

COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974 (Cth)*

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No 1 of 2009

**RE: APPLICATION FOR REVIEW OF THE FINAL DECISION OF THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION UNDER SECTION 152BU OF THE TRADE PRACTICES ACT 1974 IN RELATION TO THE ORDINARY ACCESS UNDERTAKING SUBMITTED BY TELSTRA CORPORATION LIMITED FOR THE UNCONDITIONED LOCAL LOOP SERVICE FOR BAND 2 AREAS**

**BY: TELSTRA CORPORATION LIMITED (ABN 33 051 775 556)**

Applicant

**NOTICE PURSUANT TO SECTION 152CF(6) OF THE TRADE PRACTICES ACT 1974 (CTH)**

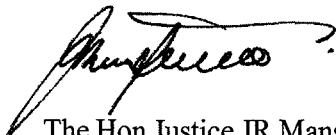
On 13 May 2009 application was made to the Australian Competition Tribunal (the Tribunal) to review the decision of the Australian Competition and Consumer Commission under s 152BU of the *Trade Practices Act 1974* (Cth) (the Act) to reject an access undertaking submitted by Telstra Corporation Limited for the unconditioned local loop service for band 2 areas. Section 152CF(5) of the Act requires the Tribunal to make its decision on a review within six months after receiving an application for review (the statutory six month period).

The statutory six month period was extended by three months, ending on 13 February 2010, by notice dated 9 November 2009. The Tribunal is unable to make its decision within that period. The reasons are as follows:

The appointment of one member who constituted the Tribunal for the purposes of the application expired on 15 December 2009. The President of the Tribunal consulted with the parties before deciding whether to direct that the Tribunal, as constituted by the remaining two members, should determine the application. The President of the Tribunal decided to appoint a further member to the Tribunal for the purposes of the application, and has now done so. The newly appointed member requires an opportunity to consider the evidence and submissions before the Tribunal and, if necessary, to hear further submissions from the parties.

Pursuant to s 152CF(6) of the Act, the Tribunal hereby extends the statutory six month period for the application by a further three months to end on 13 May 2010.

Dated this 12<sup>th</sup> day of February 2010



The Hon Justice JR Mansfield AM (Deputy President)