

15 June 2012

Mr Michael Cosgrave
Group General Manager
Communications Group
Australian Competition and Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000
Email: michael.cosgrave@acc.gov.au

Copy to: ed.seymour@acc.gov.au

Nomination of ITA Adjudicator

As you know, The Office of the ITA Limited (**ITA Co**) has been established in accordance with Telstra's Structural Separation Undertaking (**SSU**).

One of ITA Co's functions under the SSU is to nominate an individual to the ACCC as the ITA Adjudicator. To this end, ITA Co hereby nominates Mr Rob Nicholls as the ITA Adjudicator.

We have selected Mr Nicholls to perform the role of the ITA Adjudicator, not only because he meets the mandatory criteria in clause 5.1(b) of the SSU, but because we believe that he brings the right mix of technical skills, industry knowledge and commercial and regulatory experience to the role.

Mr Nicholls has a deep understanding of the telecommunications industry and is well known to many of its stakeholders. He has performed numerous roles in the industry over many years, including more recently as a General Manager in the ACCC's Communications Group where he worked closely with industry and had direct experience in investigating and making decisions about technical and economic matters.

Accordingly, we believe that Mr Nicholls is a strong candidate for the ITA Adjudicator role and will provide the industry with confidence that the role of the ITA Adjudicator will be performed with independence and integrity.

A copy of Mr Nicholls's CV is attached to this letter for your reference together with an assessment which demonstrates that he meets the mandatory criteria in clause 5.1(b) of the SSU.

We would be happy to discuss this nomination with you further if you require.

Yours faithfully,



Mark Hall
Chairman

ATTACHMENT A – MANDATORY CRITERIA

SSU Ref	Requirement	Assessment
Sch 5, clause 5.1(b)(i)	Extensive practical and technical experience in telecommunications services, systems and processes and appropriate experience, knowledge and skills to act as the ITA Adjudicator in accordance with the ITA Process in Schedule 5 of the SSU.	<p>Mr Nicholls has a telecommunications engineering background and in this capacity has had practical and technical experience in telecommunications services, systems and processes.</p> <p>Mr Nicholls has also gained an understanding of Telstra's systems and processes while performing his role as a General Manager in the ACCC's Communications Group, as well as in his role as technical consultant to Gilbert + Tobin.</p> <p>Mr Nicholls's experience, knowledge and skills is demonstrated further in his CV (see Attachment B).</p>
Sch 5, clause 5.1(b)(ii)	Must not have been employed by or provided consultancy services to Telstra within two years prior to being appointed as the ITA Adjudicator.	Mr Nicholls has confirmed that he has not been employed by or provided consultancy services to Telstra in the last two years. Telstra has also confirmed that this is the case.
Sch 5, clause 5.1(b)(iii)	Does not have any direct financial interest in Telstra	Mr Nicholls has confirmed that he does not hold any direct financial interest in Telstra.
Sch 5, clause 5.1(b)(iv)	Declares to the ACCC, Telstra and the ITA Directors any indirect or other interest in Telstra of which the Adjudicator is aware	Mr Nicholls has confirmed that he will declare any indirect or other interest in Telstra that he is aware of (including any interests held by his superannuation fund) should his nomination be approved by the ACCC.
Sch 5, clause 5.1(b)(v)	Must not be employed by, or will not act as consultant to, Telstra or a Carriage Service Provider within the period of at least six months immediately after ceasing for any reason to hold office as the ITA Adjudicator, without the ACCC's prior written consent.	Mr Nicholls has confirmed that he will agree to this restraint in his terms of appointment as the ITA Adjudicator should his nomination be approved by the ACCC.