



11 December 2019

Mr Robert Wright  
General Manager, Insurance, Water and Wireline Markets Infrastructure Regulation  
Australian Competition and Consumer Commission  
Level 17, Casselden Place  
2 Lonsdale Street  
Melbourne Vic 3000  
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Mr Darren Kearney

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Mr Rod Middleton

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Dear Mr Wright,

**Notification of Telstra's performance being affected by a Force Majeure Event under Telstra's Migration Plan**

On 12 November 2019, Telstra and nbn co made the decision to temporarily suspend disconnection activities under the Migration Plan in NSW and QLD. This followed the declaration of "Catastrophic" fire danger and a week-long state of emergency in NSW, and significant and widespread fires occurring across QLD. This decision was made to minimise risks to front-line staff, and to protect existing lines of communication for affected customers.

On 13 November, Telstra notified Wholesale Customers of the temporary suspension of managed disconnection activities across NSW and QLD.

On 4 December, Telstra provided an update to Wholesale Customers that the suspension was being lifted, other than for a select group of postcodes which remained affected by bushfires. As part of this notification, Telstra advised that for premises which were no longer subject to the suspension, we would recommence managed disconnection activities in 40 business days. This timeframe is to allow any final customer migration activities to occur prior to disconnection taking place.

When the suspension ends for premises in postcodes that currently remain affected by bushfires, Telstra will advise Wholesale Customers and our Retail Business Units with services at these Premises that managed disconnection will recommence in 40 business days from the date of the advice.

Under clause 4.5 of the Migration Plan, Telstra will not contravene the Migration Plan, or be liable for any delay or failure to perform obligations, to the extent that the delay or failure is caused by a Force Majeure Event. The full set of Force Majeure Events is set out in the Migration Plan, but includes lightning, fire, earthquake, storm, flood or any other weather conditions which would be expected to place at risk the health or safety of the employees of Telstra or NBN Co or any other person.

In the circumstances outlined above, Telstra considers the NSW and QLD bushfires constitute a Force Majeure Event which could prevent or delay Telstra from performing its obligations under the Migration Plan with respect to affected premises, until such time as the fires are



deemed to be under control and it is safe for Migration Plan obligations to recommence. This letter therefore provides you with notification under clause 4.5(c)(i) of the Migration Plan of a Force Majeure Event covering NSW and QLD.

In accordance with clause 4.5(c)(ii) of the Migration Plan, Telstra will notify the ACCC in the event that it becomes aware that the Force Majeure Event has ceased to affect its obligations under the Migration Plan (e.g. Managed Disconnection process have recommenced across all parts of NSW and QLD).

Should you have any queries about this matter please contact me or Matthew Scott on (03) 8649 7651.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Iain Little'.

Iain Little  
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Corporate Affairs  
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