

29 October 2013

Jxeeno

Sent via email: foi+request-450-2d603aca@righttoknow.org.au

Our Ref: FOI1314/26.05

Dear Jxeeno,

FOI Application – RFS Document

I am writing in relation to your request made under the *Freedom of Information Act, 1982 (the FOI Act)*. In particular, you were seeking access to:

The latest information regarding the Ready for Service Dates for each FSAM where work is marked as being "commenced" and has been made visible on the NBN Co website's interactive map.

Acknowledgment of Application

NBN Co received your request on 19 October 2013 and the period for processing your request 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 application. Subject to any such additional processing time, NBN Co must make a determination in relation to this application by 18 November 2013. You will be advised of any charges as well as any need to consult third parties in relation to your request.

Processing Period & Charges

In addition, please note that processing charges may be imposed and that consultation with third parties may be required for any FOI request. If it is necessary to consult with third parties, additional processing time is provided under the FOI Act. Applicants will be advised of any charges as well as any need to consult third parties in relation to an FOI request. Furthermore, those parties would have the opportunity to object to the potential release of documents affecting their business affairs.

For reference, NBN Co's approach to processing charges is outlined at the following hyperlink: [Submission to the Office of the Australian Information Commissioner Charges Review](#). In particular, I refer you to NBN Co's support of a roughly 40-hour cap for all FOI processing charges. I would also refer you to NBN Co's [FOI web-page](#), which outlines charges associated with FOI applications. Applicants generally will be charged for processing time, including search and retrieval, consultations and decision-making time, regardless of the outcome of the access request. In other words, applicants may be refused access to documents or information and still be required to pay FOI processing fees.

NBN Co's Commercial Activities Exemption

I 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 Office of the Australian Information Commissioner (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 Co. The Internode Decision may be found by clicking on the following [link](#). While I am not making a formal decision nor have I started a review of any relevant documents, 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.

PHONE (02) 9926 1900 FAX (02) 9926 1901
EMAIL info@nbnco.com.au WEB www.nbnco.com.au

LEVEL 11, 100 ARTHUR STREET, NORTH SYDNEY NSW 2060

NBN Co Limited ACN 136 533 741 © NBN Co 2013

Disclosure Log

Please also be advised that 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 redactions, based upon exceptions under 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

GM Legal - FOI and Knowledge Management