



Submission in response to  
ACMA consultation paper

**Updates to ACMA  
procedures to account for  
merger reform**

Public Version

November 2025

## OPTUS FEEDBACK

---

Optus welcomes the opportunity to provide comment to the Australian Communications and Media Authority (ACMA) consultation paper on *Updates to ACMA procedures to account for merger reform*.

### **Implementation of merger reforms**

The *Treasury Laws Amendment (Mergers and Acquisitions Reform) Act 2024* made changes to Australia's merger regime, with the new mandatory merger notification requirements commencing from 1 January 2026. This will mean the Australian Competition and Consumer Commission (ACCC) will become the first decision-maker on each notified acquisition that meet certain threshold conditions to proceed.

As such, this may include acquisitions involving the trading, transferring or authorisation of a third party to use an apparatus or spectrum licence. Penalties may apply for failing to notify the ACCC of an acquisition when required, and such acquisitions may be voided as a result.

Notwithstanding these changes, while the ACCC will not need to be notified of the issue of either an apparatus or spectrum licence, it remains the case that section 50 of the *Competition and Consumer Act 2010* will continue to apply with no change.

### **Proposed updates to ACMA process**

To give effect to the proposed merger reforms in the context of spectrum trading, transfer and authorisation process, the ACMA has proposed changes to both the Spectrum Trading Rules Determination and the draft forms applicable for the application of spectrum licence trades and transfers of apparatus licences.

Optus does not oppose the proposed changes. These are largely procedural changes to the ACMA application review process and will continue to operate separate, and in addition, to the ACCC merger notification process.

To facilitate this change, the ACMA has proposed a few minor changes to the existing ACMA forms to include fields in which the applicant must declare whether the proposed trade or transfer needs to be notified to the ACCC. In practice, this gives effect to the ACCC's role as the first decision maker in the authorisation process where mandatory merger notification requirement thresholds have been triggered.

As such, we acknowledge there is little benefit in early lodgement of forms to the ACMA given that the 'clock stops' for any ACMA assessment until such time that the ACCC has completed their review process relating to the proposed spectrum trade.