

TELECOM CORPORATE SOLICITORS OFFICE
LEGAL SUPPORT SERVICES

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C04550

DATE: 2 November, 1990

RECIPIENT: TELECOM BUSINESS TERMINALS.

ATTENTION: MR PETER GAMBLE.

FAX NO: (03) 642 0091

FROM: TREVOR HILL

RE: TELECOM V GOLDEN MESSENGER LEGAL PROCEEDINGS

If you do not receive all pages please telephone (03) 606 5431

COMMENTS:

PETER,

AS DISCUSSED, THE FOLLOWING COMMENTS ARE OFFERED TO ASSIST YOUR BRIEFING OF FRANK JONES:

- (1) AT THIS MORNING'S DIRECTIONS HEARING IN THE FEDERAL COURT THE MATTER WAS STOOD OVER UNTIL THE 7TH DECEMBER 1990. THIS WAS AGREED TO BY BOTH PARTIES.
- (2) BETWEEN NOW AND THE 7TH DEC. TELECOM WILL BE REQUIRED TO FINALISE THE DISCOVERY OF DOCUMENTS RELEVANT TO THE PROCEEDINGS.
- (3) TELECOM WILL ALSO NEED TO INSPECT ANY DOCUMENTS LODGED BY GOLDEN MESSENGER AS PART OF ITS (GM'S) DISCOVERY OBLIGATIONS

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(4) TELECOM NEEDS TO EXAMINE THOSE DOCUMENTS PERTAINING TO THE TESTS CARRIED OUT ON NORTH MELB. EXCHANGE TO DETERMINE IF ANY OF THOSE DOCUMENTS HAVE BEEN GENERATED AS A RESULT OF AN "INTERCEPTION". IF SO, THEN TELECOM WILL BE PRECLUDED FROM DISCLOSING THEM UNDER THE DISCOVERY PROCESS. I INTEND TO ASK MR PAUL KILLEEN OF NETWORK INVESTIGATIONS TO UNDERTAKE THIS TASK.

(5) THE AUSTRALIAN GOVERNMENT SOLICITOR, ON BEHALF OF TELECOM, HAS WRITTEN TO THE SOLICITORS ACTING FOR GOLDEN MESSENGER SEEKING THEIR UNDERTAKING NOT TO DISCLOSE TO THEIR CLIENT OR OTHERS THE CONTENTS OF THE REPORT ON THE NORTH MELB. EXCHANGE. TO DATE, THERE HAS BEEN NO RESPONSE.

(6) AT THIS STAGE IT IS UNLIKELY THAT THIS CASE WILL BE HEARD BEFORE JUNE 1991.

(7) TELECOM NEEDS TO CONSIDER THE TACTICAL QUESTION AS TO HOW TO BEST PRESENT ITS EVIDENCE AT THE FINAL HEARING. THAT IS, ORALLY OR IN WRITTEN (SWORN AFFIDAVIT) FORM.

WOULD YOU PLEASE KEEP ME INFORMED AS TO ANY DEVELOPMENTS THAT MIGHT OCCUR IN FUTURE DISCUSSIONS BETWEEN TBS AND GOLDEN MESSENGER AS TO SETTLEMENT OF THIS LITIGATION.

SHOULD YOU OR FRANK HAVE ANY QUESTIONS IN RELATION TO THIS MATTER PLEASE DON'T HESITATE TO CONTACT ME ON 606 8007.

REGARDS,

Trevor Hill

TREVOR HILL
MANAGER - LEGAL SUPPORT SERVICES

CO:TREVOR1:19

2012-11-21

Re: Telecom/Telstra Dispute, 1986 – present date

To whom it may concern -

In mid 1986, Golden Messenger's mild telephone problems became major problems.

Max Oates, who was then the State Manager of Telecom of Victoria, was originally assigned to remedy Golden's unresolved telephony issues. When he could not resolve the issue, the matter was taken to Stan Moon, the Telecom Corporate Secretary.

Mr Moon personally advised me, by phone, that I should issue a writ against Telecom for the express purpose of uniting all Telecom departments to think, focus and act as one.

I was referred to Gordon Hughes by a suburban solicitor. Mr Hughes recommended that I retain the law firm Landers & Rogers, which he was a partner of, as they were experienced in the relevant area of law.

During the period that I retained Landers & Rogers, at no stage was I informed by Gordon Hughes or any other member of Landers & Rogers staff, that Telecom or the Australian Government Solicitor contacted them with information regarding the North Melbourne exchange.

Had I known of this letter, I would have been in the position to use it to convince the judge in my Federal court case to force Telecom to provide the documentation required.

By not showing me the letter, they allowed Telecom to effectively manipulate the information that I could be provided under FOI and/or during the court discovery process.

Furthermore, had I known that Gordon Hughes had concealed knowledge of such an important document from me, I would not have accepted his appointment as the arbitrator in my arbitration process.

Had he not been arbitrator, there may not have been a repeat circumstance of Telecom/Telstra influencing the material that I was able to obtain.



Graham Schorer
Managing Director

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