

18 August 2014

Mr Wayne Blacker
Sent via email: foi+request-679-47fe14bb@righttoknow.org.au

Our Ref: FOI1415/04.08

Dear Mr Blacker,

FOI Application – Belgian Gardens/Rowes Bay/Pallarenda Rollout Information

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

Processing Period & Charges

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.

Final Payment Request

On 18 August 2014, I finalised my FOI decision in relation to the above matter. The total processing fees are outlined below. In accordance with Regulation 11(1) of the *Freedom of Information (Charges) Regulations*, NBN Co requires payment of processing fees prior to release of any documents, including the FOI decision. The following is a summary of the processing charges --

Search and Retrieval Time	1.0 hours @ \$15.00 per hour	\$15.00
Decision Making Time	2.5 hours @ \$20.00 per hour	\$50.00
Copies of documents	10 cents per page (Waived)	\$ --
Sub-total		\$65.00
Less first 5 hours of decision-making time(*)		(\$50.00)
Total processing fees		\$15.00
TOTAL OUTSTANDING		\$15.00

(*) In accordance with the *Freedom of Information (Fees and Charges) Regulations*, you have not been charged for the first 5 hours of decision making time. The decision-making period also includes any time required for third party consultations, if necessary.

Please be advised that the outstanding amount, being **\$15.00**, is due and payable within 30 days of today's date. If you contend that the estimated charge has been wrongly assessed, or should be reduced or not imposed, you must notify NBN Co of your contentions, providing reasons, and evidence where relevant, to support your submission. In deciding whether to reduce or not to impose a charge, the FOI decision-maker will consider all relevant factors, including whether payment of the charge, or a part of it, would cause you financial hardship – and whether the giving of access is in the general public interest.

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

You will be advised of your review rights under sections 53A and 54 of the FOI Act following consideration of your contentions. If you agree to pay the charges set out above, you should make arrangements to pay NBN Co through the following electronic banking account:

Bank name: CBA
Name: NBN Co Limited FOI
BSB: 062-438
Account no: 10240782
Reference: FOI-AYCA-1JG5A8

When making a payment, please ensure you include the reference (FOI-AYCA-1JG5A8) noted above. Please note that this is a final decision in relation to access, along with the charging decision. As a result, the balance of the actual charge is a debt due to the Commonwealth, which NBN Co is obliged to pursue, unless other arrangements are made or NBN Co agrees to waive the fees.

Disclosure Log Notification

In accordance with the FOI Act, NBN Co is required to publish documents provided to FOI applicants within 10 working days after release. 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, visit our [Disclosure Log](http://www.nbnco.com.au/corporate-information/about-nbn-co/freedom-of-information/disclosure-log.html) on NBN Co's website at the following address: <http://www.nbnco.com.au/corporate-information/about-nbn-co/freedom-of-information/disclosure-log.html>.

If you have any questions or need to discuss your FOI application, please feel free to contact the writer on Tel. (02) 89185670 or via email on yvettedeerness@nbnco.com.au.

Sincerely,

Yvette Deerness

Acting GM Legal Counsel – FOI, Privacy and Knowledge Management