



17 December 2019

"BIFMA", a pseudonym

Sent via email: foi+request-5894-dd2c7dac@righttoknow.org.au

Our Ref: FOI1920/41.05

To whom this may concern:

FOI Application – Satellite Services

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

The Statement of Reasons (**Attached**) outlines the specific terms of your FOI request, the decision-maker's findings and the access decision.

An FOI decision may be reviewed, subject to sections 53A and 54 of the FOI Act. Please refer to the Office of the Australian Information Commissioner's (**OAIC**) website at the following [link](#), which provides details about your rights of review and other avenues of redress under the FOI Act.

If you have any questions or need to discuss your FOI application, please contact me via email on davidmesman@nbnco.com.au.

Yours faithfully,

David J Mesman
General Counsel
FOI, Privacy & Knowledge Management



FREEDOM OF INFORMATION REQUEST – 1920/41

ACCESS DECISION – STATEMENT OF REASONS

Application Chronology and Terms of Request

1. On 12 November 2019, “BIFMA” (a pseudonym, and **the Applicant**) made a request under the *Freedom of Information Act, 1982 (the FOI Act)*, seeking the following:

“Can you please advise how many premises are mapped for a Skymuster connection (as at 12/11/2019) within a 25km radius of the GPO in each Capital City for each State? (NT & ACT are excluded from this request). Please breakdown the number of premises by each City. Eg; Sydney: ###, Melbourne: ###, Brisbane: ###, Perth: ###, Adelaide: ###, Hobart: ###.”
2. On 22 November 2019, I acknowledged this request as required under by section 15(5) of the FOI Act.
3. On 5 December 2019, **nbn**’s FOI Team informed the Applicant of the estimated final processing charges payable in relation to this FOI request. In that same email, **nbn**’s FOI Team requested that the Applicant make payment and provided details in that regard, among other matters.
4. On 16 December 2019, **nbn**’s FOI Team confirmed that **nbn**’s Finance Group had received the final processing payment in relation to this matter. On the same date, the Applicant emailed **nbn** and made a series of contentions, requesting that **nbn** waive processing fees in relation to this FOI application. Per the Applicant’s contentions, he had paid the processing fees so as to expedite the processing of this matter. As requested, **nbn** will complete an FOI Charges Decision regarding the processing fee reduction in due course.
5. On 17 December 2019, I completed this FOI decision and subsequently forwarded it to the Applicant.

Access Decision

6. Under the FOI Act, applicants have a right to seek documents, rather than information or datasets. However, section 17 of the FOI Act also permits FOI agencies to draw information from computers or other equipment and to collate that information into a document, which had previously not existed. This requirement is subject to a caveat, i.e. that an FOI agency is not required to collate the information if it would substantially and unreasonably divert the agency’s resources.
7. Noting the above points, subject matter experts (**SMEs**) within **nbn** were able to identify relevant information within **nbn**’s IT systems and collate the same into a new document (**the Requested Document** – found at **Attachment A**) – and without unreasonably and substantially diverting **nbn**’s resources.
8. After a review of relevant sections of the FOI Act, the OAIC Guidelines and other sources, I have determined to grant access in full to the Requested Document under sections 11 and 11A of the FOI Act.
9. If you are dissatisfied with this decision, you have certain rights of review. Details regarding your rights of review and appeal are outlined in the covering letter, provided with this Statement of Reasons.



Attachment A – FOI1920/41 – Document Released in Full

On 12 November 2019, “BIFMA” (a pseudonym, and **the Applicant**) made a request under the *Freedom of Information Act, 1982* (**the FOI Act** or **the Act**), seeking the following:

“Can you please advise how many premises are mapped for a Skymuster connection (as at 12/11/2019) within a 25km radius of the GPO in each Capital City for each State? (NT & ACT are excluded from this request). Please breakdown the number of premises by each City. Eg; Sydney: ###, Melbourne: ###, Brisbane: ###, Perth: ###, Adelaide: ###, Hobart: ###.”

Under the Act, FOI applicants have a right to seek documents, rather than information or datasets. However, section 17 of the FOI Act also permits FOI agencies to draw information from computers or other equipment and to collate that information into a document, which had previously not existed (**the Requested Document**). nbn’s FOI Officer determined to release the Requested Document to the Applicant.

It is important to note that distance from a capital city’s GPO is not necessarily an indicative measure of whether a given premises can expect to be connected to the nbn™ network via satellite vs. fixed line or fixed wireless services. It is nbn’s practice to deploy Sky Muster™ satellite services where providing fixed line or fixed wireless connections to that area would be unworkable.

General Post Office (GPO)	nbn satellite services within 25km of capital cities’ GPOs at 12 Nov/2019
Adelaide GPO	462
Brisbane GPO	103
Hobart GPO	264
Melbourne GPO	61
Perth GPO	115
Sydney GPO	28
Grand Total	1033