



16 October 2015

Mr Cameron Watt

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

Our Ref: 1516/14.08

Dear Mr Watt,

FOI Application – UNI-DSL Specification

On 31 August 2015 **nbn** received your request made under the *Freedom of Information Act, 1982 (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_FTTN-launch.pdf) FTTN Commercial Launch Date"

On 4 September 2015 the **nbn** FOI team wrote to you requesting that you clarify parts of your request.

On 24 September 2015 you sought to clarify your request in the following terms:

"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".

On 2 October 2015 the **nbn** FOI team wrote to you further requesting that you clarify your request as part of it remained unclear.



On 2 October 2015 you sought to further clarify your request as follows:

"I have reviewed the document you linked regarding the "specification of the UNI-DSL interface" as mentioned in Section 7.2 on page 43 of linked document.

The document unambiguously states that the "specification" consists of three parts which are listed in Section 7.2 as;

- * a DSLAM chipset and firmware list;*
- * a list of mandatory DSL and OAM Features that the VDSL2 Equipment must support; and*
- * a minimum rate-reach performance specification that the VDSL2 Equipment must achieve.*

The document does not list DSLAM chipset or firmware, as such I do not see how it could be considered the complete "specification" in its entirety.

For further clarification, I am seeking the complete definitive specification as would be needed should I want to make available "VDSL2 Equipment" subject to registration for use with NBN Co UNI-DSL services.

I trust part 1(a) and 1(b) required no further clarification and will be considered in addition to the above."

Acknowledgement

As set out above, **nbn** received your clarified response on 2 October 2015. For your reference, the statutory period for processing an FOI request is generally 30 days. However, per section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice, being today's date. In addition **nbn** will extend the period for processing this request in order to undertake third party consultations as set out below.

Third Party Consultations

Based on our preliminary discussions with the business, **nbn** would need to undertake third party consultations in order to process this FOI request. As per section 15(6) of the FOI Act, please be advised that I am permitted to extend the FOI processing period, so as to comply with the consultation requirements of sections [27](#) and [27A of the Act](#). To paraphrase those sections, decision-makers are required to consult with individuals, businesses or similar organisations that may be affected by the potential release of documents under the FOI Act. In addition, decision-makers are required to provide those individuals, businesses and other organisations with a reasonable opportunity to make submissions in support of a contention that documents may be exempt under section 47, 47F or 47G of the FOI Act. As a result, the decision-making period will be 60 days, rather than 30.

Advance Deposit Request

In accordance with subsection 29(1) of the FOI Act, I have determined that you are liable to pay a charge in respect of the processing of this FOI request. **nbn** staff completed a preliminary assessment of the work involved in processing your FOI request and our company estimates the applicable charges as follows:

Search and Retrieval Time	2 hours @ \$15.00 per hour	\$30
Decision Making Time	22 hours @ \$20.00 per hour	\$440
Copies of documents	10 cents per page (Waived)	\$--
		\$470
Sub-total		\$
Less first 5 hours decision making time(*)		(\$100.00)
TOTAL		\$370

(*) In accordance with the *Freedom of Information (Fees and Charges) Regulations*, you have not been charged for the first 5 hours of decision making time.

Please be advised that the estimate of processing time – and relevant fees – may increase or decrease, depending on the nature of the work required. However, you will be advised if the fees increase beyond the estimate outlined above.



As the total charge does not exceed \$100, a deposit of 25% of total amount (**\$92.50**) is required. Within 30 days of this notice, you are required to:

- agree to pay the charge and forward the deposit; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- narrow the scope of your request (which may reduce the charge payable); or
- withdraw your request.

If you fail to notify **nbn** in a manner mentioned above within 30 days of this notice, your request will be taken to have been withdrawn. In addition, if you contend that the estimated charge has been wrongly assessed, or should be reduced or not imposed, you must notify **nbn** of your contention, providing reasons, and evidence where relevant, to support your submission. In deciding whether to reduce or not to impose a charge, the FOI decision-maker will consider all relevant factors, including:

- whether payment of the charge, or a part of it, would cause you financial hardship; and
- whether the giving of access is in the general public interest.

If you choose to contend that the charge has been wrongly assessed or should be reduced or not imposed, this will not constitute a request for internal review. You will be advised of your review rights under sections 53A and 54 of the FOI Act following consideration of your contentions.

Once **nbn** has completed the processing of your request, the assessment of the charge payable will be revised based on the actual amount of work involved in processing your request. If you are refused access to any of the documents that are relevant to your request, **nbn** may not impose an actual charge that is higher than the estimated charge. This means that, if you are refused access to any document, the actual charge that will be payable will be lower than or equal to, but not more than, the final estimate of charges. It is only if you are granted access to all the documents that are relevant to your request that the actual charge imposed may be higher than the estimated charge. It is important to note that the payment of FOI processing fees does not guarantee access to documents or information.

If you agree to pay the estimated charge set out above, or the deposit for that charge, you should make arrangements to pay **nbn**, using the following electronic banking details:

Bank name: CBA
Name: nbn co limited FOI
BSB: 062-438
Account no: 10240782
Reference: FOI-AYCA-2LP4ZF

When making a payment, please ensure you include the reference (FOI-AYCA-2LP4ZF) noted above.

Please note that if you provide a deposit and the processing of your request progresses to a point where a decision on access is made, a determination about the imposition of the actual charge will be made at that time. As a result, the balance of the actual charge will become a debt due to the Commonwealth, which **nbn** would be obliged to pursue, unless other arrangements are made – or if **nbn** agrees to waive the fees.

As set out above, per section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice, being today's date. Please be advised that the charge notice day is not counted in calculating the processing time limit. For your reference, no days have passed and the processing time limit will resume:

- On the day upon which **nbn** receives your deposit.
- Alternatively, if you decide to contest the charge, the processing time limit will resume on the day upon which **nbn** notifies you of its decision not to impose a charge – if **nbn** so makes a decision.



- In the event that **nbn** decides to reduce the charge and deposit is required, the processing time limit will recommence on the day upon which you pay the reduced deposit.

More information about charges under the FOI Act is available in Fact Sheet 7 on the Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets and in part 4 of the Australian Information Commissioner's FOI guidelines: www.oaic.gov.au/publications/guidelines.html#foi_guidelines.

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.

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 Mgmt