



Our ref: 51717  
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1 April 2020

Iain Little  
Director Equivalence, Regulatory Affairs  
Corporate Affairs  
Telstra Corporation Limited

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Dear Mr Little

### **COVID-19 Pandemic - Force Majeure Event**

I refer to your letter dated 26 March 2020 advising that Telstra considers the COVID-19 pandemic to be a Force Majeure Event under clause 4.5 of the Migration Plan.

A Force Majeure Event under the Migration Plan is defined to include a natural disaster which would be expected to place at risk the health or safety of the employees of Telstra or NBN Co or any other person. The ACCC agrees that the COVID-19 pandemic constitutes a Force Majeure Event under the Migration Plan.

The ACCC is satisfied that Telstra has met its requirement under clause 4.5(c)(i) to advise the ACCC that a Force Majeure Event will affect Telstra's performance under the Migration Plan, as set out in your letter. Due to the Force Majeure Event status, Telstra will not contravene the Migration Plan to the extent that the COVID-19 pandemic causes delays or failure to perform Telstra's obligations under the Migration Plan.

The ACCC notes that under clause 4.5(c)(ii), there is a requirement for Telstra to notify the ACCC as soon as reasonably practicable after the Force Majeure Event has ceased to affect its Migration Plan obligations.

I note that Telstra's obligations to notify the ACCC as to when the recent Bushfire related Force Majeure Event has ceased have now been assumed under the notification obligations that will apply for this COVID-19 Force Majeure Event.

Darren Kearney can be contacted on 03 9290 1966 if you would like to discuss this matter.

Yours sincerely

Robert Wright  
General Manager  
Insurance and Wireline Markets Branch