Scandrett Associates Pty Ltd

Telecommunications Consultants

Report

Exhibits 8 to 20

Exhibit 8

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
C.o.T. member
Ross Plowman

Exhibit 8A

Date: 10/01/1999

Time: 16:49

From: +61-3-9822-9825
R A PLOWMAN

To: 03 9287 7001

Exhibit 8B

Date: 04/01/99

Time: 13:10

From: +61 3 9822 9825

To: 03 9287 7001

"Kooyong"
40 Warra Street
Toorak,3142
Victoria,
Australia
Phone/Fax: (03)
98229825

December 30th, 1998

Mr Roger Levy
242 Exhibition Street
Melbourne, 3000.
By facsimile: (03) 96320965

Dear Mr Levy,

Re: Unauthorized Interception Of CoT Cases Facsimile Machines

Thank you for removing the unauthorized interception of my facsimile line between my self and Ann Garms at between 4.06 pm and 4.15pm on Tuesday 29th December 1998.
The Police were advised of the removal. Have you also ensured that all voice recording has been removed.
Mr Johnston who the 1100 operator stated was from the "Work Centre" indicated that he would return my call in approximately 1 hour from conversation.
No call has been received.
I understand that it will be difficult for you with the depth of deception which has occurred but perhaps it is time that either Mr Blount or Mr Hoare should contact me to enable an end to the mess Telstra and their legal advisors have created.
We (the CoT's) are all honest people and only want a fair, honest and quick settlement of our dispute.
The Victoria Police Major Fraud Group have been to my home, listened to the interception and been given tapes of this interception.
Currently I have an independent advisor examining the tape to identify the number which my facsimiles and those of Senators and the Commonwealth Ombudsmans Office have been diverted to.
I do believe that if the Fraud Group and the Senate see a fair resolution perhaps the ensuing repercussions can be averted.
All I want is to resume my life and as quickly as possible.

Yours faithfully

Ross Plowman
Cc Mr F Blount, Mr D Hoare

Exhibit 8C

Date: 13/11/98

Time: 12:50

From: +61 3 9822 9825

To: 03 9287 7001

"Kooyong" 40 Warra Street, Toorak, Victoria, 3142

Mr John Wynack
Director of Investigations
Commonwealth Ombudsmans Office
Chair – Senate Working Party
CoT and CoT Related Cases

13th November 1998.

By Facsimile: (02) 62497829

Dear Mr Wynack

RE: Your letter dated 13th November 1998

I do apologize for taking your statements out of context. I did indeed make yet another typing mistake and had no intention of misrepresenting your comments.
When you asked me to assist with the process of obtaining documentation in February this year I put on hold all my responsibilities and devoted 100% of my energies to the task.

As a lay person all of this process has been very difficult because Telstra hasn't provided the information necessary for me to ascertain the periods for which these EPMS documents and other specific documentation was created when responding to my requests. It was a mistake for Telstra to be not made to respond to the various requests. This has enabled Telstra to evade the provision of the information requested. I know Ann objected to the fact that Telstra wasn't responding to the requests.

None of us ever imagined that Telstra would prolong the process by failing to responsibly provide the documentation we required in accordance with our requests.
The pressure for Ann & Graham over the past few months in running their businesses and corresponding with the CoT's has been enormous but I will in the future direct all correspondence via Ann or Graham.

I reiterate that I did not wish to appear mischievous in any way but to emphasize my frustration with the stance Telstra have taken in the provision of documents in accordance with requests made.
I thank you for your assistance,

Yours sincerely

Ross Plowman

Exhibit 9

Facsimile
Transmission

to
(03) 9286 0066
Graham Schorer

from
C.o.T. member
Alan Smith

LAST PARA New page 54

↑ MY ID 0399860066

RONDA. PAGE 40 2ND LAST PARAGRAPH - IE; COMPLAINTS ABOUT THE PHONES CONTINUED - BETWEEN THIS PARAGRAPH AND THE NEXT WE CAN SAY THE FOLLOWING

(APPENDIX SIX) WILL SHOW THE READER I WAS LATTER TO FIND OUT THAT MY COUNTRY GET-A-WAY SINGLES CLUB ADVERTISEMENTS IN TELSTRA'S WHITE PAGES - PHONE DIRECTORY MYSTERIOUSLY WAS NOT PUBLISHED IN 1998/19 IN (18 MAJOR DIRECTORIES) HOW DID THIS HAPPEN? WHEN I HAD ALLEPTED TELSTRA MANAGMENT THAT I WAS TO RUN THIS LARGE ADVERTISING CAMPAGNE - TO ALEVIATE MY POOR SERVICE, WITH 'MASS' ADVERTISING - WAS THERE MORE TO TELSTRA'S SENIOR MANAGMENT, OR JUST MY BAD LUCK - AS APPENDIX SIX SHOWS - THE TIO THOUGHT TO CONTINUE TO INVESTIGATE THIS MATTER - " WOULD BE LIKE FLOGGING A DEAD HORSE"

(PAGE 42) CAN BE MOVED DOWN TO INABLE THE ABOVE TO BE ENTERED. I THINK THIS JUST ADDS A DIFFERENT PERSPECTIVE TO WHAT I WAS DEALIN WITH. I AM ADVISED THIS ONE SEGMENT WILL MAKE A LOT OF PEOPLE BELIEVE TELSTRA WAS OUT TO DESTROY MY BUSINESS - I WONDER SOME TIME THAT FOR SOME REASON THEY MAY HAVE - WHO KNOWS SEE WHAT YOU CAN DO WITH THE ABOV

Exhibit 10

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
C.o.T. member
Alan Smith

Exhibit 10A

Date: 05-01-1999

Time: 12:16

From: CAPE BRIDGE HDAY CAMP

To: 0392877001

05-01-1999 12:16 FROM CAPE BRIDGE HDAY CAMP TO 0392877001 P.01

(my ID)

05/01/1999 10:49 0398761853 OCCASIONAL OFFICE PAGE 01

31-12-1998 07:28 FROM CAPE BRIDGE HDAY CAMP TO 0398761853 P.01

NOW p98

RONDA PAGE 74.

DEREK RETREAD THIS SECTION AND THINKS WE SHOULD RE WORD SECOND PARAGRAP TWO TOP LINES. SOME READERS MIGHT THINK GARRY ELLICOT COULD HAVE TAKEN MY RECOR THIS SECTION SHOULD READ IE.

IT WAS DURING BARRY VISIT THAT WE DISCOVER I COULD NOT LOCATE A NUMBER OF ETC ETC:

05/01/1999 10:49 0398761853 OCCASIONAL OFFICE PAGE 02

03 9287 7001 VK

Exhibit 10B

Date: 29/12/98

Time: 15:12

From: 055 267230

To: 03 9287 7001

Facsimile

Telecom AUSTRALIA

To [redacted]

Company Telecom Portland

Facsimile 055 236 56

From [redacted] T

Subject COT Case K01489

Date 29 October 1993

Network Products
National Facsimile Support Centre
23 rd Floor 242 Exhibition St.
Melbourne. 3000
Australia
Telephone 03 634 6993
Facsimile 03 640 0997

Ross,

The following pages are copies of my fax machines journal and the protocol printouts of failed calls.

On the date of 28-OCT-93 we were trying to create a line failure condition that would re-produce the same error on the transmitting machine and no record on the receiving Mitsubishi machine (055 267 230). The reason for this was to show that a sending fax machine could get to the point of transmitting a page to the Mitsubishi fax machine without the Mitsubishi machine having any record of the call.

The COT case call in question was the 27-10-93 at 10:46 on the journal (it is suspected that the clock in this machine is approx ~~1Hour and 12 Minutes~~ in error). The duration of the tranamitting machine page of 2:21 minutes suggests that the call failed at the end of the page, possibly when requesting a reply from the receiving end. The presence of the ID in the journal of "055 267230" indicates the call was connected to the Mitsubishi fax machine in question. The receiving Machine has no matching entry in its journal for this call.

A call was placed to 055 267230 and connectivity terminated at the beginning of the page but this resulted in an error of NG in the journal along with the ID of the calling fax machine. The only way to reproduce the conditions experienced above was to interrupt the power on the receiving Mitsibishi fax machine. This would result in an entry in the transmitting machine and no entry whatsoever in the receiving Mistubishi machine.

During testing the Mitsubishi fax machine, some alarming patterns of behaviour were noted, these affecting both transmission and reception. Even on calls that were not tampered with the fax machine displayed signs of locking up and behaving in a manner not in accordance with the relevant CCITT Group 3 fax rules. A half A4 page being transmitted from this machine resulted in a blank piece of paper 4cm long. the relevant protocol printout in sample #2 shows that the machine sent the correct protocol at the end of the page. Even if the page was sent upside down the time and date and company name should have still appeared on the top of the page, it wasn't. During a received call the machine failed to respond at the end of the page even though it had received the entire page (sample #3). The Mitsubishi fax machine remained in the locked up state for a further 2 minutes after the call had terminated, eventually advancing the page out of the machine.

Regards

[redacted]

29/10/93 15:12 Fax From : 055 267230

Exhibit 10C

Date: 03/11/98

Time: 14:14

From: 0355267230

To: 03 9287 7001

Alan Smith
Cape Bridgewater Holiday Camp
Blowholes Road
RMB 4408
Portland 3305
Victoria, Australia.

Phone: 03 55 267 267
Fax: 03 55 267 230

2/11/98

Mr Peter Costello
Federal Treasurer
Canberra

Dear Mr Costello,

I am writing regarding the Telecommunications Industry Ombudsman's unethical conduct and bias when acting as administrator to my arbitration. In support of this statement I enclose copies of two letters, both addressed to the TIO on 25 October 1998. I have delayed forwarding these two letters to you because I was hoping to be able to also forward some more information supporting this situation, but this has unfortunately not been possible so far.

I hope you may be able to advise me where else I can go to have this matter dealt with properly. The TIO will not fully investigate my evidence or my claims and this has left me with nowhere to turn: it seems the TIO is a law unto himself. Who, in Australia, is in a position to investigate the unlawful acts perpetrated by parties to my arbitration?

Your office has previously been supplied with information in support of my allegations regarding a conspiracy between Dr Hughes, my arbitrator, and Telstra. This information clearly shows that, together, Dr Hughes and Telstra arranged my arbitration so that my submitted claim documents would not all be addressed.

Further, Peter Bartlett of Minter Ellison assured me that my arbitration would be non-legalistic but this has proved to be entirely wrong. I am sure you will understand my position, particularly since I have no legal background and also because, according to media reports, you have also been mislead by the same Peter Bartlett recently, when he discussed your private matters with you before disclosing that he also acted for Random House, Publishers.

Exhibit 11

Facsimile
Transmission

to
(03) 9670 4745
Aitken Walker &
Strachan

from
Deacons Graham &
James

Exhibit 11A

Date: 06-JAN-99 WED

Time: 16:05

From: Aitken, Walker & Strachan

To: 03 9287 7001

Aitken, Walker & Strachan

Incorporating the practice of Melville & Melville

114 William Street Melbourne, Victoria GPO Box 5453CC, 3001 Ausdoc 459
Telephone (03) 9670 8341 Fax (03) 9670 4745
Email: mailaws@aitken.com.au

Solicitors
SINCE
1923

Facsimile To:	Mr Graham Schorer	**From:**	Peter Moore
At:	Golden Transport Agency	**At:**	Aitken, Walker & Strachan
Facsimile No:	9287 7001	**Date:**	6 January, 1999
Your Ref:		**Our Ref:**	

Bova

Copy fax letter heads from Deacon Graham & James as requested..

Number of Pages (including cover page) - 4

The information in this facsimile is privileged and confidential, intended only for the use of the individual or entity named above. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this information in error, please immediately telephone us (we will accept reverse charges) on 03 9670 8341 and return the original by mail.

Exhibit 11B

Date: 06-JAN-1999 WED

Time: 16:06

From: Deacons Graham & James

To: 03 9670 4745
Aitken, Walker & James

DEC 11 '98 16:35 TO-0-96704745#909 FROM-DEACONS GRAHAM JAMES T-806 P.01/02 F-964

Deacons Graham & James

Exhibit 11C

Date: 16/07/98

Time: 12:09

From: 61 3 9321 9921
(Deacons Graham & James)

To: 03 9670 4745
Aitken, Walker & Strachan

Deacons Graham & James

Our ref JCM:seb
585168/6

Contact Partner: Jonathan Mott
Direct Line: 9230 0656

15 July 1998

formerly Sly & Weigall
Lawyers
Level 24
[illegible]
Melbourne VIC [illegible]
Australia
Telephone [illegible]
[illegible]
Facsimile [illegible]
Internet [illegible]
DX 445 Melbourne
[illegible]
Australia
[illegible]
Canberra
Melbourne
Perth
Sydney
International
Bangkok
[illegible]
[illegible]
Jakarta
[illegible]
Singapore
Tokyo
Taipei
Los Angeles
New York
San Francisco
Seattle
Washington DC

Attention : Mr A Blogg

Aitken Walker & Strachan
Solicitors
FAX NO. 9670 4745

PRIVATE AND CONFIDENTIAL

Mr E J Benjamin
Telecom Australia
FAX NO. 9632 3235

BOVA ENTERPRISES PTY LTD, RALPHIES BYO RESTAURANT, RALPHIES PIZZA MOORABBIN, RALPHIES PIZZA MORDIALLOC AND TELECOM AUSTRALIA
ARBITRATION UNDER SPECIAL ARBITRATION RULES

I am writing to inform the parties that the Technical Resource Unit has been directed by me to proceed with the preparation of a supplementary report to the Technical Evaluation Report prepared by Lane Telecommunications. The TRU will prepare this report by 7 August 1998 and it will then be circulated by me to the parties.

The TRU has been directed to carry out this step without any access to any new material which has emerged, as I considered the new material may conceivably influence the assessment of the original report ie the TRU has access to the same material and only the same material that Lane Telecommunications had access to.

With regard to fresh documentation which has been supplied to the Claimants since the Lane Telecommunications report, and any further documentation which is provided to the Claimants and which is the subject of the directions hearing adjourned to 29 September, a decision will be taken as to what involvement the TRU is to have (if any) once this documentation is identified and inspected by the parties and the parties have had the opportunity to make a submission to the Arbitrator.

Yours faithfully,

Jonathan Mott

Jonathan Mott
Arbitrator

[illegible]

Exhibit 12

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
Senator O'Chee
Parliament House
Canberra

PARLIAMENT OF AUSTRALIA • THE SENATE

BILL O'CHEE
SENATOR FOR QUEENSLAND
NATIONAL PARTY WHIP IN THE SENATE

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3922
FAX: (02) 6277 3319

FACSIMILE COVER SHEET

TO THE OFFICE OF: Graeme Schorer

FOR THE ATTENTION OF: 03 9287 7001

FAX NO:

FROM: Murray

DATE: 12/1/99

RE:

NO. OF PAGES: 1 **(including cover sheet)**

COMMENTS:

I can confirm that I sent you that fax on the 25th of June, 1998, in relation to the composition of the ERC's A Committee. Furthermore I can confirm that the header or 'footprint' on that fax, is to the best of my knowledge, NOT one that belongs to this office.

If any difficulties occur during transmission, please phone 07 3244 4190

12-14 LAKE STREET
(PO BOX 7513)
CAIRNS QLD 4870
TEL: (07) 4031 3649
FAX: (07) 4031 3244

COMMONWEALTH PARLIAMENT OFFICES
1 EAGLE STREET
(GPO BOX 228)
BRISBANE QLD 4001
TEL: (07) 3244 4190
FAX: (07) 3229 4140

Exhibit 12A

Date: 07/12/98

Time: 14:53

From: 61 2 6277 3319

To: 03 9287 7001

PARLIAMENT OF AUSTRALIA • THE SENATE

BILL O'CHEE
SENATOR FOR QUEENSLAND
NATIONAL PARTY WHIP IN THE SENATE

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (06) 277 3922
FAX: (06) 277 3919

FACSIMILE COVER SHEET

TO THE OFFICE OF: _____

FOR THE ATTENTION OF: Graeme Schrorer

FAX NO: 03 9287 7001

FROM: Murray

DATE: 7/12/18

RE: CoT costs (Telstra)

NO. OF PAGES: _____ **(including cover sheet)**

COMMENTS:

If there is anything else please let me know

If any difficulties occur during transmission, please phone 02 6277 3922

12-14 LAKE STREET
(PO BOX 7513)
CAIRNS QLD 4870
TEL: (070) 31 3649

COMMONWEALTH PARLIAMENT OFFICES
1 EAGLE STREET
(GPO BOX 228)
BRISBANE QLD 4001
TEL: (07) 3244 4190

SUMMARY OF COSTS

	1993/1994 Costs	1994/1996 Costs	1995/1996 Costs	1996/1997 Costs	TOTAL COSTS
TELSTRA'S COSTS					
Internal Costs - Case Managers, Legal, Internal Engineering/Technical, Managers (Plus on-costs)	$425,600	$1,673,294	$707,871	$399,754	$3,206,519
External Contractors - Engineering/Technical (Incl Bell Canada and Coopers & Lybrand Reports)	Nil	$1,000,000	$1,470,600	$554,100	$3,024,700
External Legal -					
Freehills	$98,323	$2,108,631	$735,000	$234,050	$3,176,004
Holding Redlich	Nil	$77,626	$462,000	$130,500	$670,126
Mallesons	$1,077	$44,690	$870,000	$214,000	$1,129,767
External Accounting - Deloitte Touche Tohmatsu	Nil	$1,274,635	$1,600,000	$204,200	$3,076,835
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
ARBITRATION COSTS					
Hunt & Hunt	$34,201	$170,978	$262,106	$93,957	$561,242
Deacons Graham James (including Sly & Weigall)	$3,603	$11,121	$91,136	$148,377	$254,239
Minter Ellison Morris Fletcher	$67,206	$134,185	$153,221	$133,388	$488,000
Fenier Hodgson	$29,449	$611,944	$1,776,355	$725,112	$3,142,860
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Exhibit 12B

Date: 14-7-98

Time: 8:54AM

From: 61 2 6277 3319
O'CHEE CANBERRA

To: 03 9287 7001

PARLIAMENT OF AUSTRALIA • THE SENATE

BILL O'CHEE
SENATOR FOR QUEENSLAND
NATIONAL PARTY WHIP IN THE SENATE

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3922
FAX: (02) 6277 3319

Mr Graeme Ward,
Regulatory and External Affairs,
Level 39,
242 Exhibition Street,
MELBOURNE, VIC 3000,

Dear Mr Ward,

Report to the Senate Committee on Various Matters Relating to Telstra and CoT and CoT-related Cases

I refer to your letter of 22nd June, 1998 to Senator the Hon. Richard Alston in relation to the above matter, and I thank you for your courtesy of copying same to me.

I note in your letter's last page you suggest the matter of the alteration of documents attached to statutory declarations should be dealt with by the relevant arbitrator. I do not concur. I would be grateful if you could advise why these matters should not be referred to the relevant police.

Alternatively, you might be able to clarify these matters by return and eliminate the need for any further action at this stage.

Yours sincerely,

BILL O'CHEE
Senator for Queensland and
National Party Whip in the Senate

Canberra, this 26th June, 1998.

12-14 LAKE STREET
(PO BOX 7513)
CAIRNS QLD 4870
TEL: (07) 4031 3649
FAX: (07) 4031 3244

COMMONWEALTH PARLIAMENT OFFICES
1 EAGLE STREET
(GPO BOX 228)
BRISBANE QLD 4001
TEL: (07) 3244 4190
FAX: (07) 3229 4140

Exhibit 12C

Date: 23/06/98

Time: 13:02

From: 61 2 6277 3319

To: 03 9287 7001

PARLIAMENT OF AUSTRALIA • THE SENATE

BILL O'CHEE
SENATOR FOR QUEENSLAND
NATIONAL PARTY WHIP IN THE SENATE

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (06) 277 3922
FAX: (06) 277 3319

FACSIMILE COVER SHEET

TO THE OFFICE OF: _____

FOR THE ATTENTION OF: Graeme Schorer

FAX NO: 03 9287 7001

FROM: Murray

DATE: _____

RE: _____

NO. OF PAGES: 2 **(including cover sheet)**

COMMENTS:

The list includes those classified as 'participating members'

If any difficulties occur during transmission, please phone 02 6277 3922

12-14 LAKE STREET
(PO BOX 7513)
CAIRNS QLD 4870
TEL: (070) 31 3649

COMMONWEALTH PARLIAMENT OFFICES
1 EAGLE STREET
(GPO BOX 228)
BRISBANE QLD 4001
TEL: (07) 3244 4190

AUSTRALIAN SENATE

ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS

~~REFERENCES COMMITTEE~~
LEGISLATION COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Tel: (02) 6277 3526
Fax: (02) 6277 5818

2 April 1998

Senator E Abetz
Senator the Hon N Bolkus
Senator A Bartlett
Senator R Boswell
Senator V Bourne
Senator B Brown
Senator P Calvert
Senator G Campbell
Senator K Carr
Senator the Hon B Collins
Senator M Colston
Senator H Coonan
Senator B Cooney
Senator W Crane
Senator the Hon J Faulkner
Senator A Ferguson
Senator B Harradine
Senator J Hogg
Senator S Mackay
Senator D Margetts
Senator S Murphy
Senator B Neal
Senator W O'Chee

Dear Senator

Telstra (Transition to Full Private Ownership) Bill 1998

The Legislation Committee has had referred to it the provisions of the Telstra (Transition to Full Private Ownership) Bill 1998 for inquiry and report by 13 May 1998.

Could all participating Members please inform the Committee Secretariat whether they wish to receive

a) Submissions; and
b) Information on public hearings.

Could Senators also indicate whether they will be attending public hearings, so relevant arrangements can be made. The Committee has decided on the following public hearings:

Friday 24 April 1998: Townsville
Wednesday 29 April 1998: Sydney
Tuesday 5 May 1998: Melbourne
Wednesday 6 May 1998: Canberra

Exhibit 13

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
Sue Owens' office
Solicitor

Exhibit 13A

Date: 15-7-98

Time: 13:49

From: 61 3 9699 4847

To: 03 9287 7001

VICTORIA POLICE

Major Fraud Group Initial Action & Assessment Section
Level 2, 549 St. Kilda Road, Melbourne 3004
DX No: 210600
Telephone: 03 9526 6666
Facsimile: 03 9526 6614

13 July, 1998

Ref: ECR 989/005

Sue Owens
Barrister and Solicitor
235 Richardson Street
Middle Park 3205

Dear Ms. Owens

Subject **Complaint by Mr Ross Plowman against Telstra.**

I acknowledge receipt of your letter dated 18 June, 1998 regarding a complaint by Mr. Ross Plowman against Telstra.

This matter will be assessed in due course with a view to determine whether any criminal offences have been committed within our jurisdiction. At the conclusion of the assessment you will be advised of the result.

In the interim it would be beneficial to this office if all available documentary material relevant to this complaint could be gathered and held pending contact by investigators from this office. This will assist in expediting the assessment phase of the investigation.

Should you have any queries I can be contacted on 9526 6666.

Yours sincerely

ROSS COLLINS
Detective A/Inspector

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

15 July, 1998

Our Ref: 3885.doc

Attention: Helen Meredith
Financial Review

By facsimile: (07) 3308 1149.
Total pages (including this page) : 2.

FAXED 15/7/98

Dear Helen,

Please find enclosed a copy of the Victoria Police correspondence to Ms Sue Owens, Mr Ross Plowman's solicitor.

It is unfortunate for some C.o.T. members their complaints have not been investigated.

This is the first time such a complaint has been responded to in a positive manner.

Will be in touch.

Yours sincerely,

By: Elizabeth
For: Graham Schorer
Spokesperson
C.o.T. CASES AUSTRALIA

Exhibit 13B

Date: 06/01/99

Time: 12:17

From: SUE OWENS SOLICITOR
03 699 4847

To: 03 9287 7001

SUE OWENS

BARRISTER AND SOLICITOR
236 RICHARDSON STREET
MIDDLE PARK 3206
(PO BOX 70, ALBERT PARK 3206)
PHONE: 9696 7709
FAX: 9699 4847

DATE:

FACSIMILE TO:

Fax Number:

From: ***Sue Owens***

Fax Number:(03) 9699 4847

No of pages - 1 ***(including header sheet)***

SUBJECT:

Regards,

SUE OWENS

note: ***THE CONTENTS OF THIS FACSIMILE INCLUDING ANY ATTACHMENTS ARE PRIVILEGED AND CONFIDENTIAL, INTENDED ONLY FOR THE USE OF THE ADDRESS ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, COPYING OR USE OF THE INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE DOCUMENT IN ERROR, PLEASE ADVISE ME BY TELEPHONE IMMEDIATELY AND THEN DESTROY THE DOCUMENT,***

Exhibit 14

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
The Ambidji Group

Exhibit 14A

Date: 17.JUL.1998

Time: 16:59

From: AMBIDJI GROUP
61 3 98665343

To: (03) 9287 7001

To: John Wynack
cc.
G. Schorer 9287 7001
A. Garms 07 3257 1583
J. Armstrong 9632 0965
Roger Levy 9632 0875

Date: 17 July 1998

Ref: 10687-4

Fax: 02 6249 7829

Pages: 16

Ambidji IBA Pty Ltd

Level 4, 493 St Kilda Road
Melbourne, 3004
Victoria
AUSTRALIA

Telephone: +(61-3) 9820 3499
Facsimile: +(61-3) 9866 5343
A.C.N. 071 066 727

Subject:

Dear John,

Please find attached Ambidji's re-assessment of Mr. Schorer's information requests.

Yours faithfully,

John Fitzgerald

Jn. Reg Topp

Should this CONFIDENTIAL FAX be received in error, please notify us by a collect telephone call and destroy the fax immediately.

Exhibit 14B

Date: 17/07/98

Time: 16:49

From: 61 3 98665343
The Ambidji Group

To: (03) 9287 7001

To: John Wynack
cc.
G. Schorer 9287 7001
A. Garms 07 3257 1583
J. Armstrong 9632 0965
Roger Levy 9632 0875

Date: 17 July 1998

Ref: 10687-4

Fax: 02 6249 7829

Pages: 16

Ambidji IBA Pty Ltd

Level 4, 493 St Kilda Road
Melbourne, 3004
Victoria
AUSTRALIA

Telephone: +(61-3) 9820 3499
Facsimile: +(61-3) 9866 5343
A.C.N. 071 066 727

Subject:

Dear John,

Please find attached Ambidji's re-assessment of Mr. Schorer's information requests.

Yours faithfully,

John Fitzgerald

fm. Reg Topp

Should this CONFIDENTIAL FAX be received in error, please notify us by a collect telephone call and destroy the fax immediately.

Exhibit 15

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
Senator Boswell
Parliament House
Canberra

Exhibit 15A

Date: 1998-07-11

Time: 16:05

From: (03) 9553 3398
Ralph Bova

To: (02) 6277 3246
Senator Boswell's office,
Parliament House,
Canberra

To : GRAHAM SCHORER	From : Ralph Bova
Company: SENATOR BOSWELL'S NATIONAL PARTY OFFICE	C/o 18 Harding Street, HIGHETT VIC 3190
Fax No: 026273246	C/o Colin Turner : 9553 3398
Should this Facsimile not be received by the above mentioned party; please refer, below for contact	
Date: 11/7/98	Pages : 9
Mailed? Yes ( ) No (✓)	Contact : Ralph Or Sue Bova
	Phone : [redacted] 9553 2929

DEAR GRAHAM,

AS PER OUR CONVERSATION, PLEASE FIND ENCLOSED THE DOCUMENTS AS FOLLOWS.

FIRST ALTERED DOCUMENT.

ATTACHMENT 1, NO. 00525 WAS RECEIVED 1994 THROUGH OUR FOI APPLICATION.

ATTACHMENT 2, (ALTERED) NO A02963 PROVIDED IN CHERYL PRINS STATUTORY DECLARATION SIGNED ON 22ND APRIL 1996.

ATTACHMENT 3, POINT 148 OF CHERYL PRINS STATUTORY DECLARATION SHE RELIES ON THE ALTERED DOCUMENT

SECOND ALTERED DOCUMENT

ATTACHMENT 4, NO A01795 THIS DOCUMENT IS ANNEXURE 52 OF CHERYL PRINS STATUTORY DECLARATION SIGNED 22ND APRIL 1996.

ATTACHMENT 5, (ALTERED) NO A01795 ISSUED 21ST MAY 1996 AS PART OF DOCUMENTS REFERRED TO IN TELSTRA'S BRIEFING DOCUMENT B016, THE DECLARATION SIGNED BY TED BENJAMIN WAS ON THE 26TH APRIL 1996

THERFORE, BETWEEN CHERYL PRINS SIGNING HER DECLARATION, AND THE SIGNING OF TELSTRAS B016 DEFENSE DOCUMENT, THE ALTERATION OCCURED.

Exhibit 15B

Date: 10/07/98

Time: 13:20

From: 613 9287 7001
GOLDEN

To: (02) 6277 3246
Senator Boswell's office,
Parliament House,
Canberra

GOLDEN
Transport Agency

A Division of G.M. (MELBOURNE) HOLDINGS PTY. LTD. A.C.N. 005 905 046

IMPORTANT: WE ARE NOT COMMON CARRIERS. The Carrier directs your attention to its trading TERMS AND CONDITIONS OF CONTRACT. It is in your interests to read them to avoid any later confusion.

To: Graham Schorer
Date: 10/7/98
Our Ref:
Company: c/- Senator Boswell's Office
Fax No: (02)6277 3246
From:
Total Pages (Including Header): 1+59 = 60.

Mailed: Yes ( ) No (X)

PRIVACY AND CONFIDENTIALITY CLAUSE
The information in this facsimile is private, privileged and strictly confidential and intended only for use of the individual or entity named above. If you are not the intended recipient, please call by telephone the sender immediately upon receiving this facsimile as any dissemination, copying or use of the information is strictly prohibited.

Dear Graham,

Enclosed are the ff:

1. FTSP - Nov 93
2. All files to and from ACCC
3. Letter to ACA re overcharging
4. TIO correspondence re your letter re overcharging.

Elizabeth

Exhibit 16

- Newspaper articles about available software used to interrogate or capture calls within a telecommunications network.

Exhibit 16A

Newspaper: THE AGE

Date: Saturday,
12 September 1998

Article title: EC concern about
US phone spies

THE AGE SATURDAY 12 SEPTEMBER 1998

EC concern about US phone spies

Trans-Atlantic relations sour over surveillance systems.

By DUNCAN CAMPBELL
LONDON, FRIDAY

Widespread suspicions that the US National Security Agency has been spying on European commercial communications for US economic and political benefit may be aired next week when the European Commission makes its first official statement about the top secret Anglo-American "Echelon" communications intelligence system.

So far, the EC has kept its report under wraps and will not say if it will lend credence to the widespread suspicions, or whether controversy will be played down in order to encourage European acceptance of new international telephone tapping systems.

However, the EC statement to the European Parliament on trans-Atlantic relations is certain to cover discussions on communications at the May 1998 EUPUS summit "and the use of monitoring techniques in the field of communications", in other words, the Echelon system.

Although its existence was first revealed 10 years ago, the scale and sophistication of the Echelon system has been making front-page news across Europe and in America since a report was presented to a committee of the European Parliament last December. Echelon, originally known as National Security Agency (NSA) project P415, is a system for global access to international communications using satellites, taps and monitoring stations at key locations. Two of the largest stations in the network, at Bude in Cornwall and Menwith Hill in Yorkshire, are run in conjunction with the British agency GCHQ.

Although information about any NSA activity is rare, former US intelligence community workers have made it clear that west European communications have always been on the NSA target list. Countries such as France, which have pursued highly independent diplomatic and military programmes, have been a particular priority. Among the known European targets of NSA interception have been the European Airbus project and its customers, and European arms sales to Middle Eastern states such as Saudi Arabia. Together with its British partner agency GCHQ, NSA has also targeted groups as diverse as Third-World aid charities and Catholic bishops discussing disarmament issues.

Over the past 10 years, the Echelon system has been automated and many of the hundreds of thousands of listening operators formerly working in communications intelligence have been replaced. Interception and analysis is now done automatically, through global networks of computers that can sift unattended.

Literally millions of personal and commercial communications are intercepted every hour. In place of the human operators are computers known as Dictionaries, which are programmed remotely with users' requirements for communications intercepts. By 1992, according to a former director of the US NSA, the system was selecting and processing two million intercepted messages an hour.

In Britain, one of the Dictionary computer systems was then reported to be operating at GCHQ's London offices in Westminster. Two years ago, a New Zealand author obtained extensive details of the system while researching his own country's participation in the system.

But although the "old Commonwealth" English-speaking nations — Canada, Australia and New Zealand — participate in the NSA network, the rest of Europe (and the rest of the world) is excluded. This has led to tension within the EU, especially from Germany and northern European states that place a higher importance on communications privacy.

GUARDIAN

Exhibit 16B

Newspaper: THE AUSTRALIAN FINANCIAL REVIEW – WEEKEND

Date: January 10-11,1998

Article title: ASC chases inside story

ASC chases inside story

report | **Bill Pheasant**

Insider trading is back in vogue but the Australian Securities Commission is fighting back, according to the ASC's NSW regional chief, Mr Bill Coad.

He said the ASC had refined its tools to trap the elusive insiders – including a customised database tool, NetMap – and was keen to see strong penalties meted out to protect investors and market integrity.

"The commission is a bit coy about insider trading, but we worry about it," Mr Coad said.

"We are being told by the city that it is prevalent. We are getting that noise, and we would love to see in the next couple of years some serious sentencing on that and we will work towards that, but in the meantime we are working with the ASX to minimise the opportunities."

It is believed the Australian Stock Exchange referred about 10 matters to the ASC's NSW office in the three months before Christmas, with many of the trades suspected to be linked to inside information.

However, the record of the regulator on prosecuting insider trading – notoriously difficult to prove – is at best mixed.

Its predecessor, the National Companies and Securities Commission, had the dubious distinction of gaining a single conviction – and the offender was one of its former staffers.

For the ASC, which succeeded the NCSC in January 1991, it was five years before its first conviction. Public relations consultant Mr Murray Williams was sentenced to 18 months periodic detention in 1996 after trading in the shares of his client, Australis Media.

Mr Coad said the ASC would not rely solely on criminal charges and jail.

"I'm not saying we shouldn't take people to jail, but the whole spectrum of activities is important. We have had to re-adjust ourselves here because the big increase has been in the markets area. And potentially we do have some high-profile matters coming through."

The NSW regional office in Sydney's King St houses the three-member "Intel" team, a group of young corporate investigators trained in database analysis. They use NetMap to provide analysis for ASC investigators based around the country, who might take weeks or months to achieve similar results.

The team comes under the guidance of the Commission's NSW director of enforcement, Mr Tim Phillipps, who led the ASC's Bond task force in Perth, and was formerly with the Victorian Police Fraud Squad.

Mr Phillipps said the advantage of NetMap was shown by a current investigation into market manipulation allegations.

"There are 10 or 12 key players. They are all significant, well-known market individuals. They have multiple mobile phones and spend 18 hours a day on the phone," he said.

"The only way for us to put together the 10 minutes of market trading as to who called whom, when, and who knew what when, is to go to the (telephone) call charge records and start stripping them down in fine detail. That's where NetMap is invaluable."

The analyst might search for links between a firm's staff, their addresses, associates, and companies, perhaps matched with thousands of call records.

"I can go back to the investigator and say, 'Your group of 12 didn't use those funds, but there were two associated people, or two family members who did.' That may lead you to further information, links you did not know of until the computer put them together."

moving markets

Other ASC market-related matters

- On Friday the ASC began investigating trading in Charters Towers gold shares which occurred just before the ASX suspended trading in the company on Thursday.
- Doug Reid: Jailed for 10 years for fraud. Still facing insider trading allegations over dealing in Southern Cross Airlines shares.
- Former Coca-Cola executive Muhtar Kent agreed last month to repay $400,000 profit allegedly made by short-selling CCA stock hours before profit downgrade. Investigation continuing.
- Nomura Securities facing civil suit over allegations of market manipulation and misleading and deceptive conduct for trading in SPI futures contracts in 1996.

Exhibit 16C

Newspaper: THE AUSTRALIAN FINANCIAL REVIEW – WEEKEND

Date: January 10-11,1998

Article title: NetMap identified as corporate terrier

NetMap identified as corporate terrier

report | **Bill Pheasant**

NetMap, a graphic analysis tool adapted by the Australian Securities Commission for investigative work, was a key element in the ASC's rapid identification of suspects for the $2 million TNT options trading profit by mystery trader 'Mr Mark Booth'.

Using NetMap, the ASC was able to identify a short list of "Mark Booth" suspects out of 800,000 males aged between 30 and 40 in NSW. There were 10,000 transactions and 80,000 linked people and entities cross-referenced though a Unix-based computer.

NetMap analysis of AUSTRAC data on cheques used to pay for the $90,000 in TNT options, matched against the names and contacts of people associated with the deal, and any entities linked to existing data, were subject to four days of examination.

Macquarie Bank executive director Simon Hannes was charged with breaching cash reporting legislation and later with insider trading, allegations which have yet to be tested in court and which he strenuously denies. He faces a committal hearing in Sydney in October.

ASC NSW regional commissioner Mr Bill Coad said NetMap was commonly used with the ASC's national company database of 1 million enterprises, ASCOT, and matched information with other data, frequently cash transactions recorded by AUSTRAC, which he formerly oversaw, or electoral roll lists.

The program, developed by Australian engineer and economist Dr John Galloway in the early 1980s, allows an operator to discover relationships between apparently discrete items of information. Clients of NetMap Solutions include corporates Qantas, Telstra, Optus and Westpac, along with other police agencies, the FBI and CIA in the USA, and UK's Scotland Yard.

A good result . . . the ASC's Tim Phillipps, left, and NetMap's Anthony Viel. *picture* | ROB YOUNG

Mr Coad said NetMap was also being employed by the ASC for targeted surveillance work, for example in the Commission's study on phoenix trading, insolvent trading and corporate abuses in the clothing industry.

"Random surveillance can help but it can also be a big waste," Mr Coad said.

"You can have people looking in every corner and they are mostly seeing good guys. If you can get your parameters right, it [NetMap] is like the electronic sniffer dog pointing to the potential crooks, if you like."

One of a handful of ASC analysts in the Intel team who operate the customised NetMap, Mr Anthony Viel, said NetMap provided a rapid graphical display of links and associations for any group of data: people, addresses, companies, motor vehicles, effectively anything captured on a database.

"We go to the ASCOT database and select for each person a list of associated people, companies and addresses. For each of those entries, the same 'linked' information can be obtained," Mr Viel said.

"If that is done for several levels, and the material analysed for interlinking and associations, highly valuable connections are discovered which would never have been obtained in the traditional 'linear' methods."

Senior ASC executive, Mr Tim Phillipps, said the method was frequently used in markets-based matters, such as suspected insider trading.

"We look for personal diaries, who they are having lunch with, and can type in those phone numbers and get their call charge records," he said.

Mr Phillipps said while NetMap had proved itself in investigation work, other ASC divisions were benefiting, for example in analysis of takeovers before granting relief from Corporations Law provisions, or prospectus post-vetting.

"They get a prospectus, and do a probity search and ask, for example, whether anyone associated with this entity has had complaints against them. Is the company worth looking at?" he said. "Using NetMap, we have found important material, like a director of a subsidiary that has has eight complaints in the past five years."

Exhibit 17

Facsimile
Transmission

to
(03) 9287 7001
Graham Schorer

from
Deacons Graham
& James

Deacons Graham & James

Transmission from facsimile (03) 9230 0505

Date	12 January 1999
To	Mr Schorer
Company/Firm	
Fax No	9287 7001
From	Jonathan Mott
Direct Line	9230 0656
Direct Email	J.Mott@dgj.com.au
Partner	Jonathan Mott
Our Ref	
Subject	
Pages sent	1 (including this page)

Lawyers

Level 24
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Perth
Sydney

International
Bangkok
Hanoi
Ho Chi Minh City
Hong Kong
Jakarta
Shanghai Republic of China
Singapore
Taipei
Tokyo

Los Angeles
New York
San Francisco
Seattle
Washington DC

Dear Mr Schorer

I note that you telephoned me at my office on 6 January 1999.

As I am acting as an arbitrator in an arbitration under the Special Rules for arbitration of 12 claims referred to Telecom by Austel and I understand you are or may be a party to an arbitration, I do not feel it is appropriate for me to speak to you directly.

This is a policy I have adopted with regard to the parties in other arbitrations.

Yours faithfully

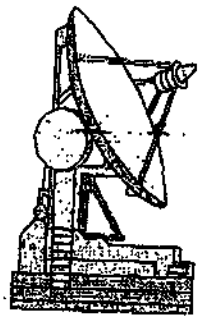
Jonathan Mott

JONATHAN MOTT
Partner

The information contained in this fax is confidential and may be subject to legal professional privilege. It is intended solely for the addressee.
IF YOU RECEIVE THIS FAX BY MISTAKE
1. Please call us and let us know. 2. Return the fax to us by post – we will pay for any postage.
3. You must not disclose or use the information in it unless we authorise you to do so.

Exhibit 18

Technical Report on possible facsimile interceptions prepared by SCANDRETT AND ASSOCIATES PTY LTD



SCANDRETT AND ASSOCIATES PTY LTD

TELECOMMUNICATIONS CONSULTANTS
41 ELIZABETH STREET ROSALIE
QUEENSLAND 4074
TEL +617 3368 1377

January 7, 1999

The Hon Senator
The Senate Leader of the National Party
Mr R Boswell
Parliament House
Canberra

Dear Sir

We have been requested to offer an opinion on the matter of alleged facsimile interception. Due to time constraints this report is preliminary and abridged.

Our company operates in the field of Telecommunications Consultancy and has done so for some 11 years.
The founding director , the writer of this letter was previously employed in a similar capacity 7 years before that in a national firm of Electrical Consultants. Prior to that he was also employed by a national telecommunications carrier. He holds a national certificate in Electrical Engineering.

Turning to the matter of the facsimiles . We have made an investigation into the possible interception and retransmission of facsimiles from the Tivoli Cabaret. Further the scope of this work was expanded to consider two other fax services who we are told are members of an organisation called COT. This was done as Mrs Garms not only advised us that it was calls to

certain numbers that the alleged interception occurred but also that the three numbers formed part of a "group", all of which appeared to be suffering from this interception.
We viewed that this scope of work was important in so much that if interception was occurring then ,because of the geographical location of these three machines it was being done on a national footing and could not be seriously considered as being the efforts of a single person or local group.
We were also reminded that there has been a protracted legal case involving these organisations and Telstra. Further we were advised that Telstra had previously , and without Mrs Garms direct permission, tapped the telephones at the Tivoli for an extended period and had taped conversations at that time. This information was of a background nature and was not considered in our deliberations.

We were briefed on the background situation and made several tests of Tivoli services.
The hard evidence given to us, showing possible interception related to unexplained changes in the header strip of some faxes sent between these parties and others with an interest in COT matters. These changes are not normal, as the header strip is a record of a handshake between the machines to enable setup of the calls, that is to say it indicates a conversation or exchange of information between fax machines and is not normally able to be modified by the receiving party (the human). For example the receiver of a fax from say the Ombudsman's office could not change the header information sent by the Ombudsman's machine.

We canvassed examples, which we are advised are a representative group, of this phenomena .

They show that

- the header strip of various faxes is being altered
- the header strip of various faxes was changed or semi overwritten.
- In all cases the replacement header type face is the same.
- The sending parties all have a common interest and that is COT .
- Some faxes have originated from organisations such as the Commonwealth Ombudsman office.
- The modified type face of the header could not have been generated by the large number of machines canvassed , making it foreign to any of the sending services.

We understand that originals of all the examples viewed are held along with many more.

From our investigation there appeared to be only two possible causes of this header situation. The first is that members of the COT group have used reprographic services to modify the headers for their own purposes.
The second is that a party or parties with access to the Telstra network on a national basis and the ability to selectively intercept and resend facsimiles have utilized the national network of Telstra to do this task..

The hard evidence shown to us does not disallow either case, but we have been advised that there is other evidence to support the COT people.

We have been told verbally:

- original faxes are held with time and date stamped records from sending and receiving machines.
- the problem disappeared on one service after complaints were made to Telstra.
- A Telstra technician had investigated on site and advised the owner that the faxes were being intercepted.
- There are a huge number of examples held by these people which would makes it a mammoth task to reproduce these documents especially over the three states involved.
- other parties such as the Ombudsman would not be involved in this possibility.
- It is unlikely that these people have the technical expertise to undertake such a task.

In our opinion these additional "facts" would make it almost certain that COT persons did not perform any alteration to the headers of the faxes involved.

The second possibility is that a party or parties with access to the Telstra network on a national basis and the ability to selectively intercept and resend facsimiles have interfered with or used the national network of Telstra to intercept and resend these faxes. Incredible as it seems there is no other likely solution or explanation to this situation. Further it appears to be an orchestrated effort as there is a measure of intelligence to this interception where, we understand, only some faxes appear to be intercepted based on a relationship with COT cases.

In summary then it is appears to be almost certain that these faxes are being intercepted and resent, with an attempt to hide the same, to the receiving party. It appears that it is not the work of a single local party, nor is it a simple interception but is more likely to be an orchestrated effort.

Yours Faithfully

S J Scandrett
Director

Exhibit 19

Report prepared by
Total
Communications
Solutions

I Peter Ross Hancock of 8 The Rise Diamond Creek in the State of Victoria do solemnly & sincerely declare

1. I have been actively employed in the telecommunications industry for the past 17 years and work & trained with such companies as The Melbourne & Metropolitan Board of Works, Honeywell LTD, AT&T Australia & Galvin Communications. For the past 3 years I have been a partner in Total Communications Solution Pty Ltd who specialize in Voice & Data installations & service. We are currently the authorized service center for Lucent Technologies (currently the second largest PABX vendor in Australia).

2. I have provided Telecommunications services to Golden Messengers since 1992.

3. I have recently undertaken extensive tests on Mr Schorers personal and normal day to day business fax machine located at the office of Golden Messenger Services, Telephone Number (03) 92877001 and on the accounts, photocopying fax machine No (03) 92860066.

4. Attached are the documents used in the testing and marked "A".

5. The following testing Procedure occurred on the 4th January 1999.

The following test procedures occurred whilst I was at the office of Golden Messengers, Queensberry Street, North Melbourne.

- I was asked to consider a fax Mr Schorer had received from Ann Garms in Brisbane concerning the first line of that fax transmission. My observation was that it included a date stamp that is commonly observed on faxes from most fax machines. However under the first fax transmission line was a second time and date stamp in different font and boldness.

- I then reviewed other faxes that had been received by Mr Schorer. Some faxes had two different time & date stamps and that others did not.

- Graham Schorer contacted Ann Garms and requested that she transmit test copies of her letter head which imprinted her facsimile footprint.

- The test copies show two time and date stampings from my experience a unique occurrence from any facsimile machine.

- ❖ Ann Garms then sent a test fax to the Golden Messengers accounts fax machine (having a private number).
- ❖ This fax came printed with only one time and date stamp.
- ❖ Two further test faxes to the machine (subject of concern) included two time and date stamps.
- ❖ The in-dial number of the fax in question was changed to 92860020 and a test fax from Ann Garms revealed two time and date stamps.
- ❖ To clarify this problem I checked the instruction manual of the fax machine in question and further testing led to the conclusion that the fax machine concerned could not produce the second date & time stamp imprinted.
- ❖ Part of a 48 page document was received from Telstra at around 15:58 PM.
- ❖ This resulted in a request for another test facsimile to be sent from Ann Garms.
- ❖ This facsimiles did not have a second time & date stamp.(tending to establish that any interception on the line of facsimile transmissions sent or received had been removed)
- ❖ Further testing occurred between Ann Garms and Graham Schorer without the double printing of facsimile footprints.

6. On the 11th January 1999 I discussed;
   a) the discrepancies (that is the second footprint) in the fax headers raised by the tests referred to above and
   b) the differences in the fax headers attached (marked "B") relating to faxes sent between Ross Plowman and Ann Garms, the Commonwealth Ombudsman's Office to Graham Schorer, Graham Schorer and his solicitor Mr Hunt, Graham Schorer and his counsel Mr Cosgrave, Deacons Graham & James to Aitken Walker & Strachan (the Arbitrator & the Solicitor for Mr & Mrs Bova) and faxes from Alan Smith at Cape Bridge Water, with a team leader at Rank Xerox, Denis Galner (providers of Mr Schorer's facsimile equipment). This discussion included Graham Schorer, Mr Plowman's and Mrs Garms solicitor Ms Sue Owens, and myself.
   Denis Galner (a team leader at Rank Xerox) reviewed all the facsimile's referred to and agreed that the facsimiles were intercepted from the original senders and redirected by third parties, to the original intended recipient's.
7. I have also reviewed a large number of facsimiles from mid 1998 to the 4th January 1999 provided by Mr Schorer, which clearly include a second imprint on the facsimile foot print.

8. It is my opinion from the evidence provided that a third party has been intercepting all of the faxes referred to above.

9. In my experience there is no other explanation for the discrepancies in the facsimile footprints in question.

10. I have read the report of Scandrett & Associates Pty Ltd and concur with it's contents.

AND I make this solemn declaration conscientiously believing the same to be true & by virtue of the provisions of an Act of Parliament of Victoria rendering persons making a False declaration punishable for willful & corrupt perjury.

Declared at Hawthorn ***in the State of Victoria this*** 6th

Day of January ***One Thousand Nine Hundred & Ninety Nine***

Before

Exhibit 20

Report prepared by
Fuji Xerox
Australia Pty Ltd

Facsimile

THE DOCUMENT COMPANY
FUJI XEROX

Attention:	GRAHAM SCHORER		
Company:	GOLDEN MESSENGERS		
Facsimile No:	03 92877001	Date:	23.2.99
From:	TREVOR YARDLEY	Pages incl. this one:	FIVE
Return No.:	Ph:	Fx:	
	e-mail:		
Subject:	REPORT ON		

Graham.

Here is the report as discussed - an original will be in the post by end of today. Any questions, please call.

Regards
Trevor.

THE DOCUMENT COMPANY
FUJI XEROX

22 February 1999

Mr G Schorer
Golden Messengers,
Queensberry Street
North Melbourne VIC 3051

Graham,

The purpose of this letter is to answer the questions you raised in your letter to me dated 18th January 1999. Since that time I have requested Our National Technical Product Manager Mr Benz Lui and Mr Eric Walker the Technical Services Manager of SAGAM (the company that manufactures the product which Fuji Xerox market as the LF80) to explain the behaviour of the LF80 when receiving faxes. My report is a summary of the information that they have provided and the results of an examination that I made of the various exhibits. This report has been validated by Mr Eric Walker to confirm the accuracy of the technical information provided.

I will start with a summary of the basic operation of a fax machine to assist in a clear understanding of the transmitting and receiving headers on fax machines. I feel that this is necessary to help the reader to understand how our conclusion has been reached.

The Basics

When a fax machine has been acquired, the user has to enter some basic details into the machine so that recipients will know where the fax has been sent from. The operator has to set up the "Sender Identification Number which is normally the telephone line number the machine is connected to. I will refer to this number as the"**Sender ID**". In a separate field, the operator can choose to enter the Senders Name or other information in the machine memory. I will refer to this field as the "**Sender Name**".

In fax communication, the Sender ID is not handled in the same way as the Sender Name. The Sender ID, will always be sent to the receiving end through the FAX Protocol regardless of whether the "Header" on the transmitting machine is enabled or disabled. The Sender ID is always sent through the Fax Protocol as data (real numbers as distinct from an "encoded" image created by dots). However, the Sender ID is not always printed as Data. This is dependent upon whether the Transmitting or Receiving machines Header is enabled or not. If a Header is enabled, the Sender ID will form part of that Header as described below.

There are two types of Header referred to in this document.

1 **TX Header.** The TX Header is the transmitting faxes header and is made up of three pieces of information. The first is the **Sender ID**, the second is the **Sender Name** and the optional third is the Date/Time/Page information. The size and type of font used in a TX Header is determined by the transmitting machine as is the Date/Time/Page information. An important thing to note here is that the space that the TX Header takes up at the top of each page is also determined by the transmitting machine and can vary from a few millimetres to as much as 12mm.

Fuji Xerox Australia Pty. Limited A.C.N. 000 441 818 Locked Bag 2051 (101 Waterloo Rd)
North Ryde NSW 2113. Tel 02 9856 5000. Fax 02 9856 5003 http://www.fujixerox.com.au

When the "TX Header" is enabled, all of the available data outlined above will be "encoded" into the fax image sent (together with the image of the document) and will be transmitted as a complete page. Therefore a page would be a combination of the TX Header and the actual document. The TX Header will appear on each of all pages sent. If the "TX Header" is disabled, the Sender Name will not be sent. However the Sender ID will always be sent through the Fax Protocol.

RX Header. The RX Header is the receiving machines header and is produced by the receiving machine in a font and size set for that machine. In the case of the LF80, if the receiving fax has the RX Header enabled, it will "white out" the first 8mm of the transmitted document and produce its own RX Header comprising the Sender ID and the Date/Time/Page information appropriate to the receiving machine (this Date/Time/Page information is useful for the receivers of International fax traffic). If the sending machine is the same make and model as the receiving machine then the "Sender Name" may also appear in this header.

Having outlined the basic information about the TX (Transmitting) and RX (Receiving) Headers, we can now look at the various combinations of each and determine what the receiving fax header may look like. The four combinations are:

	TX Header	RX Header
A	OFF	OFF
B	OFF	ON
C	ON	OFF
D	ON	ON

A) If the TX Header is turned off (at the transmitting machine), the TX Header as described above will not be sent but the **Sender ID** will still be transmitted via the fax protocol (assuming it has been entered by the user).

The receiving fax will not print the Sender ID at the top of the page. The sender ID will only be seen on the receipt log.

B) If the RX Header has been turned on (at the receiving fax), the receiving fax will produce its own RX Header and print such things as "fax from" plus **Sender ID** (if entered on the transmitting fax) plus the Date/Time/Page details appropriate to the receiving machine. The **Sender Name** will not normally be produced within this RX Header (because it has not been transmitted) **unless** the transmitting and receiving faxes were of the same make and model, in which case the sender name **might also** be printed.

C) In this case the TX Header would be sent as a page comprising the Sender ID, Sender Name and Date/Time/Page information plus the document. With the RX Header turned off the TX Header would be printed just as the transmitting machine sent it.

D) If both the TX and RX Headers are turned on, the transmitting machine sends the TX Header but this is overwritten by the RX Header. In the case of the LF80, the 8mm deep RX Header may or may not completely cover the TX Header (depending of course on the depth of the TX Header). If for example the TX Header is say 10mm deep then the received fax would show the 8mm deep RX Header (which would include about 2mm of white space) below which would appear the remaining 2mm of the TX Header.

In our view, the examples sent to us are of type D) above. So in answer to the first question we must assume that the examples we have seen are those created by the LF80 RX Header.

I have examined all of the fax exhibits that you sent to me to see if the explanations given above can be verified visually on the actual faxes.
I simply looked at each exhibit in turn and using the simple method of looking for a partially or completely covered TX Header with a common layout and font, I determined whether or not the RX Header on the LF80 was on or off. In my view the RX header (referred by you as the "foreign" or "third party" footprint) is actually from the LF80 and can be clearly seen as such when you compare the explanation above to the exhibits. Having done this I then simply collated all the dates to look for a pattern. I have not referred to the actual exhibit number in the table below except where the data is odd.

It should be noted that the LF80 was installed on the 21st May 98. Before that the fax was a model 7041. However the three exhibit faxes received prior to the LF80 installation show the TX Header and are simple receipts.

Received	No of Faxes with RX Header OFF (Receives TX Header)	No of Faxes with RX Header ON (Prints RX Header)
5th June		1
10th June		1
13th June		1
1st July	1	
6th July		1
10th July		1
11th July	1	
14th July	1	
17th July		1
29th Oct		1
3rd Nov		1
13th Nov		
3rd Dec		1
7th Dec		1
8th Dec		1
19th Dec	1	
20th Dec		1
24th Dec		1
29th Dec		5
30th Dec		1
4th Jan	10	1(8b)
5th Jan	3	
6th Jan	3	1(13a)
8th Jan	2	
10th Jan	1	
12th Jan	1	
13th Jan	1	
14th Jan	1	

I have no explanation why the faxes received on the 1st,11th, and 14th of July and the 19th December have only the TX Header other than the RX Header on the LF80 had been switched off or the faxes were received elsewhere. You would need to check the receive log to verify their receipt by the LF80. Similarly I have no explanation as to why one (exhibit 8b) of the eleven faxes received on the 4th January or one (exhibit 13a) of the four received on 6th January should have the RX Header on rather than off. A simple explanation would be that someone was experimenting with the RX header feature at the time and managed to turn it on for these two faxes. I have not had time to examine the times shown on all faxes received on the 4th and the 6th but I would suggest again that you check the receipt log and your own records of events on those days.

When the LF80 has the RX Header switched on, all faxes from a variety of machines will be consistent (including the font etc as this is set by the LF80). This is clearly seen in the exhibits. Your exhibit 10b for example shows the time in Sydney rather than that in Brisbane. This is because the RX Header is "on" and therefore the time will be that of the receiving machine rather than the transmitting fax. If two faxes from the same sending machine are different, our only explanation would be that the RX Header has been turned on or off at the LF80 in between the two transmissions or the TX Header has been turned on or off at the transmitting fax.

The only way to determine this is to take the Receive Logs of the LF80 and to match this record to the actual faxes received. If for example two short (eg. one page) faxes from the same source were received within say a minute of each other where one showed the RX Header and the other did not, we would have no explanation for this. (This is making the assumption that there would not be sufficient time to turn the RX Header on or off between the received transmissions).

Regarding the final question related to calling line identification, as explained in the first part of this document, the Sender ID will always be sent from the transmitting machine through the fax protocol regardless of whether the TX Header on the transmitting machine is enabled or not. Therefore, assuming that the Sender ID has been entered into the transmitting fax machine, you will always see this information.

I hope that the explanations given in this document are useful to you and that you can understand the reasoning behind our conclusion. If you wish to clarify any points then please call me on 02 98565656.

Yours Sincerely
Fuji Xerox Australia PTY Ltd

Trevor T Yardley
National Customer Service Business Manager