

Variation Agreement – **nbn**TM Smart Places Offer

Wholesale Broadband Agreement



Variation Agreement – **nbn**TM Smart Places Offer

Wholesale Broadband Agreement

Copyright

This document is subject to copyright and must not be used except as permitted below or under the Copyright Act 1968 (Cth). You must not reproduce or publish this document in whole or in part for commercial gain without the prior written consent of **nbn**. You may reproduce and publish this document in whole or in part for educational or non-commercial purposes as approved by **nbn** in writing.

Copyright © 2023 nbn co limited. All rights reserved. Not for general distribution.

Environment

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



Parties

This variation agreement is entered into between:

- **nbn co limited (ABN 86 136 533 741)** of Level 13, 100 Mount Street, North Sydney NSW 2060 (nbn); and
- **[Insert full legal name of RSP] (ABN [insert ABN])** of **[insert registered address]**;
- **[Insert names of any other related bodies corporate of RSP also acquiring services as parties in their own right] (RSP)**.

Background

nbn and RSP have entered into a Wholesale Broadband Agreement (version 4) which has been subject to subsequent amendments in accordance with its terms (**RSP's WBA**). The amendments in this variation agreement vary the RSP's WBA to introduce:

- (a) **nbn**TM Smart Places as a new Product Module; and
- (b) **nbn**TM Smart Places into the Sandpit Module.

In addition, the amendments introduce new provisions to support the above construct (together, the **Smart Places Amendments**).

The Smart Places Amendments are marked up against the Wholesale Broadband Agreement Standard Form Access Agreement as at the date on which this variation agreement is first offered by **nbn** to RSP or any Other RSP (**SFAA**).

While the Smart Places Amendments will be effective on the later of the date RSP agrees to this variation agreement and the Commercial Launch Date, **nbn** may at a later date introduce further amendments relating to the SFAA via the change mechanism in F4 of the Head Terms to the RSP's WBA (**Future Amendments**). RSP agrees that, to the extent any Future Amendments differ or are additional to the Smart Places Amendments, the RSP's WBA will be amended to include the Future Amendments.

Amendments

nbn and RSP agree that, upon the later of the date that the parties agree this variation agreement and Commercial Launch Date (**Effective Variation Date**):

- (a) the RSP's WBA is amended such that each document listed below is inserted or replaces the corresponding version of that document in the RSP's WBA in its entirety, (as indicated by version 4.0 or 4.x respectively):

| No. | Document | Version |
|-----|---|---------|
| 1. | nbn TM Smart Places Product Module | |
| | (a) nbn TM Smart Places - Product Description | 4.0 |
| | (b) nbn TM Smart Places - Product Technical Specification | 4.0 |
| | (c) nbn TM Smart Places - Service Levels Schedule | 4.0 |
| | (d) nbn TM Smart Places - Price List | 4.0 |
| | (e) nbn TM Smart Places - DCR Annexure | 4.0 |
| | (f) nbn TM Smart Places - Product Terms | 4.0 |
| | (g) nbn TM Smart Places - Fair Use Policy | 4.0 |



| No. | Document | Version |
|-----|--|---------|
| 2. | WBA Sandpit Module | |
| | (a) Sandpit - Service Description | 4.x |
| | (b) Sandpit - Service Terms | 4.x |
| 3. | Dictionary | 4.x |
| 4. | nbn™ Smart Places Operations Manual | 4.0 |

(b) the parties' accrued rights under and continuing operation of the RSP's WBA will otherwise be unaffected by such variations and will continue in full force and effect.

Future Amendments

If **nbn** introduces Future Amendments, upon receiving written notice from **nbn**, the RSP's WBA (as varied from time to time) will be amended to include the Future Amendments, to the extent those amendments differ or are additional to the Smart Places Amendments.

General terms

Unless otherwise specified, capitalised terms used in this variation agreement have the meanings given to those terms in the RSP's WBA.

Clauses H4.5 (Electronic execution and counterparts) and H4.10 (Governing law and jurisdiction) of the Head Terms of the RSP's WBA apply to this variation agreement.

Please sign and return a copy of this variation to **nbn's** WBA Contract Manager.

For further information, please contact contractmanager@nbnco.com.au.