

Our ref: MA1000021
Contact officer: Tim Byrne
Contact phone: 03 9658 6440



7 December 2022

Singtel Optus Pty Ltd
Haydn Flack
Partner, MinterEllison

Singtel Optus Pty Ltd
Linda Evans
Partner, Herbert Smith Freehills

By email: [REDACTED]; [REDACTED]

Dear Haydn and Linda

Re: Telstra TPG merger authorisation application (MA1000021) – Late submission and report

We refer to your email of 6 December 2022 attaching a submission from Optus and a report from Alix Partners.

In the course of this extremely complex investigation, the ACCC has obtained an enormous amount of material that has been provided by interested parties in accordance with the ACCC's merger authorisation processes, including by your client.

The *Competition and Consumer Act 2010* makes clear that the ACCC is able to set a closing date for the receipt of submissions, which allows the ACCC to have sufficient time between the receipt of material and making its determination to enable meaningful consideration of that material. Section 90(6A) provides that the ACCC is not obliged to have regard to material which is received after the closing date for receipt of submissions.

The additional information provided with your email comes so late in the ACCC's consideration of the application that the ACCC may not be able to take it into account as it works towards making a determination within the statutory period. The ACCC reserves its position in this regard.

We propose placing a copy of this correspondence on the public register. We also propose to provide a copy of this letter to Telstra and TPG's external counsel.

If you wish to discuss any aspect of this letter, please contact Tim Byrne on (03) 9658 6440 (tim.byrne@acc.gov.au), or Jaime Martin on (03) 9290 1477 (jaime.martin@acc.gov.au).

Yours sincerely

A handwritten signature in grey ink, appearing to read 'DMcCracken-Hewson'.

Daniel McCracken-Hewson
General Manager
Merger Investigations