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Dear Sir/Madam

Obtaining information from Telstra

This letter sets out the process for obtaining information, particularly customer information, from Telstra by subpoena or other court order ("**Subpoena**"). We ask that the following guidelines be adhered to so that Subpoenas are directed to the appropriate area of Telstra and are complied with in the most efficient manner.

Subpoenas for production of documents

Most of the documents we produce under Subpoena concern "**Customer Information**", that is, records of:

- calls to or from a Telstra service;
- connection or disconnection of a Telstra service;
- Telstra services associated with a particular individual, company or address;
- Emergency 000 calls;
- Malicious call tracing;
- Fault reports for a Telstra service; and
- BigPond® IP addresses, usernames, email headers and session logs.

Less frequently, we are asked to produce other types of records such as employment and payroll records, technical documents, contracts, shareholder information, and documents relevant to public liability matters.

Service

All Subpoenas for production of documents should be addressed to "**The Proper Officer**" and be served upon Telstra's registered office at **41/242 Exhibition Street Melbourne 3000**.

Scope of Subpoenas for production of Customer Information

Parties often seek a substantial volume of data in Subpoenas for Customer Information. Due to the volume of requests received, Telstra set up a dedicated team known as Legal & Court Support to deal exclusively with Subpoenas for Customer Information.

Upon being served with a Subpoena for Customer Information, Legal & Court Support may contact the issuing party to:

- ensure that the party understands the volume of data sought by the Subpoena;
- discuss the records that we hold;
- bring the issue of our compliance costs to the issuing party's attention;
- request that our reasonable compliance costs be met to avoid the necessity of us appearing in court to seek orders for our costs; and
- provide the issuing party with an opportunity to narrow the scope of the Subpoena if they wish, thereby reducing our compliance costs.

Parties who plan to issue a Subpoena for Customer Information are welcome to seek advice from Legal & Court Support about how the Subpoena should be drafted to achieve the desired result (for example, to ensure that the records sought are correctly described).

Inquiries

Inquiries regarding Subpoenas for Customer Information should be directed to the Legal & Court Support team on (03) 9634 6405.

Inquiries regarding Subpoenas that are not for Customer Information (such as employment, shareholder, and public liability matters) should be directed to our Court Compliance Officer on (03) 9634 5528.

Conduct Money

It is a legal requirement to tender conduct money before the return date of the Subpoena.

Compliance costs

The entitlement to receive reasonable compensation for expenses incurred in complying with a Subpoena is contained in the Rules of the Federal, State and Territory courts. Reasonable expenses include compensation for the time spent by employees who perform the required work, photocopying costs and other incidental expenses. The costs incurred will vary according to the scope of the Subpoena and the age of the relevant records.

We ask that issuing parties pay our compliance costs before the return date of the Subpoena in the interest of avoiding unnecessary court attendances. In relation to Subpoenas for production of Customer Information, we calculate our compliance costs at set rates. A schedule of our current rates is attached to this letter. These charges are subject to change from time to time. Periodically we engage external auditors to perform detailed studies in order to review our rates. The current rates have been independently determined by PricewaterhouseCoopers.

The rates were put in place due to the substantial amount of Customer Information sought and the significant resources required to respond. We receive a large number of Subpoenas for Customer Information each year from Courts in all Australian jurisdictions. Further, the Telecommunications Act 1997 ("**Act**") requires us to assist Australian law enforcement and revenue protection agencies ("**Agencies**") by providing information about the use of our networks. To illustrate, during the 2007/08 fiscal year we processed approximately 265,000 requests for Customer Information from Agencies, 2,700 court statements and 1,000 subpoenas.

The Legal & Court Support team retrieves the requested information from a range of Telstra systems. These systems contain a very substantial volume of data, much of which is archived regularly. Some of these systems are maintained specifically for the purpose of responding to Subpoenas and Agencies and can only be accessed by Legal & Court Support.

Section 314 of the Act permits us to recover costs in providing assistance to Agencies. This provision is strictly for cost recovery only. The rates we charge for producing Customer Information under Subpoena are similar to the charges we apply to Agencies.

Response times

We will use our best endeavours to produce documents by the specified return date, by mail to the relevant Court registry. However the time required to retrieve the relevant records will vary according to the scope of the Subpoena and the age of the records. Subpoenas for Customer Information generally take at least one week if issued within Victoria and at least two weeks if issued outside Victoria.

Subpoenas to give appear and give evidence

As a matter of general principle, we will not compel our employees to give evidence (in person or by affidavit) without a court order.

Before issuing a Subpoena for a Telstra staff member to give evidence, you should first contact Legal & Court Support on (03) 9634 6405, who will liaise with you to identify the appropriate person to provide the necessary evidence.

Service

Prior to any witness attending court, a formal Subpoena addressed to that person should be served on the witness.

Conduct Money

Conduct money must be tendered to Telstra and must cover the witness' costs of attending Court. This includes travel or other costs, and a re-imbusement of the relevant witness' time spent attending to the Subpoena, which can be calculated by reference to their hourly rate of pay.

Yours sincerely

Sue Laver
General Counsel

Attachment: Compliance costs