

23 January 2013

Mr Paul Warren

Sent via email: foi+request-48-5eac8087@righttoknow.org.au

Our Ref: FOI1213/10.04

Dear Mr Warren,

FOI Application

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:

1. *Any documents relating to the processes and policies for compiling and releasing your quarterly construction statistics.*
2. *Any documents that list the completion status of the Points of Interconnect (POIs).*
3. *Premises Passed and Connected Services statistics for the final quarter of 2012.*

Receipt of Application, Potential Consultation or Charges

NBN Co received your request on 22 January 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. Please also note that processing charges may be imposed and that consultation with third parties may be required. If it is necessary to seek agreement to pay charges or to consult with third parties, additional processing time is provided under the FOI Act. Subject to any such additional processing time, NBN Co must make a determination in relation to this application by **22 February 2013**. You will be advised of any charges as well as any need to consult third parties in relation to your request.

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 <http://nbnco.com.au/rollout/index.html>, which contains a very large amount of information, data, maps and so forth relating to the NBN rollout, corporate activities, etc.

In relation to the 2nd point above, please note that NBN Co publishes monthly statistics relating to POIs, among other matters, which you may find at the following link: <http://www.nbnco.com.au/getting-connected/service-providers/network-rollout.html>. The most recent statistics may be found at the following link: <http://www.nbnco.com.au/assets/documents/rollout-info-pois-dec-2012.pdf>.

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 redactions, based upon exceptions under 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