

experienced with telecommunications services or other factors such as management, location, facilities, debt level or the economic climate.

- (c) Both parties have made detailed submissions on the reasons for the poor performance of the business. There is a considerable dispute between the parties as to the validity of data used in support of the respective submissions. In particular the claimant disputes the relevance of an IBIS report on caravan parks, a survey by the Camping Association of Victoria entitled "Understanding School Camping Needs" which was published in February 1994, and other data and statistics relied upon by Telecom.
- (d) The fact remains that it would be quite inappropriate for me to ignore the possibility that some of the difficulties, at least, experienced by the claimant's business were attributable to factors such as:
- unsuitability of the premises for the needs of some targeted groups;
 - a decline of tourist interest in the area;
 - the remoteness of the location;
 - increasing popularity of competitor camps;
 - an inability to fund improvements;
 - the claimant's financial settlement with his former wife.
- (e) Taking all these factors into consideration, the quantification by the claimant in respect of loss of occupancy must be regarded as highly optimistic. It represents, to my mind, the optimum return which the claimant could have expected from his business in the event that it had, during the entire period in question, maximised its potential and avoided any setbacks whatsoever due to any cause. I do not believe it would be realistic for any business investor to anticipate a return on this basis. Moreso, I do not believe it realistic to attribute to Telecom the sole responsibility for the failure of the business to realise its full theoretical potential.
- (f) The defective telephone service which the claimant experienced no doubt slowed business growth, or aggravated its decline, but I cannot accept it was the sole factor. A generous assessment, from the claimant's perspective, would be that telephone problems accounted for 50% of the problems experienced by the business. Whilst I appreciate that problems such as lack of investment capital and erratic bookings might in part have been a consequence of the telephone difficulties, it is highly likely that other factors also contributed to these problems.