

18 November 2013

Mr. Benjamin Fairless

Sent via email: foi+request-443-44601bcd@righttoknow.org.au

Our Ref: FOI1314/24.16

Dear Mr Fairless,

FOI Application – Ready for Service Document and Delays in Darwin

I am writing in relation to your request made under the *Freedom of Information Act, 1982 (the FOI Act)* and concerning rollout delays in the Darwin area and NBN Co's RFS document.

Application Chronology

On 14 October 2013, you made an FOI application to NBN Co seeking:

1. A copy of the most recent draft publication of the "Monthly Ready for service" Rollout Plan, specifically of the most recent draft version AFTER the 14th of August 2013 release on the NBN website; and
2. A copy of any documents within the last 3 months that relate to completion times and potential delays in for the FTTP rollout in the Darwin area (specifically FSAM 8CSU-04).

On 21 October 2013, NBN Co wrote to you indicating that your request in its then-current form was too broad in scope to begin processing. In particular, NBN Co highlighted that "any documents" were being sought and that multiple third parties may need to be consulted. As such, NBN Co was of the opinion that the request would constitute an unreasonable diversion of resources and initiated a request consultation process, as per [sections 24](#) and [24AA of the FOI Act](#).

Also on 21 October 2013, and following a phone conversation, you wrote to the NBN Co narrowing the scope of your request in the following terms (**the Revised Request**):

I request a copy of the most recent draft publication of the "Monthly Ready for service" Rollout Plan, specifically the most recent draft that is after the current "Monthly Ready for Service" document available on the NBN Co Website. For reference, the most recent publicly available document has a date of 14 August 2013 on it. (Part One)

I request a copy of Briefings (those which have been completed, and those that are a Final Draft) which specifically relate to delays in the rollout in the National Broadband Network for FSAM 8CSU-04 AND which were created after 21st September 2013. (Part Two)

For the avoidance of doubt, I wish to explicitly exclude the names, contact details, or personal information of contractors or employees of staff or contractors of NBN Co. I am happy for the NBN Co to exclude the identities of the NBN Co Contractors.

On 22 October 2013 and on 7 November 2013, NBN Co staff wrote to you, outlining that relevant business units were undertaking searches to establish whether the Revised Request would constitute an unreasonable diversion of resources.

On 13 November 2013, and following searches within relevant business units, NBN Co found one document falling within the terms of Part One and no documents falling within Part Two of the Revised Request.

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Part Two of the Revised Request

As per section 24A(1) of the FOI Act, all reasonable steps have been taken to find relevant documents within the scope of this request and I am satisfied that such documents do not exist. For reference, the relevant section of the FOI Act reads as follows:

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*
 - (ii) *does not exist.*

If you are dissatisfied with this decision, you have certain rights of review. Details regarding your rights of review and appeal can be found in the Australian Information Commissioner's *FOI Fact Sheet 12 – Your review rights*. Please find a copy of this document attached to this letter.

Part One of the Revised Request

As indicated above, NBN Co has found one document falling within the terms of Part One of the Revised Request. Please note that this document is the subject of another FOI application (NBN FOI1314/26), details of which can be found at the following [link](#). Should this document be released under FOI1314/26, NBN Co will publish it on the company's [Disclosure Log](#). If you could please contact the writer to discuss how you would like to proceed.

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
GM Legal - FOI and Knowledge Management