Agreement Execution Document

Wholesale Broadband Agreement



This document forms part of NBN Co's Wholesale Broadband Agreement, which is a Standard Form of Access Agreement for the purposes of Part XIC of the Competition and Consumer Act 2010 and constitutes nbn's Latest Standard Offer

Agreement Execution Document

Wholesale Broadband Agreement

Version	Description	Effective Date
5.0	First issued version of WBA 5	01 December 2023

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Environment

nbn asks that you consider the environment before printing this document.

Agreement Execution Document

Parties

This Agreement is entered into between:

- nbn co limited (ABN 86 136 533 741) of Tower 5, Level 14, 727 Collins Street, Docklands, VIC, 3008 (**nbn**); and
- [RSP name] (ABN [ABN/ACN]) of [RSP address], [City State Postcode] (RSP).

Background

This Agreement sets out the terms on which RSP may order Products from **nbn** and **nbn** will supply Products to RSP over the **nbn**[®] Network.

Agreement

(a) The parties agree to comply with the terms of this Agreement which comprises each of the following documents, as indicated in the table below:

Document / Product Module	Inclu	ded
Agreement Execution Document	Ye	s
	(Requi	ired)
Head Terms	Ye	s
(Note: Schedule A to the Head Terms does not form part of the Agreement)	(Requi	ired)
1 The parties agree that the Nominated Billings Amount is calculated by reference to the Annual Billings Amount rather than to the Average Monthly Billings Amount	□ Yes	□ No
	(Please s	select)
2 RSP elects, under clause F4.3(e) of the Head Terms, to accept solely by means of agreement in writing, Product Modules offered by nbn	□ Yes	□ No
	(Please s	select)

nbn® Ethernet Product ModuleImage: Select product Module(a) nbn® Ethernet Product Description'YesNo(b) nbn® Ethernet Service Levels Schedule(Please select)(c) nbn® Ethernet Product Terms'''''''''''''''''''''''''''''''''		Document / Product Module	Included
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	(f)	nbn [®] Enterprise Ethernet Fair Use Policy	

	Document / Product Module	Included
nbn®	Smart Places Product Module	
(a)	nbn [®] Smart Places Product Description	Yes No
(b)	nbn [®] Smart Places Product Technical Specification	(Please select)
(c)	nbn [®] Smart Places Service Levels Schedule	
(d)	nbn [®] Smart Places Price List	
(e)	nbn [®] Smart Places Product Terms	
(f)	nbn [®] Smart Places Fair Use Policy	
Sand	pit Service Module	
(a)	Sandpit Service Description	Yes No
(b)	Sandpit Service Levels Schedule	(Please select)
(c)	Sandpit Price List	
(d)	Sandpit Service Terms	
(e)	Sandpit Fair Use Policy	
Credi	t Policy	Yes
		(Required)
Dictio	nary	Yes
		(Required)
WBA	Operations Manual	Yes
		(Required)
nbn®	Enterprise Ethernet Operations Manual	Yes (if nbn [®] Enterprise Ethernet Product Module selected) No (if nbn [®]
		Enterprise Ethernet Product Module is not selected)
nbn®	Smart Places Operations Manual	Yes (if nbn [®] Smart Places Product Module selected)
		No (if nbn [®] Smart Places Product Module is not selected)

Document / Product Module

In addition to any Product Module selected above, each:

- Product Module which relates to a product or service being supplied by **nbn** to RSP under the Prior WBA on the day immediately before the Start Date; and
- Product Module which the parties agree to include as part of this Agreement under clause F4.3 of the <u>Head Terms</u>.

For each Price List in an included Product Module, the corresponding Discounts, Credits and Rebates Annexure.

The **nbn**[®] ODF Termination Point additional optical fibre tray offer letter agreement as published by **nbn** on **nbn**'s Website at the Start Date, if RSP was party to the **nbn**[®] ODF Termination Point additional optical fibre tray offer letter agreement issued in connection with the Prior WBA on the day immediately before the Start Date.

The Fibre Connect Program Letter Agreement as published by **nbn** on **nbn**'s Website at the Start Date, if RSP was party to the On-Demand Fibre Connection Program Letter Agreement issued in connection with the Prior WBA on the day immediately before the Start Date.

- (b) In addition, the parties agree that the following documents are issued by **nbn** under this Agreement and replace any corresponding documents issued by **nbn** in connection with the Prior WBA:
 - the Permitted Fair Use Policy Exemptions document (as published on **nbn**'s Website at the Start Date);
 - the Approved Non-Premises List (as published on **nbn**'s Website at the Start Date); and
 - (iii) the Network Interface Specifications (as provided to RSP in connection with this Agreement on or before the Start Date).
- (c) In respect of the HFC-NTD and FTTC-NCD Supply Terms, **nbn** waives the Replacement Costs for Unaccounted for **nbn** Supplied Equipment for the Stock Take Periods ending on or around 30 June 2022 and 30 June 2023.
- (d) Despite clauses (a) to (c), if the Execution Date is before the Start Date, this Agreement will have no force or effect unless, on or before 20 October 2023 (or a later date notified by **nbn** having regard to the industry's operational readiness), the ACCC accepts the variation to the Special Access Undertaking given by **nbn** to the ACCC on 14 August 2023.

Execution

Executed as an agreement

representatives:	
Signature of authorised representative	Signature of authorised representative
Name of authorised representative	Name of authorised representative
Date of signature	Date of signature
Executed by [RSP name] in accordance with section 127 of the <i>Corporations Act 2001</i> (Cth) by:	
Signature of director / company secretary	Signature of director
Name of director / company secretary	Name of director