

2 August 2013

Mr Joel Dickins

Sent via email: foi+request-330-7f45ebb9@righttoknow.org.au
foi+request-331-f0a38216@righttoknow.org.au
foi+request-332-3d7cc73e@righttoknow.org.au

Our Ref: FOI1314/13.03
FOI1314/14.03
FOI1314/15.03

Dear Mr Dickins,

FOI Application

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

On 1 August 2013, you made the following FOI requests:

The below NBN rollout statistics as at 31 May 2013 (FOI1314/13), 30 June 2013 (FOI1314/14) and 31 July 2013 (FOI1314/15):

1. *Brownfields Fibre Rollout*
 - a. *Number of premises under construction;*
 - b. *Number of premises passed (able to order a service);*
 - c. *Number of premises with an active Brownfield Fibre NBN service.*
2. *Fixed Wireless Rollout*
 - a. *Number of premises covered by an 'actively under construction' tower site;*
 - b. *Number of premises covered by active tower site (able to order a service);*
 - c. *Number of premises with an active Fixed Wireless NBN Service.*
3. *Interim Satellite coverage*
 - a. *Number of premises with an active Interim Satellite NBN Service.*

Acknowledgment of applications

NBN Co received your requests on 1 August 2013 and the period for processing these commenced from the day after that date. 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 applications. Subject to any such additional processing time, NBN Co must make a determination in relation to these applications by **31 August 2013**. You will be advised of any charges as well as any need to consult third parties in relation to your requests.

Information Already in Public Domain

It is NBN Co's standard practice to consider information in the public domain as to be out of scope of an FOI request. However, we will endeavour to provide you with links to documents that are already in the public domain. In that regard, I would refer you to the following [link](#), which contains a very large amount of information, data, maps and so forth relating to the NBN rollout, corporate activities, etc.

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