

THIS IS A TAPED RECORD OF CONVERSATION BETWEEN ~~CONFIDENTIAL~~
~~CONFIDENTIAL~~ AND MR ALAN SMITH CONDUCTED AT CAPE
 BRIDGEWATER HOLIDAY CAMP, VICTORIA, ON MONDAY 26TH OF
 SEPTEMBER 1994

PERSONS PRESENT:

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
 Mr Alan SMITH

TIME COMMENCED: IS APPROXIMATELY 6.30PM

- Q1. Alan just, we're conducting a further interview or record of conversation with you. You were previously interviewed by ~~CONFIDENTIAL~~ in February of this year? *AFP*
- A. I was yes.
- Q2. And since then you've received quite a number of documents from Telecom?
- A. I have yes.
- Q3. Which have been released under Freedom of Information after you applied for them. Subsequent to your conversation earlier in February, you have now been made aware that your service here at Cape Bridgewater was live monitored at some stage by Telecom?
- A. Yes I have. Actually, first of all I was made aware of that by Austel, John McMAHON and with, actually a letter from John McMAHON and with my FOI I gained a notification that, that, that you know they had monitored my lines and listened in on my lines for a period of about three months.
- Q4. And in that previous record of conversation you weren't aware of that, you, you were only surmising that your service might have been monitored at some stage?
- A. That's right, I had, I had good thoughts that, for different reasons we all thought we were being live monitored and I guess a lot of it, we, we might have thought was paranoia. And, but I had the, the thoughts that I was being monitored yes.
- Q5. Okay. I'll just show you a few documents that you've actually sent on to us and we've given to us from other sources. But one of the documents is an internal email message, it's dated Friday 14th January 1994. And as you can see it states some of the problems with Cape Bridgewater Holiday Camp and clearly states that monitoring of the

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1. Introduction
2. Methodology
3. Results
4. Discussion
5. Conclusion

The following table shows the results of the experiment.

Table 1: Experimental Data

The data indicates that there is a significant correlation between the variables studied.

Figure 1: Graph showing the relationship between X and Y.

The graph shows a positive linear relationship between the two variables.

The results are consistent with the theoretical model proposed.

Further research is needed to explore the underlying mechanisms.

The study concludes that the findings have important implications for the field.

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A. Did, did take place.

Q6. Took place and the dates there are June 1993 to August 1993?

A. August.

Q7. Since then have you also had other information about monitoring on your service?

A. Yes I, I come up with a document I guess, maybe a month ago or six weeks ago, five weeks, it clearly states that the malicious call trace was on my other line which was my 26723, 230 line. And they would come out of the actual diary notes of the Portland Exchange, which is a different, a different number to what, the, the prior one you were talking about, was 267267.

Q8. Okay. I'll just show you a, just show you a photocopy of a document, which you sent to me on the 14th of September, and that's a photocopy of a diary note, page dated the 7th October 1993?

A. That's right.

Q9. And is that the one you're referring to where?

A. That's the one I'm referring to.

Q10. And that states down here, at 9.00am a malicious call trace was removed from 267230?

A. 7230 that's right.

Q11. Okay. Just for the purpose of the tape, and for our own information prior to these dates, had you ever made any request, request with Telecom for a malicious call trace to be placed on your lines?

A. No I have never, never once have I asked for malicious call trace and I make it very clear that never at any stage has Telecom said they were going to do any monitoring on my lines or any, any tapping or any listening of calls, at all at any time.

Q12. Okay. So the only testing that you were fully aware of that was conducted by Telecom on your lines, which involved recording of details etc, the Elmi testing arranged by Austel?

A. Elmi the, this is this year Elmi by Austel but I was

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aware that there was Elmi in 92. But only because of the briefcase being left here at my premises in 93, in June, the 3rd or 4th of 93, that I found that there was Elmi being monitoring the call, like the, as the tapes in at the RCM. But I didn't, I wasn't aware of them being done.

Q13. That, that, but that pre, previous Elmi testing wasn't done with your knowledge at the time. Is that correct?

A. That wasn't done, yes. The 92 was done at my time I knew about that, but certainly not the one in the Elmi, in, in May of 93, I wasn't aware of that at all.

~~CONFIDENTIAL~~ TELSTRA

~~CONFIDENTIAL~~ Okay.

A. And they've refused to give me any tapes from, from, from that. I've only got the five day tape that I managed to get a copy of out of the briefcase. Now they, they have stated in their FOI that they've had, it ran from May to July and I've received no documentation and I've applied for it twice under FOI and I've received none.

Q14. And the live monitoring as Telecom term it, that ran from approximately June 93 till August 93. Were you * consulted in relation to that?

A. No.

Q15. And no approach was made from Telecom to gain your consent to live monitor your telephone calls?

A. No. Definitely not.

Q16. Another document that you've sent me, is the detail of telephone calls made, call details dated the 31st of, the calls were made on the 31st of January 1994 and along with a number of printed information on the document, it's a two page document, ah numbered K01410 and K01411, for the purpose of the tape. That's the document you sent me is that correct? *

A. That's right yes.

Q17. Now along with the printed data on two pages there is also a number of * entries on that?

A. Mmhuh.

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MR ALAN SMITH (CONTINUED) PAGE 4

Q18. And those entries actually identify the callers or the numbers called from this, from your premises?

A. It does yes.

Q19. Now those handwritten entries were not made by yourself?

A. No.

Q20. Can you tell me who might've made those entries?

A. No I, I don't recognise the handwriting. But I certainly didn't, it certainly wasn't, wasn't mine and you'll see that who actually rung these, Fay SMITH, my ex-wife, which you know I find rather, rather poor.

Q21. The other numbers called can you just run through those for me as to the sort of general people they were writing down of who you called?

A. GM, which, which if you go across the page you'll see that it was Graham SCHORER from, from Golden Messenger. If you go across the page you'll see the phone number of Austel which was then the, the General Manager, you go across the page you'll see GM again which was the Graham SCHORER, go across the page to Telecommunications Ombudsman's office, a domestic number. You go across the line again you see Austel, you see Golden Messenger, you see Austel, you see Austel, you see Fay SMITH was my ex-wife, you see the Ombudsman again, you see Golden Messenger, Golden Messenger that's twice. You turn the page you come up to the top of the page you see GM which, check the number it's the Golden Messenger and then the bottom page you see where I rang my son, Golden Messenger and if you go to the bottom of the page you will find, which is very relevant although it's not relevant to perhaps the, the monitoring is that it registered the next call which was the, in the evening registered 3,599 seconds. We've never been able to prove that the phone was completely, they, they were locked up. communication ex, has shown the calls were being locked up into this business and that's, that's a clear example of calls locking up.

Q22. There are also a number of other numbers listed in the printed details?

A. That's right.

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Q23. Which haven't, haven't had anything written next to them?

A. But they are, they are, they are non, non company calls in other words they're calls that didn't terminate, so of them calls didn't terminate. And that, they haven't see that they didn't terminate. Some did, some didn't.

Q24. So generally the thrust of the people written into this, into this document are people associated with the COT issue?

A. With, well everyone of them on there is to do with a COT issue except my ex-wife.

Q25. Right. And do you have any recollection as to at that time back in January 94, whether you may have been speaking with your ex-wife about the COT issue?

A. I was talking to my son yeah. My son resides with my ex-wife and by gee I was yeah. Well I mean the, the whole, the whole issue has been probably last 18 months. My, my son and I have discussed, because I've been pretty sick with worry and, and like through the son and thing what's happening, he'll say, well look every time we talk it's always on, you know how far is the process going and what's happening and this, see yeah it would've been, I never, in actual fact until just now I hadn't realised. I mean I've taken and looked at all the others right and I've put them, hang on this is all to do with, with COT. But it wasn't until yeah, yeah.

Q26. And you also raised with me several weeks ago on the phone the fact that you'd be tendering for a bus service and you made mention that Telecom had written down the name of the bus service etc? *

A. Mmm.

Q27. That, that's also on another document, just take a bit of time and find it. This documents, dated the 10/9/92?

A. That's right. ↑

Q28. Written by yourself to ~~Mr~~ the ~~former~~ Service Manager, Commercial Country, Victoria, where you actually told him, in the letter ~~it~~ that you would be possibly tendering for ~~the~~ service,

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given you some information in relation to live * monitoring of your telephone service?

A. Well first of all I guess I, I'd had this document probably for about a month and it's regarding, I believe that the circumstances arose that I believe that a certain discussions were, was, was spoke about in Portland. So I rang him up, it was on a Sunday, and I, I made a, it was a pretty, pretty straight level conversation and there wasn't, it wasn't really hot headed and I'd asked him had he listened in on my calls. And he said now look, he said, look, you know there was a, you've got the documentation but he said no, he said, look there was no taping that I can assure you, there was no taping of the calls. I said well if there's no taping, I said there must be records and I said I've received no records under FOI of any faults on my line. Now if this was for fault reading where's the bloody FOI faults where's the faults on the diaries which I'm entitled to and I said well so, if you were the only one who was li, he said well there were other people across this at the time. And I said so you weren't the only one that was listening. He said, well as I said to you before there's a lot, there's a lot of people across your problem at that time. And I said well I'd like something in writing, he said, well I've got to go to, to college tomorrow, or to, to Warrnambool early in the morning, I said well you can pick up a, a, in actual fact he didn't realise, he thought you had to, his actual statement was, well that means I've got to go to the, to the Police Station or to the, to the, to the Courts to pick up a, an affidavit, and I said no, I said you can go to a local, [REDACTED], the local newsagent, I said you can pick one up there, I can do that anywhere now. So I said if you pick that up, I said I'll accept that, I said I won't worry you again. I said even if you write it on, on a piece of paper, I said, but I want something official because I said enough's enough and that's what he was going to do. Now, I heard nothing from him for about a week, I then put a notice on the notice board at the College just asking him to bring me. I heard nothing from him then and then I rang him, it was about a week later and he said I'm not allowed to talk to you, he said if I'm not allowed information, you are to talk to my solicitor, I said, oh I said well look you of Telecom, our solicitor he said [REDACTED] Now this man's already left, he's already [REDACTED] yet they've got a Telecom solicitor [REDACTED] I rang

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[REDACTED] and he said like this is an arbitration process, I said no it's not it doesn't come under the, under the arbitration umbrella. And I said it's I want, I want to, you know I want to get to the bottom of you know what's happened. And he was reluctant to talk about it.

Q39. So the conversation you had with [REDACTED] you said to me before we started the tape, that was on Sunday the 21st of August 94?

A. I've got, I've got to be, be sure, if it wasn't the 21st it was the following Sunday, I've got it written down somewhere.

Q40. So it'd be round about the, so almost a month ago?

A. Yeah about a month yeah.

Q41. And, *TELSTRA* [REDACTED] is an ex-Telecom employee, to your knowledge he's been out of Telecom for several months before that?

A. I think about four months yeah.

Q42. Okay. But he was a main technician here before that?

A. He was, he was the main fellow, he, he was the main.

Q43. And he's been out to your premises several times while he was with Telecom?

A. He has.

Q44. To service your phone system?

A. Right.

Q45. And during that time, he had not discussed or disclosed to you that monitoring was taking place on your lines?

A. Never, never.

Q46. And I think you mentioned before we started the tape that he in fact also, blamed your [REDACTED] at some stage for problems?

A. Not, not him, *TELSTRA* [REDACTED] back in April the 13th 92, he blamed the [REDACTED] as, as my problem, source of problems.

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