



18 May 2004

The Honourable Robert B. Zoellick  
United States Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Ambassador Zoellick

The current Australian Government has a long-standing public commitment to the full privatisation of Telstra as announced by the Prime Minister on 15 March 1998 as part of the Government's policy platform prior to the 1998 election. This commitment was made subject to certain service criteria being met.

Telstra was established as a corporation, subject to all relevant corporate law and business regulation in 1991, and its board and management are responsible for the day-to-day running of the company's operations. The Government's role is to establish the legislative framework within which all telecommunications service providers (including Telstra) must operate. Decisions about how Telstra carries on its business reside quite rightly with its board.

Telstra was partially privatised in 1997 when the Commonwealth sold one-third of its shares to the public. Following this initial privatisation, Telstra was listed on the Australian Stock Exchange, the New York Stock Exchange, and the New Zealand Stock Exchange. In 1998 the Government introduced legislation to fully privatise Telstra. However, the Government was unable to gain sufficient support in the Parliament for full privatisation. In 1999, the Commonwealth sold a further 16.6 per cent of its shares to the public. The Australian Government currently owns around 51 per cent of Telstra.

Any further sale of the Australian Government's shareholding in Telstra would require the passage of legislation through the Australian Parliament. The Government introduced new legislation to allow the sale of the Government's remaining shareholding in Telstra on 26 June 2003. The relevant Bill was passed by the House of Representatives on 21 August 2003, but was defeated in the Senate on 30 October 2003, and again on 30 March after it was reintroduced into the Parliament.

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Clearly the Government's ability to successfully pass the necessary legislation into law is dependent upon gaining the majority support in each of the elected Houses of Parliament. The timing of the further sale of Telstra has also been conditioned by the need to provide satisfactory service levels to rural and remote Australia and the need for market conditions that are conducive to achieving an appropriate return for tax payers. It remains the policy of the current Government to sell its remaining equity in Telstra.

Notwithstanding the Australian Government's current majority holding of equity in Telstra, Australia's telecommunications regulatory environment is open and competitive, and all telecommunications carriers are subject to the same regulatory scrutiny by independent regulatory agencies. The Government will continue to ensure that its interest in Telstra does not affect this regulatory independence. Telstra is also subject to Australia's policy of competitive neutrality as set out in the 1995 Competition Principles Agreement between the Australian Government and the state and territory governments. Competitive neutrality requires that significant government business activities not enjoy a net competitive advantage simply by virtue of their public ownership.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Vaile', written in a cursive style.

Mark Vaile  
Minister for Trade