



28 March 2022

Mr Sean Riordan
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Dear Mr Riordan,

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

On 18 March 2022, following agreement with nbn co, Telstra advised Wholesale Customers and Telstra Retail of changes to planned managed disconnections in response to the recent flood events on the eastern seaboard. This decision followed the significant flood devastation impacting on people, homes, businesses and infrastructure in the towns and communities that reside in Southern QLD and Northern NSW.

Telstra and nbn co are concerned that many flood impacted end-users who, prior to the flood events had intended to migrate, will now be pre-occupied with managing flood related issues. Those that are not impacted but reside in the area may find it difficult to get timely action from their Retail Service Providers (**RSPs**) and nbn co when migrating to the nbn network, while nbn co and RSPs focus on the repair of infrastructure and services that serve the premises in the area. Accordingly, in the spirit of the Service Continuity Standard objective, in order to minimise the impacts of an interrupted or untimely transition to the nbn network for end-users in the flood area, we believe it is appropriate to realign some of the Managed Disconnection milestones within Wave 93.

- **Justification for declaring this Force Majeure Event**

There has been widespread media reporting of the devastation caused by this flood event, that took place primarily between 22 February and 7 March 2022. In support, we also note that the Australian Government's websites of Services Australia¹ and Disaster Assist² have declared this flood event as a natural disaster.

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. Force Majeure Event is defined in the Migration Plan and includes natural disasters.

¹ <https://www.servicesaustralia.gov.au/active-natural-disaster-events?context=60042>

² <https://www.disasterassist.gov.au>



- **Overview of realigned milestones associated to Wave 93 for only those premises in the impacted flood area**

The approach used to provide additional time for premises to complete their transition to the nbn network, has been to realign the managed disconnection milestones dates of premises that are without an nbn order to that of the planned milestones dates for premises with an nbn In-Train Order (ITO).

The following table summarises the changes to the impacted milestones and their new dates. These changes only apply to those premises in the flood impact area with disconnection milestones associated to Wave 93.

Wave	Milestone	Existing Milestone Date	New Milestone Date
Wave 93 (Disconnection Date (DD) 25-Feb-22) for flood impacted areas only.	Last date to transition orders (DD + 25 Business Days (BD))	4-Apr 22	25-May 22
	Commencement of Service Disconnection (DD + 30 BD)	11-Apr-22	8-Jul-22
	Conclusion of Service Disconnection (DD + 35 BD)	20-Apr-22	15-July-22

In order to mitigate some of the effect of the above date changes caused by the Force Majeure Event, we and nbn co are aiming to ensure that voluntary (i.e. end-user driven) legacy service disconnection activity, as well as migration to nbn co, will continue to occur throughout this period, and complete under business-as-usual processes and timescales once orders are placed and field activities can be met.

- **Next Steps**

Telstra and nbn co will continue to monitor the ability of RSPs including Telstra, nbn co and end-user's ability to facilitate migration from Telstra's copper network to the nbn network with minimal interruption. This monitoring includes identifying whether there are any material impediments that will reside or present into the key disconnection periods for subsequent waves in the migration calendar.

Accordingly, we will continue to provide you with updates of any material developments in our approach as decisions are reached together with nbn co. Further, we will similarly continue to notify our Wholesale Customers and Telstra Retail of any developments with our approach as appropriate.

Further, in accordance with clause 4.5(c)(ii) of the Migration Plan, we will notify the ACCC in the event we become aware that the Force Majeure Event has ceased to affect our obligations under the Migration Plan.

Should you have any queries about this matter please contact me or Steven Kuluveovski (steven.kuluveovski@team.telstra.com).

Yours sincerely

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