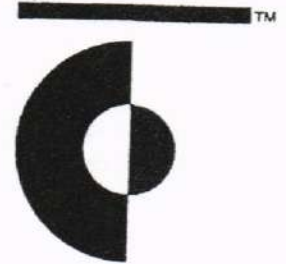


28 January 2003

COPY



Telecommunications  
Industry  
Ombudsman

John Pinnock  
Ombudsman

Total Pages: 19

Dear

**LEVEL 3 COMPLAINT**

TIO reference: 02/101638-1 - Mc Kenzie

The Telecommunications Industry Ombudsman (TIO) has received a complaint against Telstra Corporation from Mr & Mrs Darren & Jenny Lewis regarding telephone number 0355267267.

The TIO has raised this complaint at level 3 because of the complexity of the complaint and likelihood that extensive testing may be required. Mr & Mrs Lewis have advised the TIO that they have an ongoing complaint with Telstra Corporation in relation to their telephone service and have as yet been unable to resolve this matter. The TIO has invested time assessing Mr & Mrs Lewis' correspondence and believes that further investigation is warranted.

Mr & Mrs Lewis claim in their correspondence attached:

- That they purchased the Cape Bridgewater Coastal Camp in December 2001, but since that time have experienced a number of issues in relation to their telephone service, many of which remain unresolved.
- That a Telstra technician "Mr Tony Watson" is currently assigned to his case, but appears unwilling to discuss the issues with Mr Lewis due to his contact with the previous Camp Owner, Mr Alan Smith.
- That on 27 September 2002 "Ian" advised him that an EMG was causing the faults at the local exchange and that a technician would be sent out to fix this.
- That on 28 September 2002 "Renea" advised him that that the local exchange could only handle a certain amount of traffic, that there was nothing that Telstra Corporation could do about the problem and that this problem was not new to Cape Bridgewater.
- That Telstra Corporation advised him on 26 November 2002 that the phone extension wiring was laid too shallow and was not installed correctly, thus it believed that Telstra Corporation had not installed that wiring. Mr Lewis also claims that it was suggested that the line had been tampered with.
- That Mr Alan Smith had provided him with documents confirming that Telstra Corporation did all the cabling and wiring in question.
- That the phone problems have decreased dramatically since Telstra Corporation rewired the business on 9 December 2002 and disconnected the phone alarm bell, however he is still

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

10-A

Website [www.tio.com.au](http://www.tio.com.au)  
Email [tio@tio.com.au](mailto:tio@tio.com.au)  
National Headquarters  
Level 15/114 William Street Melbourne Victoria 3000

Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787

PO Box 276  
Collins Street West  
Melbourne  
Victoria 8007

Telephone (03) 8600 8700  
Facsimile (03) 8600 8797  
Tel Freecall 1800 062 058  
Fax Freecall 1800 630 614

experiencing intermittent problems with receiving calls, and continued to have problems with his fax line.

- That Telstra Corporation have checked his fax machine and confirmed that it is working correctly.
- That he believes that as the same problem has been experienced when attempting to send or receive faxes from a number of locations, it is unlikely that the fault is with the other party's fax machine.
- That the problems experienced resulted in the frustration of his clients being unable to contact him to make bookings for his camp and are affecting the profitability of his business.

Mr Lewis has outlined a number of these problems on page 3 of his correspondence attached. In particular, Mr Lewis has identified the following concerns:

- That he has been contacted by a number of people advising that the telephone had not been answered when ringing previously, despite Mr Lewis' assertion that someone was there at the time.
- That many faxes sent to his potential clients have not been received at the intended destinations, despite his fax transmission records confirming that the fax had been successfully sent. Furthermore, Mr Lewis claims that he has been charged for each of these calls.
- That he has experienced problems receiving faxes from his clients.
- That when he uses \*10# to retrieve missed phone calls, he is sometimes given numbers from days before which had not registered earlier.
- That people had reported that when attempting to call Mr Lewis' business they first hear a message that the telephone has been disconnected, but when trying again are connected through on the same number.
- That when picking up the receiver to make a call, he had intermittently heard another person's conversation quite clearly.
- That on 25 October 2002 a caller reported that when trying to contact Mr Lewis earlier, he heard only clicking noises on the telephone line, but the call did not connect.
- That a caller reported that they had called and heard an engaged signal, despite Mr Lewis having call waiting activated on the service to prevent missed calls.
- That another caller reported that every time he called he received a fax connection tone.
- That on 13 November 2002 he picked up the receiver and heard a deep breathing sound but no dial tone.

The TIO asks Telstra Corporation to present its perspective on the complaint.

If Telstra Corporation decides that the complainant's claims have merit after reviewing the complaint, how does Telstra Corporation propose resolving the complaint?

If Telstra Corporation is of the view that there is no merit to some or all aspects of this complaint, please provide reasons for its view, identifying any facts in dispute. In addition, please supply all documentation relevant to the complaint. In particular, please provide:

- All Customer Care Notes for the account
- All Fault Reports for the account
- Telstra Corporation's assessment of whether Mr Lewis is entitled to compensation under the Customer Service Guarantee in relation to any of the faults reported above. Please include its reasons for the assessment for each fault reported.

The TIO has forwarded a copy of this letter to the complainant and asked them to pay any undisputed charges. While this complaint is under consideration, the TIO expects that Telstra Corporation will suspend credit management on any disputed charges.

The TIO may also forward Telstra Corporation's response to the complainant. For this reason, please ensure that it is written in plain English.

Please forward your reply to this letter within the next 28 days. The TIO may escalate the complaint to Level 4 status if Telstra Corporation does not respond to the TIO within this time frame or provide information requested.

Please contact me if you would like to discuss any aspect of this complaint.

Yours sincerely



Gillian Mc Kenzie  
**Investigations Officer**

10-A

COMPLAINT ID \*\* 1286794

NT DATE : 24/09/2002 (Closed on : 28/10/2002)  
: Closed/Resolved  
OWNER : ██████████  
el : FLM

n Code : Transfer Action Date 16/10/2002  
ed By : ██████████ Create Date 16/10/2002  
Exist ?  
ription : For action  
fer To : ██████████

on Code : Accept Ownership Action Date 16/10/2002  
ted By : ██████████ Create Date 16/10/2002  
Exist ?  
ription : Accepted ██████████

n Code : Transfer Action Date 16/10/2002  
ed By : ██████████ Create Date 16/10/2002  
Exist ?  
ription : Hi ██████████  
Exch = CBWR FSA = WESTERN  
Transferring for investigation.  
Thanks, ██████████  
nsfer To : ██████████

ion Code : Contact with Customer Action Date 16/10/2002  
ated By : ██████████ Create Date 16/10/2002  
le Exist ?  
ription : Min Rep 20021000381. David Hawker MP has written to  
Senator Alston on 10 October and included a 3 October  
letter from Darren and Jenny Lewis. This 3 October  
letter has been cc'd to the TIO but doesn't seem to have  
made it's way into Telstra yet. Will follow in Cicero  
and respond accordingly. Hopefully, the TIO will become  
involved and that will take the Minsiter and Member out  
of the equation  
ontact : Lewis, Darren, Mr  
hannel : Letter

ction Code : Accept Ownership Action Date 17/10/2002  
ed By : ██████████ Create Date 17/10/2002  
Exist ?  
escription : accept ownership

100265

10 B



# *Chrissy Hawker's* SECRETARIAL SERVICE

24th July 1998

Mr. Alan Smith,  
Cape Bridgewater Camp,  
PORTLAND. 3305.

Dear Alan,

Just a quick note to describe to you what actually happened with our fax transmission this morning.

I received a fax call at approx 8.23am this morning the 24th July. 3 Pages came through my fax machine as normal but the 4th page was very, very slow as if it was having difficulty coming through.

I checked my machine and all I could see coming through was black lines running across the page and down the whole of the page. This page on its own must have taken a minute or more to come through.

As it was still coming through you contacted me asking if there was a problem with this page. I stated what was happening as you were talking to me and you stated that you would repeat this same page for me.

The 4th page of the document then came through with no problem.

On a number of previous occasions I have experienced other trouble with your transmissions and I have listed them below for you.

- Blank Paper coming through in the middle of transmission.
- A strip of approximately 3cm coming through.
- Distorted figuration that looks like stretching of letters appearing at the end of a page.
- A page with black lines all the way as described above.

As you can appreciate, being the only secretarial service in Portland, my fax machine is a valuable tool in my office and as to date I have never experienced problems with any of my other clients.

Regards,

CHRISSEY HAWKER

10c

I, RONDA FIENBERG

of 10 Appleberry Place, North Ringwood, Victoria, Australia

do solemnly and sincerely declare

**THAT**

Alan Smith of Cape Bridgewater Holiday Camp has been a regular client since 30/7/94 and the majority of his work comes to my office by fax.

Many times over the years I have received unreadable pages where the fax slowed right down and the words on the incoming page have been dragged out into long, dark lines - totally illegible. This has meant I have had to ring Alan (long distance) and ask him to re-send the problem page (or pages).

Also, on many, many occasions, about a 2 cm strip is sliced off the start of incoming pages and then, when the rest of the page comes through, the first few lines are missing. This has never happened with any other client, including incoming faxes from overseas and interstate.

DECLARED at CROYDON in the

State of Victoria this 24<sup>th</sup>  
day of July one thousand

nine hundred + eighty-eight

Before me

*[Signature of Ann Elizabeth Gambetta]*

ANN ELIZABETH GAMBETTA  
A NATURAL PERSON WHO IS A CURRENT  
PRACTITIONER WITHIN THE MEANING OF  
THE LEGAL PRACTICE ACT 1996.

Suite 7, 16-18 Croydon Road  
CROYDON Vic 3136

*R. Lanbery*

10c

Mr Alan Smith  
Cape Bridgewater  
25/7/98

Dear Alan,

This letter is to confirm that during our electronic communications between Cape Bridgewater and Geelong during the past two years there have been occasions when:

- incomplete faxes of materials were received (part pages, black pages or extended pages)
- and
- initial faxes were never received by me, and that a re-faxing was required from you or Cathy.

Regards,

Robert Palmer.



Please contact Robert Palmer on 0352 414045, or write to  
P.O. Box 981 Geelong, 3220.

Word Processing  
 Legal Typing  
 Medical Typing  
 General Typing  
 Financial Typing  
 Essays  
 Assignments  
 Newsletters  
 Spreadsheets  
 Theses



Desktop  
 Publishing  
 Computerised  
 Transcripts  
 Audio  
 Transcripts  
 Letters  
 Manuscripts  
 Reports  
 Manuals

30<sup>th</sup> January, 2000

**TO WHOM IT MAY CONCERN:**

On the 28<sup>th</sup> December, 1999 I was contacted by Alan Smith from Cape Bridgewater Holiday Camp re doing some computer work for him. I run a small business engaged in doing a variety of computer jobs, ie. word processing, etc. Alan rang and we organised for him to fax the work through. One page and a small portion of the next came through and then the line disconnected. Alan tried numerous times to get the fax through, but to no avail and he eventually had to make other arrangements for the work to be done nearer to him.

On the 5<sup>th</sup> January 2000 Alan again contacted me regarding doing some work for him. He tried so many times over a period of about 3½ hours and finally the work came through. We probably spoke about twice during this time about the failure to get through, the other times were tries to fax. On the 6<sup>th</sup> of January Alan again tried to fax the remainder of the work through and we managed to connect a lot quicker, although it was still about half a dozen times trying beforehand.

When the work was finished, I managed to fax it back to him, although I had to make three or four tries as several pages would go through and then the connection would cut.

10E



The following day, 7<sup>th</sup> January, Alan faxed through a few changes, but this time they came through after only a couple of tries.

It has proved to be very hard to contact Alan at Cape Bridgewater Holiday Camp via fax and indeed it has cost me work by not being able to establish a fax connection. I have not experienced this phenomenon before on such a regular basis.

Yours faithfully,

MARGARET VAN RUN.

10-E

28<sup>th</sup> December 1999

Letter from Margaret Van Run, from Dial A Secretary service in Warrnambool on the following page confirms she alerted me to the fact that not all my faxes on this particular day did not connect through to her office facsimile machine 0355611027. Why then do my Telstra accounts show that ALL these transmissions were all successful?

2

5<sup>th</sup> January 2000

Margaret Van Run, again writes about the continuing problems when receiving faxes on this particular day where 17 successful calls are charged by Telstra as affective (re Telstra fax account bottom of page). The extract of my fax journal for the 5<sup>th</sup> January 2000, is copied directly below which confirms that only two transactions were actually transmitted and sent to Ms Van Run from the 18 charged calls shown on my account. This is the same type of situation as described in Telstra's B004 report 23<sup>rd</sup> May 1994 faxes not being received by the arbitrator where their own evidence sworn under oath confirms they charged my business for FIVE non-transmitted faxes.

Line	Status	Time	Place	Number	Rate	Min:Sec	Amount
19	OK	00:02'12	BCU	61 3 96140811	04-01	17:04	050240AC4900
20	487	00:05'35	XMT T	0355611027	05-01	18:41	000440200000
21	OK	00:01'02	XMT T	55611027	05-01	20:49	020440200000
22	S-OK	00:00'03	XMT T	55712044	05-01	20:59	A00400000000
23	S-OK	00:00'04	XMT T	55615071	05-01	21:00	A00400000000
24	OK	00:00'42	XMT T	96114335	06-01	06:01	040440AC2600
25	OK	00:00'40	XMT T	96140811	06-01	06:05	040440AC7400
26	OK	00:00'42	XMT T	96140811	06-01	06:17	040440AC2400

STD calls continued

Date	Time	Place	Number	Rate	Min:Sec	\$
Telephone Service 03 5526 7265 continued						
45	05 Jan	05:33 pm	Melbourne	0398761254	Day	2:00 0.65
44	05 Jan	05:37 pm	Warrnambool	0355611027	Day	1:16 0.3
108	05 Jan	06:40 pm	Warrnambool	0355611027	Day	0:45 0.25
109	05 Jan	06:41 pm	Warrnambool	0355611027	Day	9:40 1.72
113	05 Jan	06:52 pm	Warrnambool	0355611027	Day	0:43 0.28
110	05 Jan	06:59 pm	Warrnambool	0355611027	Multi Rate	0:44 0.25
107	05 Jan	07:01 pm	Warrnambool	0355611027	Economy	0:22 0.20
111	05 Jan	07:03 pm	Warrnambool	0355611027	Economy	0:30 0.22
112	05 Jan	07:04 pm	Warrnambool	0355611027	Economy	1:19 0.29
114	05 Jan	07:06 pm	Warrnambool	0355611027	Economy	0:32 0.22
89	05 Jan	08:49 pm	Warrnambool	0355611027	Economy	1:20 0.29
84	05 Jan	08:51 pm	Warrnambool	0355611027	Economy	0:23 0.21
86	05 Jan	08:53 pm	Warrnambool	0355611027	Economy	0:26 0.21
85	05 Jan	08:56 pm	Warrnambool	0355611027	Economy	0:36 0.22
88	05 Jan	08:58 pm	Warrnambool	0355611027	Economy	0:27 0.21
93	05 Jan	08:59 pm	Hamilton	0355712044	Economy	0:05 0.17
87	05 Jan	08:59 pm	Warrnambool	0355611027	Economy	0:14 0.19
92	05 Jan	09:00 pm	Warrnambool	0355615071	Economy	0:05 0.18
90	05 Jan	09:00 pm	Warrnambool	0355611027	Economy	2:42 0.41
91	05 Jan	09:06 pm	Warrnambool	0355611027	Economy	0:44 0.24

10-E

Linda Johnson  
59 Blair St  
Portland Vic 3305  
31-12-05

To Whom it May concern,

My husband & I worked as caretakers at Cape Bridgewater Holiday camp from 1997- 2000 as mentioned in a previous letter my husband & I experienced problems with the telephone lines out there.

People were complaining that ~~our~~ phone was always engaged & that they could never get thru to us, but in actual fact we were not on the phone at all.

Whenever we rang out sometimes we experienced a crossed line, we were listening to other peoples private conversations & they ours.

The camp also experienced these problems also, people were trying to ring & book accomodation & school camps, and were unable to get thru, because their end was always engaged. (the camp end)

This didn't just happen once or twice, it was always an ongoing problem & it really was irritating & annoying.

Thanking You.

L. Johnson.