

# MinterEllison.

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## BY EMAIL

Lyn Camilleri  
General Manager  
Competition Exemptions  
Australian Competition and Consumer Commission  
[lyn.camilleri@accc.gov.au](mailto:lyn.camilleri@accc.gov.au)

Dear Ms Camilleri

### **Proposed merger of Linfox Armaguard Pty Ltd and Prosegur Australia Pty Ltd – Request for an extension of time**

We refer to the Commission's letter dated 7 March 2023 requesting a further extension of time from the current statutory deadline of 31 March 2023 by over four weeks, to Monday 1 May 2023 (**Further Extension**).

The Commission has noted that:

- the Further Extension is necessary irrespective of the timing of any response to the ACCC's Statement of Preliminary Views (**SOPV**);
- it will not be in a position to form a view about the appropriate length of a further extension required unless or until it has reviewed the details of any undertaking (**Proposed Undertaking**).

The Applicants confirm that they will file their response to the SOPV including the Proposed Undertaking later today. They acknowledge that the current statutory deadline of 31 March 2023 is no longer appropriate and do not want the Commission to make a decision such a short time after receiving the Proposed Undertaking.

Accordingly, while the Applicants in principle consent to an extension, the Applicants request that the Commission seek a single further extension having regard to the materials imminently to be lodged by the Applicants as opposed to the Further Extension, which appears to include the prospect of a further request for an extension of time.

The Applicants consider this to be a more efficient course of action and would provide all stakeholders with greater certainty regarding the Commission's timeframe, which is critical having regard to the significantly deteriorating financial position of the Applicants, as noted when the application for merger authorisation was filed in September 2022.

We appreciate it may take the Commission a few days to consider the length of extension required.

Please do not hesitate to contact us should you have any queries.

Yours faithfully

**MinterEllison**



**Katrina Groshinski**

Partner

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**Gilbert + Tobin**



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