



Our ref: MA1000021  
Contact officer: Jaime Martin  
Contact phone: (03) 9290 1477

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) – Confidentiality Protocol**

We refer to your email of 5 October 2022 in relation to the documents Optus received from Telstra and TPG (the Applicants) under the Confidentiality Protocol.

You indicated at that time that while Optus had received versions of all documents that the Applicants are willing to provide, it would assist if the ACCC could still confirm whether there are any portions of the confidential material where it would benefit from additional information from Optus.

On 14 October 2022, we wrote to the Applicants in relation to the issues raised in your email (our letter was published on the ACCC's [Merger authorisations public register](#)). Following this, we received a separate response from each of the Applicants explaining the approaches (and reasons) they took to disclosure of documents to Optus (as referred to above) under the Confidentiality Protocol.

The ACCC did not identify additional information that would materially assist the ACCC if that information was disclosed by Telstra to Optus under the Confidentiality Protocol.

Similarly, after TPG disclosed to Optus certain confidential information in paragraphs 6(c), 20 and 32 of its counterfactual submission dated 1 August 2022, the ACCC did not identify additional information that would materially assist the ACCC if it was disclosed by TPG to Optus under the Confidentiality Protocol.

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. Please advise by **4:00pm ADST on 8 December 2022** whether Optus has any concerns in this regard.

If you wish to discuss any aspect of this letter, please contact Jaime Martin on (03) 9290 1477 or at [jaime.martin@accc.gov.au](mailto:jaime.martin@accc.gov.au).

Yours sincerely

A handwritten signature in grey ink, appearing to read 'DM McCracken-Hewson', with a long horizontal flourish extending to the right.

Daniel McCracken-Hewson  
General Manager  
Merger Investigations