



20 November 2023

John Smith  
foi+request-10778-b420d214@righttoknow.org.au

nbn Ref: FOI2324017

Dear John

## Freedom of Information Application

I am writing in relation to your request, made under the *Freedom of Information Act 1982* (**the FOI Act**).

### **Acknowledgment**

As required by section 15(5) of the FOI Act, I acknowledge receipt of your request and note you are seeking access to:

*“communications in the case with the reference number 16183789”.*

### **Decision-Making Period & Consultation**

The processing period for this FOI request commences on 22 October 2023, being the day after receipt of your FOI application. The statutory period for processing an FOI request is generally 30 days.

### **nbn’s Commercial Activities Carve-out**

I refer you to **nbn’s** commercial activities carve-out (**the CAC**), per [section 7\(3A\)](#) and [Part II of Schedule 2](#) of the FOI Act. Please be aware that documents that relate to **nbn’s** “commercial activities” are not subject to the operation of the FOI Act and are exempt from release. The following link summarises and provides [general background information](#) concerning **nbn’s** commercial activities carve-out. That background document references two OAI reviews that considered **nbn’s** CAC: the [Internode](#) Decision (in January 2012) and the [Battersby](#) Decision (in July 2013).

### **Disclosure Log Notification**

In accordance with the FOI Act, **nbn** is required to publish documents provided to FOI applicants within 10 working days after release. The information you seek may be published in full (as released to you) or with some additional exceptions as per section 11C of the FOI Act. For further information, visit our [Disclosure Log](#) on **nbn’s** website.

Please feel free to contact me on (02) 9031 3022 if you have any questions, or if you would like to discuss your request. The access decision for your request will issue shortly.

Yours sincerely

**Rohan Singh**  
Freedom of Information Officer