and Townsville. Over the past weeks the problem has reached Southern Queensland.

The most common fault is line looping which can either be permanent or intermittent. A related problem is that the phone loops the line after a single burst of ring. The called party has not answered but the phone is off the hook and sometimes the calling party can hear all activity at the called end. In this case the call would also appear on the billing record as a short duration call. Breakthrough Billing have been informed of this possibility.

Tests were carried out by TRL and the problem isolated to the Exicom flexible keypad circuit layers which were manufactured after week 7 of 1993. Exicom are the sole supplier of Serial 550/141 "tropicalised" telephones which are treated with conformal coating and these phones are deployed in areas of high humidity. High humidity is the specific condition most likely to bring about the fault. Therefore in areas of high humidity we have a potential major fault problem.

DEPLOYMENT.

Whilst I do not have the total deployment of Exicom phones available it has been assessed that there is approximately 450,000 phones with potential faults. Of these there are 325,000 Serial 550/141 phones deployed in areas of high moisture. Approximate deployment of the Serial 550/141 phones since April 1993 is:

| | |
|-------------------|--------|
| Queensland | 225000 |
| Darwin | 6000 |
| Western Australia | 90000 |

In these areas virtually all T200's installed or used as replacements during maintenance have a potential problem. In addition there are some 125000 in other areas.

IMPACT.

Darwin.

The problems in Darwin have been addressed. Since December no more Exicom phones have been used. All supplies have been sourced from Alcatel and whilst these do not have the conformal coating tests indicate that they are performing satisfactorily. Whilst there are still phones in-situ with potential defects the situation is considered manageable.

Queensland.

The Queensland situation is very serious. The situation has progressively worsened as the wet has moved south. It has significantly worsened over the past two weeks as cyclone Rewa has moved off the Queensland Coast and brought with it very heavy storm activity and high moisture conditions. The effect in Queensland is that in January we are experiencing the need to replace phones at the rate of 12000 a month compared to the expected 6500. Under the present Union agreements each of these replacements require a visit by field staff.

In Queensland we have taken the following actions:

1. Following the success of the trial of the Alcatel phone in Darwin, supplies of Exicom phones to Queensland have ceased and all further phones used will be sourced from Alcatel. Because of the supply problems Exicom phones will still have to be deployed in areas of lower moisture risk.
2. We still have a heavy backlog of work due to the impact of Cyclone Rewa. Staff have been recalled on duty and over the weekend we have loaned all available staff from C & G, Pay phones, CED to work with the SDU to replace telephones. Whilst this may overcome the present problem it does not offer a sustainable long term solution.

D01026

688

3. We have set up discussions with the CWU with the view of implementing any of the following:

- .Use of Fixed Term employees for three months
- .Use of Couriers to deliver phones where the fault is diagnosed as being in the phone.
- .Use of contract labour.

All these actions are costly in terms of SDU expenses. The recently completed Mercer Study estimates that the cost of a visit is \$237. No allowance has been made for this activity in the SDU budget.

With the Ballot due in March we must address the problem as aggressively as possible. Consideration should also be given to seeking compensation from TT or Exloom.

Western Australia.

The heavy population areas in WA are in the South and traditionally the weather is not expected to effect those areas until February or March. We are arranging for Alcatel phones to be supplied to northern areas.

001027

688

Page 45 from Telstra's B004 Arbitration Defence Report

On 23 May 1994, Smith complained that he was getting engaged signal when sending a facsimile to the Arbitrator's offices at Hunt & Hunt (614 8730). A subsequent investigation revealed that facsimile number 614 8730 is part of a two line rotary (hunt) group together with number 614 2189. Both 614 8730 and 614 2189 were tested and no fault was found. Telecom's Tony Watson telephoned Hunt & Hunt to inform them that a person had reported getting busy while calling their facsimile. The receptionist told Mr Watson that their facsimiles were very busy all the time. In light of this discussion and the testing undertaken, Mr Watson concluded that Hunt & Hunt was probably busy at the time when Smith attempted to send his facsimile and the incident was not the result of a network problem (reference document 4.10).

689

| | | | | | |
|--------|-----|---------|--------------------|--------------|------------------|
| 267267 | IA | 1940523 | 05:35:25! | RINGINGS: 2 | 100:02!00:21:06! |
| 267230 | OAQ | 1940523 | 06:01:56!074434234 | | 100:39!00:02:27. |
| 267230 | OAQ | 1940523 | 06:05:43!074434022 | | 100:34!00:03:00. |
| 267230 | OAQ | 1940523 | 06:09:37!074434234 | | 100:33!00:00:31. |
| 267230 | OAQ | 1940523 | 06:11:27!074434234 | | 100:33!00:00:38. |
| 267230 | OAQ | 1940523 | 06:12:42!074434022 | | 100:40!00:31:23 |
| 267230 | OAQ | 1940523 | 08:03:33!032877099 | | 100:35!00:00:35. |
| 267230 | OAQ | 1940523 | 08:04:56!032877099 | | 100:35!00:00:34. |
| 267267 | IA | 1940523 | 08:04:03! | RINGINGS: 2 | 100:03!00:03:46! |
| 267230 | OAQ | 1940523 | 08:08:03!032877099 | | 100:34!00:00:35. |
| 267230 | OAQ | 1940523 | 08:10:19!032877099 | | 100:45!00:00:34. |
| 267230 | OAQ | 1940523 | 08:11:41!032877099 | | 100:39!00:00:34. |
| 267230 | OAQ | 1940523 | 08:16:25!074434022 | | 100:36!00:02:05. |
| 267230 | OAQ | 1940523 | 08:25:16!032877099 | | 100:35!00:00:35. |
| 267230 | OAQ | 1940523 | 08:26:49!132999 | | 100:32!00:01:22. |
| 267230 | OAQ | 1940523 | 08:29:01!032877099 | | 100:35!00:01:52. |
| 267230 | OAQ | 1940523 | 08:33:24!032877099 | | 100:35!00:15:49. |
| 267230 | OAQ | 1940523 | 08:56:48!074434234 | | 100:33!00:02:24. |
| 267230 | OAQ | 1940523 | 09:05:19!074434022 | | 100:33!00:00:39. |
| 267230 | OUQ | 1940523 | 09:06:33!015112944 | | 100:30! |
| 267230 | OAQ | 1940523 | 09:36:27!036148711 | | 100:35!00:02:51. |
| 267230 | OAQ | 1940523 | 09:40:01!032877099 | | 100:34!00:00:43. |
| 267230 | OAQ | 1940523 | 09:41:28!078925040 | | 100:35!00:01:14. |
| 267230 | OAQ | 1940523 | 09:43:27!074434022 | | 100:34!00:02:31. |
| 267230 | OUQ | 1940523 | 09:49:00!032877099 | | 100:25! |
| 267230 | OAQ | 1940523 | 09:50:52!032877001 | | 100:36!00:01:22. |
| 267230 | OAQ | 1940523 | 10:03:50!074434234 | | 100:34!00:01:01. |
| 267230 | OAQ | 1940523 | 10:05:29!074434022 | | 100:33!00:02:40. |
| 267230 | OAQ | 1940523 | 10:10:12!721100 | | 100:32!00:01:02! |
| 267230 | OAQ | 1940523 | 10:12:04!721141 | | 100:34!00:00:34! |
| 267230 | OAQ | 1940523 | 10:13:25!721141 | | 100:29!00:00:24! |
| 267230 | OAQ | 1940523 | 10:14:20!721100 | | 100:31!00:00:09. |
| 267230 | OAQ | 1940523 | 10:35:28!074434022 | | 100:34!00:01:50. |
| 267230 | OAQ | 1940523 | 11:06:48!721141 | | 100:29!00:00:25! |
| 267230 | OAQ | 1940523 | 11:15:21!036148711 | | 100:37!00:04:57! |
| 267230 | OAQ | 1940523 | 11:21:47!721141 | | 100:28!00:01:59! |
| 267230 | OAQ | 1940523 | 11:31:30!078925040 | | 100:35!00:01:27! |
| 267230 | OAQ | 1940523 | 11:41:59!231566 | | 100:32!00:00:08! |
| 267230 | IA | 1940523 | 12:12:49! | RINGINGS: 4 | 100:05!00:01:28! |
| 267230 | OAQ | 1940523 | 12:15:41!036148711 | | 100:32!00:00:34. |
| 267230 | IA | 1940523 | 12:18:57! | RINGINGS: 4 | 100:06!00:01:18! |
| 267230 | OAQ | 1940523 | 12:22:02!032877099 | | 100:37!00:00:33! |
| 267230 | OAQ | 1940523 | 12:23:22!032877001 | | 100:35!00:00:57! |
| 267230 | OAQ | 1940523 | 12:25:16!074434234 | | 100:33!00:03:47! |
| 267230 | OAQ | 1940523 | 12:29:49!078923739 | | 100:36!00:00:45! |
| 267230 | OAQ | 1940523 | 12:41:09!231179 | | 100:28!00:05:15! |
| 267230 | OUQ | 1940523 | 12:46:53!032138850 | | 100:29! |
| 267230 | OAQ | 1940523 | 12:47:23!032138888 | | 100:38!00:02:51. |
| 267230 | OAQ | 1940523 | 12:50:53!03132600 | | 100:31!00:04:14! |
| 267230 | OAQ | 1940523 | 12:58:08!03132600 | | 100:32!00:00:08! |
| 267230 | OAQ | 1940523 | 13:00:00!008335526 | | 100:37!00:09:50! |
| 267230 | OAQ | 1940523 | 13:10:37!038287450 | | 100:35!00:01:01! |
| 267267 | IA | 1940523 | 13:19:00! | RINGINGS: 4 | 100:04!00:11:22! |
| 267230 | OAQ | 1940523 | 13:13:09!03132600 | | 100:31!00:17:28! |
| 267230 | OUQ | 1940523 | 13:31:18!032438888 | | 100:23! |
| 267267 | IA | 1940523 | 13:31:39! | RINGINGS: 4 | 100:04!00:00:49! |
| 267230 | OAQ | 1940523 | 13:32:59!032138888 | | 100:34!00:03:34! |
| 267230 | OAQ | 1940523 | 14:21:53!234780 | | 100:30!00:08:33! |
| 267267 | IA | 1940523 | 14:30:37! | RINGINGS: 12 | 100:16!00:06:19! |
| 267267 | IA | 1940523 | 14:37:15! | RINGINGS: 2 | 100:02!00:06:28! |
| 267230 | IA | 1940523 | 14:43:31! | RINGINGS: 4 | 100:06!00:02:08! |
| 267230 | OAQ | 1940523 | 14:47:00!217777 | | 100:29!00:04:34! |
| 267230 | OAQ | 1940523 | 14:55:33!074434234 | | 100:34!00:00:34! |
| 267230 | OAQ | 1940523 | 15:01:22!074434234 | | 100:36!00:00:40! |
| 267230 | OAQ | 1940523 | 15:02:38!074434022 | | 100:38!00:23:18! |
| 267230 | OAQ | 1940523 | 15:26:41!074434234 | | 100:34!00:02:01! |
| 267267 | IA | 1940523 | 15:41:58! | RINGINGS: 6 | 100:10!00:00:34! |

690

Darren and Jenny Lewis
Cape Bridgewater Coastal Camp
RMB 4408, Cape Bridgewater
Portland, 3305
Phone: 03 55 267 267

23rd January 2003

Mr John Pinnock
Telecommunication Industry Ombudsman
P Box 276
Collins Street West
Melbourne 8007

Dear Mr Pinnock,

During a conversation with a representative from David Hawker's office earlier today, I was advised to ask your office to investigate the phone problems my wife and I have continually experienced since we bought our business from Alan Smith in December 2001.

Although these phone problems have decreased dramatically since Telstra rewired the business and disconnected the phone alarm bell recently, we still have problems with the fax line, as was demonstrated when I attempted to send a fax to your office yesterday. I am also concerned that, since the rewiring, Telstra's CCAS data still shows as many as seven incoming calls a day not being answered, even though we are at home at the time.

As well as speaking to David Hawker's representative this morning, I also had a disturbing discussion with Tony Watson, the Telstra fault technician assigned to my case. Mr Watson informed me (in a round-about way) that he is reluctant to supply me with any more information in relation to our phone faults because he knows I am in contact with Alan Smith, the previous owner of the business. Apparently Telstra is afraid that, when talking to Alan, I might bring up the phone problems and therefore provide him with information he could use in an attempt to reopen his arbitration. I am not interested in Alan's past phone problems, or his arbitration, except from the perspective of his obviously blatantly misleading reassurances, when we first bought the business, that Telstra had fixed all the phone faults.

Before we bought this business, my wife and I ran another business of our own for five years, successfully using the telephone, fax and Internet to sell memorabilia. Never before have we experienced phone faults like those we have had to cope with since we moved to Cape Bridgewater.

Since I am certainly *not* working in liaison with Alan Smith (as was suggested this morning by Telstra's Tony Watson), I am therefore now asking your office for advice on this matter in the hope that you will be able to help us to repair the damage that has been done to our business to date.

Will you please assist us in this matter?

Sincerely,

691

Darren and Jenny Lewis
Copy to: David Hawker MP, Federal Member for Wannon, 190 Gray St, Hamilton 3300

FREEHILL
HOLLINGDALE
& PAGE

19

COPY

28 January, 1994

K01160

Mr Alan Smith
Cape Bridgewater Holiday Camp

By facsimile
No. 055 267 230

Dear Mr Smith

Cape Bridgewater Holiday Camp
DLM:001660539

We refer to your letter dated 4 January 1994 to Denise McBurnie.

We also refer to your telephone conversation with Denise McBurnie on 25 January 1994 and confirm that Telecom wishes to establish Mr Steve Black and Mr Paul Rumble of Telecom, as your point of contact for requests for information from our client. Any further requests for information which you have for our client should therefore be directed to Mr Black or Mr Rumble.

In response to your request for information we provide below our client's responses to the questions raised in paragraphs 1-6 of your letter. In your letter you requested answers to the questions raised in paragraph 1-7. Your letter did not contain a paragraph 7 and we were unable to ascertain any further questions from your letter. Our client has instructed us to respond to the questions raised in paragraphs 1-6 of your letter as follows:

(1) Paragraph 1

Telecom has previously advised both yourself and AUSTEL that it did locate the names of two employees who made the calls referred to in this paragraph. These employees are involved in investigating reported faults and testing customer services by making a number of calls each day. Given the elapse of time between the making of the two test calls in question and the time you requested release of the caller's name, it would be difficult to determine any detailed information regarding the discussions which took place during those test calls. It is Telecom's position that it will not release the names of employees unless Telecom considers the release of such information to be reasonable and proper in all the circumstances.

BARRISTERS & SOLICITORS
101 COLLINS STREET
MELBOURNE 3000 AUSTRALIA
GPO BOX 128A MELBOURNE 3001
TELEPHONE (03) 288 1234 FACSIMILE (03) 288 1567
TELEX AA53004 DX 240 MELBOURNE

692

SYDNEY MELBOURNE PERTH CANBERRA BRISBANE LONDON SINGAPORE
REPRESENTED IN BANGKOK AND JAKARTA

Mr Alan Smith
28 January, 1994

Page 2

COPY

F01161

(2) Paragraph 2

An examination of the fault history for telephone number 055 267 267 indicates that you made a total of nine reports to Telecom's Fault Report Services during the period 1 January 1993 until 9 August 1993. As a result of testing conducted into these reports the following results were obtained:

- In January 1993 two reports resulted in:
 - (i) on 6 January 1993, a handset was replaced at your premises.
 - (ii) on 13 January 1993, a printed circuit board at the Portland Telephone Exchange associated with your telephone equipment was replaced.
- On 18 February 1993 your report was referred to the Customer Operations Group in Ballarat. This report involved the repair of a fault that was found on another customer's PABX located in Ballarat.
- Testing associated with the remaining six reports occurred between 20 May 1993 until 9 August 1993 and resulted in the fault reports being cleared as "No Fault Found" or "No Fault Found, but additional network testing to be undertaken". This additional testing found no evidence of any network faults.

(3) Paragraph 3

Telecom has recently had in place equipment to monitor your service at the Portland Exchange. This equipment is involved in passive line potential monitoring and does not "register" fault conditions as such, but provides a report on the line status experienced, for example, incoming call, outgoing call, time of call. Interpretation of the output of this monitoring is required in conjunction with other information and testing to allow Telecom to determine the overall performance of a customer's service.

Other forms of service monitoring which can be used by Telecom are AXE Test System and Common Channel Signalling Monitoring. Again, these systems both produce data that requires analysis and cross referencing with other materials. It is therefore not possible to provide the information as requested in paragraph 3 of your letter. A detailed analysis of your service occurs as an ongoing process and any anomalies detected during that time are acted upon directly.

(4) Paragraph 4

As the information provided originally in your letter dated 12 November 1993 was of a limited nature, no specific response was possible to your allegations concerning over charging and short duration of calls. However, Telecom does have clearly defined policies and principles for call charging and billing. These principles are:

- customers will be charged only for calls which are answered.
- unanswered calls are not charged.

Mr Alan Smith
28 January, 1994

COPY

Page 3

- unanswered calls include calls encountering engaged numbers (busy), various Telecom tones and Recorded Voice Announcements as well as calls that "ring out" or are terminated before or during ringing.

(5) Paragraph 5

As Telecom has previously advised to you, the incident referred to in this paragraph relates to the use of Malicious Call Trace (MCT) that was placed on your line as part of the testing of your service. MCT resulted in the line being "held busy" for 90 seconds after the actual call was terminated. Consequently, the first call was made, answered and terminated, and the following five calls, all made within the 90 second period received a busy tone. Subsequent to this incident, MCT was removed.

(6) Paragraph 6

- (i) As you have noted in your letter the Elmi Tape which was retained by you from a brief case inadvertently left at your premises by a Telecom employee was apparently returned by you to AUSTEL. Telecom has been unable to locate that tape and has instructed us that it received a different tape from AUSTEL than the one to which you refer in paragraph 6(i) of your letter.

Consequently, Telecom is unable to comment or provide any opinion of the tape to which you refer at this stage. Telecom is currently endeavouring to confirm with AUSTEL the location of the tape to which you refer. It is also Telecom's opinion that it is not appropriate for Telecom to comment on this piece of material at this time and it would be more appropriate for Telecom's comment to be conveyed during the Fast-Track arbitration procedure.

- (ii) Prior to receipt of the letters provided by you to Telecom, Telecom had had reason to investigate the matters referred to in those letters and had completed those investigations without a fault being found. Telecom did not consider it necessary to conduct such investigations again when they had already been completed Mr Campbell's statement of "each of which have been investigated without fault" in his letter to Mr Hawker was therefore correct.

- (iii) As noted above in Telecom's response to the questions raised in your paragraph 2, Telecom has not found any evidence of network faults applicable to and which could affect your service during the period to which you refer.

Yours faithfully
FREEHILL HOLLINGDALE & PAGE
per:

Denise M. Burnie

Denise McBurnie
Solicitor

Pittard, Rosanne

(SEP 199...)

To: Paton, Steve
Cc: Denholm, Paula
Subject: North Melbourne Exchange survey

Steve.

Thanks for your E-mail- sorry for replying late, my mail system was not fully efficient.

North Melbourne is a combination of AXE and ARE.

It would be best to avoid COT case member, Mr Graham Schorer of Golden (Messenger) to avoid embarrassment as you say. His main numbers are 03 329 7355 and 03 329 7255, but he has several rotary groups and about 40 lines in total. I do not have all the details but shall get as much by Monday midday as I can.

Please prepare the results for the Corporate lawyers under legal professional privilege and limit distribution of the results.

Please go ahead as soon as possible.

Rosanne Pittard

K24548

693

SMITH

Legal Professional Privilege - Telecom Confidential, Merge2.xls

| | A | B | C | D | E | F | G |
|-----|-----------|-------------|------------------------------------|---|---------------|-------|-----------------------|
| 1 | Date | Count er | Type of Info | Description | From | To | New File Ref No |
| 176 | 24-Jul-92 | C304 | Letter | Several times over past year when try to contact Smith, without success Oct/Nov 1991 phoned at least 6 times received RVA. March/April 92 - RVA | Robert Palmer | TWIMC | A33 |
| 177 | 24-Jul-92 | D97 | Letter | Tried to call many times over past year (92) without success - received RVA trying to organise camp for Heywood grade 4 (Portland) | R. Palmer | | A14 |
| 178 | 24-Jul-92 | MS27 3 | Fault report | Probably from briefcase left at Smith's premises. Complaining people getting RVA message. Latest report 22 Jul 92 from Station Pier where 'Abel Tasman' berths. Similar fault reported Frs Seq 327 17 Mar 92. Fault has gone on for 8 months. | n/a | n/a | A52 |
| 179 | 24-Jul-92 | MS27 4 | Fault report | Followed trunking, appears OK, did not make test calls. Les Sketcher, W'bool AXE made 2 successful calls. Keith McIntie, pay-phone section will make test calls from Station Pier. Have contacted Hew McIntosh of Network Investigations. | n/a | n/a | A52 |
| 180 | 27-Jul-92 | B100 | fax | callers from Greyhound Terminal receiving RVA when dialling 267267. Action - asked NET/MAN to make test calls NFF | Stokes | | A7 |
| 181 | 27-Jul-92 | B101 | fax | calls from MELB rec RVA. Action - contacted Tony Leydon NET/MAN carry out tests. Ross Tonkin rang back 19/3/92. MELU did not analyse 055267 correctly therefore calls would fail. Cleared x 54 NH | Stokes | | A7 |
| 182 | 27-Jul-92 | B156 | note of telephone discussion | rang smith, explained better if he went through Mark Ross as per letter 20/7. Told Smith it would get him into trouble with the hierarchy if he went further. Smith claims its not a matter of money for compensation but need for public to know. | ??? | | A10 |
| 183 | 27-Jul-92 | B157 | note of telephone discussion | Smith complained of overcharging. Smith said he hadn't and wouldn't cash the cheque | ??? | | A10 |
| 184 | 27-Jul-92 | B97 | fax | Smith officially complained & has been referred to legal dept. in Brisbane. He has been offered a settlement to cover lost advertising and business revenue. Smith unhappy and looks like pursuing matter further | Stokes | | A7 |
| 185 | 27-Jul-92 | B98 | fax | callers from Abel Tasman getting RVA when calling 267267. Action - asked NET/MAN for assistance. Tom checked out NFF | Stokes | | A7 |
| 186 | 27-Jul-92 | B99 | fax | TR report caller from 057 981622 getting RVA when calling 267267. Action - asked Ballarat OSC for assistance. They made test calls from BRAX and Bendigo. DAM in BRAX and Bendigo AXE checked. Chris Duddy requested all Nodes & ARF's to make test calls. NFF. | Stokes | | A7 |
| 187 | 27-Jul-92 | J284 | File note | phone rang twice then stopped i/c | | | A6 |
| 188 | 27-Jul-92 | J285 | File note | call from Sydney got RVA i/c | | | A6 |
| 189 | 27-Jul-92 | J286 | File note | call from Sydney got RVA i/c | | | A6 |
| 190 | 27-Jul-92 | J287 | File note | call from Sydney got RVA i/c | | | A6 |
| 191 | 27-Jul-92 | J288 | File note | call from Alice Springs got RVA i/c | | | A6 |
| 192 | 27-Jul-92 | J289 | File note | 3 out of 6 calls from Greyhound terminal FranklinSt. Melb to Cape B'water got RVA i/c/ | | | A6 |
| 193 | 27-Jul-92 | J290 | File note | call from Martwell 03 889 6658 got RVA i/c | | | A6 |
| 194 | 27-Jul-92 | J291 | File note | call from Martwell 03 889 6658 got RVA i/c | | | A6 |
| 195 | 27-Jul-92 | J292 | File note | call from Portland 055 234 222 got RVA i/c | | | A6 |
| 196 | 27-Jul-92 | J293 | File note | call from Violet Town 057 981 xxx got RVA i/c/ | | | A6 |
| 197 | 27-Jul-92 | J294 | File note | call from Mallam 03 7055xx got RVA i/c | | | A6 |
| 198 | 27-Jul-92 | J295 | File note | call from Station Pier 5.10 pm got RVA i/c | | | A6 |
| 199 | 27-Jul-92 | J300 | File note | Smith provides Telecom with ph. no.s of people trying to contact him and having problems - Heywood School 271 200: Oct 1991 - Feb 1992 - Heywood Museum ? - Oct 1991 - Feb 1992 - Maddon Community Centre 053 424 4675: Oct 1991 - Feb 1992 | | | A6 |
| 200 | 27-Jul-92 | J301 | File note | phone rang twice then stopped i/c/ | | | A6 |
| 201 | 27-Jul-92 | J302 | File note | phone rang twice then stopped 4.15 pm i/c/ | | | A6 |
| 202 | 27-Jul-92 | J303 | File note | phone rang twice then stopped 5pm i/c | | | A6 |
| 203 | 27-Jul-92 | J304 | File note | phone rang twice then stopped 11pm i/c | | | A6 |
| 204 | 27-Jul-92 | J305 | File note | phone rang twice then stopped 11pm i/c | | | A6 |
| 205 | 27-Jul-92 | J306 | File note | phone rang twice then stopped 11.18 pm i/c | | | A6 |
| 206 | 27-Jul-92 | J307 | File note | phone rang twice then stopped 11am i/c | | | A6 |
| 207 | 28-Jul-92 | B10 | test data summary | test calls made between 28/7/92 to 7/10/92 - PTARS (MELU & MELQ) | n/a | n/a | A7 |

694

Legal Professional Privilege - Telecom Confidential, Merge2.xls

| | A | B | C | D | E | F | G |
|-----|-----------|-------------|-------------------------------|---|--------------------|-------------------|-----------------------|
| | Date | Count er | Type of Info | Description | From | To | New File Ref No |
| 1 | | | | | | | |
| 574 | 23-Nov-92 | S36 | Letter | I have also arranged for a new fax service as requested by you. | D Lucas | A Smith | A11 |
| 575 | 24-Nov-92 | C310 | Letter | Attach copy of log book with 0345 early morning call - (computer calls first, if no response revert to the operator) | City West CSC | Alan Smith | A33 |
| 576 | 24-Nov-92 | C73 | Letter | Answer request regarding fault information that has affected 055 267 267 | Telecom | Alan Smith | A4 |
| 577 | 24-Nov-92 | C74 | Letter | Fault at Windsor exch. causing RVA, affected incoming STD from Melbourne to Bridgewater for a period of up to 3 weeks. Maximum impact on STD calls from Melbourne up to 50%. Windsor exchange reprogrammed on 19 March 1992 and rectified problem | Telecom | Alan Smith | A4 |
| 578 | 24-Nov-92 | C75 | Letter | Fault local custom. rec. wrong nos. or RVA-reported on or after 2 Oct.92 & found & fixed 7 Oct.92. Delay in fixing due to intermittent nature and caused by 1 of 40 "registers" in exch. Test data suggest effect. a max. 1.5% of incom.calls between 2-7 Oct | Telecom | Alan Smith | A4 |
| 579 | 24-Nov-92 | C76 | Letter | Probl. of congestion could have been due to a combo of 2 faults (Windsor & "registers") & the vol. of test calls being generated to locate faults. Test results indicate cong. probl. has not occurred since 7 Oct.92 when Port. exch. fault repaired | Telecom | Alan Smith | A4 |
| 580 | 26-Nov-92 | m259 | File Note | Re Gold Phone. Answer Reversal problem. Stokes changed TCL-10 to TCL-13 with no effect. Tests done. | Graham Stokes | | a22(1) |
| 581 | 01-Dec-92 | B116 | letter | letter re Telecom sponsorship. Smith mentions "in fact the personnel which I have dealt with should be congratulated on his loyalty". | Smith | Blunt- Telecom | A10 |
| 582 | 07-Dec-92 | B119 | letter | re unable to undertake sponsorship deal, believe all his problems have been fixed | Blount | Smith | A10 |
| 583 | 08-Dec-92 | J136 | Letter | Sets out action taken by Telecom to identify and rectify faults with Smith's service from 26.7.92 - 9.11.92 | J Holmes | E Cardiff | A6 |
| 584 | 08-Dec-92 | J136 | Letter | Fault in Melbourne causing RVA to be received identified and cleared on 19.3.92 | J Holmes | E Cardiff | A6 |
| 585 | 08-Dec-92 | J137 | Letter | 34,686 test calls made to Cape B'water from 28.7.92 to 7.10.92 - 106 failures (this equals 0.3%) | J Holmes | E Cardiff | A6 |
| 586 | 08-Dec-92 | J138 | Letter | Monitoring equipment (CCAIE) attached to Smith's service at exchange and premises | J Holmes | E Cardiff | A6 |
| 587 | 08-Dec-92 | J139 | Letter | Fault identified on 2.10.92 and rectified 7.10.92 which would have caused wrong nos. and RVAs for calls coming from local area | J Holmes | E Cardiff | A6 |
| 588 | 08-Dec-92 | J140 | Letter | Telecom replaced alarm/ring for Smith's phone at no cost to Smith | J Holmes | E Cardiff | A6 |
| 589 | 08-Dec-92 | J141 | Letter | Smith indicated service working to satisfaction | J Holmes | E Cardiff | A6 |
| 590 | 08-Dec-92 | m271 | Detailed Call Data | Detailed Call Data Report 01/10/92 - 8/12/92. k03456 - k03506. | Graham Stokes | | a22(1) |
| 591 | 08-Dec-92 | m272 | ELMI Report | ELMI Monitoring Report on 267267: 15/09/92 - 08/12/92. k03507- k03568. | Graham Stokes | | a22(1) |
| 592 | 11-Dec-92 | C284 | Settlement issues paper | Smith wanted 150k. chance of legal action high | Rosanne Pittard | | A33 |
| 593 | 11-Dec-92 | C285 | Settlement issues paper | Portland problem fixed in October, wiring and cabling issues and RVA of congestion | Rosanne Pittard | | A33 |
| 594 | 11-Dec-92 | C286 | Settlement issues paper | Slow resolution by Telecom of past problems of Smith - both technical and claims | Rosanne Pittard | | A33 |
| 595 | 11-Dec-92 | C287 | Settlement issues paper | Evidence - letters say not getting through, AUSTEL and Ombudsman both trouble getting through, claims credible in media | Rosanne Pittard | | A33 |
| 596 | 11-Dec-92 | C288 | Settlement issues paper | Smith claims loss of business and loss of prospective partner who could not get through on the phone | Rosanne Pittard | | A33 |
| 597 | 11-Dec-92 | C289 | Settlement issues paper | Mr Smith's service problems were network related and spanned a period of 3-4 years - possible immunities | Rosanne Pittard | | A33 |
| 598 | 11-Dec-92 | C290 | Settlement issues paper | Smith's service suffered over several years - some diff. to detect exchange problems in last 8 months | Rosanne Pittard | | A33 |

694

| | A | B | C | D | E | F | G |
|------|-----------|-------------|-----------------|---|--------------|-----|-----------------------|
| 1 | Date | Count er | Type of Info | Description | From | To | New File Ref No |
| 2104 | 27-Jan-94 | MS69 | Appendix | Summary of background of problems beginning Feb 1988. Smith alleges that Telecom are attempting to conceal extent of network problems and has broken Dec 92 settlement agreement. Telecom denies any concealment or breaking of agreement. | n/a | n/a | A25.2 |
| 2105 | 27-Jan-94 | MS70 | Appendix | Smith purchased business in Feb 1988. Reported difficulties with clients receiving RVA and engaged tone. Details of faults pre Aug 1991 unavailable as no information retained. | n/a | n/a | A25.2 |
| 2106 | 27-Jan-94 | MS71 | Appendix | Smith expressed concern at ongoing telephone problems. | n/a | n/a | A25.2 |
| 2107 | 27-Jan-94 | MS72 | Appendix | Services cut-over to AXE technology replacing older 'C' type RAX exchange. | n/a | n/a | A25.2 |
| 2108 | 27-Jan-94 | MS73 | Appendix | No faults reported by Smith from 9 Oct 91 to 16 Mar 92. | n/a | n/a | A25.2 |
| 2109 | 27-Jan-94 | MS74 | Appendix | Exchange fault located affecting 40-50% incoming calls. Duration of fault 3 weeks. | n/a | n/a | A25.2 |
| 2110 | 27-Jan-94 | MS75 | Appendix | Letter received requesting assistance for Smith due to loss incurred following recent advertising campaign. | David Hawker | | A25.2 |
| 2111 | 27-Jan-94 | MS76 | Appendix | Letter expressing frustration and anger that difficulties had been ongoing for 4 years and which detailed losses incurred during this period. | Alan Smith | | A25.2 |
| 2112 | 27-Jan-94 | MS77 | Appendix | Reply to Hawker concerning Smith's claims for compensation. | n/a | n/a | A25.2 |
| 2113 | 27-Jan-94 | MS78 | Appendix | Judgement made to reimburse advertising costs for fault affecting service during advertising campaign conducted during March 92. | n/a | n/a | A25.2 |
| 2114 | 27-Jan-94 | MS79 | Appendix | Details of Smith's customers experiencing RVA problems given to National Network Investigations for analysis and testing. | n/a | n/a | A25.2 |
| 2115 | 27-Jan-94 | MS80 | Appendix | Tests conducted by NNI resulted in 106 failures out of 34,000 test calls (0.3% switching loss). Failure due to rapid repeat call rate. Resulted in activation of Seizure Quality Supervision. Failures not representative of normal call in this area. | n/a | n/a | A25.2 |
| 2116 | 27-Jan-94 | MS81 | Appendix | Smith sought guarantee that he would be provided with an efficient service to enable him to tender for venture. | n/a | n/a | A25.2 |
| 2117 | 27-Jan-94 | MS82 | Appendix | Reply giving guarantee, but not suggesting that service difficulties would not occur in future. | n/a | n/a | A25.2 |
| 2118 | 27-Jan-94 | MS83 | Appendix | Fault located at Portland exchange which caused RVA to local incoming calls. Maximum of 1.5% of incoming calls from local Portland exchanges affected. | n/a | n/a | A25.2 |
| 2119 | 27-Jan-94 | MS84 | Appendix | Letter to Smith explaining outcomes of recent exchange faults which were affecting his service. Also gave duration of faults and details of extent of problem. | n/a | n/a | A25.2 |
| 2120 | 27-Jan-94 | MS85 | Appendix | Provision of additional service to enable Smith to ease congestion problem due to large number of outgoing calls. | n/a | n/a | A25.2 |
| 2121 | 27-Jan-94 | MS86 | Appendix | Smith had meeting with Gen Mgr, Commercial Vic/Tas. Expressed satisfaction with performance of telephone service and agreed past issues were fully resolved. Resulted in ex-gratia payment to Smith comprising cash, a 008 service and credit to account. | n/a | n/a | A25.2 |
| 2122 | 27-Jan-94 | MS87 | Appendix | Customer experienced cut-offs on STD over past 2-3 weeks. Telephones checked, no fault detected - suspected exchange problem. | n/a | n/a | A25.2 |
| 2123 | 27-Jan-94 | MS88 | Appendix | No progress to Ballarat Indial range. Resolved PABX fault in Ballarat. | n/a | n/a | A25.2 |
| 2124 | 27-Jan-94 | MS89 | Appendix | Report of one burst ring received then dial tone on lift-off. | n/a | n/a | A25.2 |
| 2125 | 27-Jan-94 | MS90 | Appendix | Caller reported several attempts at calling Smith, hearing 'electrical noise'. | n/a | n/a | A25.2 |
| 2126 | 27-Jan-94 | MS91 | Appendix | 50 test calls made from Geelong analogue and 50 from digital, no failures. | n/a | n/a | A25.2 |
| 2127 | 27-Jan-94 | MS92 | Appendix | Report received regarding clicking and breaks in conversation, & cut off from pay-phone. | n/a | n/a | A25.2 |
| 2128 | 27-Jan-94 | MS93 | Appendix | Test calls from pay-phone at Terang & Colac. No difficulties experienced. Test call from mobile unsuccessful due to low battery. | n/a | n/a | A25.2 |

| | A | B | C | D | E | G | |
|------|-----------|-------------|------------------|---|---------------|------------------------|-------|
| 1 | Date | Count er | Type of Info | Description | From | 105 w e Ref s | |
| 2281 | 03-Mar-94 | B525 | summary of CB | Smith states his service is currently operating as it should when he settled with Telecom and seeks further payments | ??? | n/a | A36 |
| 2282 | 03-Mar-94 | D117 | E Mail | Request for PDRX to be incremented 30-60 ccts | M Grindlay | L Grody | |
| 2283 | 03-Mar-94 | m331 | EMail | Further testing and feedback on previous testing was been arranged as result of CoT meetings. In telephone conversation with Smith, Smith mentioned major problem was with fax service. He also alleges Blount is not being told the truth. | Stephen Black | Frank Blount | a78 |
| 2284 | 03-Mar-94 | m332 | EMail | Black states a BCI study, specifically address to Smith's network segment, showed that 13,000 test calls encountered no network problems and percentage completion was within world standard. Black will commence an audit of complaint handling from 1/1/94. | Stephen Black | Frank Blount | a78 |
| 2285 | 03-Mar-94 | m333 | EMail | Black informs Blount that Coopers & Lybrand are expected to complete procedures for revised complaint handling in 2 weeks. Also Privacy Policy and Voice Monitoring Guidelines being developed. | Stephen Black | Frank Blount | a78 |
| 2286 | 03-Mar-94 | m334 | EMail | Blount advises Black to talk with Parker before meeting Smith. Blount has asked for test and historical data for Portland AXE for comparison with State averages. | Frank Blount | Stephen Black | a78 |
| 2287 | 03-Mar-94 | m335 | EMail | Blount says Alan stated (in a call to Blount) he is still having major problems to date, and insists that Telecom staffers are not telling Blount the truth. Blount says it may be time to have an auditor review the Portland trouble. | Frank Blount | Stephen Black | a78 |
| 2288 | 05-Mar-94 | m330 | EMail | Black arranged meeting with Smith. Has advised Smith to step up marketing, and is considering paying for a CampB mailout to assist, although Telecom does not believe Smith's claim that poor telephone service caused decline in business. | Stephen Black | Frank Blount | a78 |
| 2289 | 07-Mar-94 | B422 | internal memo | re responses to queries in memo 1 March 1994. No CCS7 data available for 29 Nov 93. CCAS data listed | Doody | Miles | A60 |
| 2290 | 07-Mar-94 | B423 | internal memo | checking first routes between Horsham to Portland on 14 February no congestion - unlikely it would exist this time of day | Doody | Miles | A60 |
| 2291 | 07-Mar-94 | B424 | internal memo | CCAS data for 25/2/94 - no i/c calls were made to 276230 - test calls from Hartwell RSS 889 all successful. Test calls from PTARS 99, 50 successful, 49 received busy tone due to long hold. PTARS being modified to rectify | Doody | Miles | A60 |
| 2292 | 07-Mar-94 | B425 | internal memo | i/c to 276230, 28 Feb 94 - data shows the 2 calls originated in Portland area. 2 interesting points - first call lasted 44 seconds with normal 4 sec wait till answer, while second had wait of 7 secs - indicates fax machine not connected for 2nd call | Doody | Miles | A60 |
| 2293 | 07-Mar-94 | D128 | Memo | Response to request, for info for fault reported 29/3/94 CCAS data given | Doody | Miles | A23 |
| 2294 | 07-Mar-94 | D129 | Memo | Response to request for info for fault reported on 14 feb no evidence of congestion | Doody | Miles | A23 |
| 2295 | 07-Mar-94 | D130 | Memo | Response to request for info for fault reported on 25/12/94 - test calls from Hartwell RSS (889) successful | Doody | Miles | A23 |
| 2296 | 07-Mar-94 | D131 | Memo | Out of 99 calls, 50 successful, 49 busy tones due to long holding period of PTARS - PTARS modified to rectify situation | Doody | Miles | A23 |
| 2297 | 07-Mar-94 | D132 | Memo | Response to request for info for fault reported 28/2/94 - calls from Portland area - 2 calls IA, first answered after 4 seconds, the second after 7 - indicates fax not connected at second call. | Doody | Miles | A23 |
| 2298 | 07-Mar-94 | E80 | Fax | Refers to allegations of illegal tapping and interference with due process of Smith's faxes in letter 25/2/94 to Jim Holmes | Steve Black | Fay Hothugzen | A25-1 |
| 2299 | 07-Mar-94 | E81 | Fax | Refers to assessment of Smith's service by Bell Canada International Result no major network problems in over 13,000 test calls. Bell Canada advised Telecom that percentage completions within world standard on 10/1/93. | Steve Black | Fay Hothugzen | A25-1 |
| 2300 | 07-Mar-94 | E82 | Fax | 2 Fax faults reported by Smith responded to and no fault found | Steve Black | Fay Hothugzen | A25-1 |
| 2301 | 07-Mar-94 | E83 | Fax | Telecom to develop standard tests with Austel | Steve Black | Fay Hothugzen | A25-1 |
| 2302 | 07-Mar-94 | E84 | Fax | Telecom to test Smith's service | Steve Black | Fay Hothugzen | A25-1 |
| 2303 | 07-Mar-94 | E85 | Fax | Telecom providing FOI information to Smith prior to Smith lodging a claim | Steve Black | Fay Hothugzen | A25-1 |
| 2304 | 09-Mar-94 | E132 | Test Data | Handwritten data Portland to Cape Bridgewater | Len Banks | | A28 |

SENT BY HUNT & HUNT

MELBOURNE OFFICE

81 8 6424898 2
NOV 28 '94 01:08PM



Hunt & Hunt

LAWYERS

- Mr. G. G. G.
- Mr. J. J. J.
- Mr. K. K. K.
- Mr. L. L. L.
- Mr. M. M. M.
- Mr. N. N. N.
- Mr. O. O. O.
- Mr. P. P. P.
- Mr. Q. Q. Q.
- Mr. R. R. R.
- Mr. S. S. S.
- Mr. T. T. T.
- Mr. U. U. U.
- Mr. V. V. V.
- Mr. W. W. W.
- Mr. X. X. X.
- Mr. Y. Y. Y.
- Mr. Z. Z. Z.

30 November 1994

Our Ref: GLE

Master No:

Your Ref:

BY FAX 652 3251

Mr Ted Benjamin
 National Manager - Customer Response Unit
 Telecom Australia
 Level 37
 245 Exhibition Street
 Melbourne VIC 3000

Dear Mr Benjamin

COT ARBITRATIONS - PREFERRED TIMETABLE

Your letter requesting an extension of time for submitting Telecom's defence in the Smith arbitration (to which I shall respond separately) has prompted me to consider my preferred timetable for the completion of the Smith, Gams and Valkobi arbitrations.

My strong preference is to be in a position to instruct the Resource Unit to commence such initial inquiries and investigations as may be necessary from early January 1995. I understand that the relevant members of the Resource Unit will be available throughout January and I am anxious to make the most of this period.

It is also my preference that the Resource Unit be in a position to evaluate and investigate the Smith, Gams and Valkobi claims simultaneously.

It follows that it is my further preference to receive Telecom's defence in relation to each of these claims, together with the respective claimants' replies (if any), prior to Christmas. This being the case, I would utilise the period between Christmas and New Year to determine what inquiries and investigations should be made by the Resource Unit.

I believe it is in the interests of all concerned for these matters to be resolved as soon as possible. It would not be possible to instruct the Resource Unit in early January 1995 in relation to any or all of the matters if Telecom requires the full time permissible under the Fast-Track Arbitration Procedure for the submission of its defence in each case (not to mention extensions) or if the claimants require the full time permissible

124508 CLEVER

Level 21, 433 Collins Street, Melbourne 3000, Australia. Telephone: (61-3) 614 8711.

Facsimile: (61-3) 614 8730. G.P.O. Box 11338, Melbourne 3001. DX 252, Melbourne.

The Australian Member of the Group of 24 International Council for Law Firms - See 1993-94 - The Australian Group

L6988

695

under the Fast-Track Arbitration Procedure for the submission of any replies.

If all parties are anxious for this matter to be dealt with expeditiously, and in particular if the parties are anxious for the matter to progress during the holiday period, all concerned must meet their commitments and exercise their rights within reduced time frames.

It follows that whilst I am prepared to grant an extension of time in the Smith arbitration, I am doing so in the hope that in a spirit of co-operation, Telecom will use its best efforts to submit its defences in Gams and Valkob on or before the same date.

If Telecom is able to submit all three defences on or about the same date, I shall prevail upon the claimants to submit their replies (if any) prior to Christmas.

Having said this, I do not intend to place any pressure on any of the parties to compromise their rights under the Fast-Track Arbitration Procedure. The purpose of this letter is to emphasise, however, that an expeditious resolution of these three claims will require co-operation and compromise from all concerned.

I do not propose forwarding a copy of this letter to the claimants as I do not consider it appropriate for me to discuss any individual's claim with other Claimants.

I would appreciate any comments you may have.

Yours sincerely

~~_____~~
GORDON HUGHES

CC W Smith, Bartlett, J Rundell



Hunt & Hunt LAWYERS

COPY

Partners
 David M. Scarlett
 Edward S. Boyce
 James G.F. Harrowell
 Christine A. Calley
 Gordon L. Hughes
 Mark T. Knapman
 Ian S. Craig
 Peter J. Irwin
 Wayne B. Cahill
 Neville G.H. Debney
 Grant D. Sifton
 Charles Veevers
 Andrew Logie-Smith
 William P. O'Shea

Consultants
 Kenneth M. Martin
 Richard J. Kelleway

Associates
 Shane G. Hird
 John S. Molnar
 Melissa A. Henderson
 Francis V. Gallicchio

21 February 1995

Our Ref: GLH

Matter No:

Your Ref:

BY FACSIMILE: 629 8361

Mr John Rundell
 Ferrier Hodgson Corporate Advisory
 Level 25
 140 William Street
 Melbourne VIC 3000

Dear Mr Rundell

ARBITRATION - VALKOBI PTY LTD

As you are aware, I have now been provided with all relevant pleadings in this matter. I have completed a preliminary review of the material.

I wish to engage the assistance of the Resource Unit, pursuant to clause 8.2 of the Fast-Track Arbitration Procedure, to carry out certain enquiries and research.

The enquiries and research which I wish the Resource Unit to conduct, and which I have loosely categorised as either "business" or "technical", are as set out below.

Business Enquiries

(a) Please identify and evaluate the assumptions adopted by each party in estimating the financial impact of the alleged service deficiencies. Specifically, please provide me with your opinion as to whether you consider:

- (i) any of these assumptions are invalid;
- (ii) in the case of competing valid assumptions, one assumption is more credible than the other; and
- (iii) in any instance, there is a more credible assumption which neither party has relied upon;

(b) analyse the key business and financial data contained in the pleadings with a view to determining whether:

Melbourne
Sydney
Sydney West
Brisbane
Canberra
Newcastle
 represented in
Adelaide
Darwin

11411376_GLH/KS

Level 21, 459 Collins Street, Melbourne 3000, Australia. Telephone: (61-3) 614 8711.

Facsimile: (61-3) 614 8730. G.P.O. Box 1533N, Melbourne 3001. DX 252, Melbourne.

696

- (i) any of this data is inaccurate or unreliable;
 - (ii) in any instance, the data relied upon by either party is inappropriate; and
 - (iii) in any instance, additional data is required;
- (c) I would appreciate your opinion as to whether you consider any further financial or business documentation or other information (written or verbal) should be supplied by either party in order to facilitate my evaluation of the impact of the alleged service deficiencies;
- (d) for reasons of expediency, you should assume, in carrying out this evaluation, that the alleged faults existed. I believe it would be impractical to defer these enquiries until the technical evaluation is complete. If this makes it impossible or impractical in any instance to carry out the business and financial evaluation described above, I would appreciate an explanation to this effect;
- (e) if you consider the above enquiries necessitate a site inspection, this should be undertaken. You should notify me in advance, however, so that I can determine (after receiving submissions) whether it is appropriate for the claimant to be present and, if so, whether Telecom should also be provided with an opportunity to have a representative present;
- (f) I would appreciate an estimate of the date by which you believe these enquiries can be completed.

Technical Enquiries

- (a) Please advise me as to the availability of an appropriate expert to carry out enquiries and research of a technical nature. In particular, I require technical assistance in relation to:
- (i) reviewing, identifying and assessing the respective merits of contradictory submissions by the respective parties as to the existence, nature and effect of service deficiencies;
 - (ii) determining what further information, if any, should be sought by me before completing my evaluation of the submitted material; and
 - (iii) interpreting data submitted in the course of any oral hearing called to deal with technical issues;
- (b) if the technical expert referred to in paragraph (a) considers a site visit to be necessary, this should be undertaken. You should notify me in advance, however, so that I can determine (after receiving

submissions) whether it is appropriate for one or both parties to be present;

- (c) before any major expenditure is incurred by or on behalf of your technical assistants, I require an estimate of the anticipated time, timeframe and expense involved. This will enable me to determine whether I consider the proposed enquiries are justified in all the circumstances. It will also enable me to give consideration to the extent to which enquiries in this matter can be co-ordinated with enquiries relevant to other arbitrations.

Yours sincerely

GORDON HUGHES

cc E Benjamin, [REDACTED] Bartlett, A Davis, M Gillan, R Huch



Partners
David M. Scarlett
Edward S. Boyce
James G.F. Harrowell
Christine A. Gailey
Gordon L. Hughes
Mark T. Knapman
Ian S. Craig
Peter J. Ewin
Wayne B. Cahill
Neville G.H. Debney
Grant D. Sefton
Charles Veevers
Andrew Logie-Smith
William P. O'Shea

Consultants
Kenneth M. Martin
Richard J. Kellaway

Associates
Shane G. Hird
John S. Molnar
Melissa A. Henderson
Francis V. Gallicchio

21 February 1995

Our Ref: GLH

Matter No:

Your Ref:

BY FACSIMILE: 629 8361

Mr John Rundell
Ferrier Hodgson Corporate Advisory
Level 25
140 William Street
Melbourne VIC 3000

Dear Mr Rundell

ARBITRATION - SMITH

As you are aware, I have now been provided with all relevant pleadings in this matter. I have completed a preliminary review of the material.

I wish to engage the assistance of the Resource Unit, pursuant to clause 8.2 of the Fast-Track Arbitration Procedure, to carry out certain enquiries and research.

The enquiries and research which I wish the Resource Unit to conduct, and which I have loosely categorised as either "business" or "technical", are as set out below.

Business Enquiries

- (a) Please identify and evaluate the assumptions adopted by each party in estimating the financial impact of the alleged service deficiencies. Specifically, please provide me with your opinion as to whether you consider:
- (i) any of these assumptions are invalid;
 - (ii) in the case of competing valid assumptions, one assumption is more credible than the other; and
 - (iii) in any instance, there is a more credible assumption which neither party has relied upon;
- (b) analyse the key business and financial data contained in the pleadings with a view to determining whether:

melbourne

sydney

sydney west

brisbane

canberra

newcastle

represented in

adelaide

darwin

11411376_GLH/KS

Level 21, 459 Collins Street, Melbourne 3000, Australia. Telephone: (61-3) 614 8711.

Facsimile: (61-3) 614 8730. G.P.O. Box 1533N, Melbourne 3001. DX 252, Melbourne.

The Australian Member of Interlaw, an international association of independent law firms - Asia Pacific - The Americas - Europe - The Middle East

697

- (i) any of this data is inaccurate or unreliable;
 - (ii) in any instance, the data relied upon by either party is inappropriate; and
 - (iii) in any instance, additional data is required;
- (c) I would appreciate your opinion as to whether you consider any further financial or business documentation or other information (written or verbal) should be supplied by either party in order to facilitate my evaluation of the impact of the alleged service deficiencies;
- (d) for reasons of expediency, you should assume, in carrying out this evaluation, that the alleged faults existed. I believe it would be impractical to defer these enquiries until the technical evaluation is complete. If this makes it impossible or impractical in any instance to carry out the business and financial evaluation described above, I would appreciate an explanation to this effect;
- (e) if you consider the above enquiries necessitate a site inspection, this should be undertaken. You should notify me in advance, however, so that I can determine (after receiving submissions) whether it is appropriate for the claimant to be present and, if so, whether Telecom should also be provided with an opportunity to have a representative present;
- (f) I would appreciate an estimate of the date by which you believe these enquiries can be completed.

Technical Enquiries

- (a) Please advise me as to the availability of an appropriate expert to carry out enquiries and research of a technical nature. In particular, I require technical assistance in relation to:
- (i) reviewing, identifying and assessing the respective merits of contradictory submissions by the respective parties as to the existence, nature and effect of service deficiencies;
 - (ii) determining what further information, if any, should be sought by me before completing my evaluation of the submitted material; and
 - (iii) interpreting data submitted in the course of any oral hearing called to deal with technical issues;
- (b) if the technical expert referred to in paragraph (a) considers a site visit to be necessary, this should be undertaken. You should notify me in advance, however, so that I can determine (after receiving

submissions) whether it is appropriate for one or both parties to be present;

- (c) before any major expenditure is incurred by or on behalf of your technical assistants, I require an estimate of the anticipated time, timeframe and expense involved. This will enable me to determine whether I consider the proposed enquiries are justified in all the circumstances. It will also enable me to give consideration to the extent to which enquiries in this matter can be co-ordinated with enquiries relevant to other arbitrations.

Yours sincerely

GORDON HUGHES

cc E Benjamin, A Smith, W Smith, P Bartlett

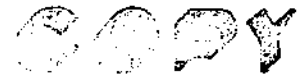
✓
697

TP slight decl
1996



Hunt & Hunt

LAWYERS



14 MAR 1996

8 March 1996

Our Ref: GLH
Matter No: 5126878

Partners
David M. Scarlett
Edward S. Boyce
James G.F. Harrowell
Gordon L. Hughes
Mark T. Knapman
David P. Cooper
Ian S. Craig
Peter J. Ewin
Peter D. Francis
Jenni M. Lightowlers
Wayne B. Cahill
Neville G.H. Debnay
Grant D. Sefton
Charles Veevers
William P. O'Shea
David G. Watts

Consultants
Kenneth M. Martin
Richard J. Kellaway
Andrew Jenkins

Associates
Shane G. Hird
John S. Molnar
Melissa A. Henderson
Francis V. Gallichio
John D.F. Morris
Michael S. Carrick

Incorporating:
Francis Abourizk Lightowlers

Mr E Benjamin
Group Manager
Customer Affairs
Telstra Corporation
Level 37, 242 Exhibition Street
MELBOURNE Vic 3000

Dear Mr Benjamin

ARBITRATION - GILLAN

I refer to my letter of 20 February 1996. Documentation was to be made available to the claimants on or before 6 March 1996. If this has not occurred, could you please advise me when the delivery of that documentation is expected to take place?

Yours sincerely

GORDON HUGHES

cc A Davis, M Gillan, R Huch, J Pinnock, P Bartlett, S Hodgkinson

melbourne
sydney
sydney west
brisbane
canberra
newcastle
represented in
adelaide
darwin

698

Level 21, 459 Collins Street, Melbourne 3000, Australia. Telephone: (61-3) 9617 9200.
11679031 Fax: (61-3) 9617 9299. G.P.O. Box 1533N, Melbourne 3001. DX 252, Melbourne.
Email: Mail/hunt.hunt@interlaw.org

D/4.

28 Rowe Street
N Fitzroy Vic 3068

27 March 1996

Dr Gordon Hughes
Hunt & Hunt
Lawyers
Level 21
459 Collins Street
Melbourne Vic 3001

BY FACSIMILE: 614 8730

Dear Dr Hughes

JAPANESE SPARE PARTS - ARBITRATION - TELECOM AUSTRALIA

The documents recently provided by Telstra contain new and relevant information which clearly has an impact on the Claimants' position.

That information includes, from Telstra's own records, that Loop Mux problems were recognised as early as 1986 and persisted through at least 1992, and were not confined to the period October 1989 - late 1990 as accepted by the Resource Unit.

Further, there is evidence that the report on the PCM Multiplexor faults was written to a pre-determined outcome.

There are also documents which provide information contrary to that contained in the Statutory Declarations provided by Telstra as part of their defence.

The documents give rise to certain questions which, we believe, ought to be put to Telstra on the matter of records referred to in the documentation recently provided.

In view of this, I request the following:

1. That a period of three weeks from today be allowed for the preparation of a further submission. (This period includes Easter).
2. That arrangements be made for the Resource unit to look at these documents. I would be happy to give them the appropriate document references.

Yours sincerely

Amanda Davis

Amanda Davis
for M. Gillan

cc T Benjamin

J Pinnock

699

FAXED
26/6/96

Telstra

Regulatory & External Affairs

Level 37
242 Exhibition Street
Melbourne Vic. 3000

Telephone (03) 9634 2977
Facsimile (03) 9632 3235

25 June, 1996

Mrs Maureen Gillan
19 Carnarvon Court
EVERTON HILLS QLD 4053

Mr Ron & Mrs Joyce Huch
3 Mayflower Street
WARNER QLD 4500

By facsimile: (07) 3353 3593

By Post

Dear Mrs Gillan

Arbitration

I refer to your letter to the Telecommunications Industry Ombudsman of 24 June 1996, a copy of which was forwarded to Telstra by the TIO today.

Telstra advises that pursuant to your instructions the award monies in the sum of \$225,000.00 were paid to Valkobi Pty Ltd this afternoon by telegraphic transfer, as follows:-

- Commonwealth Bank, Everton Park, QLD.
- Branch No. 4110
- Account No. 0020 4766

A Copy of the Commonwealth Bank deposit receipt is enclosed for your record.

Yours faithfully



Ted Benjamin
Director
Consumer Affairs

Encl:

cc: Ms Amanda Davis
By facsimile: (03) 9489 4452

Mr John Pinnock
Telecommunications Industry Ombudsman
By facsimile: (03) 9277 8797

699



Telstra is a proud sponsor of
the Australian Olympic Team

TB-MG013.DOC

Telstra Corporation Limited
ACN 051 775 556

Commonwealth Bank
Commonwealth Bank of Australia
ACN 123 123 124



Do not complete deposit
receipt if passbook is
being presented

Date 25/6/96

Account Identification Number
4119-00204766

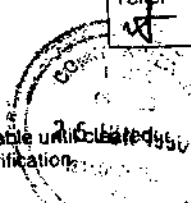
Account Name
JALVORI PIL

\$22500 -

Teller
AR

Deposit Receipt

Proceeds of cheques not available until cleared
Please retain for statement verification



699

Formal Complaint to the Hon Daryl Williams *Attorney General and Minister for Justice*
RE: Defective Administration - Unlawful Conduct - TELSTRA Corporation.

Ann Garms OAM
The Tivoli Theatre
48-52 Costin Street
Fortitude Valley
BRISBANE
Qld 4006

Ph: [07] 32571288
Fax: [07] 32571583

27 June 1996

The Hon Daryl Williams AM, QC, MP
Attorney General and Minister for Justice
Parliament House
CANBERRA ACT

Dear Minister,

Re: Defective Administration and unlawful corporate conduct by TELSTRA Corporation. - *"TELSTRA senior technical officers have made statements under oath which are known to them to be untrue"*

I wish to submit a formal complaint concerning Defective Administration and unlawful conduct by TELSTRA Corporation. I am in Arbitration with TELSTRA. The Arbitration is known as the *"Fast Track Arbitration Procedure."*

The Arbitration was negotiated by AUSTEL on behalf of four small business customers of whom I am one. We are commonly referred to as the CoT Cases *"Casualties of TELSTRA."*

The Rules of the FTAP *"Arbitration Proceedings"* stipulate that *"the arbitration will be on documents and written submissions only"* In TELSTRA's Defence TELSTRA Corporation submitted as "evidence" Statutory Declarations by TELSTRA personnel. In these Statutory Declarations TELSTRA senior technical officers have made statements under oath which are known to them to be untrue.

I am informed that it is a crime under the *Crimes Act of 1914* to provide false testimony under oath. The unlawful conduct adopted by TELSTRA Corporation has severely disadvantaged us in the arbitration process.

TELSTRA is reliant upon the Statutory Declarations as evidence because TELSTRA states that the majority of historic documents which they base their Defence on have either disappeared or have been destroyed. It is therefore absolutely crucial to the process of Natural Justice that TELSTRA's Statutory Declarations be incontestable.

Subsequent to my complaint concerning the validity of TELSTRA's Defence to the Arbitrator, Mr Ted Benjamin - National Manager Customer Response Unit TELSTRA wrote on the 9 June, 1995:

"The BOOI Report is itself not evidence (hearsay or otherwise). The question of admissibility of the Report would therefore not seem to arise".....

"Telecom has provided the evidence upon which the BOOI Report was based separately in the various appendices and Statutory Declarations."

I am in possession of documents which validate my assertions that the testimony sworn was known to the declarant to be untrue. Accompanying this complaint I enclose the Statutory Declarations of GEORGE SZYLKARSKI, LESLIE CHAMBERLAIN - 1989-1991 Area Manager (North) for Telecom Business Services ("TBS"). 1991- Telecom Manager, Network Operations, and PAUL HOWARD MIDDLEDITCH together with copies of the documentary evidence which disproves the sworn declarations. I will forward the Attachments with the bound copy of this complaint.

I will provide you with additional submissions next week on other statements submitted by TELSTRA Officers under oath and which were known to the declarants to be untrue.

There is now conclusive documentary evidence that TELSTRA misled AUSTEL, Bell Canada International and Coopers and Lybrand during their Inquiries. The subsequent "Reports" published by the above are in the most important areas incorrect and therefore defamatory and have caused damage to our credibility. I will today be lodging a formal complaint with AUSTEL in this regard.

The Commonwealth Ombudsman Ms Phillipa Smith has just completed an inquiry into my complaint concerning the conduct of TELSTRA in the provision of documents under FOI including the withholding and alleged destruction of documents by TELSTRA. *"TELSTRA & FOI - Report of an investigation into a complaint by Mrs Ann Garms May 1996 - Report under section 35A of the Ombudsman Act 1976."*

I will forward a copy of the Commonwealth Ombudsmans Report with the original of this complaint.

I would appreciate your advice as a matter of urgency as to what action you will be taking in this matter. Your officer asked me if I had lodged a complaint with the Australian Federal Police? Could you please advise me whether I or your office should lodge the complaint.

I would appreciate an acknowledgment of receipt of this complaint.

Yours sincerely



Ann Garms

700

Formal Complaint to the Hon Daryl Williams *Attorney General and Minister for Justice*
RE: Defective Administration - Unlawful Conduct - TELSTRA Corporation.

CC Mr Neil Tuckwell Chairman
Senator Ronald Boswell
Senator the Hon Richard Alston
The Hon Warwick Smith

The Hon Peter Costello MP
The Hon Peter Reith MP
Senator the Hon Robert Hill
Senator Vicki Bourne
Ms Phillipa Smith
Dr Gordon Hughes
Mr John Pinnock
Mr Peter Bartlett

AUSTEL
National Party leader in the Senate
Minister for Communications and the Arts
Minister for Sport, Territories and Local
Government
Treasurer
Minister for Industrial Relations
Minister for the Environment
Australian Democrats
Commonwealth Ombudsman
Hunt and Hunt Lawyers
Telecommunications Industry Ombudsman
Minter Ellison - legal adviser to the TIO

FAXED
28-6-96

Ann Garmis

700