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Mr Wally Rothwell
Deputy Ombudsman
Telecommunications Industry Ombudsman's Office
Melbourne

Dear Wally,

I believe I have now demonstrated to you, in telephone discussions and through the material I have recently forwarded to your office, that it was quite a common occurrence for faxes I have sent in the past to end up as blank sheets of paper at their destination. One example of the stresses that this problem caused, not only to me but also to others, relates to Caroline, Dr Hughes's secretary. Sometime in August or September 1994 I became very angry because I believed Caroline had not been collecting my faxes from their receptionist and, after venting this anger on Caroline, she told me that there were no faxes at reception for her to collect and, anyway, she had already dealt with all the correspondence for the day. This particular episode cost me \$50 in 'apology' flowers sent as an 'olive branch'.

After Dr Hughes had handed down his award I did not receive all of my claim documents back from his office. Mr Pinnock, TIO, is also aware of the number of occasions I have asked him for copies because, as administrator of my Arbitration, he should have retained copies of all my claim documents. The TIO responded, on a number of occasions, by stating that he will not supply these documents. I am at a loss to understand this response particularly since the documents I am asking for are only copies of my own correspondence during the Arbitration, or copies of my own claim material. One of Mr Pinnock's replies is attached. This letter, dated 10/1/96, states: "*I do not propose to provide you with copies of any documents held by this office.*"

Since the TIO's office is funded in part by Telstra I can see why the TIO may feel he has an obligation to defend Telstra against my allegations of corruption but, since the TIO was appointed as an 'impartial' administrator I would expect Mr Pinnock to go out of his way to provide me with assistance, particularly since he is fully aware that I am not in any position to begin a Supreme Court challenge against his 'employer' (Telstra) regarding their unethical practices during my Arbitration.

I have also asked Dr Hughes for a chronological listing of all the correspondence and claim documents he received from me during my Arbitration but, like Mr Pinnock, he has not obliged. I have further sought this same information from Peter Bartlett of Minter Ellison, the Legal Counsel for the TIO's office and, once again, the door has been shut in my face — no response has been forthcoming.

All three of these people, the TIO, the TIO's Legal Counsel and the Arbitrator are fully aware of the ten year battle I have been in, just to have a phone service which would enable me to survive in the business world, and yet they have all refused to supply me with copies of my own documents and they won't even supply me with a LIST of my own documents. Is it any wonder I have no faith left in the legal fraternity? I believe that, because they are aware of my limited education and limited finances, they use this knowledge and simply flaunt their power over me, leaving me unable to challenge them regarding their bias towards Telstra.

Four pages, taken from some of the material that I have so far received back from the Arbitrator's office, are enclosed. They are:

1. A one-page document dated 19/10/94, received at 11.43, sent from my business to 03 614 8730, the Arbitrator's office and marked page 11 - but blank.
2. A two-page document, one showing my fax information, upside down, with a notation stating 'extended page 1.1' and the following page of the same letter, marked as 'extended page 2.1 - total page 2' but which is blank. (I am sure a forensic search of the partially hidden markings on this document will show that this is a number associated with Dr Hughes's office).
3. Another document marked as 'extended page 4.1 - total p.04' but also blank.

I believe this latest material will be of some interest to you as it seems that your office is now investigating some of my complaints.

Regards,



Alan Smith