The Hon. Michael D. Kirby AC CMG

9 July 2009.

Mr. Alan Smith,
Seal Cove Guest House,
1703 Bridgewater Road,
PORTLAND VIC. 3305

Dear Mr Smith.

On 2 July 2009, you wrote to me raising a complaint concerning the conduct of an arbitrator who is a member of the Institute of Arbitrators & Mediators Australia. You wrote to me in my capacity as President of the Institute.

In accordance with established procedure, I have referred the complaint to the Ethics and Professional Affairs Committee of the Institute.

In due course, you will be informed following this reference.

Please direct future correspondence to the Chief Executive Officer of the Institute, Mr. Paul Crowley, PO Box 1364, Law Courts, Melbourne, Vic. 8010.

Yours sincerely.

Cc Mr. Paul Crowley

13-A

Level 7, 195 Macquarie Street
Sydney NSW 2000 Australia
Website: www.michaelkirby.com.au

Telephone: +61 2 9231 5800
Facsimile: +61 2 9231 5811
E-mail: mail@michaelkirby.com.au

Seal Cove Guest House
1703 Bridgewater Road
Portland 3305
Phone: 03 55 267 170

15th July 2009

Mr Paul Crowley
CEO
Institute of Arbitrators and Mediators Australia
PO Box 13064, Law Courts
Melbourne 8010

Dear Sir,

The President of the IAMA, The Hon Michael Kirby, has notified me that he has passed on to you complaints I have lodged with the IAMA regarding my arbitration with Telstra. Mr Kirby has also advised that I should correspond with you in future, in relation to these matters.

I understand if, at first, you would think my complaints fall outside the statute of limitations but, although the problems related to the arbitrator's conduct of my arbitration were first raised with the Institute in 1996, I have continued in my attempts to have them investigated ever since, and the arbitrator (Dr Gordon Hughes, a member of the IAMA) was one of the people who deliberately misled and deceived the Institute when they first contemplated investigating my claims.

The document I forwarded to Dr Hughes on 21st June this year and the letters I have written recently to Mr Kirby (which included a copy of that document), show that I can now prove that Dr Hughes knowingly altered, or allowed alterations to, a legally binding arbitration agreement, after his office had sent the original, unchanged version to the claimants' lawyers for assessment, and after one claimant (Maureen Gillan) had signed the unchanged version but before Graham Schorer and I signed (we were all members of the Casualties of Telstra group of claimants). As I am sure you must know, altering a document like an arbitration agreement without the written approval of both parties is classed as perverting the course of justice, particularly when those changes directly disadvantages one of the parties to the process.

The legal advice that Graham Schorer and I received, based on the original, unchanged version of the agreement, was that we should accept that version because the Commercial Arbitration Act under which our arbitrations were to be administered had limited rights of appeal, and clauses 24, 25 and 26 of the submitted version of the agreement provided both a safety net for us and assurance that the Arbitration Resource Unit and the TIO's Special Counsel would be diligent in their duties in relation to the administration of the arbitration process. These clauses were, however, secretly removed before we signed the contract (but after we had been given legal advice on the unchanged version). This is clearly a deliberate act of deception by those who knew the agreement had been secretly altered.

It is also important that you understand the process that led the Casualties of Telstra (COT) group into arbitration in the first place. Originally, the then regulator AUSTEL facilitated a commercial assessment process called the Fast Track Settlement Proposal (FTSP), and four of the members of COT (Gillan, Garms, Schorer and I) were given until close of business on 23rd November 1993 to add our signatures to the agreement which had been signed by Telstra on the 18th November 1993. At point (4) in the FTSP agreement it notes: *"This proposal constitutes an offer open to all or any of the COT Cases referred to in Clause (1)(a), which will lapse at 5pm on Tuesday 23 November 1993. This offer may be accepted by signature below and sending advice of such signatures to AUSTELL or the Telstra Corporate Secretary before that time"*. Telstra advised AUSTEL, that if we did not sign by the required time we would have to enter into the TIO-administered legal arbitration process using Telstra's 'Preferred Rules of Arbitration'.

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This threat led to all of us signing the FTSP on 23rd November 1993. When it then gradually became clear that Telstra would not provide the FOI documents we needed to prepare our cases, the assessor, Dr Hughes (who later became the arbitrator), convinced us to abandon the commercial assessment and sign the arbitration agreement that had been prepared by Minter Ellison, based on Telstra's 'Preferred Rules of Arbitration'. Dr Hughes assured us that this would provide him with the power to force Telstra to provide us with the documents we had, until then, been denied and, according to Telstra minutes of a meeting on 17th February 1994, Dr Hughes was adamant that he *"...would not bring down a determination on incomplete information"*. In my case, as the information now before the IAMA clearly shows, Dr Hughes DID hand down my award based on incomplete information.

On 26th September 1997, during the Senate Estimates Committee investigations into the COT Case FOI matters, John Pinnock (TIO) advised the Committee (without naming Dr Hughes) that: *"For present purposes, though, it is enough to say the process was always going to be problematic, chiefly for three reasons. Firstly, and perhaps most significantly, the arbitrator had no control over the process, because it was a process conducted entirely outside the ambit of the arbitration procedures"*.

We, the claimants, were never told that our arbitrations would be conducted 'entirely outside the ambit of the arbitration procedure', either before we signed the arbitration agreement or after. Neither were we ever warned that Dr Hughes would have 'no control over the process because it would be a process conducted entirely outside the ambit of the arbitration procedures. Graham Schorer and I agree that, if we had been given this information, or if we had been told that the Resource Unit and/or the Special Counsel would not be held accountable for their part in the arbitration process i.e. not liable for legal suit for their part in the arbitration procedure, we would NEVER have abandoned the FTSP and we would NEVER have agreed to take part in the proposed arbitration, in any way or at any level.

I have attached herewith, dated 15th July 2009, my 26 page report title Arbitration – Discrimination 1994/95 and accompanying 72 exhibits supporting the report.

Advice provided to me suggests that the IAMA should now focus on investigating the secret alterations described in the information already provided to you via Mr Kirby and further detailed in the attached document headed Arbitration – Discrimination 1994/95.

Thank you,

Alan Smith

13-B

Seal Cove Guest House
1703 Bridgewater Road
Portland 3305
Phone: 03 55 267 170

20th July 2009

Mr Paul Crowley
Chief Executive Officer
C/o the Ethics and Professional Affairs Committee
Institute of Arbitrators and Mediators Australia
PO Box 13064, Law Courts
Melbourne 8010

Dear Sir,

My letter to you on 16th July advised that the following documents would be hand-delivered to you. These reports are now attached for your information:

1. Service Verification Tests (SVT) – Telstra's Misleading and Deceptive Conduct – Part 1, pages 1 to 38 (August 2008);
2. Bell Canada International (BCI) – Telstra's Misleading and Deceptive Conduct – Part 2, pages 39 to 50 (September 2008);
3. 008/1800 & Fax Billing Issues – Telstra's Misleading and Deceptive Conduct – Part 3, pages 1 to 23 (3rd October 2008);
4. Statement of Facts and Contentions as submitted to the Administrative Appeals Tribunal (26th July 2008);
5. Nine bound spiral bound volumes of exhibits 339 in total have been provided in support of my AAT submission, numbered as 1 to 47; 48 to 91; 92 to 127; 128 to 180; 181 to 233; 234 to 281; 282 to 318; 319a to 323; and 324 to 339;
6. A document titled Questions to the (IAMA) and accompanying 58 ***Exhibits;***
7. A draft manuscript titled the *"COT CASE" One of the stories from the "Casualties of Telstra' saga'*. This document has been provided to give a human interest side of the saga.
8. Draft & Final Arbitrators Award,
9. Lane Technical report dated 6th April 1995;
10. Draft DMR & Lane Report dated 30th April 1995;
11. Formal DMR & Lane Report dated 30th April 1995;
12. Letter of Claim submitted to arbitration 15th June 1994;
13. The Arbitration Agreement faxed on 19th April 1994, from Dr Hughes' office to Mr Alan Goldberg AO (Now a Federal Court Judge), please note page 12 of this agreement shows clauses 24, 25 and 26 was firmly in place when this document was received.
14. The Arbitration Agreement I signed on 21st April 1994, showing clause 24 exonerated Peter Bartlett and the Resource Unit – both clause 25 and 26 regarding the liability clause have been deleted (i.e. do not match the agreement faxed to Mr Goldberg).
15. Report to the Senate Environment, Recreation, Communications and the Arts Legislation Committee (Ministers Office) from John Pinnock (TIO) dated 26th September 1997, noting on page 4: *"Firstly, the Arbitrator had no control over the process because it was conducted outside the ambit of the Arbitration Procedures"*. Senate Hansard (attached) noting the same.

13.C

16. Report titled Dr Gordon Hughes – Interception of Telephone Conversations not addressed during Alan Smith's Arbitration, Prepared for the IAMA July 2009;
17. Report titled Dr Gordon Hughes, Arbitration, Prepared for the IAMA July 2009
18. Report titled Dr Gordon Hughes, Arbitration Billing Issues Not Addressed, Prepared for the IAMA July 2009;
19. Report titled Dr Gordon Hughes, Arbitration Service Verification Tests (SVT) Prepared for the IAMA July 2009;
20. Report titled Dr Gordon Hughes, Conspiracy to Pervert the Course of Justice, Prepared for the IAMA July 2009;
21. Report titled Dr Gordon Hughes' Resource Unit, Conspiracy to Pervert the Course of Justice, Prepared for the IAMA July 2009

The exhibits on the enclosed CD (point 5, above) should be read in conjunction with the AAT Statement of Facts and Contentions (point 4, above) – the appropriate exhibits are referred to in the AAT submission, with each number preceded by my initials, i.e. AS1, AS2 etc.

The documents at points 1 to 4, and the exhibits on the CD (point 5, above) were all provided to the Administrative Appeals Tribunal (AAT) between August and October 2008, in support of my AAT Statement of Facts and Contentions.

Although the document at point 6 (above) was not provided to the AAT, it will be useful to the Ethics and Professional Affairs Committee during their investigation into my matters because it includes a detailed explanation of the way our arbitration agreement was secretly altered.

The Ethics and Professional Affairs Committee should also know that, during my arbitration, I raised the problems with the arbitration SVT tests, and the ongoing billing problems associated with my 008/1800 phone service, with Dr Hughes, but not only did he fail to investigate my complaints, he also made no mention of them in my arbitration award. The award did mention that both AUSTEL and the COT claimants complained, in general, about the BCI testing process but did not note that BCI could not possibly have carried out the 13,000 test calls they record in their report on the Cape Bridgewater RCM Exchange. Dr Hughes did not instruct the arbitration technical resource unit to investigate any of the three issues covered by the enclosed reports, even though all three were registered in my claim documents.

I was telephoned late this afternoon by a representative (Alan) of the IAMA Ethics and Professional Affairs Committee of the Institute asking whether I had provided all the relevant information concerning my complaint against Dr Gordon Hughes.

I have attached here and in my previous correspondence to the Ethics and Professional Affairs Committee, all the information I consider relevant to my claims. However, I trust that if the IAMA require any further information that they might see is important to their investigations they will in fairness under the circumstances see a need to request any further documentation that they require.

I have also attached copies of Dr Hughes draft Award and final Award along with the 6th April 1995, draft Lane technical report and the Dr Hughes' copy of the DMR & Lane draft 30th April report as well as the final DMR & Lane 30th April 1995 formal technical report. My Letter of claim submitted 15th June 1994 to Dr Hughes, has also been attached as background information.

Please note: because some of the reports such as the Ferrier Hodgson Corporate Advisory financial draft and final report along with Telstra's interrogatories are voluminous they have not been attached. If any documentation along these lines is needed for assessment purposes please request for the information to be forwarded.

Sincerely,

Alan Smith

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "capesealcove" <capecove12@bigpond.com>
Sent: Tuesday, 20 October 2009 9:49 AM
Subject: RE: Registered Documents

Dear Mr Smith,

I can confirm that all the documentation has been received into the IAMA office and passed to Mr Crowley.

Regards,

Richard

From: capesealcove [mailto:capecove12@bigpond.com]
Sent: Monday, 19 October 2009 3:47 PM
To: Richard Atherton
Subject: Registered Documents

Attention Mr Paul Crowley
Chief Executive Officer
Institute of Arbitrators
Melbourne

Dear Mr Crowley

Please find attached confirmation that I registered a parcel on 5 October 2009 which was not received by your office and/or the Law Courts Post Shop until 13 October 2009. I am concerned that perhaps your office might not have received the documentation I sent and would appreciate confirmation what your office actually received. Your office should have received the following three documents:

1. An 8 page letter to you titled: *Final Submission to Mr Paul Crowley dated 29th September 2009;*
2. A bound submission dated 28th September 2009 with accompanying ***Exhibits***
3. A bound submission dated 29th September 2009 with accompanying ***Attachments***

I appologise for any inconvenience this extra work will cause your office staff but I am sure you will understand my concerns.

An email concerning this matter will allievate my concerns.

Thank you
Alan Smith

13-7

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "Alan Smith" <capecove12@bigpond.com>
Sent: Wednesday, 21 October 2009 12:50 PM
Subject: RE: Alan Smith - Document issue

Dear Mr Smith,

Presently, IAMA does not require this further documentation to be sent. However, the investigating persons will be notified of these documents and may request them at a later date.

Regards,

Richard

From: Alan Smith [mailto:capecove12@bigpond.com]
Sent: Wednesday, 21 October 2009 12:16 PM
To: Richard Atherton
Subject: Alan Smith - Document issue

Dear Mr Atherton,

Since I confirmed that my submission to the IAMA is now complete I have been advised that I should also have clearly explained that I have a large file of documents that confirm that, between 1998 and 2001, at least fifty-two Telstra/arbitration related faxed documents were intercepted by a third party after the faxes had been sent from either my residence or my business premises. Since these faxes were not sent during my actual arbitration, this material has not been included in my submission to the IAMA.

If you refer back to ***pages 137*** and ***138*** in my Administration Appeals Tribunal (AAT) Statement of Facts and Contentions, a copy of which was provided to the IAMA on 20th July 2009, you will see that, two professional technical consultants have stated that, in their opinion, (the faxed material provided to them) confirmed they were intercepted and then redirected to their intended destination.

If Mr Paul Crowley believes this file would be of assistance during the IAMA investigation, (the intercepted faxes are all related to my Telstra/arbitration matters, please let me know and I will arrange to send it to the IAMA. I must confirm again though, that the evidence in this file only confirms the interception of faxes that were sent after the end of my arbitration.

As I stated earlier today, my IAMA claim is now complete.

Sincerely,
Alan Smith

13-D

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "Alan Smith" <capecove12@bigpond.com>
Sent: Wednesday, 21 October 2009 12:50 PM
Subject: RE: Alan Smith - Document issue

Dear Mr Smith,

Presently, IAMA does not require this further documentation to be sent. However, the investigating persons will be notified of these documents and may request them at a later date.

Regards,

Richard

From: Alan Smith [mailto:capecove12@bigpond.com]
Sent: Wednesday, 21 October 2009 12:16 PM
To: Richard Atherton
Subject: Alan Smith - Document issue

Dear Mr Atherton,

Since I confirmed that my submission to the IAMA is now complete I have been advised that I should also have clearly explained that I have a large file of documents that confirm that, between 1998 and 2001, at least fifty-two Telstra/arbitration related faxed documents were intercepted by a third party after the faxes had been sent from either my residence or my business premises. Since these faxes were not sent during my actual arbitration, this material has not been included in my submission to the IAMA.

If you refer back to ***pages 137*** and ***138*** in my Administration Appeals Tribunal (AAT) Statement of Facts and Contentions, a copy of which was provided to the IAMA on 20th July 2009, you will see that, two professional technical consultants have stated that, in their opinion, (the faxed material provided to them) confirmed they <u>were</u> intercepted and then redirected to their intended destination.

If Mr Paul Crowley believes this file would be of assistance during the IAMA investigation, (the intercepted faxes are all related to my Telstra/arbitration matters, please let me know and I will arrange to send it to the IAMA. I must confirm again though, that the evidence in this file only confirms the interception of faxes that were sent <u>after</u> the end of my arbitration.

As I stated earlier today, my IAMA claim is now complete.

Sincerely,
Alan Smith

13-D

Alan Smith

From: "Alan Smith" <capecove12@bigpond.com>
To: "Richard Atherton" <Trust@iama.org.au>
Sent: Wednesday, 21 October 2009 9:12 AM
Subject: Re: Registered Documents

Dear Mr Atherton

I confirm that my two submissions dated 28 and 29 September 2009, and the accompanying 8 page letter to Mr Paul Crowley on 29th September 2009 is my final submission to the IAMA Ethics and Professional Affairs Committee. My letter of 5th October 2009 to Mr Paul Crowley was sent only to clarify that while I suspected facsimles were intercepted by a third party during my arbitration, I only have documented evidence showing documents were being intercepted i.e. after leaving my business and residenace for the dates between 1998 and 2001. I appologise if my 5 October letter confused the IAMA.

I again thank the IAMA for investigating my matters.

Sincerely
Alan Smith

> ----- Original Message -----
> **From:** Richard Atherton
> **To:** Alan Smith
> **Sent:** Tuesday, October 20, 2009 5:55 PM
> **Subject:** RE: Registered Documents
>
> Dear Mr Smith,
>
> Further to our correspondence below; please can you confirm that these documents are final submissions in regard to your complaint.
>
> Regards,
>
> Richard
>
> ---
>
> **From:** Alan Smith [mailto:capecove12@bigpond.com]
> **Sent:** Tuesday, 20 October 2009 10:44 AM
> **To:** Richard Atherton
> **Subject:** Re: Registered Documents
>
> Dear Mr Atherton
>
> Thank you for your prompt response
>
> Kind regards
> Alan Smith
>
> > ----- Original Message -----
> > **From:** Richard Atherton
> > **To:** capesealcove
> > **Sent:** Tuesday, October 20, 2009 9:49 AM
> > **Subject:** RE: Registered Documents
> >
> > Dear Mr Smith,
> >
> > I can confirm that all the documentation has been received into the IAMA office and passed to Mr Crowley.
> >
> > Regards,

13-D

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "capesealcove" <capecove12@bigpond.com>
Sent: Friday, 23 October 2009 3:39 PM
Subject: RE: Letter to Mr Crowley

Dear Mr Smith,

This document will be accepted.

I have been advised that the final day for submissions is October 30th.

Regards,

Richard

From: capesealcove [mailto:capecove12@bigpond.com]
Sent: Friday, 23 October 2009 2:07 PM
To: Richard Atherton
Subject: Letter to Mr Crowley

Attention Richard Atherton

Dear Mr Atherton

Please find attached my two page letter to Mr Paul Crowley, the original will be posted on Monday. Also attached is page 57 from my AAT Statement of Facts and Contentions referred to in my letter to Mr Crowley.

I trust that Mr Crowley and the Ethics and Professional Affairs Committee will accept that I am not submitting new material at this stage I am only clarifying information that I have already submitted.

Kind regards
Alan Smith

13-D

Alan Smith

From: "Richard Atherton" <Trust@iama.org.au>
To: "capesealcove" <capecove12@bigpond.com>
Sent: Friday, 27 November 2009 2:00 PM
Subject: RE: Mr Paul Crowley 23 November 2009 - Letter

Dear Mr Smith,

Your email has been forwarded to Mr Crowley.

Regards,

Richard

From: capesealcove [mailto:capecove12@bigpond.com]
Sent: Friday, 27 November 2009 6:50 AM
To: Richard Atherton
Subject: Mr Paul Crowley 23 November 2009 - Letter

Dear Mr Atherton

On Wednesday 25 November 2009, I mailed the attached letter dated 23 November 2009 (and 4 attachments) from Mt Gambier in South Australia to Mr Paul Crowley, via overnight mail. I now realise that I failed to make it clear at the end of the letter that, if it would be helpful to the IAMA Ethics and Professional Affairs Committee as they assess my current claims, I could provide the original facsimile transmission (and attachments) that Mr Michael Shand QC sent to Dr Hughes at Lander & Rogers on 15 June 1990, regarding the letter Mr Shand suggested that Graham Schorer send to Telstra's Mr Ward. I can also supply the original letter dated 19 September 1990 to Graham Schorer from Dr Hughes at Lander & Rogers.

I would be grateful if you would please pass this message on to Mr Crowley.

Kind regards
Alan Smith

13-E

The Hon. Michael D. Kirby AC CMG

21 February 2011

Mr. Alan Smith,
Seal Cove Guest House,
1703 Bridgewater Road,
PORTLAND VIC 3305

Dear Mr Smith,

YOUR COMPLAINT TO IAMA

Thank you for your letter of 17 February 2011, just received.

When I wrote to you in July 2009, I served as President of the Institute of Arbitrators & Mediators Australia.

In June 2010, I stepped down from this position. Mr. Warren Fischer was elected in my place.

A possible explanation for your not hearing from Mr. Paul Crowley is that, not long after my retirement as President, he resigned as Chief Executive Officer of IAMA.

I will send your letter and the attachment to Mr. Fischer and request that he respond to your enquiry.

With kind regards

Yours sincerely,

13-F

Level 7, 195 Macquarie Street
Sydney NSW 2000 Australia
Website: www.michaelkirby.com.au

Telephone: +61 2 9231 5800
Facsimile: +61 2 9231 5811
E-mail: mail@michaelkirby.com.au

THE
INSTITUTE of
ARBITRATORS & MEDIATORS
AUSTRALIA

Australia's leading ADR organisation since 1975

21 March 2011

Mr Alan Smith
Seal Cove Guest House
1703 Bridgewater Road
PORTLAND VIC 3305

Dear Mr Smith

I confirm receipt of your correspondence dated:

22 February 2011 (forwarded to me by the Hon Michael Kirby AC CMG under cover dated 28 February 2011);
6 March 2011; and
9 March 2011.

I advise that I have passed all of that correspondence to our Ethics and Professional Affairs Committee for reply to you.

Yours faithfully

Warren Fischer
President

13-G

The Institute of Arbitrators and Mediators Australia
ABN 80 008 520 045
Level 9, 52 Phillip Street, Sydney NSW 2000
Telephone (02) 9241 1188 Facsimile (02) 9252 2911 Email ceo@iama.org.au Website www.iama.org.au

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.

13-H

- It is the duty of Hunt & Hunt Sydney Office to redistribute received facsimiles to theintended 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

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. 20107G
29 JUL 2009
NORTH MELBOURNE 3051
Ph: 9328 1960 Ph/Fax: 9328 1531

13-H

THE
INSTITUTE of
ARBITRATORS & MEDIATORS
AUSTRALIA

Australia's leading ADR organisation since 1975

11 November 2013

Mr Alan Smith
Seal Cove
1703 Bridgewater Road
PORTLAND VIC 3305

Dear Ms Smith,

I refer to your letter dated 28 October 2013 to our President, which is ***enclosed*** by way of return to you.

Do not write again to IAMA, our President, or any person connected with IAMA again on this matter. Any future letters received will be returned to you.

Regards,

Suzanne Greenwood LLM LLB FAIM MAICD
Chief Executive Officer

13-I