

**OATHS ACT 2001**

**STATUTORY DECLARATION**

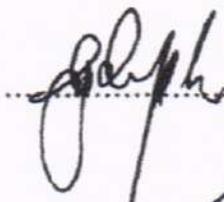
I, Graham Schorer of 493 Queensberry Street, North Melbourne,

do solemnly and sincerely declare on oath that my letter dated 4 August 1998 to Alan Smith of Cape Bridgewater Holiday Camp, Portland, Victoria 3305 and my correspondence dated 30 July 2009 to Mr Crowley, Chief Executive Officer, Institute of Arbitrators and Mediators of Australia are both a factual account of events that have taken place.

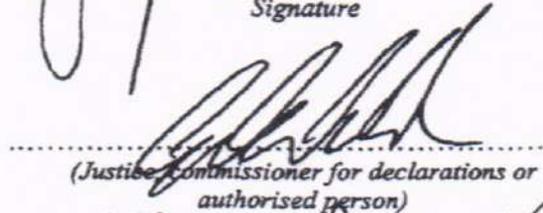
I make this solemn declaration under the *Oaths Act 2001*.

Declared at .....North Melbourne.....  
(place)

on .....30 July 2009.....  
(date)

  
.....  
Signature

Before me,

  
.....  
(Justice Commissioner for declarations or  
authorised person)

GARY BOHMER  
Pharmacist 8132

**GARY BOHMER PHARMACY**  
Approval No. 2011773  
  
29 JUL 2009  
  
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# C.o.T. Cases Australia

493-495 Queensberry Street  
P.O. Box 313  
North Melbourne VIC 3051

Telephone: (03) 9287 7095  
Facsimile: (03) 9287 7001

4 August, 1998

Our Ref: 3915.doc

Alan Smith  
Cape Bridgewater Holiday Camp  
RMB 4408  
Blowholes Road  
Portland VIC 3305.

**FAXED**  
4/8/98

By facsimile: (0355) 267 230.  
Total pages (including this page): 2.

Dear Alan,

**Re: Facsimiles transmitted to Hunt & Hunt, Melbourne Office, addressed to Dr Hughes, the appointed Arbitrator of the Telstra-TIO arbitrations.**

Further to my telephone conversation with you on Saturday, 1 August 1998, I am confirming in writing what I was told by Dr Hughes in the early part of 1994, in response to an alleged missing facsimile.

During the period between late January and mid-April 1994, I had reason to have direct discussion with Dr Hughes on the contents of correspondence sent to him re the proposed Telstra-TIO arbitration.

On one occasion during this period, I rang Dr Hughes before 9:00AM on his direct telephone number to discuss contents of facsimile I had just sent to him. The facsimile had not been received at Hunt & Hunt, Melbourne's Office.

Dr Hughes, after making inquiries, informed me, expressed in words to the effect, the following:-

- Hunt & Hunt Australian Head Office was located in Sydney.
- Hunt & Hunt Australia is a member of an international association of law firms.
- Due to overseas time zone differences, at close of business, Hunt & Hunt Melbourne's incoming facsimiles are night switched to automatically divert to Hunt & Hunt Sydney office, where someone is always on duty.
- There are occasions on the opening of the Melbourne office, the person responsible for canceling the night switching of incoming faxes from the Melbourne Office to the Sydney Office, has failed to cancel the automatic diversion of incoming facsimiles.
- The diversion of incoming faxes to Hunt & Hunt Melbourne to Sydney Head Office has also been taking place when the Melbourne fax machine has been out of paper or when all of the incoming fax lines are busy.

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- It is the duty of Hunt & Hunt Sydney Office to redistribute received facsimiles to the intended State Offices it had received after hours and before commencement of the next day of business.
- The onforwarding of after hours facsimiles transmitted to State Offices received at the Sydney Office is not taking place.
- Thank you for drawing this matter to my attention, as the Management of incoming facsimiles to Hunt & Hunt Melbourne are not satisfactory.
- New procedures will be introduced to rectify this deficiency.

I have read all of your correspondence regarding missing facsimiles, interception of facsimiles and telephone calls. I have examined all of the documents attached to your correspondence, which in my opinion, support many of your assertions.

Alan, what you have managed to piece together by examining your telephone account, in conjunction with other people's telephone accounts, together with Telstra documents received under FOI and/or arbitration, is alarming. I believe you have produced a picture that demonstrates your telephone service has been illegally interfered with, before, during and after your arbitration.

I note you have allowed your findings to remain open when there is insufficient independent evidence to support what appears to be apparent.

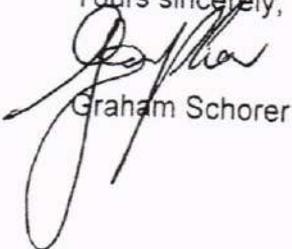
I believe the incident that I experienced and explanation I received from Dr Hughes could be a reason and explanation why Dr Hughes did not receive all facsimiles sent to him.

What I experienced does not identify all of the reasons Telstra received 43 submissions less than what you sent to Dr Hughes.

In closing, I draw your attention to the testing performed by Telstra on yours and my facsimile machines in late 1993, as a result of our complaints about my office receiving blank pieces of paper, with the funny symbol on the top when you were faxing documents to me. As you will remember, Telstra, on completion of the tests, asserted there was nothing wrong with the telephone lines nor our facsimile machines.

Should you require further information, please do not hesitate to make contact.

Yours sincerely,



Graham Schorer