



# BUSINESS SERVICES AGREEMENT VARIATION

## VARIATION AGREEMENT 3

### YOUR DETAILS

**Name** Data Action Pty Ltd (you or your)  
**ABN** 32 008 102 690  
**Address** Level 1, 151 South Terrace Adelaide SA 5000


### OUR DETAILS

**Name** Telstra Corporation Limited (ABN 33 051 775 556) (we, us or our)  
**Address for Notices** General Manager, Contract Management  
Locked Bag 6502, Sydney NSW 2001  
**Fax Number** 1300 886 281

- A. The parties entered into a Business Services Agreement for the provision of telecommunication services dated 30 June 2014, as varied (**Agreement**).
- B. The parties agree that from the date this Variation Agreement is signed by the last party, the Agreement will be varied in accordance with the terms of this Variation Agreement. Subject to the variations, the Agreement will continue in full force and effect.
- C. Terms used in this Variation Agreement have the same meaning as terms defined in the Agreement.

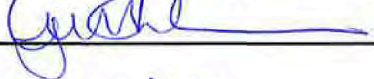
### AGREED BY YOU

Signed for you by your authorised representative:

Signature  Date 22/10/15  
Print Name Karl Grant Position \_\_\_\_\_  
Chief Executive Officer

### AGREED BY US

Signed for us by our authorised representative:

Signature  Date 22/10/15  
Print Name Glen Winkler Position General Manager SA/NT

The terms of the Agreement are varied as follows:

CLAUSE	VARIATION																																		
Attachment 1 – Resale Service Terms  Clause 12 (Definitions)	<p>Insert a new sub-clause (i) at the end of the "Resale Services" definition, as follows:</p> <p><b>"Resale Services</b> means the following Services:</p> <p>(a) Fixed Voice Services as set out in Schedule 1;</p> <p>(b) Telstra IP Telephony Service as set out in Schedule 2;</p> <p>(c) Data Services as set out in Schedule 3;</p> <p>(d) Data Services (GWIP and Ethernet Campus) Services as set out in Schedule 4;</p> <p>(e) Telstra Wavelength Service as set out in Schedule 5;</p> <p>(f) Managed Data Network as set out in Schedule 6;</p> <p>(g) Managed Billing and Reporting System as set out in Schedule 7; <del>and</del></p> <p>(h) Telstra Cloud Collaboration – Cisco Powered (TCC) as set out in Schedule 11; <u>and</u></p> <p>(i) <u>Application Assured Networking™ Service as set out in Schedule 12.</u></p>																																		
Schedule 3 – Data Services, Attachment 1 – Pricing, Business IP	<p>Replace the existing row titled 'Business IP' in the table in Attachment 1 – Pricing with the following new row:</p> <table><tr><th>Services</th><th>Pricing</th></tr><tr><td rowspan="10"><b>Business IP</b> is an Internet Protocol based data network solution comprising IP connectivity and one or more of the following standard connections for each site:</td><td><table><tr><th>Standard Installation Charges</th><td>Until end of June 2016, Price List attached as Att 5 to Schedule 3 less %</td></tr><tr><td>Business IP – Ethernet Lite Service</td><td>100</td></tr><tr><td>Business IP – Ethernet (CBD/Metro)</td><td>100</td></tr><tr><td>Access Speeds up to 1Gbps</td><td></td></tr><tr><td>Business IP – Ethernet (Urban)</td><td>100</td></tr></table></td></tr><tr><td rowspan="6"><ul style="list-style-type: none"><li>Telstra Business IP ADSL Service, an asymmetric digital subscriber line (ADSL) service ("ADSL site service");</li></ul></td><td><table><tr><th>Monthly Site Service Fees</th><td>Price List attached as Att 5 to Schedule 3 less %</td></tr><tr><td>Business IP - Ethernet Lite (Metro)</td><td>55</td></tr><tr><td>Business IP - Ethernet Lite (Urban)</td><td>55</td></tr><tr><td>Business IP - Ethernet Lite (Regional)</td><td>50</td></tr><tr><td>Business IP – Ethernet (CBD/Metro)</td><td>55</td></tr><tr><td>Access Speeds up to 1Gbps)</td><td></td></tr></table></td></tr><tr><td rowspan="1"><ul style="list-style-type: none"><li>Telstra Business IP Ethernet Lite Service, an Ethernet</li></ul></td><td></td></tr><tr><td colspan="2"><b>Conditions:</b></td></tr><tr><td colspan="2"><ul style="list-style-type: none"><li>The connection charges above do not include any charges relating to any cabling and any other equipment that is required to connect from the Network Boundary Point to your equipment.</li></ul></td></tr></table>	Services	Pricing	<b>Business IP</b> is an Internet Protocol based data network solution comprising IP connectivity and one or more of the following standard connections for each site:	<table><tr><th>Standard Installation Charges</th><td>Until end of June 2016, Price List attached as Att 5 to Schedule 3 less %</td></tr><tr><td>Business IP – Ethernet Lite Service</td><td>100</td></tr><tr><td>Business IP – Ethernet (CBD/Metro)</td><td>100</td></tr><tr><td>Access Speeds up to 1Gbps</td><td></td></tr><tr><td>Business IP – Ethernet (Urban)</td><td>100</td></tr></table>	Standard Installation Charges	Until end of June 2016, Price List attached as Att 5 to Schedule 3 less %	Business IP – Ethernet Lite Service	100	Business IP – Ethernet (CBD/Metro)	100	Access Speeds up to 1Gbps		Business IP – Ethernet (Urban)	100	<ul style="list-style-type: none"><li>Telstra Business IP ADSL Service, an asymmetric digital subscriber line (ADSL) service ("ADSL site service");</li></ul>	<table><tr><th>Monthly Site Service Fees</th><td>Price List attached as Att 5 to Schedule 3 less %</td></tr><tr><td>Business IP - Ethernet Lite (Metro)</td><td>55</td></tr><tr><td>Business IP - Ethernet Lite (Urban)</td><td>55</td></tr><tr><td>Business IP - Ethernet Lite (Regional)</td><td>50</td></tr><tr><td>Business IP – Ethernet (CBD/Metro)</td><td>55</td></tr><tr><td>Access Speeds up to 1Gbps)</td><td></td></tr></table>	Monthly Site Service Fees	Price List attached as Att 5 to Schedule 3 less %	Business IP - Ethernet Lite (Metro)	55	Business IP - Ethernet Lite (Urban)	55	Business IP - Ethernet Lite (Regional)	50	Business IP – Ethernet (CBD/Metro)	55	Access Speeds up to 1Gbps)		<ul style="list-style-type: none"><li>Telstra Business IP Ethernet Lite Service, an Ethernet</li></ul>		<b>Conditions:</b>		<ul style="list-style-type: none"><li>The connection charges above do not include any charges relating to any cabling and any other equipment that is required to connect from the Network Boundary Point to your equipment.</li></ul>	
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	<p>Lite (Business DSL) service ("Ethernet Lite site service");</p> <ul style="list-style-type: none"> <li>• Telstra Business IP Frame Relay Service, a Frame Relay service ("Frame Relay site service"); or</li> <li>• Telstra Business IP Ethernet Service, an IP MAN service ("IP MAN site service").</li> </ul> <p>Telstra Business IP Broadband (NBN) service, a NBN service ("Broadband (NBN) site service")</p>	<ul style="list-style-type: none"> <li>• If you request us to relocate this Business IP connection charges set out in the Price List attached will apply.</li> <li>• Installation discount applies to standard installations only. Non-standard installations include where the customer requests a dedicated NTU or requests relocation of the NTU.</li> </ul>
New Schedule 12 – Application Assured Network™ Service	The attached Schedule 12 – Application Assured Network™ Service is added to the Agreement.	
New Schedule 13 – Additional Data Services (Business IP DC Rate Card)	The attached Schedule 13 – Additional Data Services (Business IP DC Rate Card) is added to the Agreement.	

## SCHEDULE 12 - APPLICATION ASSURED NETWORKING™ SERVICE

- SERVICE START DATE:** The date the last party signs Variation Agreement 3.
- SERVICE SCHEDULE TERM:** For each AAN service, it is the remaining term of the Telstra IP networking service on which that AAN service is enabled.

### SERVICE TERMS

#### 1 SERVICE DESCRIPTION AND TERMS

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- 1.1 Application Assured Networking™ (AAN) is an optional add-on that aims to:
- (a) report on the performance of certain applications on your compatible Telstra IP networking service; and
  - (b) let you schedule bandwidth increases and block selected applications.

#### 2 PRICING

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- 2.1 For your AAN service, we charge you the prices in Att 1 to Schedule 12.
- 2.2 The prices and any applicable discounts set out or referred to in this Service Schedule will be effective from implementation into our billing systems.
- 2.3 All prices in this Service Schedule are GST exclusive unless otherwise stated.

#### 3 TERM AND TERMINATION

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- 3.1 This Service Schedule begins on the Service Start Date and continues for the Service Schedule Term unless terminated or renewed.
- 3.2 You may terminate up to three AAN services that you applied for and that we approved by the Service Start Date. You can do this by giving us written notice any time before the date that is 90 days after the date we activated your first AAN service. If you do this, the early termination charges under clause 3.3 don't apply to any of those three terminated AAN services. For clarity, your termination rights under this clause don't apply to your fourth or subsequent AAN services or to any AAN service that you applied for after the Service Start Date.

#### EARLY TERMINATION CHARGES

- 3.3 If during the Service Schedule Term an AAN service is cancelled for any reason other than for our material breach, we may charge you any waived service charges and an amount calculated as follows:
- $A \times B \times 85\%$
- "A" = the average service charges paid or payable each month by you for the AAN service up to the date of cancellation.
- "B" = the number of months (or part of a month) remaining in the Service Schedule Term.
- 3.4 You agree that the amounts in this clause 3 are a genuine pre-estimate of the loss we're likely to suffer.

#### 4 DEFINITIONS

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4.1 In this Service Schedule, unless otherwise stated:

**Quarter** means a full 3 calendar months based on the financial year (which begins on the first day of July in any calendar year). We'll commence monitoring your minimum spend per quarter at the completion of the first 3 calendar month period based on the financial year following the Service Start Date and each 3 calendar month period thereafter.

**Spend** means the GST exclusive amount of money that we bill you.

## Att 1 to Schedule 12 - AAN Price List

All prices in this AAN Price List are GST exclusive and current as at 1 July 2014.

### AAN REPORTING

DESCRIPTION	MONTHLY CHARGE
AAN licence fee	\$150 <sup>Note 1</sup>
AAN Reporting <2Mbps rental fee	\$47
AAN Reporting 3Mbps rental fee	\$50
AAN Reporting 4Mbps rental fee	\$54
AAN Reporting 5Mbps rental fee	\$57
AAN Reporting 6Mbps rental fee	\$61
AAN Reporting 7Mbps rental fee	\$64
AAN Reporting 8Mbps rental fee	\$68
AAN Reporting 9Mbps rental fee	\$71
AAN Reporting 10Mbps rental fee	\$74
AAN Reporting 11Mbps rental fee	\$78
AAN Reporting 12Mbps rental fee	\$81
AAN Reporting 13Mbps rental fee	\$85
AAN Reporting 14Mbps rental fee	\$88
AAN Reporting 15Mbps rental fee	\$92
AAN Reporting 16Mbps rental fee	\$95
AAN Reporting 17Mbps rental fee	\$98
AAN Reporting 18Mbps rental fee	\$101
AAN Reporting 19Mbps rental fee	\$105
AAN Reporting 20Mbps rental fee	\$109
AAN Reporting 21Mbps rental fee	\$112
AAN Reporting 22Mbps rental fee	\$116
AAN Reporting 23Mbps rental fee	\$119
AAN Reporting 24Mbps rental fee	\$123
AAN Reporting 25Mbps rental fee	\$126
AAN Reporting 26Mbps rental fee	\$130
AAN Reporting 27Mbps rental fee	\$133
AAN Reporting 28Mbps rental fee	\$137
AAN Reporting 29Mbps rental fee	\$140
AAN Reporting 30Mbps rental fee	\$143

AAN Reporting 31Mbps rental fee	\$146
AAN Reporting 32Mbps rental fee	\$150
AAN Reporting 33Mbps rental fee	\$154
AAN Reporting 34Mbps rental fee	\$159
AAN Reporting 36Mbps rental fee	\$164
AAN Reporting 40Mbps rental fee	\$178
AAN Reporting 44Mbps rental fee	\$192
AAN Reporting 50Mbps rental fee	\$212
AAN Reporting 60Mbps rental fee	\$247
AAN Reporting 70Mbps rental fee	\$281
AAN Reporting 80Mbps rental fee	\$316
AAN Reporting 90Mbps rental fee	\$350
AAN Reporting 100Mbps rental fee	\$385
AAN Reporting 150Mbps rental fee	\$557
AAN Reporting 200Mbps rental fee	\$730
AAN Reporting 300Mbps rental fee	\$1,074
AAN Reporting 400Mbps rental fee	\$1,419
AAN Reporting 500Mbps rental fee	\$1,764
AAN Reporting 600Mbps rental fee	\$2,109
AAN Reporting 800Mbps rental fee	\$2,798
AAN Reporting 1Gbps rental fee	\$3,488
AAN Reporting >1Gbps rental fee	POA
AAN Consultancy Services Desk	\$75 per VPN

NOTE 1: This once off licence fee applies to each Telstra IP networking Service (eg. IP MAN, IP WAN, Connect IP, and Business IP) on which AAN Reporting is enabled.

#### AAN POLICY CONTROL (WITH BUSINESS IP ETHERNET OR CONNECT IP ETHERNET) – MONTHLY RENTAL CHARGES

DESCRIPTION	MONTHLY CHARGE
2-10Mbps rental fee	\$225
11-100Mbps rental fee	\$620
101-1000Mbps rental fee	\$1380
>1000Mbps	POA

#### AAN POLICY CONTROL (WITH IP MAN OR GWIP) – MONTHLY RENTAL CHARGES

DESCRIPTION	MONTHLY CHARGE
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2-10Mbps rental fee	\$100
11-100Mbps rental fee	\$260
101-1000Mbps rental fee	\$580
>1000Mbps	POA

**AAN POLICY CONTROL – TURBO BANDWIDTH USAGE CHARGES**

As set out in 02.

All other charges in connection with your AAN service that aren't set out in this Price List are priced on application.



## Att 2 to Schedule 12 - Turbo Bandwidth Usage Charges



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Turbo Pricing v2\_Da

## SCHEDULE 13 - ADDITIONAL DATA SERVICES (BUSINESS IP DC RATE CARD)

**SERVICE START DATE:** The date the last party signs Variation Agreement 3.

**SERVICE SCHEDULE TERM:** The remaining Service Schedule Term of Schedule 3 (Data Services).

### SERVICE TERMS

#### 1 SERVICE DESCRIPTION

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1.1 The Data Services are described in the Attachment to this Service Schedule.

#### 2 PRICING

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2.1 All prices for the Data Services and any other fees are the applicable Our Customer Terms prices, unless otherwise set out in this Service Schedule.

2.2 The prices and discounts set out in this Service Schedule will be effective from implementation into our billing systems.

2.3 All prices set out in this Service Schedule are GST exclusive, unless otherwise stated.

#### 3 TERM AND TERMINATION

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3.1 This Service Schedule begins on the Service Start Date and continues for the Service Schedule Term unless terminated or renewed.

#### EARLY TERMINATION CHARGE

3.2 If during the Service Schedule Term a Service is cancelled or terminated for any reason other than for our material breach, we may charge you any waived Service charges and an amount calculated as follows:

$A \times B \times 25\%$

"A" = the average Service charges paid or payable each month by you for the Service up to the date of cancellation.

"B" = the number of months (or part of a month) remaining in the Service Schedule Term.

You acknowledge that this amount is a genuine pre-estimate of the loss we are likely to suffer.