



4 September 2015

Cameron Watt
Sent via email: foi+request-1193-ff3ed9e4@righttoknow.org.au

Our Ref: 1516/14.02

Dear Mr Watt,

FOI Application – UNI-DSL Specification

I am writing in relation to your request, made under the *Freedom of Information Act, 1982 (the FOI Act)*, seeking information about the UNI-DSL specification maintained by **nbn**. Once you have considered this letter, please contact me using the contact details set out below in order to clarify the terms of this request.

Scope of FOI Application

On 30 August 2015, **nbn** received a request from you under the FOI Act, in the following terms:

"I seek access to UNI-DSL Specification which defines the minimum performance and functionality for CPE to be used and registered on the NBN Co network.

Specifically I request the specification as it exists or is expected to exist at the time of launch in the following NBN Co published documents.

WBA Product Catalogue - Product Technical Specification – NBN Co Ethernet Bitstream Service - FTTB (http://www.nbnco.com.au/content/dam/nbnco2/documents/sfaa-wba2-product-catalogue-nebs-product-tech-spec-fttb_20150824.pdf) dated 24-08-2015

and

*7/08/2015 notification – WBA Product Catalogue - Product Description - NBN Co Ethernet Bitstream Service (clean) (<http://www.nbnco.com.au/content/dam/nbnco2/documents/sfaa-wba2-product-catalogue-nebs-product-tech-spec-fttb-FTTN-launch.pdf>) FTTN Commercial Launch Date**

I am unclear as to what you are seeking in relation to the "UNI-DSL Specification which defines the minimum performance and functionality for CPE..." I note that the term CPE does not appear to be defined in the documents you have referred to in your request. In addition, I am unclear as to what you are seeking in relation to the specification as it is "expected to exist at the time of launch in the following NBN Co published documents". I refer you to section [15\(2\)\(b\) of the FOI Act](#), which requires an applicant to provide sufficient information so as to enable the agency to identify the relevant documents. Again, I would ask that you contact me to clarify the terms of your request. Until those terms are clarified, the statutory time frame for completing this request will not commence.

FOI Charging Processes

Please note that processing charges may be imposed in relation to this FOI application. In that regard, I would refer you to **nbn's** FOI processing charges policy, which is outlined at the following hyperlink: [Submission to the OAIC Charges Review](#). In particular, **nbn** supports – and will generally apply – Recommendation 24 in the [Hawke Review into FOI Legislation](#), which suggests a 40-hour ceiling for FOI processing charges.

nbn's Commercial Activities Exemption

I also refer you to **nbn's** commercial activities exemption (**the CAE**), as per [section 7\(3A\)](#) and [Part II of Schedule 2](#) of the FOI Act. In particular, you should be aware that documents that are in relation to **nbn's** "commercial activities" are not subject to the operation of the FOI Act. For your reference, the Office of the Australian Information Commissioner (**the OAIC**) completed a review decision in January 2012 (**the Internode Decision**), which provides background and guidance as to the application of the CAE to **nbn**. The Internode Decision may be found by clicking on the following [link](#). The OAIC completed an additional review at



the end of July 2013 – [the Battersby Decision](#), which further clarified the scope of **nbn**'s CAE or commercial activities exemption. While I am not making a formal decision, depending on the level of detail you are seeking for the structure charts, there is a possibility that documents falling within the terms of this FOI request may be subject to the CAE, among other exemptions from release.

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 redactions as per section 11C of the FOI Act. For further information, visit our [Disclosure Log](#) on **nbn's** website.

If you have any questions or need to discuss your FOI application, please feel free to contact the writer on Tel. 8918 5655 or via email on anvo1@nbnco.com.au.

Sincerely,

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Associate Legal Counsel
FOI, Privacy & Knowledge Management