



2 October 2015

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

Our Ref: 1516/14.05

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)*. 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, seeking certain information around **nbn's** UNI-DSL Specification.

On 4 September 2015, a member of the **nbn** FOI team wrote to you, requesting that you clarify parts of your request. On 24 September 2015, you wrote to **nbn**, seeking to clarify your request as follows:

"I am writing to provide clarification to my original application as requested and in light of the recent updates and/or changes to the WBA2 documents referenced.

For simplicity's sake, I refer you to the "WBA Product Catalogue - Product Technical Specification – NBN Co Ethernet Bitstream Service - FTTB/FTTN" document that is available from the following webpage <http://www.nbnco.com.au/sell-nbn-services/supply-agreements/wba2.html> at the time of writing.

I would like to amend my request for copies of or answers to the following;

1. a)
The number of current "VDSL2 Equipment" registrations as it relates to section "7.1 VDSL2 Registration"
1. b)
The list of registered "VDSL2 Equipment" and their registration information, including VDSL2 Equipment Vendor ID, System ID, Version Number and clear-text name as it relates to section "7.1 VDSL2 Registration".
2.
The current "UNI-DSL specification" maintained by NBN Co and referred to in section "7.2 UNI Specification".

I am still unclear as to what you are seeking in relation to the "current UNI-DSL Specification maintained by NBN Co and referred to in section 7.2 UNI Specification." Based on my preliminary discussions with the business, the UNI-DSL specification referred to in 7.2 UNI Specification is set out in the same document you appear to be referring to in your email on 24 September 2015. I would refer you to pages 43-47 of the Product Technical Specification for the NBN Co Ethernet Bitstream Service - FTTB/FTTN, specifically at: http://www.nbnco.com.au/content/dam/nbnco2/documents/sfaa-wba2-product-catalogue-nebs-product-tech-spec-fttb-fttn_20150904.pdf. As a result, I am unclear as to what you are seeking beyond this in relation to the current UNI-DSL specification. 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,

An Vo

Associate Legal Counsel
FOI, Privacy & Knowledge Management