

Terms of Reference

Pursuant to subsection 100A(1) of the *National Broadband Network Companies Act 2011*, these terms of reference are for a review of the operation of the *Freedom of Information Act 1982* (FOI Act) so far as that Act relates to documents held by the NBN Co. Limited (NBN Co.).

The review should include examination of the extent to which the NBN Co. has achieved compliance with the legislative arrangements for the NBN Co. under the FOI Act. In particular, the review should include consideration of:

- the number of requests made to the NBN Co. for access to documents under the FOI Act since 11 June 2011
- the nature and scope of the those requests
- the responses of the NBN Co. to those requests
- the timeframes for the responses of the NBN Co. to those requests, and
- any grounds given by the NBN Co. for refusing any, or part of any, of those requests, including the extent to which NBN Co. declined to release documents because they fall within the exemption for documents concerning the commercial activities of the NBN Co.

The review should include examination of:

- the number of applications made to the Information Commissioner under the FOI Act for the review of decisions made by the NBN Co.
- the Information Commissioner's decisions under the FOI Act in response to those applications
- the number of applications made to the Administrative Appeals Tribunal for the review of those decisions
- the number and nature of complaints made to the Information Commissioner about the NBN Co.
- the action taken by the Information Commissioner in response to those complaints, and
- the number and nature of any other matters (including telephone and written enquires) raised with the Office of the Australian Information Commissioner about the operation of the FOI Act in relation to the NBN Co.

The review should include consultation with relevant stakeholders, including, for example:

- the NBN Co.
- the Office of the Australian Information Commissioner, and
- the Department of Broadband, Communications and the Digital Economy.

The review should be completed eight weeks from the issue of the reference.