

3 July 2013

Jxeeno

Sent via email: foi+request-119-7bc3666a@righttoknow.org.au

Our Ref: FOI1213/30.21

FOI Application

I am writing in relation to a request for information you made to NBN Co Limited (**NBN Co**) via the Right to Know (**RTK**) website and pursuant to the *Freedom of Information Act, 1982 (the FOI Act)*.

Application Chronology

- On 27 May 2011, you wrote NBN Co, indicated that you were seeking the following:

A document containing the exact activation dates for each Fibre Serving Area Module activated before 1st May 2013. For all Fibre Serving Area Modules activated with early access, a date indicating the final activation is sufficient.

- On 6 June 2013, NBN Co wrote to you, requesting that you clarify the terms of this FOI application.
- On 7 June 2013, you published a clarification on the RTK website, indicating that he would like to refine the scope of this FOI application in following terms:

In relation to clarification of the term "activation dates" from my initial request, I am referring to the date when the Fibre Serving Area Module is listed as "Ready For Service" as defined in the publicly released "Monthly Ready For Service rollout plan": The date that NBN Co is ready to connect end from Access Seekers within this FDA.

- On 25 June 2013, the above clarification came to the attention of NBN Co following a review of the RTK website. It is important to note that NBN Co did not receive an email advising our company of the above notification. In future, I would request that you send any emails directly to following email address – FOlofficer@nbnco.com.au, as there appears to be an issue in relation to email transmissions.

Clarification of FOI Request Terms

Since receiving your FOI request, the writer has made enquiries with NBN Co staff in order to identify what information NBN Co holds, which may be relevant to your request. In that regard, I received advice from NBN Co's relevant business units that the information you requested was found at the following links:

- <http://www.nbnco.com.au/industry/service-providers/network-rollout/disconnection-commencement.html>; and
- <http://www.nbnco.com.au/assets/documents/rollout-info-irrr-dcd-14-June-2013.pdf>

The last two columns of the spreadsheet found at the 2nd link, above, contain the relevant information and, in particular, the last column outlines the actual ready-for-service date.

If you would like any further information, I would ask that you **contact the writer to discuss and clarify the scope of this FOI application**. For your reference, the statutory period for processing an FOI request is 30 days, subject to any suspension of the processing period or extension of the time for deciding the application. We will, however, seek to expedite the processing of this application once the scope of this request is clear. In addition, please note that processing charges may be imposed and that consultation with third parties may be required. If it is necessary to seek agreement to pay charges or to consult with third parties, additional processing time is provided under the FOI Act. You will be advised of any charges as well as any need to consult third parties in relation to your request.

Operation of FOI Act at NBN Co

In addition, I would refer you to NBN Co's commercial activities exemption (**CAE**), as per [section 7\(3A\)](#) and [Part II of Schedule 2](#) of the FOI Act. As you may be aware, documents that are in relation to NBN Co's "commercial activities" are not subject to the operation of the FOI Act. For your reference, the Information Commissioner completed a review decision in January 2012 (**the Internode Decision**), which provides background and guidance as to the application of the CAE to NBN Co. The Internode Decision may be found by clicking on the following [link](#). While I am not making a formal decision, nor have I begun to examine any relevant documents, there is a possibility that the documents falling within the terms of an FOI request to NBN Co may be subject to the CAE.

Disclosure Log

NBN Co is required to publish documents on its website within 10 working days after the release of the documents to an FOI applicant. 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 please visit our website and click on the [Disclosure Log link](#).

If you have any questions or need to discuss your application, please feel free to contact the writer on Tel. (02) 8918 8596 or via email on davidmesman@nbnco.com.au.

Sincerely,

David J Mesman
FOI Officer